

# MAINE STATE LEGISLATURE

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ACTS AND RESOLVES

PASSED BY THE

TWENTY-SEVENTH LEGISLATURE

OF THE

STATE OF MAINE,

A. D. 1847.

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Published by the Secretary of State, agreeably to Resolves of June 28, 1820, February 26, 1840,  
and March 16, 1842.

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Augusta:

WILLIAM T. JOHNSON, PRINTER TO THE STATE.

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1847.

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RESOLVES

OF THE

STATE OF MAINE,

1847.

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thereof, which shall be received from said Sohier under this resolve, by the trustees who are or may be acting hereafter under the respective wills of the said Benjamin Joy and Hannah Joy, and by the trustees, who are or may hereafter be acting under the respective marriage settlements of the said John B. and Ellen M. Joy and of said Daniel and Hannah Austin, shall be held by said trustees respectively upon the trusts and to and for the uses, intents and purposes in and by said wills and settlements respectively declared, concerning the respective trust funds created, or intended to have been created by said wills and settlements respectively.

[Approved July 19, 1847.]

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## STATE OF MAINE.

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The joint standing committee on state lands and state roads having had under consideration that part of the report of the land agent relating to "the lumbering operations on the St. John and Aroostook rivers, for the year eighteen hundred and forty-six, having examined the books, accounts and papers in the land office, touching these matters, having heard the statements and explanations of the land agents of Maine and Massachusetts, and having received the testimony of several of the persons who were concerned in these operations, and of others who had personal knowledge of some of the facts in relation to this business, ask leave to

### REPORT:

That prior to the year eighteen hundred and forty-three, the price of stumpage, for ton timber cut upon those waters, had not exceeded one dollar per ton; but in that year it had advanced to about one dollar and twenty-five cents per ton. Early in the season of eighteen hundred and forty-four, numerous applications were made to the land agents of Maine and Massachusetts, to cut timber on the public lands on those rivers, and as the permits heretofore granted, had been at private sale, and in order to give an opportunity to all, to purchase the right to cut timber, and that both states might realize the most money from the operations, the land agents concluded to dispose of the stumpage at an auction sale, at a minimum price of one dollar and twenty-five cents per ton, the purchaser to have the right to cut fifteen hundred tons under his permit.

Accordingly, on the fourteenth of August, an auction was held at the land office, in Bangor. About four thousand dollars was paid by the purchasers as a bonus over and above the minimum price of one dollar

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and twenty-five cents per ton. Permits were granted in the usual form, and bonds taken to secure the payment of the stumpage.

Under these permits, about eighty thousand tons of timber were cut which were successfully run to market and sold, and the stumpage amounting to about one hundred thousand dollars, was duly paid over, according to the stipulations in the several bonds. In eighteen hundred and forty-five, the demand for cutting timber on those waters, had greatly increased, and the land agent understanding that the price of ton timber had advanced in the market at the city of St. John, and in order to defeat any possible combination, that might be made by the lumber-men, to obtain all the stumpage at the minimum price of the last year, the land agent concluded to raise the price of stumpage to one dollar and fifty cents per ton.

An auction sale was accordingly held at Bangor, July ten, eighteen hundred and forty-five, numerously attended by persons from New Brunswick, the county of Aroostook, and from other parts of the state. The conditions of this sale were, that the purchaser should at the time of the sale, pay fifty dollars cash for a team under his permit, should give a good note not exceeding one thousand dollars, in order to secure an operation, and should also, before the permits were executed, furnish a satisfactory bond to secure the payment of the stumpage. At this sale, the right to cut timber on thirty tracts were bid off at prices varying from one dollar and fifty-six cents to four dollars and thirty-one cents per ton. The conditions were promptly complied with upon the largest portion of these bids, and permits taken. In a portion of them the terms were not complied with, and such tracts were afterwards permitted at private sale from one dollar and fifty cents to two dollars per ton.

On the eleventh of July the land agent of Maine sold at auction the right to cut timber on seventeen tracts of land belonging to Maine, upon the same terms and conditions as upon the undivided lands, at prices varying from one dollar and seventy-seven cents to three dollars and ten cents per ton, and there was one bid struck off at eleven dollars and fifty cents per ton. Upon all these bids, the terms were fully complied with, and the permits taken. Upon the Maine lands, there was cut, the ensuing winter, fourteen thousand three hundred and ninety-three tons, the stumpage on which, according to the auction prices, would be thirty-eight thousand two hundred five dollars and thirty-nine cents. Upon the undivided lands, there was cut under the permits above mentioned, forty-four thousand two hundred and sixty-two tons, the stumpage on which would be according to the auction prices, eighty-nine thousand three hundred eighteen dollars and thirty-eight cents.

Prior to these sales, a verbal permit had been given to one individual, to cut timber on the upper waters of the St. John, upon the undivided lands, in the berth permitted to him the year before, in consideration of the great expense he had been at in opening roads, &c., and on account of having a considerable quantity of timber left behind. Under

this permit, eleven thousand six hundred and two tons of timber were cut, and this individual has furnished to the land agents his note with a responsible surety, for the stumpage, estimating it at one dollar and twenty-five cents per ton.

The operations for the year eighteen hundred and forty-six, were small. About ten permits were granted on the undivided lands, at one dollar and twenty-five cents per ton, and about half a dozen on the Maine lands, at the same price. The amount cut is not known, the scalers of the timber not having yet made their returns.

Owing to the early freshet in March, eighteen hundred and forty-six and the succeeding summer drought, the lumbermen upon the St. John were put to extraordinary trouble and expense in running their lumber to market, and succeeded only in getting down about two thirds of the quantity cut. It is supposed the balance will be run down this season. At the time of the auction sale in eighteen hundred and forty-five, some timber sold at St. John, for seven dollars and fifty cents per ton. The price, however, soon fell, and the average price of last year was only four dollars and fifty cents per ton. At the present time there is no sale at St. John, and if a forced sale should be made, the opinion is, that timber would not bring over four dollars per ton. The last advices from England, show that the timber shipped is yarded, there being no sale.

By an examination of the bonds in the land office, it appears that fifty-four persons, settlers upon the Aroostook and St. John waters, are operators under the above mentioned permits, and are accountable to the amount of fifty-seven thousand nine hundred seventy-six dollars and forty-six cents.

Nothing has been paid on account of these operations, except what was paid for teamage at the time of the auctions, and the greater portion of the timber is still in the hands of the operators or their creditors, unsold. Two cargoes were shipped to Boston from St. John, last season, in order to try the market in the United States, and the sales average only about three dollars per ton. When timber sells for six dollars and fifty cents per ton, the fair stumpage is worth about one dollar and fifty cents per ton.

The sale of ton timber at St. John, is based upon a standard size of twenty inches square, or girt as it is there called, and upon this size, the sales are predicated in connection with a sliding scale of forty cents per inch.

At the time of the auction sales at Bangor, it was understood by the land agents and the purchasers of the permits, that timber averaging twenty inches, would be cut; but in point of fact, it is understood, that considerable quantities were cut which averaged less than twenty inches, from the circumstance, principally, of the great depth of snow in the latter part of the winter, and from the early thaw, which confined the operators to such timber as could be found near at hand.

A number of the purchasers at these auction sales were before your

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committee, and made the following explanations in relation to the circumstances under which these permits were taken.

It appears that for many years prior to the treaty of Washington with Great Britain, but little lumbering was done upon these waters, as the timber was seized and confiscated by the authorities of New Brunswick, as soon as it came within their jurisdiction. This treaty was supposed at the time, to open the navigation of the St. John to the citizens of New Brunswick and the United States, upon equal terms of advantage. Accordingly, after the ratification of the treaty, the lumbermen both of Maine and New Brunswick, turned their attention to this quarter, and were desirous of commencing operations.

No restrictions were made by Maine or Massachusetts in favor of our citizens in granting permits; but it was ascertained, upon application to the crown land office in Frederickton, that the right to cut timber upon crown lands in New Brunswick, was limited to her own citizens. The appearance, therefore, of a considerable number of the citizens of New Brunswick, at the auction sale in Bangor, in eighteen hundred and forty-five, for the purpose of purchasing the right to cut timber in this state, necessarily excited the feelings of our lumbermen, and a spirit was soon manifested to exclude them from the sale by over-bidding them.

This feeling was aggravated from the circumstance of an export duty being levied upon all timber shipped from New Brunswick, in such a manner, as operated as a discriminating charge upon Maine timber, and in favor of timber cut upon the crown lands, which act has been declared by the legislature of Maine, as a "fraudulent evasion of the treaty of Washington."

In the settlement of the boundary line under the treaty of Washington, between the United States and the British provinces, a question of boundary arose between the provinces of New Brunswick and Lower Canada, and a strip of timber land remained in dispute between them, adjacent to Maine.

At the time of the auction sales in eighteen hundred and forty-five, it was understood that no permits could be obtained to cut timber upon this territory, and this was one of the causes which added to the number of those who came from New Brunswick to obtain permits on land in Maine.

Sometime in the fall of eighteen hundred and forty-five, permits were obtained to cut timber on the disputed territory, a large amount was made and run to the city of St. John the following season, which added largely to the already overstocked market, and was among the causes which led to so serious a decline in the price of timber.

There was, however, another circumstance attending these sales, far more potent, and which is believed by your committee to be the main cause of these extravagant bids. A person was present at these sales, who was interested in the large sale of about twenty townships made by Maine and Massachusetts during the two previous years. This per-

son avowed his determination to run the bids up so high on the public lands, that no profitable operations could be made, and by that means compel the lumbermen to operate upon the lands in which he had an interest.

The person either by himself directly, or by others his confederates, bid upon every tract put up, and did not abandon the bidding, until the bid had reached a price which forbid any profitable operation.

Most of the purchasers at these sales, had, the previous winter, made roads in their timber berths, had left supplies of hay and provisions at their camps, and had left more or less of timber already made in the woods, which they had been unable to haul out, from the breaking up of the sledding.

These persons were very desirous of occupying their old timber berths, and finding themselves bid against by speculators, irresponsible persons, and lumbermen from New Brunswick, came to the determination to bid off the permits, however high they might go, believing, that under the circumstances of the case, the states would in the end, claim of them no more than the actual value of the stumpage. The land agent of Massachusetts being authorized to settle with these persons upon equitable terms, seeks the co-operation of the land agent of this state, and his written communication on this subject is hereunto annexed, marked A.

In view of all the circumstances attending the auction sales at Bangor, in eighteen hundred and forty-five, and of the actual value of timber at that time and since, and the present condition of the same, your committee ask leave to submit the accompanying resolve.

ELIJAH L. HAMLIN, *per order.*

### Chapter 26.

Resolve in relation to the settlement of stumpage of ton-timber cut on the public lands upon the Aroostook and Saint John waters under permits granted in the year eighteen hundred and forty-five.

*Resolved,* That the land agent is hereby empowered and authorized in conjunction with Thomas Chadwick of Portland and Tristram Jordan, junior, of Saco, to settle upon fair and equitable terms for stumpage due the state for timber cut on the Aroostook and Saint John waters for the Saint John market, under permits given in the year of our Lord eighteen hundred and forty-five, on lands owned by Maine, and also with the co-operation of the land agent of Massachusetts to settle in like manner where the lands are owned jointly by Maine and Massachusetts; *provided, however,* no settlement shall be made for a less sum than one dollar and fifty cents per ton for any timber cut under any one permit, which shall average twenty inches square, except in cases where justice and equity require it, in which cases, the decision of said commissioners shall be unanimous; or if they cannot unanimously agree, the report of a majority of said

Commissioners appointed to settle the same.

Proviso.



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[Approved July 22, 1847.]

### Chapter 27.

Resolve in favor of George W. Hackett.

In favor of Geo.  
W. Hackett.

*Resolved*, That there be paid out of the treasury of the state to George W. Hackett, the sum of fifty-three dollars and fifty-one cents in full for stumpage of timber cut on his land by Samuel L. Hunt under permit of the land agent.

[Approved July 22, 1847.]

### Chapter 28.

Resolve in favor of William A. Herrick.

In favor of Wm.  
A. Herrick.

*Resolved*, That there be paid to William A. Herrick of Greene, out of the treasury of the state five dollars per month for two years, commencing the first day of June, eighteen hundred and forty-seven, for injury received when doing military duty in the year eighteen hundred and thirty-nine.

[Approved July 22, 1847.]

### Chapter 29.

Resolves providing for an amendment of the constitution in relation to pledging the credit of the state, and creating a state debt.

Relative to a  
amend the consti-  
tution.

*Resolved*, Two-thirds of the legislature concurring, that the constitution of this state shall be amended by adding thereto the following provisions:

Credit of the  
state not to be  
loaned.

“The credit of the state shall not be directly or indirectly loaned in any case.

Legislature not to  
create state debt  
exceeding \$130,-  
000.

“The legislature shall not create any debt or debts, liability or liabilities, on behalf of the state, which shall singly, or in the aggregate, with previous debts and liabilities hereafter incurred at any one time, exceed three hundred thousand dollars, except to suppress

—except to repel  
invasion, &c.