

MAINE STATE LEGISLATURE

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RESOLVES

OF THE

THIRD LEGISLATURE

OF THE

STATE OF MAINE,

PASSED AT THE SESSION,

WHICH COMMENCED ON THE FIRST DAY OF JANUARY, AND ENDED
ON THE ELEVENTH DAY OF FEBRUARY, ONE THOUSAND EIGHT
HUNDRED AND TWENTY THREE.

PUBLISHED AGREEABLY TO THE RESOLVE OF JUNE 23, 1820.

PORTLAND:

PRINTED BY TODD AND SMITH, PRINTERS TO THE STATE.
1823.

APPENDIX.

AGREEMENT

*Of the Commissioners of Massachusetts and Maine,
adjusting the personal concerns between the two States.*

WE, the undersigned, Levi Lincoln, James Bridge, George Bliss, Benjamin J. Porter, Lothrop Lewis and Silas Holman, appointed Commissioners under and by virtue of the law of the Commonwealth of Massachusetts, entitled "An Act relating to the separation of the District of Maine from Massachusetts proper, and forming the same into a separate and independent State;" having endeavored faithfully and assiduously at different times, from the first meeting of said Commissioners, on the thirtieth day of October, in the year of our Lord one thousand eight hundred and twenty, unto the sixth day of March last, to agree upon the description and amount of all such debts, annuities, indian subsidies or claims which remain due or unsatisfied, and upon the description, amount and assignment of a just portion of the productive property held by said Commonwealth as an equivalent and indemnification therefor: And having made a division of the Military Stores and Ordnance belonging to said Commonwealth on the fifth day of March last: Being unable to agree upon and complete an assignment and division of the residue of said personal property, we adjourned on said sixth day of March last, to meet at Portland on the sixteenth day of May instant, at which time and place we resumed the subject and made further examinations, and in the spirit and with a view to compromise mutually made further concessions. Notwithstanding the difficulty of ascertaining the value and amount of said personal property and the extent of the liabilities of said Commonwealth, we have unanimously agreed upon a settlement, assignment, and division thereof, and have assigned the sum of thirty-seven thousand, four hundred and seventy-one dollars and three cents, estimated by us as a just portion of the productive property to be held by the said Commonwealth, as an equivalent

and indemnification to said Commonwealth for all debts, annuities, and indian subsidies or claims due from said Commonwealth, which now remain due, or unsatisfied; except the subsidy or annuity which may be due to the Penobscot tribe of Indians after this present year. All the surplus of the said property, so holden as aforesaid, amounting to the sum of seventy-one thousand nine hundred and ninety-seven dollars and sixteen and an a half cents, exclusive of the avails of the Province house, and of the ordnance, arms and military stores, we have divided, and do hereby divide, between the said Commonwealth and the said State, in the proportion of two thirds to the said Commonwealth, and one third to the said State in manner following, to wit; to the State of Maine the sum of Fifteen thousand eight hundred eighty-eight dollars and fifty cents to be paid in cash out of the Treasury of said Commonwealth, and also the one third part in value of all notes, bonds, and securities contained in certain schedules, marked B and C, from the Treasurer of said Commonwealth, made on the sixteenth day of March, 1820, the same to be taken as they stood on the thirteenth day of May instant, and also the one third part in value of all notes, bonds, contracts and securities remaining in the land office of said Commonwealth, as they existed on the same day, to be divided by us, as soon as may be; and also we have divided and assigned to the said State of Maine, all sums of money, dues, claims, and demands belonging to said Commonwealth from the Treasurers of the several Counties, now within the State of Maine, Justices of the Peace, Clerks of the several Courts and County Attornies for the several Counties now in said State, and also from any person or persons who have holden said offices—and also all monies, dues and demands from any person or persons now or heretofore Sheriffs or Gaolers of any County of said State, for fines, forfeitures, and bills of costs in criminal prosecutions; together with the ordnance, arms and military stores which we have assigned and set out to said State, according to a schedule signed by Benjamin J. Porter and Silas Holman, bearing date the seventeenth day of May instant, and ratified by us the same day, which accompanies this agreement; all which, with the sum of Fifteen thousand seven hundred and forty-two dollars and twelve cents, advanced to said State, by said Commonwealth, and that portion of the tax due from the several Banks in said State on the first day of April, in the year of our Lord one thousand eight hundred and twenty, which accrued before the sixteenth day of March, in said last mentioned year, heretofore paid into the Treasury of said State, is the full third part and share, as well of the personal property men-

tioned in said fourth article of said section, as also the avails of the Province house of said Commonwealth, and in full satisfaction of all claims and demands on account of the personal property of said Commonwealth, mentioned in said fourth article of said section; and also of the moiety of seven hundred and nine dollars and seventy-four cents, paid by said State in and about the public lands within said State. And the whole of the residue of said personal property of said Commonwealth, mentioned in said fourth article of said section, of every description and nature whatever, we have divided and do hereby divide to the said Commonwealth, as the just and full two third parts of said property. And it is hereby agreed that the said notes and securities, so divided, and the said monies, dues, claims and demands, so assigned as aforesaid, are to be taken as they are, at the sole risk of the party who shall receive them, without claim or challenge on the other party. And it is further agreed that the said State of Maine, and its officers, shall and may have and use the name and authority of the said Commonwealth and the proper officers thereof, in prosecuting and collecting any of said notes and securities, contracts, debts, dues, claims or demands so divided or assigned to said State, but at the sole and proper risk and charge of said State.

This agreement and division is to be a full and final settlement and adjustment of all personal property, to a portion of which the said State, under said fourth article is or might be entitled; and also of all liabilities and claims for indemnification for which it was thereby made chargeable. *Provided however*, and it is expressly agreed, that any subsidy or annuity which, after the present year, shall by virtue of the Treaty heretofore made by the said Commonwealth with the Penobscot tribe of Indians, become due and payable, is not hereby adjusted or settled.

IN WITNESS WHEREOF, we have set our hands to this agreement in duplicate, this twenty-fifth day of May, in the year of our Lord, one thousand eight hundred and twenty-two.

LEVI LINCOLN,
JAMES BRIDGE,
GEORGE BLISS,
BENJA. J. PORTER,
LOTHROP LEWIS,
SILAS HOLMAN.

ATTEST—JAMES L. CHILD, *Secretary*.

DOCUMENTS

Shewing the Division of the Public Lands, as far as made by the Commissioners, under the Act of Separation, &c.

WHEREAS, in and by a certain act of the Commonwealth of Massachusetts, passed the nineteenth day of June, in the year of our Lord one thousand eight hundred and nineteen, entitled "an act relating to the separation of the District of Maine from Massachusetts proper, and forming the same in a separate and independent State," it was among other things enacted that all the lands belonging to the Commonwealth within the District of Maine, should belong, the one half thereof to the said Commonwealth, and the other half thereof to the State to be formed within the said District, to be divided by Commissioners, to be appointed, as in and by the same act was provided, between the respective States in equal shares, or moieties, in severalty, having regard to quantity, situation and quality: And whereas Commissioners, appointed pursuant to said act, have determined in part execution of the powers vested in them by virtue of said act, that the several tracts and parcels of land hereinafter mentioned and described, lying at the date of said act in said District, and now in the State of Maine, should be divided and holden in severalty:

Now therefore, know all men by these presents, that we, Levi Lincoln, James Bridge, George Bliss, Benjamin J. Porter, Silas Holman, and Daniel Rose, Esquires, Commissioners appointed according to the provisions of the aforesaid act, have divided, assigned and set out in severalty, the following tracts and parcels of land, to the Commonwealth of Massachusetts and to the State of Maine, respectively, in severalty, which lie easterly of Penobscot river, and northerly of the north line of Bingham's lottery lands, so called, and in the third and fourth range of townships, as laid down and delineated on a certain map or plan made by Silas Holman and Daniel Rose, Esquires, bearing date December 26, A. D. 1822, transcripts of which are herewith lodged in the offices of the Secretary of said Commonwealth and of said State, respectively, and also particularly described in a Report by the said Holman and Rose, made to us, bearing date December 19, A. D. 1822, accompanying which report is a Schedule of the several surveys of the lines and boundaries made by order of the said Commonwealth, and by order of said Commissioners, to wit: to the said Commonwealth: — River township number three, lying on Penobscot river, belonging to the third range, containing seventeen thousand and sixty-two acres;

township number six in said third range, containing twenty-two thousand two hundred and sixty-four acres; township number seven in the same range, containing twenty-three thousand and forty acres; township number eight in said third range, containing twenty-three thousand and forty acres; township number nine in the same range, containing twenty-three thousand and forty acres; township number ten in the same range, containing twenty-five thousand eight hundred and eleven acres; township number eleven in the same range, containing eight thousand three hundred and seventy-four acres; river township number four, belonging to the fourth range of townships on the east side of Penobscot River, lying on Penobscot River, containing twenty-five thousand nine hundred and ninety-seven acres; township number six in said fourth range, containing nine thousand nine hundred and ninety-two acres; township number seven in the same fourth range, containing twenty-three thousand and forty acres; township number eight in the same range, containing twenty-three thousand and forty acres; township number nine in the same range, containing twenty-three thousand five hundred and eighty-three acres; to which we have added, in order to equalize the same, township number two in the ninth range of townships west of Penobscot River, north of the Waldo patent, containing twenty-eight thousand six hundred and fifty-six acres; township number three in the same last mentioned range, containing twenty-eight thousand eight hundred acres; also all that part of township number two, in the seventh range of townships north of said Waldo patent, which has not been heretofore granted, containing two thousand four hundred and fifteen acres: making in the whole three hundred and eight thousand and one hundred and fifty-four acres, which we call the second division, and assign and allot the whole thereof to the said Commonwealth of Massachusetts in severalty.

And we have also divided and allotted the following tracts and parcels of land, particularly delineated and laid down in the aforesaid map or plan of said Holman and Rose, and described in their aforementioned report, and the schedules annexed thereto, as lying in the first and second ranges of townships east of said Penobscot river, as therein described, to wit:—River township number one, belonging to the first range of townships north of the Bingham purchase, on the east side of said Penobscot river, containing fourteen thousand six hundred and forty eight acres; half township number one, in the said first range, containing twelve thousand one hundred and ninety one acres; township number two, in said first range, containing twenty five thousand four hundred and one acres; township number

three in said range, containing twenty-six thousand and ten acres ; township number four, in said first range, containing thirty-eight thousand four hundred and twenty-four acres : Also, half township number six, in said range, containing eleven thousand five hundred and twenty acres : Also, township number two, of Titcomb's survey, in the first range of townships according to said map and plan of said Holman and Rose, called the Wait township, containing twenty-three thousand and forty acres : Also, township number one, of said Titcomb's survey, in the aforesaid first range of townships, containing twenty-two thousand nine hundred acres ; Also, river township number two, belonging to the second range of townships on the east side of Penobscot river, bounding on said river, containing seventeen thousand six hundred and ninety-five acres ; township number five, in said second range, containing twenty-three thousand and forty acres ; township number six, in said second range, containing twenty-six thousand seven hundred and seventy-three acres ; township number seven, in said second range, containing thirty thousand acres ; township number eight in said second range, containing twenty-nine thousand three hundred and fifty one acres ; township number nine, in said second range, containing nineteen thousand three hundred and sixty acres ; township number one, of said Titcomb's survey, in the second range of townships, on the aforesaid plan or map of said Holman and Rose, containing twenty-three thousand seven hundred acres, making in the whole, three hundred and forty-four thousand and fifty-three acres, which we have designated as the first division, and have allotted, divided and assigned the whole thereof to the said State of Maine ; which said two divisions we adjudge and determine, having regard to situation and quality, to be equal the one to the other.

And we have divided and allotted the residue of the lands belonging to the said Commonwealth and the said State, lying in the seventh, eighth and ninth ranges of townships north of the Waldo patent, and west of Penobscot river, except the lots reserved for the future use of Government, into two divisions—the first division containing township number one, in the eighth range of townships north of the Waldo patent, which contains seventeen thousand eight hundred and thirty-one acres ; township number seven, in the ninth range of townships north of the Waldo patent, containing twenty-three thousand and forty acres ; township number four, in the said ninth range, containing twenty three thousand and forty acres ; half township number three, in the eighth range, containing eleven thousand five hundred and twenty acres ; also that part of township number eight, in the

said ninth range, which has not been conveyed, containing four thousand four hundred and seventy-six acres, amounting in the whole to seventy-nine thousand nine hundred and seven acres, which we have divided and allotted to the said State of Maine, to hold in severalty.

The second division, containing township number one, in the seventh range of townships, north of said Waldo patent, containing twenty-eight thousand and forty-one acres; half township number six, in the ninth range of said townships, north of said patent, containing eleven thousand five hundred and twenty acres; township number two, in the eight range of said townships north of said patent, containing twenty-five thousand two hundred and twenty-five acres; and township number four, in the same eighth range, containing twenty-three thousand and forty acres, making in the whole eighty-seven thousand eight hundred and twenty acres, which we have divided and allotted to the Commonwealth of Massachusetts. The above townships and parts of townships are delineated and described in the map or plan before referred to, made by said Holman and Rose, and their said report made to said Commissioners, bearing date the 19th December, 1822. The said divisions having regard to situation and quality we adjudge to be equal the one to the other.

And we have divided and allotted into two divisions that part of the nine townships of the old Indian purchase, so called, which has not been granted or conveyed by the Commonwealth, the first division to contain the lands following, lying on the east side of Penobscot river, to wit, number one, according to a plan and survey made by Park Holland, Jonathan Maynard, and John Chamberlain, under the direction of Salem Town, Esq. containing originally sixteen thousand seven hundred and sixteen acres, of which three hundred and sixty-two acres have been conveyed, and sixteen thousand three hundred and fifty-four acres remain unsold, of which thirteen hundred and sixty-seven acres have been contracted to be sold by the Commissioners of the Land Office; and there remained due on said contracts on the thirteenth day of May last, thirteen hundred and eighteen dollars and forty-one cents; the said land so contracted, and the said contracts to be reckoned as a part of said division; township number two, in said plan and survey, containing originally twenty-one thousand six hundred and thirty-three acres, of which has been contracted as aforesaid, four hundred and eighty-nine acres; on which contracts were due on said thirteenth day of May, two hundred and forty-four dollars and sixty three cents, which said land so contracted, and the said contracts also make part of said division; also township number four, as described in said map and survey, containing originally twenty-

eight thousand six hundred and eighty acres, of which has been conveyed three thousand eight hundred and sixty-one acres, and four hundred and eighty-two acres of the residue have been contracted for by said Commissioners, on which contracts there was due on said thirteenth day of May, four hundred and ninety three dollars and thirty-one cents, making in the whole land unconveyed in said division, sixty-two thousand eight hundred and six acres, which said division we divide and allot to the State of Maine, to have all the rights and perform all the duties in relation to said lands contracted for, and said contracts which the said Commonwealth would now have, or be liable to perform, if not so allotted and divided.

The second division to contain township number one, on the west side of said Penobscot river, according to the aforesaid map and survey, containing twenty thousand and sixty-two acres, of which contracts have been made by said Commissioners for eleven hundred and thirty-nine acres, and there was due on said contracts one thousand and sixty-one dollars and twenty three cents on said thirteenth day of May, which said contracts are to be included in said division; township number two, on said map and survey on the west side of said Penobscot river, containing originally, nineteen thousand two hundred acres, of which three thousand acres have been granted or conveyed, and there remains unsold sixteen thousand two hundred acres; also seven hundred acres of the lands reserved in the conveyance of township number three, on the west side of said river to Maine Literary Institution and which were not conveyed to John Bennock; also township number four on said map and survey, on said west side of said river, containing originally twenty thousand and one hundred and forty-eight acres, of which sixteen thousand nine hundred and sixty-eight acres have been conveyed, and three thousand one hundred and eighty acres remain unsold, of which contracts have been made by said Commissioners for one hundred and one acres, on said contracts was due on said thirteenth day of May, one hundred and nine dollars and ninety-eight cents, and said contracts are part of said division: township number five on said map and survey, on the west side of said river, containing originally eight thousand five hundred and ten acres, of which three thousand and fifty acres has been granted or conveyed, and there remains unsold five thousand four hundred and sixty acres; and also township number three, on said map and survey, on the east side of said river, containing originally twenty-four thousand seven hundred and fourteen acres, of which fourteen thousand five hundred and seventy-seven acres have been granted or conveyed, and contracts have been made by said Commissioners for six thousand and eighty-two acres, on which

contracts there was due on said thirteenth day of May, six hundred and thirteen dollars and eighty-seven cents, making in the whole fifty-six thousand seven hundred and thirty nine acres; and in order to make this second division equal with the first, we have also divided and allotted the following lots in the town of Penobscot, in the county of Hancock, to wit, number fifty-eight, number sixty, number sixty-one, number sixty-two, and the parts of lots number seventy-five, seventy-six, seventy-nine, ninety, ninety-two; lots numbered ninety-one, number ninety-six, containing in the whole eleven hundred and fifty acres and one hundred and forty rods, which makes said division in the whole, fifty-seven thousand eight hundred and eighty-nine acres and one hundred and forty rods, which we have divided and allotted to the Commonwealth of Massachusetts, as a just and equal division; the said Commonwealth to have all the rights, and be liable to perform all the duties which the said Commonwealth would have had or been liable to, had no division of the State been made. And we have also made a division of the lands belonging to the said Commonwealth and State, within the towns of Ellsworth, Surry, and Lubec, and township number twenty-three west of Machias, excepting a lot in Ellsworth heretofore reserved for the future use of Government, in manner following, to wit: We have divided and allotted to the Commonwealth of Massachusetts in severalty, the land in the town of Surry, containing seven thousand eight hundred and forty acres; the land in the town of Lubec, containing eight thousand three hundred and forty-five acres; the northerly half part of the easterly half of township number twenty-three, west of Machias, the dividing line between the north and south half, to begin on the west line of Machias, at a point one hundred and twenty rods south of the northwest corner of said Machias, and to run westerly in a parallel line with the north line of said township number twenty-three to the east line of Bluehill Academy lands, containing seven thousand two hundred and ninety acres, and also in the town of Ellsworth, lots numbered two hundred and thirty-four, and number two hundred and twenty-two, excepting therefrom so much of said last mentioned lot as is included in the contract made by the said Commonwealth with Charles Jarvis; number two hundred and seventeen, number two hundred and five, number two hundred, number one hundred and seventy-five, number one hundred and eighty, and so much of lot number one hundred and eighty-three as lies southerly of Reed's Pond, so called; the whole quantity estimated to be twelve hundred and four acres, as said lots are marked and designated upon the plan made and returned by said Silas Holman, Esq. to the Commissioners,

containing in the whole of said division twenty-four thousand six hundred and seventy-nine acres. And to the share of the said State of Maine, we have allotted and assigned in severalty the southerly half part of said half township number twenty-three west of Machias, to be divided from the northerly half part by the dividing line aforesaid, containing seven thousand two hundred and ninety acres, and all the lands in the town of Ellsworth, belonging to said Commonwealth and State, except the lots and lands herein before divided and assigned to the said Commonwealth, and also excepting said lot reserved for the future use of Government; together with the right, title and interests of the said Commonwealth, in three lots of land in said town under contract by the said Commonwealth, to Charles Jarvis, and the contract so made in the existing state of said contract, the said State to have all the rights and be subject to all the duties and obligations of said Commonwealth, by virtue of said contract, computed to contain including said lots so contracted to said Jarvis, about fourteen thousand one hundred and fifty-six acres; which said shares and divisions so made to the said Commonwealth and State respectively, having regard to the situation and quality of said lands, we do adjudge and determine to be equal the one to the other.

And we have also divided into two shares to be holden in severalty by the said Commonwealth and State respectively, the lots reserved by said Commonwealth for the future use and appropriation of Government out of the grants and conveyances heretofore made, to wit: to the said Commonwealth we have divided and assigned the reserved lots in the town of Orrington, which contains two hundred acres. In the town of Corinth, in the town of Newport, in the town of Sangerville, in township number one in the third range north of the Waldo Patent, and township number one in the fourth range north of said Patent; township number seven in the eighth range, north of said Patent, and in Blakesburg and in number one, in the sixth range, north of said Patent, in the county of Penobscot, and in the town of Ellsworth, in the county of Hancock, each containing three hundred and twenty acres; and in the county of Washington, the reserved lots in the towns of Jonesborough, Denneysville and Perry, each containing two hundred acres; and the reserved lot in the town of Columbia, containing three hundred and twenty acres, and in township number three, in the first range, west of the Schoodic river, three thousand three hundred and twenty acres, and in township number one, in the fourth range, out of the grant to Williams College, six hundred and twenty acres, and in each of the following townships, to wit: number eighteen,

north of Machias, number thirteen, adjoining Machias, number fourteen, east of Machias, the reserved lots containing three hundred and twenty acres each; and in township number ten, east of Machias, the reserved lot containing two hundred acres; and in the Portland Academy grant, one hundred and sixty acres; and in township number one, range first, west of Schoodic River, three hundred and twenty acres; and in the County of Kennebec, the reserved lots in the towns of Chester-ville and Temple, each containing three hundred and twenty acres; and in the County of Somerset, the reserved lots in each of the following towns to wit: Madison, Anson, Avon, Phillips, Palmyra, Corinna and Freeman, each containing three hundred and twenty acres; and the reserved lots in township number five, in the sixth range, north of the Waldo Patent, containing three hundred and twenty acres; and in township number five, in the second range, north of the Waldo Patent, containing one hundred and sixty acres; and in the County of Oxford, the reserved lots in each of the following towns and townships, to wit: in Dixfield, Andover, Number six, between Kennebec and Androscoggin Rivers; Number eight, between said rivers; Number two, in the first range, west of Bingham's Kennebec Purchase; Number three, in the second range, west of said Purchase; Number five, in the third range, west of said Purchase; Number four, in the fourth range, west of said Purchase; Number three, in the third range, west of said Purchase; Number five, in the second range, adjoining New-Hampshire; Township marked letter B; Township marked letter E; Township marked A 2; and Township number one, the south side of Androscoggin River; each of said reserved lots containing three hundred and twenty acres; the reserved lot in the town of Sumner, containing two hundred acres; and Andover surplus containing one hundred and sixty acres; making in the whole, seventeen thousand seven hundred and eighty acres, which we assign and allot to the Commonwealth of Massachusetts. And we have divided and allotted to the said State of Maine, to hold in severalty the reserved lots in the several towns and townships following: In the county of Penobscot, in the towns of Carmel, New-Charlestown, Brownville, Williamsburg and Atkinson, and in townships number three, in the seventh range, north of the Waldo Patent, and number three, in the sixth range, north of said Patent, each containing three hundred and twenty acres, and the reserved lot in the half township number three in the eighth range north of said Patent, containing one hundred and sixty acres; and in the county of Hancock, the reserved lots in number eight, and in the Gore adjoining Ellsworth, each containing three hundred and

twenty acres ; and in the county of Washington, the reservation in township number three in the second range, west of Schoodic river, containing three thousand three hundred and twenty acres, and in township number twelve or Orangetown, containing two thousand eight hundred acres, and in the town of Calais, the reserved lot containing three hundred and twenty acres, and in the county of Kennebec, the reserved lots in the town of New-Sharon, containing three hundred and twenty acres ; in the county of Somerset, the reserved lots in the respective towns of Strong, Solon, New-Vineyard, Cornville, St. Albans, Ripley and New-Portland, and in township number eight, in the eighth range, north of the Waldo Patent, in township number three, first range, north of Plymouth Company, and in township assigned to the Proprietors of the Kennebec purchase, north of Moosehead lake, each containing three hundred and twenty acres ; and in the county of Oxford, the reserved lots in the several towns and townships, following to wit : the town of Albany, Weld and township number four between Kennebec and Androscoggin river, and in township number seven, between said rivers, and in township number one, in the first range, west of Bingham's Kennebec Purchase, number three, in said range, number four, in the third range, west of said Purchase, and in number two in said third range, number five, in the fourth range, west of said Purchase, number two, in said second range, township marked letter C, township marked letter D, township marked letter A, No. 1, township marked letter A, No. 3, or Newry, each of said reserved lots, containing three hundred and twenty acres, and also in the towns of Hartford and Buckfield, each containing two hundred acres, amounting in the whole, to seventeen thousand eight hundred and eighty acres, which said divisions and allotments to the said Commonwealth and the said State respectively, we do adjudge and determine having regard to situation and quality, to be equal the one to the other.

And we have also divided and allotted to the said Commonwealth and the said State, in severalty, the lots reserved for the future use and appropriation of the Commonwealth within the tracts of land heretofore conveyed to William Bingham. To the said Commonwealth, we have divided and allotted all the lots reserved in the several tracts of land conveyed to said Wm. Bingham, by the said Commonwealth, situated in the counties of Hancock and Washington, except that portion of said reserved lots in the lands conveyed to said Bingham, on the twenty-eighth day of January, seventeen hundred and ninety-three, by deed marked number one, of townships number 7, 8, 9, 10, 11 and 12, in the margin of the record of deeds in the land office book,

number two, page one hundred and eighty, amounting in the whole exclusive of said excepted lots, to sixteen thousand seven hundred and forty-seven acres, to hold to the said Commonwealth in severalty. And to the said State of Maine, we have divided and allotted the said reserved lots in the townships above excepted, together with all the reserved lots in the tracts of land conveyed to said William Bingham, which are situated in the counties of Somerset and Oxford, called said Bingham's Kennebec purchase, containing in the whole, fifteen thousand five hundred and seventy-three acres, to hold to the said State of Maine in severalty, and we do adjudge and determine that the said shares and divisions so allotted, having regard to situation and quality are equal the one to the other. And we have divided and allotted the Islands in the said State, which by a report of George W. Coffin, Esquire, agent of the land office of the Commonwealth of Massachusetts, appeared to remain as the property of the said Commonwealth. And we have divided and allotted to the said Commonwealth and said State respectively, all the right, title and interest which the said Commonwealth, or the said Commonwealth and the said State had or might have in said Islands hereafter named and described; a particular description of them being given in the books in the said land office to which we refer, to wit: to the Commonwealth of Massachusetts, we have divided and allotted in severalty, Monhegan Island, containing one thousand acres; Allen's Island, off the mouth of George's river, containing three hundred acres; Wooden Ball Island, near Matinicus, containing one hundred seventeen acres and three fourths of an acre; Brimstone Island, between Ten pound Island and Matinicus, containing thirty acres; Little green Island, off Thomaston, containing twenty-five acres; Black Island, north of the Isle of Holt, containing fifty acres and three fourths of an acre; Island marked G, north of said Isle of Holt, containing four acres; Poor Island, near Deer Island thoroughfare, containing thirty acres; Island marked V, near said thoroughfare, containing three acres; Island marked W, near said thoroughfare, containing three acres; Island marked X, near said thoroughfare, containing two acres; Island marked M, near said thoroughfare, containing twenty-eight acres; Island marked I, near said thoroughfare, containing forty-three acres; Camp Island, near said thoroughfare, containing forty-six acres and three fourths of an acre; Island marked H, near said thoroughfare, containing three acres; Indian Island, near said thoroughfare, containing twenty-nine acres and one fourth of an acre; Ash, or Saddleback Island, near said thoroughfare, containing fifty-four acres; Island mark-

ed D, near said thoroughfare, containing four acres; Island marked E, near said thoroughfare, containing four acres; Island marked K, near said thoroughfare, containing nine acres; Island marked L, near said thoroughfare, containing six acres; Island marked Z, near said thoroughfare, containing two acres; White Island, in Egamoggin reach, containing eleven acres; Moose Island, in Bluehill bay, near Mount Desert, containing fifty acres; Island marked D, in said Bay, containing eight acres and an half of an acre; Ship Island, in said bay, containing seven acres and three fourths of an acre; Island marked B, between Mount Desert and Bartlet's Island, containing seven acres and an half of an acre; Holt's Island, in carrying place bay, between Newbury neck and Bluehill, containing twelve acres; Island marked A, in Mount Desert bay, containing eight acres and three fourths of an acre; Small Island, opposite Heard's bay, containing four acres; Hopkin's Island, in Mount Desert bay, containing one hundred and seventeen acres; Island marked A, east of Thomas's Island, in Frenchman's bay, containing two and an half acres; Island marked B, situated near the last, containing three acres; Black Island, in Frenchman's bay, containing three acres; Burnt Island, in said bay, containing three acres; Petit Manan Island, south of Steuben, containing sixty acres; Birch Island, in Pleasant River bay, between Addison and Harrington, containing twenty acres; Tebut's or O. Island, in Mispercky reach, containing eleven acres; Island H, containing forty-nine acres; Island I, containing five and an half acres; Island E, containing ten and an half acres; Island G, containing twenty-eight acres; the four last mentioned Islands being a little southerly of Mispercky reach; Soward's Island, in Flander's bay, near Gouldsborough, in Frenchman's bay, containing seven acres; Bar Porcupine Island, in Frenchman's bay, near Mount Desert Island, containing fifty acres; Island marked B bar, or Birch Island, situated near the last island, containing three acres; Ragged arse Island, near Matinicus, containing two hundred and seventy-seven acres; Great Green Island, near Matinicus, containing ninety-five acres; Matinic Island, near Matinicus, containing three hundred acres; Sevey's Island, near Allen's Island, containing forty acres; M'Cobb's Island, off Thomaston, containing thirty acres; Hay Island, near Matinicus, containing ten acres; Mananas Island, near Monhegan, containing forty acres; Island marked M, a little south of Mispercky reach, containing two acres; Island Q, a little north of Mispercky reach, containing three acres; Island marked R, situated near the last mentioned island, containing five acres; Island marked S, situated near the two last islands, containing four acres; Island

marked T, containing one acre and one fourth of an acre; Island marked H, containing two acres, each situated a little northerly of Miskecky reach; Head Island, near the west end of little Deer Island, containing eight acres.

And to the said State of Maine, all the right, title and interest, which the said Commonwealth or the said Commonwealth and said State had, or might have, in the following Islands, to wit: Great Isle of Holt, south of Deer-Island, containing four thousand one hundred acres; White or mark hands Island, north of the Isle of Holt, containing one hundred and eighty-six acres; Birch Point Island, off the north part of the Isle of Holt, containing nine acres; Spoon Island, east of the Isle of Holt, containing fifteen acres; Bear Island, containing forty-six acres and three-fourths of an acre; Round Island, containing twenty-nine acres and one fourth of an acre; Island marked A, containing twenty acres; Island marked R, containing twenty acres and three-fourths of an acre; Island marked P, containing twenty-four acres and one-fourth of an acre: Mark Island, containing ten acres; the six last mentioned Islands situated north of the Isle of Holt; Island marked F, near Deer Island thoroughfare, containing ten acres; Island marked N, west of the Isle of Holt, containing twenty acres; Island marked B, south of the Isle of Holt, containing seven acres; Head Island, south of the Isle of Holt, containing seven acres; Easton's Island, containing twelve acres; and Tent Island, containing six and an half acres; each situated southwest of Little Deer Island; Partridge Island, between Little Deer Island and Tent Island, containing seven acres; Island marked D, containing twelve acres and three-fourths of an acre; Island marked F, containing sixty-two and an half acres; Harbour Island, containing forty-two acres and three-fourths of an acre; Black Island, containing ninety-two and three-fourths of an acre; Island B, containing twenty-eight acres; each of the five last mentioned Islands situated in Egamoggin Reach; Diana's Island, southwest of Little Deer Island, containing seven acres; Burnt Island, off the mouth of George's River, containing two hundred and twenty acres; Green Island, containing ten acres, near the south end of Matinic; Matinicus, containing seven hundred and forty-four acres; Noman's Land Island, northeast of Matinicus about a mile, containing twenty acres; Ten Pound Island, near Matinicus, containing twenty acres; Wheaton's Island, joined to Matinicus by a bar, containing ten acres; Seal Island, near Matinicus, containing sixty-five acres. And we do adjudge that the said right, title and interest so assigned and di-

vided to the said Commonwealth and said State respectively are, considering the situation and quality, equal the one to the other.

To have and to hold to the Commonwealth of Massachusetts, and their assigns, the lands above allotted to them in severalty; and to the State of Maine, and their assigns, the lands above allotted to them in severalty. And it is expressly agreed that the lands so divided and allotted as aforesaid, are to be taken as they now are, without any allowance for any mistake, former conveyance, or defect of title whatever, and that there shall be no claim of either upon the other for or on account of any irregularity in said division, from any cause whatever.

In witness whereof, we the said Commissioners, have to these presents interchangeably set our hands and seals, this twenty-eighth day of December, in the year of our Lord one thousand eight hundred and twenty-two.

LEVI LINCOLN, (L.S.)
 JAMES BRIDGE, (L.S.)
 GEORGE BLISS, (L.S.)
 BENJ. J. PORTER, (L.S.)
 SILAS HOLMAN, (L.S.)
 DANIEL ROSE, (L.S.)

Attest, JAMES L. CHILD, Secretary.

WHEREAS, in and by a certain act of the Commonwealth of Massachusetts, passed the nineteenth day of June, in the year of our Lord one thousand eight hundred nineteen, entitled "An act relating to the separation of the District of Maine from Massachusetts proper, and forming the same into a separate and independent State;" it was among other things, provided that the lands in the said District belonging to said Commonwealth, should be divided in severalty, one moiety to the said Commonwealth, and the other moiety to the State, to be formed within the said District, by Commissioners to be appointed as is in and by said act provided. And whereas, pursuant to said provision in part execution thereof, the Commissioners appointed in conformity to said act, have divided to the said Commonwealth, certain tracts and parcels of land to be holden by said Commonwealth in severalty, as particularly described in and by a certain instrument, by them subscribed, bearing date the twenty-eighth day of December, in the year of our Lord one thousand eight

hundred and twenty-two. And whereas, in and by said act, it was among other things further provided that the said commission should set off by metes and bounds, so much of any part of the land within the District aforesaid, falling to the said Commonwealth in the division of the public lands to them to be made, as in their estimation should be of the value of thirty thousand dollars, as an indemnification to the said new State, for assuming and performing all the duties and obligations of the said Commonwealth towards the Indians in said District: These presents witness, that we, Levi Lincoln, James Bridge, George Bliss, Benjamin J. Porter, Silas Holman and Daniel Rose, Esquires, Commissioners appointed according to the provisions of said act, have set off, and do hereby set off, by metes and bounds, the following tracts or parcels of the land falling to the said Commonwealth in the said division, to wit: River township number three, in the third range, township number six, third range, township number seven, third range, township number eight, third range, township number nine, third range, township number ten, third range, township number eleven, third range; River township number four, belonging to the fourth range, township number six, fourth range, township number seven, fourth range, township number eight, fourth range, township number nine, fourth range; all said townships lying east of the Penobscot river. Township number two, in the ninth range, township number three, ninth range, and that part of township number two, in the seventh range, not heretofore granted; these three last townships lying west of said Penobscot River, and north of the Waldo Patent; also township number one in the seventh range, half township number six, in the ninth range, township number two, in the eighth range, and township number four, in the eighth range; all said townships lying west of the Penobscot River, containing in the aggregate of all the lands so set off as aforesaid, three hundred and ninety-five thousand nine hundred and seventy-six acres, as said townships are laid down and delineated on a plan made by Silas Holman and Daniel Rose, Esquires, dated December the twenty-sixth, in the year of our Lord one thousand eight hundred and twenty-two, and are particularly described in a report of the said Holman and Rose, made to the Commissioners, bearing date December 19th, 1822, accompanying which report is a schedule of the several surveys of the lines and boundaries made by order of the said Commonwealth, and by order of said Commissioners, to which reference is to be had; and the said Commissioners do set off the said lands by the metes and bounds of said townships as delineated upon the plan, and described in the report of said Holman and Rose,

and do estimate the same to be of the value of thirty thousand dollars.

In testimony whereof, we the said Commissioners, have to this instrument set our hands and seals this twenty-eighth day of December, in the year of our Lord one thousand eight hundred and twenty-two.

LEVI LINCOLN, (L.S.)
 JAMES BRIDGE, (L.S.)
 GEORGE BLISS, (L.S.)
 BENJ. J. PORTER, (L.S.)
 SILAS HOLMAN, (L.S.)
 DANIEL ROSE, (L.S.)

REPORT

Of the Committee on the subject of a Penitentiary or State Prison.

To the Senate and House of Representatives of Maine, in Legislature assembled :

THE Committee appointed in pursuance of a Resolve of the Legislature of Maine, passed the second day of February A. D. 1822, "for the purpose of collecting information and investigating the subject of the punishment of Convicts, and the establishment of a State Prison or Penitentiary," respectfully REPORT :—That the instructions contained in that Resolve embrace various subjects of the most extensive concern, of the highest importance to the community, and such as may affect the life and morals, the reputation, security, and happiness of individuals, and of the body politic. It has been made the duty of the Committee "to consider the effects which have in practice, resulted from different modes and degrees of punishment." Upon this part of the subject, the Committee have extended their inquiries as far, and their examinations have been as minute and particular, as their time and opportunities would permit. The result of their investigations has been, that no mode or degree of punishment which has been sanctioned and practised, either in ancient or in modern times, whether by the more barbarous, or

the most enlightened governments, have hitherto been effectual to prevent the commission of crimes. What particular mode or degree of punishment might have the most powerful effect in preventing the commission of crimes, or in reclaiming convicts, is a question, which, in the opinion of the Committee, has never been satisfactorily answered, or sufficiently tested by experiment. Cruel and vindictive punishments have generally, if not universally, been found to increase, rather than diminish the number of offenders, by exciting in the most obdurate and unprincipled, a spirit of retaliation and revenge, and by the difficulty which, in such cases, always attends procuring convictions. When the severity of the punishment has been greatly disproportioned to the character and magnitude of the offence, witnesses have testified with extreme reluctance; jurors have manifested great unwillingness to convict; and the Judges, from motives of humanity, and urged by the best feelings of the human heart, have been sufficiently inclined to recommend the guilty culprit to mercy; so that the penalty of the law has not only been frequently avoided, but the multiplied chances for escape, has operated as an encouragement to the commission of crime. On the other hand, those who have hoped to reclaim or reform convicts, and prevent the commission of crimes, by mild punishments, and moral discipline, have been equally unsuccessful. Crimes are still committed; and neither the severe corporal punishments which were formerly inflicted, nor any of the milder modes of punishment which have since been adopted, have had the desired effect. What, therefore, in practice, has been the result of the different modes and degrees of punishment, the Committee deem it extremely difficult, if not impossible, precisely to determine. But no fact has been more clearly demonstrated, by the experience of ages, than that the certainty, rather than the severity of punishment, has had the most extensive effect in preventing crime. Sanguinary punishments, such as severe corporal inflictions of every description, have long since been regarded as repugnant to the liberal and enlightened principles of our civil institutions; and abhorrent to the humane and benevolent feelings of the people of the United States; and have, therefore, with few exceptions, been erased from their criminal codes; and instead thereof, the Penitentiary system has been generally adopted. The government and discipline observed in these Institutions, as well as the modes and degrees of punishment, inflicted upon the convicts confined in them, are different, in the different States. No two States have, in all respects, agreed, either in the construction of their State Prisons, or in the employment or punishment of the *convicted* tenants of them; and

in no one of the States, the Committee are constrained to say, have the hopes and expectations of the benevolent projectors been realized—and for obvious reasons. In most, if not in all the Penitentiaries, it has been attempted to unite, what must forever remain separate and distinct, viz : deep, solemn and humiliating reflections, combined with bodily exercise, and familiar intercourse with the most vicious and depraved of men. For a period the name of a State Prison appeared to excite no small degree of alarm in the community of the abandoned ; but of late, it has lost most if not all its terrors ; and instead of being a place, in which a convict, if he could not be reclaimed, might at least be subjected to merited punishment, has become a nursery of guilt, a school for criminal instruction, in which every species of vice may be, and too often has been, successfully taught. If any favorable impressions should be made upon the mind of a convict, by the solitary imprisonment which is usually made a part of his sentence, they will soon be lost upon his being associated with those whose pride and boast it is, to have excelled in the craft of wickedness ; and whose delight consists in the anticipation of the mischief which they hope and resolve to practice, as soon as, by any means, they may effect their escape.—The young convict becomes astonished and charmed at what he conceives to be the consummate skill, ingenuity, and daring intrepidity of those veterans in atrocity, whose councils he cherishes, and whose examples he determines to follow ; until, if he feels ashamed of any thing, it is of those few faint, serious reflections and virtuous resolutions, which he began to indulge, while in the solitude of his cell. Perhaps it is not too much to say, that for one who leaves a penitentiary with a temper and habits reformed, and with a disposition, in future, to support himself by honest industry, hundreds are discharged, much better instructed and more firmly resolved to depredate upon society, than when they entered upon their course of what has been misunderstood, and therefore misnamed, severe punishment. A sentence to labor, or even to hard labor, in a State Prison, has few or no terrors for those, who are insensible to shame, and who will not give themselves leisure for remorse. Of the place and the fare they have often been informed, by those who have experienced its hardships, its indulgencies, and its gratifications. To such, a State Prison or Penitentiary, promises more than it threatens. It arrests them, to be sure, in their career of wickedness, and abridges them, for a time, of a portion of their liberty—it requires of them more, and perhaps different labor than they would be inclined to perform—but then it ensures them comfortable lodgings, a sufficiency of wholesome

food, and the company of those whose conversation is precisely suited to their taste, and whose society they prefer to any upon earth. The labor of convicts, however employed, has turned to small account compared with the enormous expenses at which Penitentiaries have been erected and supported in most of the States, wherein they have been established—nor has the mode of punishment adopted in any of them, had a very salutary effect upon the convicts themselves, or in diminishing the number, or in altering the character of offences.

But while the Committee are of opinion, that labor as a punishment for crime, can never be required with any considerable advantage, they feel no hesitation in believing, that a Penitentiary may be so constructed, and established upon such principles, and so managed, as to prove not only the most economical, but the most effectual mode for the reformation of convicts, and for the prevention of crime, which has ever been adopted. The very great cost at which most of the Penitentiaries have been erected and finished the Committee consider worse than useless—and the annual expense of supporting, guarding, and governing them much greater than the necessary accommodation or safe-keeping of the convicts require. Instead of splendid costly edifices, whose superb exterior invites the admiring gaze of the beholder, who might indeed mistake them for the abodes of luxury and affluence, State Prisons should be so constructed, that even their aspect might be terrific, and appear like what, in fact, they should be, dark and comfortless abodes of guilt and wretchedness. The industrious and unoffending portion of the community ought always to feel a confidence in the government which they support, that they shall be protected against the violence or fraud of the unprincipled and habitually depraved—and it is the indispensable duty of the government, by all practicable measures, to check the progress of vice; to arrest the offender in his career of wickedness, and to subject him to such punishment as shall be most likely to reclaim him, if he be capable of being reclaimed, or otherwise so to dispose of him that he shall no longer disturb the peace and endanger the security of the community in which he shall have proved himself unworthy to live. The severity of punishment ought always to be graduated by the atrocity of his guilt, who is to be made the subject of it. But it can have no effect in preventing the perpetration of crime, unless the fear and dread of incurring it shall be so powerful as to overcome the propensity or the inducement to commit the offence. The humanity of our laws inflicts the punishment of death, but for a very few crimes; and those few which the law has made capital, perhaps the safety of society requires should remain so.

But the perpetrators of all other crimes of an atrocious character, and such as by existing laws are punished by solitary imprisonment and hard labor, the committee respectfully recommend shall in future, on a first conviction, be punished by confinement in solitary cells, for a longer or shorter period, according to the character and aggravation of the offence. A plan for a State Prison is herewith presented, by an inspection of which it will appear that the committee propose to have each convict confined in a separate cell, and entirely secluded from all intercourse with any mortal. A well administered government never inflicts punishment of any kind, for purposes of revenge ; and the ultimate advantage of the offender should never be disregarded, so long as any reasonable hope remains that he may become a better man. That is the best possible mode of punishment, which with the least bodily suffering, is best calculated to excite the greatest abhorrence of guilt, and the greatest fear and dread of its consequences. From all the inquiry which the Committee have been able to make ; from their own reasoning upon the principles of human nature, and the motives to human action ; upon the different modes and degrees of punishment, and what have been their effects, under various circumstances, upon the different classes and characters of offenders, they have been led to the conclusion, that no mode or degree of punishment, which ever has been, or which ever can be adopted, is in its nature so well adapted to the purposes of preventing crime, and reforming criminals, as close confinement in a silent solitary cell, in which, cut off from all hope of relief during the term for which he shall have been sentenced, the convict, shall be furnished with a hammock in which he may sleep, a block on which he may sit, and with such coarse, though wholesome food, as may be best suited to a person in a situation designed for grief and penitence, and shall be favored with so much light from the firmament as may enable him to read the New-Testament, which shall be given him as his sole companion and guide to a better life. Thus separated by the impenetrable walls of his dungeon from the world, and from all intercourse with any living creature, he must, and, from necessity he will, commune with his own heart ; he will review the folly and wickedness of his past life, and retrace his guilty course to the evil and malignant passions in which it originated. His vices and his crimes will become personified, and appear to his frightened imagination, as the co-tenants of his dark and dismal cell. They will surround him as so many hideous spectres, and overwhelm him with horror and remorse ; he will loathe and detest them as the authors of all his mental agony and bodily suffering ; he will be led to compare his pres-

ent sufferings with the gratification he derived from the perpetration of the crime, which has inclosed him in a mansion, dark and silent as the tomb, from which all hope is excluded, except such as may be suggested by the sacred volume, which unmerited compassion has bestowed on him. And, if from the bitterness of remorse, he shall be directed and assisted by the light of truth, to regain the path of virtue; and after his enlargement from prison, he shall pursue a life of honest industry, civil society will have regained an useful member, and the vicious will be deterred both by his sufferings and his example. They will not fail to observe, with fear and trembling, the effect which complete and uninterrupted solitude has had upon their former companion in guilt; and will shudder at the apprehension of being consigned to the narrow limits of a solitary cell. The recollection of the many miserable days and sleepless nights which he once spent there, will come over the mind like the dark cloud of desolation and terrify and arrest the guilty in their career of outrage. But, if a convict, who shall have been so punished, shall not be reclaimed thereby, but shall, after his enlargement from prison, be convicted of a similar offence, government and society are absolved from all obligations to adopt any further measures with a view to his reformation. He shall, therefore, be adjudged an incorrigible offender, and be sentenced to hard labor for life, or for years, according to the circumstances of his case, and the nature of the offence of which he shall have been a second or a third time convicted; and while he shall be required to labor by day, he shall be confined by night in a solitary cell, which once was designed for his reformation.

And the Committee are of opinion that it is absolutely necessary that some very material alterations and amendments should be made in our criminal laws, for the more effectual punishment, of that very numerous class of offenders, who are daily convicted of crimes of a less atrocious character, and such as heretofore have been punished by fine and imprisonment in the county gaols. It is a fact, that a large proportion of such as have been convicted of petty larceny and such minor offences, and have been sentenced to pay a fine and costs, and to be imprisoned a certain number of days, have been found totally unable to pay either the fine or the costs of their prosecution during their imprisonment, and after their enlargement, are regardless of their liability or obligation to pay either. To such therefore, a fine and costs is no punishment, and a long confinement in our county gaols, is often regarded by them rather as a favor than a calamity. Many of them are vagrants, destitute of domestic comforts, careless of character, and too indolent to acquire an

honest livelihood : and though ignorant of most things which ought to have been taught them, they are well instructed in the merciful provisions of our criminal laws ; they know full well how far they may venture without exposing themselves to any punishment, which to them would be dreadful. They have therefore only to steal to a small amount, and if by an unexpected detection they shall not be permitted to enjoy the first fruits of their enterprize, they know the worst that can befall them ; they are sure of being accommodated with a comfortable home, secured from cold and hunger, where they may indulge themselves in idleness, or in contriving some mode of future mischief, which may serve hereafter to introduce them to the like well furnished lodgings and agreeable society ; and all these things they enjoy, (for it would be a perversion of language to say suffer,) at the expense of the industrious poor. The expense incurred in the prosecution, conviction and support of this class of offenders, is enormous ; and in being taxed for the discharge of this large portion of the public expenditures, it is the innocent part of the community who suffer by the infliction of what the law intended as a punishment for the guilty. This is a very great grievance, which calls loudly for redress. To remedy which, the committee propose, that in all cases where the convict shall be sentenced to pay a fine and costs, if such fine and costs shall not be paid by the convict himself, or by some person on his behalf, or security given therefor to the satisfaction of the sheriff of the county where such conviction shall be had, within ten days from the time of his conviction, it shall be the duty of the sheriff of said county to convey such convict to the State Prison, and deliver him to the superintendent thereof, together with a copy of his sentence, and the cost of conveying him from the place of his conviction to the State Prison. And such convict shall be required to labor within the precincts of said Prison, at — per day, until he shall have earned by his labor the amount of such fine and costs, together with the additional costs of transporting him from the place of his conviction to the State Prison ; or until such fine and costs shall be otherwise discharged, and the State wholly exonerated therefrom. And during the confinement and labor of such convict within the precincts of the State Prison, to be under the government and direction of the superintendent thereof, and be lodged each and every night during his abode therein, in a separate cell, and secluded from all communication with any other person ; but not required to labor in the same department, or be permitted to have any intercourse with any one who shall have been adjudged an incorrigible offender.

Females and juvenile offenders, the Committee are of opinion, should never be confined in the State Prison ; but for any crime other than capital, the sentence of the Court shall be executed upon females and juvenile convicts, in the cells and within the precincts of the gaol of the county, where any such conviction shall be had. And that all classes of convicts may in future be so dealt with and punished, for all crimes and offences, which shall be by them committed within the jurisdiction of this State, agreeably to the foregoing recommendations of the Committee. The Committee further propose, that there shall be erected and built at Thomaston, in the county of Lincoln, a State Prison or Penitentiary, of stone, according to the plan, which is herewith exhibited, which shall be under the care and direction of a superintendent, who shall have the government thereof, agreeable to such by-laws and regulations as shall from time to time be sanctioned and approved by the Legislature of the State; and a Committee annually appointed by the Legislature, whose duty it shall be to visit the State Prison as often, and to investigate as far as they may think expedient, the management and policy thereof, and to make such report, and suggest such alterations and amendments as they shall judge proper or necessary.

It is not the intention of the Committee to recommend labor in any case as a punishment for crime; but so far as it may be found necessary to employ those who shall be adjudged incorrigible, and past all hopes of reformation, and such as may be employed for the purpose of remunerating the State the costs which have been incurred by their vicious conduct. The Committee are decidedly of opinion that stone is the material upon which convicts of either description may be employed, with the surest prospect of deriving a profit from their labor.

The Committee have not been able to satisfy themselves whether the newly invented mode of punishment by the stepping wheel will be found advantageous; it is now in operation in Europe, and in several of the United States; its utility therefore will soon be tested by experiment, and should it be found expedient to have recourse to this mode of punishment, it may be easily introduced, and well adapted to the purposes of sawing and polishing marble.

The probable expenses of procuring the materials and of erecting a State Prison, with the necessary and convenient appendages, and of enclosing the Prison and yard with a sufficient wall, according to the plan proposed, including what may be required to purchase a convenient site, on which the whole establishment may be permanently founded, according to such

estimates as the Committee have been able to make, will not exceed the sum of thirty thousand dollars.

The Committee further report, that they have ascertained that the amount of expenses incurred in the prosecution and for the support of persons charged with or convicted of crimes and offences against the State, from June 1820, to November 1822, is forty-six thousand nine hundred and thirty dollars, and eighty-six cents; of this sum, thirty-one thousand three hundred and thirty dollars, and thirty-one cents, have been paid by the State, and fifteen thousand six hundred dollars, and fifty-five cents, by the several counties. For the more particular illustration of the facts and the principles upon which the Committee have founded the foregoing report, they would respectfully refer to documents herewith submitted, and marked from one to fourteen.

All which is respectfully submitted by

DANIEL ROSE,
BENJA. GREENE, } Committee.

Portland, January 13, 1823.

REPORT

Of the Committee on the location of the Seat of Government.

To the Senate and House of Representatives of the State of Maine :

THE Committee appointed in pursuance of a Resolve of this State, of the 8th day of February, 1822, authorizing and directing them "to visit such towns as they might deem proper, and designate some central and suitable place at which the Seat of Government may be permanently fixed and established; to ascertain the terms upon which a convenient lot for the accommodation of the State can be obtained; and the time when it will be proper for the Legislature to meet at the place thus to be designated;" ask leave to REPORT:—

That they have attended to the duty assigned them. That they might be enabled more correctly to determine upon the place, which in their opinion would be the most central and suitable for a permanent establishment of the Seat of Government; and ascertain the terms upon which a convenient lot for the accommodation of the State might be obtained; they have visited the following towns, viz: Portland, Brunswick, Hallowell, Augusta, Waterville, Belfast and Wiscasset. In each of those towns, (following the directions of the before mentioned Resolve,) they were received by the respectable inhabitants with the most gratifying politeness; and in each of those towns a choice of very valuable lots are freely offered to the acceptance

of the State for the purposes proposed ; each of which lots (in the opinion of the committee) is capable of affording not only a convenient, but a very eligible site, for the erection and accommodation of all necessary public buildings. It cannot be necessary, nor perhaps is it expedient, that the committee should report in detail, all the arguments suggested, by situation and circumstances, which have been offered and urged upon the committee in favor of any one of the before mentioned towns, in preference to any other of them, or to any other place. It may be sufficient to observe, that the committee have endeavored to give every consideration its due weight. They are satisfied, that should it be thought most expedient to establish the Seat of Government in any town upon the sea board, Wiscasset is entitled to a decided preference on account of its more central situation, the facility with which it might be defended, in case of an invasion, and the safe and easy access to it by water, at all seasons of the year. Should it be thought most expedient that the Seat of Government be permanently established at some convenient place in the interior, the committee are unanimously of opinion that the site in Augusta, delineated upon a plan marked No. 1, accompanying the proposals offered by the inhabitants of said town, and subscribed by a committee appointed for that purpose, is the most central and suitable place, at which the Seat of Government may be permanently fixed and established. And the committee do respectfully report, That the town of Augusta, in the county of Kennebec, be the place at which the Seat of Government may be permanently fixed and established. And that it will be proper for the Legislature to meet at that place, on the first Wednesday of January, which will be in the year of our Lord one thousand eight hundred and thirty.* All which is respectfully submitted by

DANIEL ROSE,
BENJAMIN GREENE, } *Committee.*

* This Report was amended in the Senate by striking out the words "twenty-seven" and inserting "thirty," and accepted, as amended, by both Houses of the Legislature.

STATE OF MAINE.

SECRETARY OF STATE'S OFFICE, }
Portland, March 29, 1823. }

The foregoing Documents have been compared with the originals deposited in this office, and appear to be correctly printed.
AMOS NICHOLS, *Secretary of State.*