

MAINE STATE LEGISLATURE

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RESOLVES

OF THE

LEGISLATURE

OF THE

STATE OF MAINE,

PASSED AT ITS SESSION,

WHICH COMMENCED ON THE TENTH DAY OF JANUARY, AND
ENDED ON THE TWENTY-SECOND DAY OF MARCH, ONE
THOUSAND EIGHT HUNDRED AND TWENTY-ONE.

Published agreeably to a Resolution of June 23, 1820.

PORTLAND :

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1821.

ges be first approved by the Governor and Council; and that the pay shall not exceed two dollars per day. And the Governor is authorized and requested, with advice of Council, to draw his warrant on the Treasury for so much of said sum as shall be found just.

CHAPTER L.

Resolve on the petition of Samuel Winter, making legal his marriage.
March 19, 1821.

WHEREAS the marriage of Samuel Winter to Sarah Bowman, both of Bath, in the County of Lincoln, in this State, was, on the fifteenth day of May, in the year of our Lord, one thousand eight hundred and fifteen, solemnized by the Rev. Timothy Merritt, and doubts are entertained as to the legality of said solemnization and marriage: Therefore,

Resolved, That the marriage of Samuel Winter to Sarah Bowman, solemnized as aforesaid, be, and the same is hereby made valid in law to all intents and purposes, any law to the contrary notwithstanding. *Be it further resolved*, That the issue of said Samuel and Sarah, upon the marriage solemnized as aforesaid, be, and they are hereby made capable in law of inheriting and enjoying all other rights and privileges, in the same way and manner, as though said marriage was originally solemnized according to law.

CHAPTER LI.

Resolve ratifying the agreement for the purchase of the Lands belonging to Massachusetts. *March 19, 1821.*

THE Committee of both Houses to whom was referred the report of the Committee appointed by the Legislature of this State, by Resolve of the 29th day of January last, to meet a Committee to be appointed by the Legislature of the Commonwealth of Massachusetts, with full powers to negotiate in behalf of this State, for the purchase of the lands within this State, belonging to said Commonwealth,

Report, That they have endeavored to bestow on the subject committed to them, the attention which its importance demands. But they have been unable to obtain accurate information of the quality of considerable portions of the unlocated lands, and have also found it impossible to estimate the quantity that actually belongs to this State and the Commonwealth of Massachusetts, as the boundaries between Maine and the British Provinces have not yet been definitively settled. In making an estimate of these lands they have therefore considered only those to which it is apprehended no claim

can be made on the part of Great Britain. The unlocated lands belonging to this State and Massachusetts are estimated by one of our Commissioners, to amount to eight millions of acres. This land is situated in the counties of Oxford, Somerset, Penobscot and Washington. In Oxford and Somerset the best portion of the land has been selected and sold; the residue is of but little, if any value. In the interior of the counties of Penobscot and Washington the lands are of a better quality and more valuable. But in the more accessible parts, which lie in the vicinity of settlements, the most valuable land has already been disposed of. The Indian lands, so called, lying on the Penobscot River are estimated to contain 120,000 acres. This tract, from its situation, its quality, and the timber which grows upon it, is considered to be valuable. Sundry lots, containing from 200 to 400 acres each, lying in the counties of Oxford, Kennebec, Lincoln, Somerset, Penobscot and Washington, were reserved to the use of the government at the times of the sales of the several townships between the years 1785 and 1808. These lots contain in the aggregate 53,320 acres. Many of these townships have been incorporated, and most of them are partially settled. Besides these, there are other lots situated in incorporated towns, which belong to this State and Massachusetts, viz: In Lubec 9,000 acres; in Ellsworth 13,000; in Orangetown 6,000; No. 23, adjoining Machias 11,000; in Surry 6,000; amounting in the whole to 45,000 acres. The local situation of the reserved lots, and the lands last mentioned, renders it probable that they may in the course of a few years be disposed of to advantage, and the avails, if not realized in money, might be put on interest. One half of all the lands before mentioned, and three acres in Portland, on which Fort Burroughs is erected, together with certain Notes and Securities to be assigned to this State, by Massachusetts, are estimated as in the schedule annexed to this report, at 188,922 dollars. And by a proper and judicious management it is probable that these lands may be so disposed of, as to promote the settlement of the country, and to reimburse the principal and interest of the sum stipulated for the purchase, within the time limited for its payment. But the Committee cannot undertake to say they believe the unlocated lands would at this time command the sum they are estimated to produce, or that the bargain concluded by the respective Committees of this State and Massachusetts would, in a mere pecuniary point of view, be an advantageous one to this State. Nor would the Committee recommend the ratification of the agreement on the part of this State on the terms proposed, if no other than pecuniary considerations were taken into the estimate. But when it is considered that these lands lie within the jurisdiction of this State; that the expenses which must be incurred in making a division of them, will be great and almost incalculable; that the division may be unnecessarily protracted; and that these lands must continue unproductive so long as they remain undivided, as no part can be taxed or disposed of for settlement; that no new roads can be

made through them; and no means taken to increase their value, without the consent and co-operation of Massachusetts—The subject assumes a new importance, and requires much deliberation, before the Legislature should come to a resolution to reject the offer.

Should it be rejected, and should Massachusetts have her portion assigned her, she might choose to keep it, in hopes that it would advance far beyond its present value, and equal the sanguine expectations of many of her citizens. Our situation would then become unpleasant and embarrassing. We should believe her disposed to profit and speculate at our expense; she would believe us actuated in relation to her, by a similar spirit; crimination would produce recrimination, till those whose interests and feelings should induce them to cultivate a spirit of friendship and good will, would, like brothers of the same family, involved in a dispute, become totally estranged from each other. By ratifying this agreement and obtaining the exclusive property of the vast tracts of unsettled land in our State, we remove the great obstacles to their improvement and settlement. Unfettered by a partnership with another State, we shall be free to consult our own interests, and to adopt such measures as shall check the tide of emigration to the west, and turn its current towards our own State. By the settlement of the interior, the interests and prosperity of the seaboard will be advanced, our population will be rapidly increased, and a source of revenue be established, which would be perpetually augmenting. Another benefit which will result from the ratification of the proposed agreement, ought not to pass unnoticed. The vast accumulation of claims and unsettled accounts existing between this State and Massachusetts for debts, annuities, expenses, contributions to expenses to the State Prison, Arsenals, Hospitals and Colleges, and all other demands not otherwise provided for in the agreement, will be released by Massachusetts.

Thus at once will be destroyed a perpetual source of collision and difficulty between the respective States. We are also freed from the expense of an adjustment, and forever discharged from all sums arising from those claims that might eventually have been found due to Massachusetts. The Committee are aware, that the sum stipulated to be paid by Maine, is much larger than was generally anticipated: Considering the situation of Massachusetts at a distance from these lands, the great expense she must incur in their management, and the little benefit she has ever derived from them, we had reason to expect that they might have been purchased on more favorable terms. And there may be still grounds to believe, that she may, after the agreement shall be ratified, be induced voluntarily to relinquish some of the stipulations, and extend the time from which the notes to be given on our part, shall bear interest. It is readily admitted, that to incumber our infant State with a public debt, is an evil that ought, unless in cases of necessity, to be avoided. But the Committee are also fully convinced, that greater and more serious evils would necessarily

result to this State, should not the proposed agreement be carried into effect. From this view of the subject, they are led to the conclusion, that it is for the interest of this State to accede to the terms agreed upon by the respective Committees of Maine and Massachusetts, and propose for adoption Resolves, which are respectfully submitted.

By order,
JOSEPH E. FOXCROFT, *Chairman.*

SCHEDULE.	ESTIMATE.		
Reserved Lands,	53,320	Acres, at 25 cts.	\$13,320
In Lubec,	9,000	“ “ 20 “	1,800
In Ellsworth,	13,000	“ “ 25 “	3,250
In Orangetown,	6,000	“ “ 20 “	1,200
No. 23, adjoining Machias,	11,000	“ “ 10 “	1,100
In Surry,	6,000	“ “ 25 “	1,500
Indian Lands,	120,000	“ “ 15 “	18,000
3 Acres in Portland, estimated at cost,			1,500
Unlocated lands,	8,000,000	“ “ 4 “	320,000
	Amount,		361,680
One half of which amount is			180,840
2-3 of Notes and securities to be assigned by Massa- } chusetts, estimated to be worth \$12,124, }			8,082
			\$188,922

WHEREAS an agreement was made and concluded on the fourteenth day of February in the year of our Lord, one thousand eight hundred and twenty-one, by and between the Hon. Peter C. Brooks and Jonathan Dwight Junior, Samuel Hubbard, Hugo Burghart and John Hooper, Esquires, a Committee acting on the part and behalf of the Commonwealth of Massachusetts, by virtue of a Resolve of the Legislature of said Commonwealth, passed the third day of February aforesaid, on the one part, and the Hon. James Bridge, Benjamin J. Porter, Lothrop Lewis, and Daniel Rose, and Nicholas Emery, Esquire, a Committee acting on the part and behalf of the State of Maine, by virtue of a Resolve of the Legislature of said State, passed the twenty-ninth day of January last, on the other part, by which agreement, the said Commonwealth, among other things, engages, for the consideration of one hundred and eighty thousand dollars, to be paid by the State of Maine, in the manner therein provided, to sell and convey to the said State of Maine, all the right, title and interest of the said Commonwealth, in and unto all the lands owned by the said Commonwealth, which lie within the limits of the State of Maine :

Resolved, That the said agreement be, and the same is by this State ratified and confirmed, in all its parts, according to the true intent and meaning thereof: *Provided however*, that if the same agreement shall not be ratified by the Commonwealth of Massachusetts on or before the fourteenth day of May next, the same shall be null and void.

Be it further Resolved, That the Treasurer of this State, be, and he hereby is authorized and empowered to make and execute fifteen promissory notes, signed by him in his said capacity, payable to the Treasurer of the Commonwealth of Massachusetts, in his said capacity, or bearer, each note for the sum of ten thousand dollars, to bear date on the day of the final ratification of the agreement aforesaid by the respective States, and to be made payable at the times, and in the manner, and to bear interest, as is in said agreement stipulated, and according to the true intent and meaning thereof: *Provided,* The said agreement shall be ratified and confirmed by the said Commonwealth of Massachusetts, on or before the fourteenth day of May next.

Be it further Resolved, That after the ratification of said agreement, by the Commonwealth of Massachusetts as aforesaid, the Governor, by and with the advice of the Council, be, and he hereby is authorized and empowered to nominate and appoint some suitable person, as agent for and on behalf of this State, to carry into effect the provisions of said agreement, and to do and perform all things which are required to be done and performed by this State, according to the true intent and meaning of said agreement.

CHAPTER LII.

Resolve granting compensation to James Bridge and others, a Committee to investigate the doings of certain Banks. *March 19, 1821.*

Resolved, That there be allowed and paid out of the Treasury of this State, to James Bridge, Esquire, the sum of ninety one dollars and twenty five cents; to Albert Newhall, Esquire, the sum of one hundred and thirty-seven dollars and sixty-two cents; and to William Swan, Esquire, one hundred and thirty-seven dollars, and sixty-two cents, in full compensation, for their services and expenses as a committee for investigating the situation and doings of sundry Banks, pursuant to a Resolve of June 15th, 1820. And the Governor, with advice of Council, is hereby authorized and requested to draw his warrant on the Treasurer for the several sums aforesaid.

CHAPTER LIII.

Resolve making valid the doings of the town of Strong. *March 19, 1821.*

ON the petition of Nathan Armsby and John Newell, Selectmen of the town of Strong, setting forth, that certain errors and defects have existed in the records of the Selectmen's warrants, for calling town meetings, the representations of the seal in some instances being