

MAINE STATE LEGISLATURE

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RESOLVES

OF THE

ELEVENTH LEGISLATURE

OF THE

STATE OF MAINE,

PASSED BY THE SESSION

Which commenced on the fifth day of January, and ended on the second day of April, one thousand eight hundred and thirty-one.

—◆—
PUBLISHED AGREEABLY TO THE RESOLVE OF 28TH JUNE, 1830.
—◆—

Portland.

TODD AND HOLDEN.....PRINTERS TO THE STATE.

1831.

Chapter 24.

Resolve, authorizing the Assessors of the town of Belmont to assess taxes anew.

Approved March 4, 1831.

Whereas it appears by the petition of the Selectmen and Assessors of the town of Belmont, in the County of Waldo, that in assessing the taxes of said town, for the year eighteen hundred and thirty, a mistake was made, whereby more than one sixth part of the taxes of said town, for the year aforesaid, were assessed on the male polls of said town above the age of twenty one years, *Resolved*, That the Assessors of said town of Belmont, be, and they are hereby authorized to assess said taxes anew, and to assess and apportion the same on the polls and estates in said town, according to law and the valuation of the year aforesaid; *Provided*, That all persons, who may have paid any tax assessed as aforesaid, shall be entitled to receive back any sum or sums of money so paid, on making payment of the tax that may hereafter be assessed by virtue of this Resolve, and not otherwise.

Chapter 25.

Resolve in favor of Timothy Hall, Junior.

Approved March 4, 1831.

Resolved, That the sum of four dollars per month, be allowed and paid to Timothy Hall, Jun'r. on account of injury sustained while on military duty; to commence on the first day of January one thousand eight hundred and thirty one, and to continue for the term of three years.

STATE OF MAINE.

House of Representatives, Feb'y, 1831.

The Joint Standing Committee on State Lands, to whom was referred so much of the Governor's Message and accompanying documents as related to Mattanawcook road, have had the same under consideration and REPORT :

For several years the attention of the State has been directed towards this road. Sundry appropriations have been

made, the first of which was expended, in laying out, clearing and making the road, so that about one half of it could be used with light waggons. The road, thus slightly and imperfectly made, was represented to the Congress of the U. States as a State road, which they probably believed was completed, or would be so the following season. The U. States or military road commences at the end of this road, at Mattanawcook stream. The existence of this road, had at the time, no doubt, its weight with Congress in inducing them to construct the military one, to the frontier of the State, for the purpose of forming a perfect communication between navigable waters, and the military post. Were there no other reason, the State seem to be bound in good faith, to construct such a road as will enable the U. States to use their road, for the purpose for which it was intended.

There are other considerations of great importance to the State. The State and military road, though partially finished, has had great effects. It has given an extraordinary impulse to the business and settlement of that part of the State, more particularly, the frontier where population is the most necessary. This will always be the principal avenue to the extensive and unsettled part of the State, and will aid, as it was intended, in the security and protection of the whole northern and eastern part of the frontier.

The military road is all under contract, and will, with the bridge across the Mattawamkeag, be finished this year, which will make the communication between the Mattanawcook and Houlton, safe, easy and convenient at all seasons of the year, more so, than on any other road in the State of the same length.

The whole length of the State road is about thirty miles, seven of which, including a long and expensive bridge, were made in 1829, and twelve miles in 1830, leaving eleven miles to be made. The amount expended on the road within the two last years is \$8082 18, of which \$7819 93 have already been liquidated by the appropriations made by the State. The balance remains unpaid. The road has been as well made as the materials about it would allow, if we except the culverts and drains. A little more expense and care in the construction of the culverts and graduating the drains, so as to prevent gullyng, and in carrying off the water and preventing it from standing and moistening and loosening the materials of which the road is composed, would have saved much future expense. The turnpike, for the use which will be made of it, is too narrow; it ought not to have been less than twenty two, if less than twenty four feet. It will be perceived such improvements in the making of the road would

have increased the expense fifty or sixty dollars a mile, which the Agent did not think it proper to incur, as it would make considerable difference in the length which he was otherwise enabled to make : the Committee therefore do not intend any reflection upon the conduct of the Agent : they believe he was influenced by the best intention of promoting the interest of the State.

Many parts of the road, which have been made, are now much out of repair. The last season was wet, and the road was used for the transportation of heavy loads before it had had time to settle and consolidate. The country is level, and the soil is loam or clay, with little or no intermixture of gravel ; hence it will always be liable, but more particularly in wet seasons, to be cut up and out of repair, unless some way in the use of it can be devised to prevent such results. The local population are not organized into towns or plantations, and are poor. The Courts have no authority to enforce the amendment of the road by indictment and fine or otherwise, and its repairs will be an expense to the State.

Your Committee, from the examination they have given the subject, are convinced, that, if those who use the road for the transportation of heavy loads, were compelled to use broad rimmed wheels, much, if not all the expense of repairs would [be] saved to the State. The common argument of inconvenience and loss of wheels, has little or no application to this road. The country is new, and few carts or waggons are yet brought into it by the local population, but if there were, the people would have no reasonable cause of complaint, when they neither made the road, nor are bound to keep it in repair.

Every Resolve on the subject has vested a power in the Agent of making alterations. Alterations have been made to a considerable extent from the first travelled path, further alterations in the unfinished part are contemplated ; and when the road is finished, there ought to be a survey of it, and plans thereof deposited with the records of the State and with the records of the County of Penobscot.

After the Agent had finished his work last fall, forty or more rods of the causeway at Olamon stream were swept away by the freshet. The repair of it is indispensable and will be expensive. The Agent, the year before last, did not expend all the appropriation, to wit, the sum of \$180 07, which he returned into the State Treasury—the last year he exceeded it by an accident in making his contracts ; but the money was well expended and for the benefit of the State, and there is therefore no cause of censure. The balance of expenditures over receipts by the Agent is two hundred forty

two dollars and twenty five cents, which has been ascertained by the Governor and Council, in their settlement of the Agent's accounts.

To make, finish and repair the road and satisfy the claim of Nehemiah Pierce, Esq. the late Agent, for labor and expenditures by him already bestowed on said road beyond former appropriations—your Committee recommend an appropriation of five thousand two hundred and fifty dollars.

All which, with the accompanying Resolve, is respectfully submitted.

JOHN G. DEANE, Per order.

Chapter 26.

An additional Resolve for opening, clearing and repairing a road from the South line of Township numbered Two in the Old Indian Purchase, on the East side of Penobscot river to Mattanawcook Stream.

Approved March 4, 1831.

Resolved, That the Governor, with advice of Council, be, and hereby is authorized to appoint an Agent, whose duty it shall be under the direction of the Governor and Council, to make contracts and superintend the execution of the same, to repair and finish the road leading from the South line of Township numbered Two, Old Indian Purchase, on the East side of Penobscot River to Mattanawcook Stream, where the same has been opened and partly made, unless said Agent shall find some alterations therein necessary, and in that case, said Agent is authorized to make the road where it shall best accommodate the public.

Resolved, That said road shall be thoroughly made and turnpiked twenty-two feet wide at least, carefully drained, with a sufficient number of well constructed culverts, and side drains carefully and exactly graduated, and with drains to convey the water in all places from the road, and prevent any washing thereof, or any loosening of the materials, of which the road is composed, by reason of stagnant waters.

Resolved, That said Agent shall survey said road, and return correct plans thereof into the office of the Secretary of State, and into the Clerk's office of the Court of Sessions for the County of Penobscot.

Resolved, That no person or persons shall be allowed to carry or transport over said road, greater or heavier weight, in any cart or waggon, at any one time, than fifteen hundred pounds, except the fellies of the wheels of the cart or waggon, are of the breadth of eight inches, under the forfeiture of five dollars for each and every offence, to be recovered in the name of the State, before any Court of competent jurisdiction,

by complaint, indictment or action of debt, and such forfeiture when recovered, shall be appropriated to the use of the State.

Resolved, That the sum of five thousand two hundred and fifty dollars, be, and hereby is appropriated to satisfy the claim of Nehemiah Pierce, for labor and expenditures already bestowed by him upon said road, which have been ascertained by a settlement of his accounts, with the Governor and Council, and to enable the Agent who may be appointed under this Resolve, to repair and complete said road; said sum of five thousand two hundred and fifty dollars, to be paid out of any moneys, which may be received into the Treasury from the Land Agent on account of the sales of the State's land.

Resolved, That the said Agent shall be required to give a bond with surety or sureties, satisfactory to the Governor and Council, for the faithful performance of his duties, and shall keep a correct account of all moneys by him received, and the sums by him expended in making and repairing said road, and exhibit the same to the Governor and Council, who are hereby authorized to examine and adjust the same.

Chapter 27.

Resolve in favor of the town of Albany.

Approved March 4, 1831.

Resolved, That the Court of Sessions, in and for the County of Oxford, be, and they hereby are authorized to expend in making and repairing any County roads in the town of Albany, in said County, and in making and repairing any bridge or bridges, crossing any river over which such roads may pass, such sum or sums of money, as they may from time to time adjudge to be necessary and proper, and to appoint one or more Agents to superintend the expenditure of the same. And said Court are hereby authorized to add to their estimates of County taxes, such sum as they may from time to time order to be expended as aforesaid. This Resolve shall continue and be in force three years, from and after the passage thereof, and no longer.