

# MAINE STATE LEGISLATURE

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# RESOLVES

OF THE

## FIFTH LEGISLATURE

OF THE

# STATE OF MAINE,

### PASSED AT THE SESSION

WHICH COMMENCED ON THE FIFTH DAY OF JANUARY, AND ENDED ON THE  
TWENTY-EIGHTH DAY OF FEBRUARY, ONE THOUSAND  
EIGHT HUNDRED AND TWENTY-FIVE.

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PUBLISHED AGREEABLY TO THE RESOLVE OF THE 20TH OF JUNE, 1820.

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Portland :

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1825.

*And be it further resolved,* That the Supreme Judicial Court, he, and they are hereby authorized to admit the said Lowney to practice as an Attorney in said Court, whenever he shall have practiced in the said Court of Common Pleas for the term of two years: *Provided,* he shall comply with the requisitions of law, and the rules of the Supreme Judicial Court in other respects. [This Resolve passed January 15, 1825.]

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## STATE OF MAINE.

IN SENATE, January 18, 1825.

The Committee on Public Lands, to whom was referred so much of the Governor's Message as relates to depredations committed upon the public lands, have had the same under consideration, and REPORT :

That from the documents accompanying the message, and other sources of information, it is evident that very great quantities of timber upon lands belonging to this State, and the Commonwealth of Massachusetts, and also upon lands granted by that Commonwealth, near the line heretofore recognized as the dividing line between the United States and the British Province of New Brunswick, have been cut and carried down the river St. Johns by British subjects, and thence transported to Great Britain.

The principal scene of these depredations is upon the Aroostook and Madaweska, many miles within the territory and jurisdiction of this State, and far West of the line settled by the Treaty of 1783, as claimed by the Government of the United States. These depredations are still continued upon a large scale, and the value of the timber annually taken from our territory is so great as to render it the duty of the Government to adopt some efficient measures to obtain satisfaction for the past, and to prevent further destruction of its property. But what is more interesting to this State and to the United States, than the value of the timber, is, the adjustment and settlement of the boundary line between this State and the Province of New Brunswick, which is the appropriate business of the National Government to effect.

The Committee are well satisfied, although they have not legal evidence of the fact, that the persons who have taken the timber, and who are now employed in cutting it within the line as claimed by this State and the United States are furnished with

permits and licenses from the Government of the Province of New Brunswick ; that it is the policy of that government, availing itself of the controversy respecting our North Eastern boundary, to strengthen their claim to the disputed territory, by allowing the timber thereon to be cut under its authority, and by placing settlers upon portions of it, to whom that government proffer very liberal encouragement.

When it is considered that should the pretensions of the British Government in regard to our North Eastern boundary be acceded to, this State will lose a quarter or a third of its territory and jurisdiction, and all participation in the waters of the St. Johns and its important branches, it behoves this State, as well as the Commonwealth of Massachusetts, to adopt the most efficient measures to prevent further encroachments upon this territory, and to urge upon the National Government the necessity and importance of bringing to a speedy and favorable termination, the negotiation on this interesting subject, which has been so long protracted.

The territory upon which most of the depredations have been and are committing, is situate from 60 to 100 miles from any settlements by our citizens and where legal process cannot be expected to produce much effect either to obtain satisfaction for the past, or to deter the depredators from pursuing a business which proves profitable to them and satisfactory to their employers.

To authorize the employment of a military force to expel the depredators from our territory would be unavailing, unless it be continued to prevent their return to the work of destruction.—The expense of adopting and carrying into effect such a measure, would not only be very great, but might involve the National Government, and our citizens near the line, in serious difficulties, and it is questionable whether it ought to be adopted without the concurrence of Massachusetts, and until the result of the pending negociation shall be known.

With these views of this important and highly interesting subject, your Committee respectfully submit the accompanying Resolve.

JONAS PARLIN, Jr. *Chairman.*

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## CHAPTER V.

Resolve respecting depredations on the Public Lands.

*Resolved,* That the Governor be authorized and requested to correspond with the Governor of the Province of New Brunswick, relative to the depredations which have been committed by

British subjects upon the timber on the Public Lands of this State, west of the boundary line between this State and the Province of New Brunswick, as heretofore recognized; and to ascertain whether that Government have authorized any persons to cut timber upon these lands, or to settle thereon.

*Be it further Resolved*, That the Land Agent for this State be instructed, in conjunction with such person as may be designated on the part of the Commonwealth of Massachusetts, in case such person should be designated, and if no person shall be so designated, then without such conjunction, forthwith to take effectual measures to ascertain the extent of the depredations committed on the lands belonging to this State and the Commonwealth of Massachusetts, or on the lands belonging to this State; by whom the same have been committed, and under what authority, if any, such depredations have been committed; and all other facts necessary to bring the offenders to justice.

*Be it further Resolved*, That the Attorney General of this State, in conjunction with such person or persons as may be authorized on the part of the Commonwealth of Massachusetts, be instructed forthwith to commence any actions or prosecutions, against any persons found trespassing on the lands jointly owned by this State and the Commonwealth of Massachusetts, that all such persons may be brought to justice, as speedily as may be; the expenses of which prosecutions, the Legislature of Massachusetts concurring, to be borne equally by this State and the said Commonwealth of Massachusetts.

*Be it further Resolved*, That the Governor be requested to communicate to the Governor of the Commonwealth of Massachusetts all the information he now has, or may obtain, relative to depredations upon the public lands in this State, with a copy of this Resolve, and to request the co-operation of Massachusetts in such measures as will protect the property of both States, and bring to a speedy issue the pending negotiation relative to the North-Eastern boundary of the United States.

*Be it further Resolved*, That the Governor be requested to forward to each of the Senators and Representatives in Congress from this State, a copy of the Report of the Committee on that part of the Governor's Message relative to depredations on the public lands, and of these Resolves, with such of the accompanying documents as he may think proper, and request them to take the necessary measures to obtain an early adjustment of our North-Eastern boundary.

[*This Resolve passed January 24, 1825.*]