

MAINE STATE LEGISLATURE

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RESOLVES

OF THE

SIXTH LEGISLATURE

OF THE

STATE OF MAINE,

PASSED AT THE SESSION

WHICH COMMENCED ON THE FOURTH DAY OF JANUARY, AND ENDED ON
THE EIGHTH DAY OF MARCH, ONE THOUSAND EIGHT
HUNDRED AND TWENTY-SIX.



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



Portland:

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1826.

MESSAGE
OF THE
GOVERNOR OF THE STATE OF MAINE,
TO
BOTH HOUSES OF THE LEGISLATURE.

*Gentlemen of the Senate,
and of the House of Representatives :*

CALLED again to the exercise of the Supreme Executive power of the State, I cannot, under the peculiar circumstances of the present occasion, refrain from acknowledging, with humble thankfulness, the kind and paternal care of an overruling Providence in behalf of this people, as well through the past year as through those which have preceded it.

Whatever of affliction may, from time to time, have befallen any inconsiderable portion of our citizens, yet, as a community, we have been highly and wonderfully prospered. Health has generally prevailed throughout our extensive territory. The seasons have been favorable for the cultivation of the soil. The store houses of the farmer have been filled with the fruits of his labor ; and the honest industry of the people, in all the various branches of enterprise and business, has been abundantly rewarded.

Since the meeting of the last Legislature, we have witnessed a new organization of the General Government, under circumstances favorable to the prosperity of the country. The position of Maine as a frontier State, its very extensive commercial interest, owning already more tonnage than either of the other States of the Union, with two exceptions, and its increasing importance in manufactures must, at all times, render the measures of the National Government particularly interesting to us. More especially is that interest at the present time increased, in consequence of the claim as

serted by a foreign power, to a large portion of the territory, considered by us as justly falling within our jurisdiction. Of the situation of that claim, and the progress made towards its adjustment, I have received no information, of a public nature, other than what has been heretofore communicated to former Legislatures. It is believed to be still under negotiation, and entrusted to the care of those who will conduct it with ability, and with due regard to the interests of this State. It is known that the American and British Commissioners, under the fifth article of the Treaty of Ghent, have differed as to the extent of the line forming our eastern boundary, running north from the source of the St. Croix, by more than one hundred miles, embracing in its consequences a tract of country of more than ten thousand square miles.

Although we may feel perfectly secure that no encroachment upon our jurisdiction, to the extent contended for by the British Commissioner, will ever be permitted, or that any proposition, in the course of negotiation, to vary the true boundary as established by the Treaty of 1783, will ever be listened to by the Government of the United States without the concurrence of this State, yet, considering the magnitude and very interesting character of the question, it may now be proper to invite your attention particularly to its consideration.

The boundary line between Maine and Lower Canada commences at the north west angle of Nova Scotia, viz. that angle which is formed by a line drawn due north from the source of St. Croix river to the high lands, thence along the said high lands, which divide those rivers that empty themselves into the St. Lawrence from those which fall into the Atlantic ocean. To ascertain that point was one of the most important objects of the commission, and, remaining undefined by their report, will undoubtedly be the most difficult to adjust, either by negotiation, or in the manner provided by the Treaty. Situated as the question now is, it may be interesting to this State, and certainly is necessary to understanding the principles upon which the pretended claim is urged, that copies of the several maps filed with the Commissioners, the arguments of the Agents, and the Reports of the Commissioners, or extracts from them, be procured; and it may be deemed advisable that measures be taken to collect other information having relation to the subject. More than ten years have elapsed since the ratification of the Treaty which provides for ascertaining and determining this boundary, during which time it is understood that those most interested in the success of the claim before referred to, have not been

inactive in acquiring and furnishing their Government with a knowledge of every fact important for its support.

Immediately after the close of the session of the last Legislature, arrangements were made for carrying into effect the Resolve providing "for the assistance of the Deaf and Dumb." Such official notice was given through all the public papers printed in the State as would afford to the friends of those entitled to assistance, information of the time and manner of making their applications, and of the proof necessary to be exhibited. A surprising indifference to the subject seems to have prevailed almost throughout the State. The official returns shew the whole number of deaf and dumb in the State to be upwards of two hundred; of these a small number only made any application. Nine, having been selected as proper subjects for education, were placed at the American Asylum, and are now receiving instruction at that Institution at the public expense.

The Resolves of the last Legislature, "authorising the Governor to procure a title to the land upon which the State Arsenal is erected, and for other purposes," have been carried into effect so far as to procure a conveyance to the State, in fee, of the lot sufficiently extensive for the accommodation of such buildings and yards as may be necessary for the safe keeping and preservation of the ordnance and other military property of the State. As the conveyance could not be obtained until the season suitable for building had far advanced, it was thought most for the public interest to delay erecting the buildings, and making the other improvements authorised by said Resolves, until the ensuing spring.

Under the Resolve making an appropriation for the purpose, a contract has been entered into for supplying early in the ensuing season as many pieces of brass field ordnance as may be necessary for the complete equipment of the Artillery of the State. As this species of force will rarely, if ever, be employed, except in defence of towns lying on the coast, and on the large rivers, it is deemed proper that the heavier ordnance should be committed to the charge of the companies raised in such towns; and that the companies raised far in the interior be furnished with the lighter ordnance more easy of transportation to the field, on days of review, and to the coast, should occasion require it. Measures will, therefore, be taken to arrange the field ordnance of the State in this manner so far as it can be conveniently done. The attention of the National Legislature having been, at the commencement of its present session, particularly called to the subject of the Militia, we may expect that the important

power granted to Congress of providing for the organization and discipline of this most effective branch of our national defence will now be exercised.

A Resolve was passed by the fourth Legislature, authorizing the Governor to negotiate with the Penobscot Indians for the transfer of their Islands to the State. These Islands, situated in the Penobscot river, many of them large and of excellent soil, are now of inconsiderable advantage to the Indians for agricultural purposes. The inhabitants, on the river townships in the vicinity of the Islands, have repeatedly expressed a desire that they may be purchased ; and the Executive has been, at all times, ready to institute a negotiation for that purpose. The tribe not having manifested any disposition to sell, but on the contrary, it being understood that they are not willing to dispose of them for any reasonable compensation, the Resolve remains wholly unexecuted.

From the report of the Inspectors of the State Prison, a copy of which will be laid before you, it appears that since the first day of January last forty two convicts have been discharged, one has escaped, and fifty three have been committed ; that the whole number then confined, at the date of their report, on the twenty first of December, was sixty nine, of whom twenty two were in solitary imprisonment under sentence of court, and the residue were principally engaged in some productive employment. The state of health within the prison, during the last year, has been equal to that in the village where it is situated, and even a single case of fever has never occurred within the establishment. The product of the labor of the prisoners has been nearly equal to the whole expense of their support and government, including not only provision and clothing, but their removal from the county prisons, the salary of the Warden, the compensation to the Chaplains and Overseers, the sums paid for medical attendance, and to the convicts at the time of their discharge. Considering that a considerable number have been in solitary confinement where no labor could be performed, a greater product was not to have been expected. The Inspectors conclude their Report by expressing " their satisfaction with the general management of the concerns of the Institution."

Under the Resolve of the 21st February, 1824, the Attorney General was appointed an agent to collect the several demands assigned by the Commonwealth of Massachusetts to Maine ; and also to institute any inquiries relative to certain bonds given for the performance of settling duties.

Having nearly completed the adjustment of the demands entrusted to him for collection and settlement, the agent has

given assurance that his report on the subject will be made at an early day of the present session. He has ascertained that no bonds given for the performance of settling duties, as described in the Resolve aforesaid, have been enforced or commuted, and none have been paid, since the separation of this State from Massachusetts ; and that by a Resolve of the Legislature of that Commonwealth, the time limited for the performance of the conditions expressed in said bonds has been extended to the present year.

I have received from Washington sundry documents showing the present situation of the joint claim of Massachusetts and Maine upon the General Government.

This claim, amounting to upwards of eight hundred thousand dollars, is for expenses incurred during the late war ; and although for a number of years pending before Congress, its merits have never yet been the subject of discussion or particular examination by that body. Having been investigated with great labor by one of the Auditors of the Treasury, and being now under the consideration of a Committee, there is reason to expect an early report, and that it will be definitively acted upon before the close of the present session.

In compliance with a Resolve passed by the Legislature of Massachusetts in June last, requesting that a meeting of the commissioners appointed under the act relating to the separation of Maine, should be holden to consider the expediency of further surveys and divisions of the lands remaining undivided, the said commissioners met in July, and having ordered surveys and adopted such measures as would enable them to make a further division, adjourned to meet in December last, to receive the returns and plans of the surveyors, and to proceed in the execution of their trust, as the interest of both States might require. At the meeting in December, the surveys of two ranges of townships, lying west of the line forming our eastern boundary, and extending nearly to the St. John's river, were accepted, and a division made of the land remaining undivided in those ranges. Surveys were also accepted, and a division made of five ranges of townships bounded north on a line run due west from the monument at the source of the St. Croix, and extending south, to the fourth range of townships north of Bingham's purchase, east of Penobscot River ; embracing all the undivided land north of said range. A division was also made of a tract of undivided land near the Schoodic lake. By these divisions, upwards of four hundred and twenty thousand acres are assigned to Maine. Copies of the reports

of the Commissioners and of the maps of the Surveyors will be laid before you, as soon as they can be prepared.

Although it may not be considered expedient to make any considerable appropriations from the public treasury at this time for the purpose of internal improvement, yet there are some objects of that nature which would be of so great general advantage, and might be accomplished with so little expense, that they seem now to claim our attention. The road leading from the Penobscot River to Houlton Plantation, passes through, and to, a tract of country equal in fertility, and promising as great advantages for settlement and cultivation, as any in the State. The inhabitants on the territory, contiguous to our eastern boundary, above the monument, are fast increasing; and it cannot be many years before this enterprising and prosperous people, who, for so long a time, in consequence of their detached and remote situation, have been unable to avail themselves of the right of representation and the benefit of the laws of the State, will become sufficiently numerous to constitute a flourishing county. Small appropriations have heretofore been made for opening this road so far as it passes through the public lands, but it is understood not to be in such repair as to render it safe or convenient for travelling at all seasons of the year. Having recently been established as a post road, and being the great channel of communication between that part of the State lying on and west of the Penobscot river, and that watered by the branches of the St. John, it is very desirable that it be completed.

The road from the Kennebec through the unsettled country to the north line of the State, is an important avenue, through which considerable trade is now carried on with the neighboring Province. If this road should be made and kept in good repair, that trade, at present limited in the variety of its character, would be increased, and an additional market would be opened for the produce of the fertile country through which it passes.

The value and importance of the tract of country lying within the jurisdiction of this State north east of the head waters of the Penobscot, have, until recently, been very imperfectly understood. From unquestionable information there remains no doubt that the lands bordering on the Aroostook river, and also on the main branch of the St. John, are of excellent quality, and that measures may soon be advantageously adopted for their settlement. The plantation at Madawaska, containing already between two and three thousand inhabitants, is in a flourishing situation. The soil is uncommonly

productive, and almost every article raised in the northern States, is there cultivated successfully. A road leading from the east branch of the Penobscot, crossing the head waters of the Aroostook and meeting the St. John at Fish river, or opposite the mouth of the Madawaska, would open a communication through a large extent of fertile, unsettled country, the value of which would probably be thereby enhanced far beyond the expense of constructing it.

The necessary arrangements preparatory to opening a road in this direction, such as examining the country and surveying and marking the route, would require but a small expenditure, and even the expense of clearing and making it so that it would be passable in the winter season, would be very inconsiderable. A consideration of the general advantages that would result from such a road, by increasing the value and promoting the settlement of a large body of the public lands, and also of the great accommodation it would afford to that part of our population residing on the territory watered by the St. John above the grand falls, by furnishing a direct channel of communication with the centre of the State, has given rise to these suggestions. Should they meet the views of the Legislature, it would be proper to solicit the co-operation of the Government of Massachusetts, as that State is jointly interested with Maine in the territory above mentioned.

The facility with which some of our large rivers may be rendered boatable to a great distance above the tide waters, and the advantages which would result therefrom, must, at no distant period, be duly estimated. It is believed that without a very great expenditure, the Kennebec may be rendered navigable for boats to a considerable distance within the county of Somerset, and perhaps to the confluence of its principal branches. There is already a continued chain of water communication, with the exception of two miles, from Bangor on the Penobscot through the interior in a northwardly direction, to the waters of the St. John, through which boats have been repeatedly conducted.

If a system of internal improvement should ever be matured by the General Government, and the national funds be appropriated for that purpose, it is believed that a portion of such appropriation might be judiciously expended within this State.

In addition to the roads before mentioned, each of which will communicate directly with foreign territory, and may be of important advantage for military purposes, the improvement of the navigation of our rivers by clearing them

of natural obstructions, and the opening of canals and water courses in different parts of the State, are objects to which the attention of the General Government might be properly invited.

It will be recollected that on a former occasion, I expressed a wish for reasons then assigned, not to be a candidate for re-election, but to be permitted to retire from this office at the close of the last year. Circumstances arising from that intimation seemed, however, to require that I should so far yield my wishes as not, at that time, absolutely to withdraw from the service of the State. Since then the whole people have had ample opportunity to interchange opinions in relation to a successor, and the present seems to me a favorable time for making a change in the Supreme Executive of the State. Hoping that the public good will be promoted, and believing that the public tranquility will not be disturbed by the measure, I have determined to withdraw from the administration of the Government at the close of the present year. In announcing this determination, I feel called upon to declare my deep sense of the kindness manifested by my Fellow Citizens in repeatedly affording me the most valuable reward in their power to bestow, the unequivocal evidence of their confidence and approbation.

I may have occasion in the progress of the session to make further communications by special message, and will now only add, that it shall be my constant endeavor to do every thing in my power to facilitate the dispatch of the public business, and to co-operate with the two branches of the Legislature in all such measures as will have a tendency to promote the public welfare ; and that it will ever be among the highest gratifications of my life to see the people of this State united and prosperous and happy.

ALBION K. PARRIS.

COUNCIL CHAMBER, }
JANUARY 7, 1826. }