

# MAINE STATE LEGISLATURE

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# RESOLVES

OF THE

TWELFTH LEGISLATURE

OF THE

# STATE OF MAINE,

PASSED AT THE SESSION

WHICH COMMENCED ON THE FOURTH DAY OF JANUARY, AND ENDED ON  
THE NINTH DAY OF MARCH, ONE THOUSAND EIGHT  
HUNDRED AND THIRTY-TWO.

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PUBLISHED AGREEABLY TO THE RESOLVE OF JUNE 28, 1820.

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AUGUSTA:

I. BERRY & CO., PRINTERS TO THE STATE.

1832.

*To the Senate and House of Representatives:*

I have received from the Governor of Massachusetts an authenticated copy of a Resolve of the Legislature of that Commonwealth, extending the time, previously limited, for the completion of the Canada Road westward of the Bald Mountain. This Resolve is in compliance with a request made to the Government of Massachusetts, in pursuance of a Resolve of the last Legislature of this State, and is herewith communicated for your information.

SAMUEL E. SMITH.

COUNCIL CHAMBER, }  
Feb'y. 13, 1832. }

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COMMONWEALTH OF MASSACHUSETTS.

IN SENATE, January 27th, 1832.

The Committee on Public Lands, to whom was referred the Message of His Excellency the Governor, of the 13th inst. relative to a communication from the Governor of the State of Maine, requesting that the time limited for completing the Canada Road should be extended,

Have had the subject under consideration and for reasons stated in said communication ask leave to report a resolve, which is respectfully submitted.

A. H. EVERETT, Chairman.

*Resolved*, That a further time of two years from the date hereof, be, and hereby is allowed to the State of Maine, to complete the making of the Canada road in the direction west of Bald Mountain, so called, any former act or resolve on this subject to the contrary notwithstanding.

IN SENATE, January 28, 1832.

Read twice and passed.

Sent down for concurrence.

WILLIAM THORNDIKE, President.

HOUSE OF REPRESENTATIVES, February 9, 1832.

Read twice and passed in concurrence.

W. B. CALHOUN, Speaker.

February 10, 1832. Approved.

LEVI LINCOLN.

A true copy.

Attest: EDWARD D. BANGS, Secretary of the Commonwealth.

## STATE OF MAINE.

IN SENATE, February 18, 1832.

The Joint Standing Committee on State Roads to whom was referred so much of the Governor's message, as relates to the Canada road, the report of Nehemiah Pierce and Francis O. J. Smith and the petition of Elisha Hilton and others of D. C. Weston and others and of Samuel Farrar and others praying, that the Canada road may be repaired and altered so as to run west of Bald Mountain, report as follows—

In June 1827 the Legislature of Massachusetts passed a resolve granting to the State of Maine, township No. 5 in the second range, north of the Bingham Tract toward the construction of the Canada road, on condition the road be completed in one year from the next June, and also that the road be constructed on the route laid out by virtue of a resolve of Massachusetts, passed June 17, 1817. This route carried the road over the end of Bald Mountain, for the distance of three or four miles. For the purpose of avoiding this mountain, and making other improvements in this road a committee, consisting of Messrs. Redington Smith and Sewall were appointed by the Governor and Council of this State, in conformity with a resolve, passed by the Legislature of Maine in February 1827, who state in their report that "the new road is laid out west of the old one, and nearly at the foot of the mountain, and shortens the distance, and entirely avoids the dangers and difficulties of the old road." In February 1828 the Legislature of Massachusetts passed a resolve acceding to the alteration of the road over Bald Mountain, as proposed by said committee, and extended the time allowed this State to complete the same, to the first day of November 1830. A further extension of time of the term of two years, has been given this State, for making this road, on the west side of Bald Mountain, by a resolve of the Legislature of Massachusetts passed February 9th [10th] 1832. The township granted by Massachusetts, towards the construction of this road, has been sold under the authority of this State, the proceeds of which being \$4,187 and 60 cents have been expended thereon. To complete this road, the Legislature of Maine in March 1830 passed a resolve appointing Charles Miller and John C. Glidden, agents to make or cause to be made in a manner convenient for carriages to pass thereon, about nine miles of the Canada road on the route which was examined and located by Messrs. Redington Sewall and Smith. In compliance with this resolve, the said Miller and Glidden filed in the office of the Secretary of State their bond, for the completion of this road, agreeable to the location aforesaid. By authority of the same resolve, the Governor appointed Samuel Searle of Norridgewock, to examine and inspect said road, from time to time, and on the completion thereof to certify, whether or not, the same had been made in a good and work-

manlike manner. Messrs. Miller and Glidden contracted, with sub-contractors to complete this road, agreeable to their contract with the state. Mr. Searle by his certificate of Nov. 2, 1830, after stating that the contractors had succeeded in getting the whole done in a faithful and workmanlike manner omitted to state the important fact, that the road had been made over Bald Mountain, as surveyed in 1817, and not round it as located by Messrs. Redington and others, in 1828. Knowing, as we are well satisfied Mr. Searle did, the location of the road on the west side of the mountain, and having as we are informed in his possession, a copy of the resolve passed 1830, and a copy of the courses and distances from the return of Messrs. Redington and others, we are struck with no small degree of surprise that in his certificate filed in the Secretary's Office, as aforesaid, he made no mention of the departure from that location. Had he been entirely disinterested in the faithful fulfilment of the contract, it appears to your committee he would not have omitted so important a fact. By a resolve passed by the Legislature of Maine, March 17, 1831, the Governor with the advice of the Council was authorized, to appoint two persons, agents, to examine that part of the Canada road made by Charles Miller and John C. Glidden, under a resolve passed the 17th of March 1831, and to report to the Governor and Council, as soon as may be, the condition of this road, and whether the interests of the State, and of the Commonwealth of Massachusetts, require an alteration of said road, so that the same be made west of the mountain: and by authority of said resolve they did appoint Nehemiah Pierce, and Francis O. J. Smith for the performance of that duty. They state, that "from a comparison of the road over the mountain, under even its present favorable condition, with the route west of the mountain, we are entirely of the opinion that the latter route should be adopted, in order to subserve the great and important purposes of the road, and the interests of the two States." "The road as made over the mountain is not such as public convenience, and the safety of travelers require, if the route or course of it were free from objection." Your Committee are fully convinced of the vast importance of the completion of this road, to the agricultural part of our community. Quebec has already become an important market for the sales of our cattle, horses and sheep. From the Custom-house officer, stationed upon this road, we learn that notwithstanding he found a want of disposition in some to furnish him with an invoice of their loading, that 1394 beef cattle, 249 horses, 956 sheep, and 14 tons of fresh fish, passed over this road for the Quebec market, between the first day of January and the 31st of December 1831. In the opinion of your committee, it is only necessary to put this road into such a state of repair, as to render it easy and safe for the transportation of heavy loads and the enterprising spirit of our yeomanry will soon be directed to the superior advantages of the Quebec

market, and they will make this the thoroughfare, over which to transport many of their productions. Three miles of this road which lies beyond Bald Mountain and adjoining the Canada line, and the whole distance of this road which passes over land belonging to the State, lying this side of the mountain are considerably impaired, and will require an appropriation by the Legislature. For the construction of the road upon the west side of Bald Mountain, and for putting into a proper state of repair the residue of the Canada road, which passes over State's land, your committee recommend the passage of the accompanying Resolves.

JAIRUS S. KEITH, Chairman.

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### Chapter 74.

Resolve for completing and repairing the Canada Road.

Approved March 3, 1832.

*Resolved*, That the Governor with advice of Council, upon the neglect or refusal of John C. Glidden and Charles Miller to build and complete the Canada road, on the West side of Bald mountain, agreeably to the provisions of their bond, filed in the office of Secretary of State, dated the eighteenth day of March in the year of our Lord one thousand eight hundred and thirty, be, and hereby is authorized to appoint an Agent, whose duty it shall be to make or cause to be made, by contract, or otherwise, the road as aforesaid, and to collect so much of said bond as shall be sufficient to defray the expenses thereof.

*Resolved*, That the Agent aforesaid be and he is hereby authorized to repair in a good and workmanlike manner, all the Canada road, which lies north of the northerly line of Bingham's Purchase, now located and constructed, and examine and inspect the construction of the road on the West side of Bald Mountain (if built and constructed by the said Miller and Glidden) and upon the completion of the same to certify to the Governor and Council, whether the same has been made in a good and workmanlike manner.

*Resolved*, That there be appropriated, a sum not exceeding fifteen hundred dollars to be paid out of the Treasury of the State, and expended by said Agent, in repairing said road. And said sum shall be paid to said Agent for said purpose in such several sums and at such times, as the Governor and Council may direct. And said Agent shall

be obliged to give satisfactory bonds to the State, approved by the Governor and Council for the faithful expenditure of such money.

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### Chapter 75.

Resolve in favor of Charles Harding.

Approved March 8, 1832.

*Resolved*, That the Land Agent be, and he hereby is, authorized to cancel and deliver up to Charles Harding a note given by him to the State for one hundred and fifty six dollars and eighty seven cents, dated the thirtieth day of January one thousand eight hundred and twenty nine, upon receiving from said Harding a deed of release to the State, warranting against all titles and incumbrances arising from or under said Harding, of a lot of land for which said note was given, and which was mortgaged to the State by said Harding on the day aforesaid:—or if said Harding should prefer it, the Land Agent is authorized, without receiving any money, to endorse or relinquish on the back of said note the sum of one hundred dollars under the date aforesaid.—*Provided*, that whichever of said courses said Harding may adopt, he shall be held to pay all costs and charges which may have accrued or arisen on said note.

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### Chapter 76.

Resolve in favor of Daniel J. Perley.

Approved March 8, 1832.

*Resolved*, That there be allowed out of the Treasury of this State, to Daniel J. Perley, of Orono, the sum of forty five dollars. The aforesaid sum allowed him by the State in full for medical aid and supplies, furnished by said Perley, to one Benjamin Peterson and family, in the year one thousand eight hundred and twenty nine, said Peterson at that time, not living in any incorporated place, in this State. And the Governor with advice of Council is authorized to draw his warrant on the Treasurer, in favor of said Perley, for the sum aforesaid.