

MAINE STATE LEGISLATURE

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VINDICATION

OF

THE LAND AGENT,

AND REFUTATION OF

ANONYMOUS "REMARKS,

"ADDRESSED TO THE GOVERNOR, COUNCIL, AND
LEGISLATURE OF THE STATE OF MAINE."

BY HONESTUS.

Francis O. J. Smith

PORTLAND—THOMAS TODD, PRINTER.

.....
1828.

VINDICATION.

A writer, who appears to have been either ashamed of his own name, or ashamed to affix his name to his own production, is before the public, in a penny pamphlet "*addressed to the Governor, Council, and Legislature of the State of Maine,*" charging the Land Agent of the State, and the Auditor appointed to examine the annual account of the Land Agent for the political year just ended, with the grossest frauds, speculation, and blunders, of which malignity and bewildered folly could possibly conceive.

It is probably *quite* as well, both for the pamphlet and the writer of it, that *his* name and his production are kept entirely apart from each other. It is verily believed that *his* name could have added nothing to the respectability of the pamphlet, and certainly the pamphlet could have added no respectability to the name of its author, whoever he may be. For what man is there in the community, who has read the vile offering, who would feel any pride in acknowledging it, if it were a fact that he wrote it? If there exists such a person in Bangor, from whence the pamphlet emanated;* or if a man of feelings so depraved and grovelling exists any where within this State, I will

* The following copy of a letter received in this town, will need no other comment or explanation than the fact that the gentleman to whom it is addressed is a highly respected member of the Legislature from the district of Bangor.

" BANGOR, Feb. 5, 1828.

JOHN BENNOCK, Esq.

Dear Sir,—Enclosed are 200 pamphlets on the Land Agent's Report, which a number of your constituents request you to cause to be laid on the table of each member of the Council, Senate and House of Representatives.

I am, Sir, respectfully, your obedient servant,

GORHAM PARKS."

not despair of making even him feel shame at his own ignorance, malignity, and folly, and, furthermore, repent that he ever felt a disposition to claim as his own a production so disgraceful as the pamphlet in view. The extreme ignorance of the writer about the subject upon which he presumes himself competent to enlighten "the Governor, Council, and the Legislature of the State of Maine," will, of itself, be enough to put him to shame, if he has the common sensibilities of a man, when exposed to his view in a manner so conclusive that he cannot escape from confessing it.

In the very beginning of his sally he takes it for granted, that the Legislature have never taken any other "means" of informing themselves and the public of the correctness of the Land Agent's doings, "than to appoint an Auditor to examine his vouchers and pass on his accounts, without inquiring whether he has rendered an account of all he should have done; or whether he has conducted his business in a manner most conducive to the interest of the State; or whether he has even gained the knowledge necessary to a judicious and proper discharge of the duties of his office." But in all this, the pamphlet man is laboring under that very want of information which the Legislature, and the Governor and Council were fully possessed of, long and long before he thought of turning author for their instruction. Had he informed himself of what the Legislature of 1825 had done, in regard to the Land Affairs of the State; or had he informed himself of what the Legislature of 1826 had done in relation to the same business; or had he made even "a hasty perusal" of the doings of the Legislature of 1827, in the discharge of that part of their duty which relates to the Land Office of the State, he certainly would not have implied so much criminality on the part of these several bodies, nor betrayed his own ignorance of State affairs, now so distinctly portrayed in almost every line of his production. But, in that case, what could he have said of the Land Agent, by way of gratifying the malignity and personal

hatred of those who have not “been taught to cloak their thoughts?”

In behalf of the Legislatures referred to, I need no other proof of their faithfulness towards their constituents and towards the public, than the documents to be hereafter presented. Their doings, while they will be a shield and buckler of defence to the Land Agent, will amply prove their vigilance, faithfulness, and devotion to the interests of the State, and place both him and them far above the revilings of trespassers, pettifoggers, and their associates.

On the first page of the pamphlet the writer says—
“That great and decided disapprobation of the Land Agent’s conduct has existed in many parts of this State, is to you well known, and that it exists more particularly in that part of it which comprises the scene of his operations, and where his conduct can be best estimated.”

The writer might have saved himself the trouble of communicating this piece of information, by referring for it to the Land Agent’s own Reports. I believe not a year has passed when he has not informed the government and the public, that no small difficulties and differences were existing between himself and a *portion* of the people in that part of the State “which comprises the scene of his operations.” But from whence and with whom has all this trouble sprung up? The pamphlet writer himself has let out facts, with another view, however, which happily account for every particular of it, and abundantly reconcile the whole conduct of the Land Agent with the duty he was owing to the public and government, for whose interest he was contending. See p. 5, of the pamphlet, and the writer there states, that “Trespasses have been committed on the public lands, in a greater or less degree, every year since the Separation; and in no one, perhaps in a greater degree than the last.” See p. 6, and he there details the consequences as follows:--“On the Penobscot, there was ordering out of Sheriffs, even the posse comitatus, seizure of logs and persons, trials

court after court, &c. &c.” What better comment or explanation need the reader have, of the nature, cause, and character of the bad feelings entertained towards the Land Agent, in that part of the State “*which comprises the scene of his operations,*” than this very writer furnishes in the foregoing language? What better testimony could come from such a witness as is that writer, of a faithful, punctual, and withal difficult discharge of duty by the Land Agent? Does it not give “the lie direct” to the manifest endeavor of his to criminate the Land Agent for a remissness of duty? * Had General Irish been remiss in the discharge of the duty incumbent on him; had he neglected to follow up these blacked-face trespassers to the bar of justice, and to make them feel the lash of the law, which they had set at open defiance; and had they not been interrupted in their lawless depredations upon the public lands, not a murmur, not a whisper of dissatisfaction, would have been heard against the Land Agent, from the quarter “*which comprises the scene of his operations.*” Still, there would have been heard, in that case, and there ought then to have been

* The following extract from the printed Report of the Land Agent to the Legislature for the year 1825, will give the reader some idea of the difficulties and proceedings of the Land Agent, with trespassers on State Lands.

“By the Resolve of the State, passed January 24th, 1825, together with the provisions, contained in the 10th section of an act for the sale and settlement of the public lands, for the protection of the timber, &c. it became the duty of the Agent 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, and all other facts necessary to bring the offenders to justice.

“To accomplish which, the Agent, early in the month of March, repaired to Passadumkeag and Piscataquis rivers, there learning that trespassers were on the undivided lands, a little above the ninth range of townships, and near the Nollesemeec Indian townships; on Salmon stream, north of the Mattawamkeag Indian towns; on the east branch of the Penobscot river; on the Sebais stream, emptying into said east branch; and on the Mattawamkeag and Biskahegan streams: immediately despatched three men to trace the lines, take account of the timber, and ascertain the names of the trespassers. The persons sent, were not able to accomplish the object, being met by a company of men, blacked and armed, who called themselves Mohawks, insulting, and threatening them with death, if they attempted to proceed. They accordingly returned in a way pointed out to them by their adversaries.

“Other means were then resorted to, by which the Agent obtained the best account he could; which account, as to the quantity cut, where, and by whom, was immediately given to the Attorney General, together with the best

heard, a long, a loud, and an imperious denunciation against him, from a neglected and injured government ; and such an one as would not have been indebted for its impulse to anonymous pamphleteers, in advance of the watchful guardianship of the people's higher officers. Our Governor, our Councillors, our Senate and House of Representatives, would not have waited to be aroused to action by obscure and distant individuals, who might, thereby, claim more interestness for the affairs of State, than themselves ;—But long and long since, the welkin would have rung with their disapprobation, and the Land Agent been punished for his derelictions and misdemeanors by a forfeiture of his office, at least. These several bodies would not, in that case, have manifested, from year to year, their entire approbation of the Land Agent's conduct, as they have done, and would not surely have re-commissioned him, again and again, to the same office. Does not the Governor, in his last Speech to the Legislature, avow *his* decided approbation, and preferability also, of the system that has been pursued by the Land Agent? And has *he* been so neglectful as not to inform himself concerning the matter whereof he speaks thus confidently? Has *he* spoken thus favorably from mere supposition, without adequate

account of the names of the persons who blacked themselves, as well as those who excited the outrage ; who were brought before the proper authority ; but for want of sufficient evidence to convict, were of course acquitted. Many trespassers were sued, but the Attorney General, in most cases, settled with them, on such conditions as, no doubt, was for the immediate interest of the State. The Agent anticipating that trespassers would take advantage of the lenity of the government, and knowing, by the act lately passed by Maine and Massachusetts, that settlement could not hereafter be made with them, immediately notified in the public papers to that effect ; at the same time warning them against cutting hay on the public undivided lands. The experience of the past year has proved, that indulgence, in this respect, only gave greater facility to strip and waste. But notwithstanding all the means used to prevent it, these trespassers still continued their depredations. As soon as the Agent was satisfied beyond a doubt, that this was the case, he without delay, gave information, of the names of the persons, and the places, where the work was going on. The Sheriff proceeded with as much dispatch as possible, but the movements of those down the river, interested in the business of trespassing, were so rapid, as to enable them to give timely notice of the approach of the sheriff ; so that on his arrival, he found only a few implements with which they had been at work, and some hay cut, lying in different situations. The Sheriff reports that while there, he saw a few armed men, dodging about in the bushes, but was not able to make the service."

knowledge, or while so very ignorant of his subject as the pamphlet most obviously presupposes him to be? Or does he, with a full knowledge of the total unfitness of Gen. Irish for the office of Land Agent, and a full knowledge of the extensive frauds and embezzlements of Gen. Irish, as represented by the pamphlet writer, tolerate it all in secret, and plaster it over with expressions of approbation not felt? The people will know I speak the truth when saying, that neither such oversight, nor such political dishonesty, belong to the character of ENOCH LINCOLN, and much less can either be found in his conduct towards either the department of the Land Agent, or any other department of the State. What then ought the public to think of the scurrilous pamphlet under reference, and of its author? I forbear to speak their sentence in this place, as I have other facts for the reader's consideration.

The writer of the pamphlet, speaking of the Land Agent's accounts, proceeds to say; "They appear to me to be without order; the charges are mixed together in a most singular manner, so as to create confusion in the mind of any one examining them; and so as to require considerable labor in arranging them under their heads, and reducing them to proper form."

In regard to the appearance of Gen. Irish's accounts to this writer, I am not at all disposed to deny his representation. It agrees exactly with what I should suppose, from the false appearance which other things put on his sight, at particular times and seasons. There are times, when even the planetary system must appear to him a heterogeneous mixture of pallid particles, without order and without design, dancing before him, like so many fairies before the eyes of a drunken Scotchman. But after all, what of it? Who, besides him, complains thus of Gen. Irish's accounts? Is not every item backed up by a voucher, numbered and filed with all possible and usual regularity? Look into the reports of other

financial officers—those of the State Treasurer, and what more light, perspicuity, order, regularity, or explicitness is found, or needed? Not any. Yet such are faults in the eyes of our extra-official land agent!

But, (the pamphlet proceeds, p. 3,) as a circumstance to shew “that these observations are not without cause, let me ask, why was not Gen. Wellington’s bill for surveying the Fish River road, brought into the last year’s report, where it rightfully belonged? Inquire of General Wellington himself, gentlemen, and he will tell you, it was because he refused to allow his account, to men hired, and sent up to him, by Gen. Irish, the extravagant wages he had agreed to give them.”

The writer has here betrayed another characteristic, besides that of ignorance of his subject. He evidently asked the question about Gen. Wellington’s bill, for the sole purpose of bringing in such an answer as would represent Gen. Irish, in a contrivance with his workmen, to “smuggle” the State’s money from the Treasury. But how far he will be successful in this, and how far credit should be yielded to him as a writer, and how far his motives are patriotic in manufacturing and publishing his pamphlet, let the public judge, after reading the following certificate under Gen. Wellington’s own hand—to wit.

Portland, February 12, 1828.

In regard to inquiries made of me respecting my bill against the Land Agent of Maine, for services I rendered on the Fish River Road, in the year 1826, and why it was not included in the Land Agent’s Report for that year, I certify, that I did not render my bill to him until *after* his Report for that year had been printed, for the want of opportunity so to do, and not from any difference of opinion whatever between Gen. Irish and myself respecting any item or charge contained in said bill. I also certify that I had nothing to do in allowing the account of men hired and sent up to me by Gen. Irish.

JOEL WELLINGTON.

Upon this part of our subject I need not comment. Nor upon any other part of the pamphlet which re-

lates to any charges rendered at any time in the accounts of the Land Agent. Each and all of them have been examined, allowed and approved by the Auditors, and not only by them, but by different Committees of the Legislature also, whose reports upon them have also been invariably accepted as satisfactory to all branches of government. These Reports however I shall have occasion to lay before the reader directly. To go behind them at all is not an act which the public would require, as the public have sufficient confidence in the acts of their representatives, to spurn the man who distrusts them. I feel no desire, however, to be concluded by them, as I have had the means of knowing, that no Committee of the Legislature have reason to fear the strictest investigation, that can be made of their doings.

The writer of the pamphlet finds another wonderful deficit in the Land Agent's Account, and with great confidence declares, that "the settlement of Auditor Churchill is not worth the paper it is written on." A deficit of \$8,538,63! Quite "*too large a sum to be smuggled out of sight!*" And who has the honor of detecting the fraud? Why, a gentleman "at a distance from the documents," who has given them only "a hasty perusal," and who, from extreme *modesty*, chooses to withhold his name from the public! Alas, for the shrewdness of the times! But hear him.

By the Land Agent's Report, (says the pamphlet, p. 4,) "made January 5th, 1826, and audited by Barrett Potter, Esq. December 30, 1826, Gen. Irish makes a balance in favor of government of \$38,884,32. His account for the last year begins with the sum of 30,345,69, making a difference of 8,538 dollars and 63 cents. When I first looked over his last account, as audited by Mr. Churchill, I thought I must have made some mistake. I have examined and re-examined, and I can no where perceive that the above deficit of \$8,538,63 has been accounted for."

I will now proceed to point out the "mistake" which the writer verily suspected he was making at the time he wrote the above frightful particulars.—

Again I may safely assert, that had the writer understood the history of his subject, he never would have turned author. Had he informed himself, as he should have done, before sitting in judgment upon the Land Agent, or at least as he should have done before presuming to enlighten "the Governor, Council and Legislature of the State of Maine," he would not, I venture to say, with all his hostility and personal hatred towards the Land Agent, have exposed himself thus foolishly to the ridicule of the public, and to the indignation of those more immediately interested. But to facts.

Gen. Irish was appointed to the office of Land Agent in March, 1824. In 1825, the following Report to the Legislature was made and accepted by both branches, to wit :

"STATE OF MAINE.

"IN SENATE, FEB. 4th, 1825.

"The joint Committee on State Lands, to whom was referred the Report of the Land Agent, having carefully examined the same, as also the accounts and vouchers appertaining to his Agency, ask leave to Report :—That your Committee find the Books, Records, Plans, and Field Notes of Surveys in the Land Office, in good order and well arranged ; and the accounts for expenditures incident to the department, appear correct and properly vouched. The Agent's accounts of money and notes received, for the sale of Land and Timber, appear to be correct, and the whole agreeing with his Report, except some small errors in casting. Your Committee further Report, that the following Schedule exhibits a correct statement of the Agent's accounts, up to the 15th of January, 1825.

All which is respectfully submitted.

JONAS PARLIN, Jr. *Chairman.*"

The Schedule referred to in the above Report, stands thus—

Dr.

Cr.

Jan. 15, 1825. To cash paid	Jan. 15, 1825.	By whole
to Treasurer, and for surveying		amount of cash received for
and expended on roads,		sale of Land and Timber, up to
\$ 3,602 54	this date,	\$ 4,395 11

In 1826, the Committee on State Lands reported at length, and from their Report, signed by the Hon.

Reuel Williams, I make the following extracts, to wit :—

“ IN SENATE, FEB. 13, 1826.

“ The Committee on State Lands, to whom was referred the annual statement and communication of James Irish, Esq. Land Agent, have had the same under consideration, and have also examined with attention the accounts of said Agent for the past year and Report—

“ The whole payments and expenditures of the Agent, as charged and *allowed* by the Committee, are \$ 4,755 66

“ The gross amount received and credited by the Land Agent, from January 15, 1825, to December 31, 1825, - - - \$ 6,463 74

In 1827, Barrett Potter, Esq. was appointed to audit the accounts of the Land Agent, agreeable to the Resolve of Jan. 12, 1826, and reported, the amount of money received by the Agent during the preceding year, to be \$ 9,374 00.*

The amount paid into the Treasury, for building bridges, surveying, building roads and exploring roads, in the mean time to be \$ 7,661 51.

By the foregoing extracts and statistics, the reader has the several annual accounts of the Land Agent, for the years 1824-5 and 6, up to Jan. 1827—making in all, a credit of \$ 16,019 71. In 1827, the joint Standing Committee of the Legislature, of whom Reuel Williams, Esq. was Chairman, were instructed to report a statement of the quantity of land sold, the amount of sales of land and all other property sold under the provisions of an Act passed Feb. 25, 1824; and in Senate, Feb. 1827, they reported—

That the quantity of land sold was 56,554 acres, amounting to	\$ 24,032 96
do. of Timber, - - - -	11,132 44
do. of Grass, - - - -	341 18
Contracts, - - - -	10,858 82
	<hr/>
	\$ 46,365 40

It will be perceived, that in the *annual* accounts rendered for the years 1824, '5 and '6, up to January, 1827, no sales for notes, and no contracts for sales, but only the sales made for cash, were included. In

* It will be observed, that in the sums reported each year, is included the balance of the account of the preceding year.

the Report of the Committee last referred to, it will be remarked that all sales for cash, all sales for notes, and all contracts for sales, during the whole of Gen. Irish's agency, are embraced, without any reference to the credits allowed the Land Agent in the mean time, and settled with him by former Auditors and Committees—in all, to the amount of \$ 16,019 17, as above enumerated. Wherefore, the accounts stood in Jan. 1827, as follows—\$46,365 40 against the Land Agent, and \$16,019 71 in his favor. These are the data upon which Mr. Churchill commenced his labors as an Auditor. Deduct the last sum as credits due the Land Agent,—from the commencement of his labors in 1824, up to the 1st of January, 1827, as allowed him by the several Legislatures, from the first sum;—as the amount of all sales he had made during that time, as found and reported by the Committee of 1827, and you have a balance of \$30,345 69, which is the precise sum with which the Land Agent's account commenced in Jan. 1827, as adopted by Mr. Churchill.*

Here the reader sees the end of the great chapter of *deficits*, which figures so conspicuously in the Bangor pamphlet! How well it would have been for that writer, had he looked before leaping, and had he *informed himself* more of the past proceedings of those whom he addressed, before arraigning as culprits, men of so high standing in the government of our State and in private life, as are Messrs. IRISH and CHURCHILL, let the public judge. The characters of public functionaries are not matters of light concern, either to themselves, or in the estimation of the public. And to accuse them of high and aggravated misdemeanors,

* The following is a copy from the Records of the Senate, of the Report of the Committee of the present Legislature, on the Land Agent's Account and Auditor's Report, to wit:—

“IN SENATE, JAN. 29th, 1828.

“The Committee on State Lands, to whom was referred the Report of the Hon. James C. Churchill, Auditor of the Accounts of the Land Agent, have examined the same, and found the accounts *correctly stated*, and are of opinion that it contains all the information which is required at the present time, relative to the concerns of that department.—The Committee therefore ask leave to be discharged from further consideration of the subject aforesaid.

“REUEL WASHBURN, *Chairman.*”

without giving the public an opportunity of knowing from whence the accusations proceed, or what credit should be attached to the assertions of the accuser, is of itself a base, malignant, and detestable act, upon which every enlightened and generous man must look with lasting indignation. That private malice dictated the observations referred to against Mr. Churchill, is what I do not credit. But his position intercepted the thunders which their author wished to hurl at the reputation of Gen. Irish, and the wanton wretch hesitated not to make a sacrifice of the character of an unoffending person, merely to make way for his poisoned poniard to the vitals of the other. But my object is not to recriminate the accuser—it is to show the character of his accusations.

I will dismiss all further remarks in the pamphlet respecting the several items charged in the annual accounts of the Land Agent, with the single addition, that a Committee consisting of Messrs. Jonas Parlin and Joseph Kelsey, on the part of the Senate, and of Messrs. Joseph Treat, John Pitts and John C. Talbot, on the part of the House, examined and approved of each and every of them, in the account rendered in 1825;—a Committee consisting of Messrs. Reuel Williams and Samuel M. Pond, on the part of the Senate, and of Messrs. Daniel Hutchinson, Anson G. Chandler, and Thomas Davee, on the part of the House, examined and approved of each and every of them in the account rendered in 1826;—a Committee consisting of Messrs. Reuel Williams, Joseph Southwick, and Josiah Dunn, on the part of the Senate, and of Messrs. William Vance, John G. Deane, Thomas Davee and John Pitts, on the part of the House, examined and approved of each and every of them in the account rendered in 1827;—a Committee consisting of Reuel Washburn, Nathan Cutler and Samuel Weston, on the part of the Senate, and of William Vance, John G. Deane, Samuel Reddington, Joel Wellington and John Pitts, on the part of the House, examined and approved of each and every of them, contained in the account rendered at the be-

ginning of the present year; and the several Reports of these several Committees have been individually accepted, without a lisp of opposition, by the respective Legislatures to which they were made. What other proof need the public of the accuracy of Gen. Irish's accounts, and the charges contained in them? Have, or have not the public ample confidence in the integrity, judgments and approvals of these several gentlemen, committee-men? I need not answer.— And yet the pamphlet writer would have the public impeach Gen. Irish's accounts! The intimation is an insult to our past and present Legislature, and I wonder that a man in the community has been so thoughtless as to countenance it for a moment. Sure I am, no honorable man has done it, under a proper sense of the foul imputation which it carries against our Legislative bodies.

I now turn to that part of the pamphlet which accuses Gen. Irish of a "vacillating and uncertain course" towards, and in settling with trespassers on the public lands. It cannot be necessary that I should follow that writer through the various untruths into which he has pushed his endeavor to create a prejudicial excitement in the public feeling against the Land Agent. The measures of the latter at the times, and upon the occasions under consideration, will speak with greater satisfaction and assurance to the reader, than any assertions of my own. I therefore will call the attention of the reader, in the first place, to the copy of a letter sent by the Land Agent to Mr. Godfrey, the County Attorney for Penobscot, who officiated for the State in the absence of the Attorney General. It is as follows:—

Bangor, May 11, 1825.

“ JOHN GODFREY, Esq.

“ SIR,—Inasmuch as a considerable loose conversation has taken place, relative to the course to be pursued towards those persons found to be trespassers on the public lands, different and contradictory reports have arisen as to my opinion. I therefore consider it my duty distinctly and explicitly to state to you my settled opinion.

" Having been present when the law under which you act, was passed, and frequently consulted on that subject, I am sure the Legislature did not intend any settlement with trespassers should ever again be made ;—but that they should be prosecuted with the utmost rigor of the law. I have done the duty assigned me ; have given the Attorney General a list of trespassers ; their names ; to what extent, and when committed ; as also the names of persons to be summoned as witnesses.

Yours' respectfully.

JAMES IRISH, *Land Agent.*"

The following is the copy of a letter written in the July following the date of the preceding letter, to wit :

" Bangor, July 12, 1825.

" ERASTUS FOOTE, Esq. *Attorney General.*

"SIR,—This is to inform you that I. and J. Wadleigh, Bradbury Smith, Joseph Smith, and Thomas Hunt, Thomas Pratt, James Cushman and Joseph Brown, are now cutting hay on the undivided lands, without permission, north of the fourth Range, partly in the county of Penobscot, and partly in the county of Washington, the Mattawamkeag, and on the Baskhegan; Elijah Webster, Warren Thompson, Edmund Thompson and John Dergin, on the east branch of Penobscot, above the 9th Range of townships, on the undivided lands ; Andrew Dwinall, Woodbury Philbrook, and William Ring, on the same east branch. I am ready to direct and conduct your officer to the ground above described.

"The business, in my opinion, requires immediate attention. They have gone on triumphantly, in open and bold defiance of all the laws and officers of the government. This was the only objection to the late settlement, and if energetic measures are not immediately adopted and pursued, farewell to all law or government in this section of our country. If I am obliged to leave this place, Mr. Wood will attend to any commands you may please to forward. I have called on Mr. Godfrey, who, I believe, is now preparing his writs. The officer will probably start on next Monday.

" With much respect and esteem, I am your servant.

JAMES IRISH, *Land Agent.*"

Copy of a letter from same to same, in June, 1826.

" Bangor, June 16, 1826.

" HON. ERASTUS FOOTE, Esq. *Att'y Gen.*

" Dear Sir,—Inasmuch as it has been suggested to me by Mr. Godfrey, this day, that it would be best to continue the actions for riot, trespass, assault and battery, &c. which the

State has against Col. Ebenezer Webster and others, I wish to be distinctly understood, I do not consent to any continuance or compromise with those persons whatever, being directed by law to take effectual measures to bring those persons to justice. Having taken such measures, and being now prepared to defend the rights of the State, I wish for the actions to be brought immediately. Respectfully,
JAMES IRISH, Land Agent."

In the land Agent's printed Report of January 5, 1827, his conduct towards trespassers is thus detailed, to wit. :

"Of the persons who have been prosecuted, one has been convicted of an assault and battery, and has been indicted at the Supreme Court for a riot, but has not received his trial, in consequence of the absence of certain witnesses alledged to be material for him ; he is to appear and answer to said indictment at the next term of the Supreme Court, under heavy bonds. Two others have been convicted of a riot and an assault and battery, and have been sentenced to imprisonment.*—Two others have absconded, and thus

* The following extract from a letter from the Land Agent of Massachusetts to the Land Agent of Maine, will give some further idea of the troubles in the quarter *which has comprised the scene of their operations.*

"Portland, 20th May, 1826.

DEAR SIR,—I arrived in town this evening, and regret not being able to see you. I have called on Governor Parris, and have related to him the particulars of the difficulties Mr. Wood and myself have met with from the lumber men. Stackpole, instead of complying with his engagement to leave his logs at Hemlock Island, put them over Purchase Falls. We went to Stillwater with Emery and his men, amounting in all to twelve, and found Col. Webster on the logs. I went on them, and commenced untying the rope by which they were confined to one another. He came behind me, and pulled me back forcibly, and fastened the rope again, at the same time swearing that no man should remove a log, without spilling blood. As his men outnumbered ours, it was in vain for us to contend. I endeavored to reason with Webster, but to no effect. Mr. Wood then went to Bangor, and sent up Deputy Sheriffs Chase and Carpenter. We again went to the logs, and attempted to move them, when Webster came running, followed by about thirty men, and wrested from us our setting poles, and pushed our men off the logs, and Webster, in his zeal, gave Carpenter a stroke in his face with his fist. I then called the men off, and proceeded to Bangor, and got a warrant against Webster, Thos. Mann, James Finn, Freeborn Bartlett, and another. The High Sheriff went up ; was resisted ; he then called upon the whole posse of constables, and was again resisted. He however succeeded in laying an attachment upon 160 logs, which have been receipted for at \$4 each, by Daniel White, Col. Rogers, and Capt. Bean. The Sheriff has written to the Governor for aid from the militia.

Your most obedient servant,

GEO. W. COFFIN."

escaped punishment. The persons who cut the clap-board bolts have been prosecuted for trespass, and were defaulted. Mr. Godfrey, the County Attorney, has the management of this business;—there has been no other action brought for trespass;—it is not thought advisable so to do, when we can possess the government of the property;—there will probably be two or three actions brought when that cannot be done, and when the persons are responsible.”

From what is here disclosed, it cannot be difficult for the public to determine, how entirely groundless and vindictive are the charges of duplicity and partiality brought against the Land Agent, by pamphlet writers in that part of the State “which comprises the scene of his operations.” It is not in the remissness of the Land Agent towards trespassers, that they have their origin. Nor is it in a more ardent attachment than he possesses, to the interests of the State. But, on the contrary, the vigilance, the rigor, and the efficacy, with which he has followed up these plunderers of the State’s property, are alone what has given these characters leisure time to hatch up their falsehoods and calumny, and what has turned them back with so much fury from the purposes in which they have been defeated, upon him who defeated them. Instead of censure from the people, for giving rise to “complaints” of this kind, the Land Agent will see in them the hearty approbation of the whole government and its constituents. He must contemplate them with pleasure, instead of with regret, and feel no chagrin at seeing them published to the world, that the world may also have the opportunity of seeing them balanced, and their authors put to shame—by *the truth*.

I now pass on to the *buckram* story about the *burnt timber*, which I have the means of refuting, with the utmost ease. In the pamphlet, one Charles Ramsdell is said to be the person prosecuted by the Land Agent for cutting burnt timber, which the Land Agent had previously given Ramsdell liberty to cut. But who says the Land Agent gave Ramsdell such

previous liberty? The pamphlet writer, whom we have so many times already convicted, of not only ignorance and misrepresentation, but of wilful falsehood, by appealing to the very witnesses he mentions to corroborate his assertions. Is it said that he had the story about Ramsdell's "previous liberty" from Ramsdell himself? And who is Ramsdell? The man who, after being detected in plundering the burnt timber referred to, and his teams and men brought off, solemnly agreed,—as solemnly as a *quaker* could agree, that if the officers and deputy agents for the State would consent to let the teams and implements be receipted for, they should not return again to the place of pillage. Yet, on obtaining this consent, under such assurances, he immediately sent the teams back to the very place from whence they had just been driven, instead of carrying them up to the other side of the Penobscot, on the Hopkins Academy grant, where he promised and pretended they should go. This is the honest, *injured* Charles Ramsdell, who figures so conspicuously in the pamphlet, and upon whom the sympathies of the public are invoked, by way of destroying the confidence of that public in the Land Agent! And these are the facts which were proved in court, by Warren Thompson, who was one of Ramsdell's party, when Ramsdell was on trial, as the court will distinctly recollect, up to the present moment, without doubt. But without this, I will call the attention of the reader to the following extracts from a letter written the Land Agent of Maine, by the Land Agent of Massachusetts, to wit. :

“ *Boston, 30th March, 1826.*

JAMES IRISH, Esq.

Dear Sir—I received yesterday, a letter from Mr. Godfrey, of which the following is a copy.

“ Bangor, March 20, 1826. In pursuance of orders and on the information of Mr. Wood, in December last, I made several writs against persons said to be trespassing on the undivided lands. For reasons unforeseen, the officer did not proceed to serve said writs until the latter part of January. The officer

first proceeded up the pleasant river, and found and marked a number of clapboard bolts. After this, the officer went to the Sebois, and found and marked 554 logs, and then attached 8 oxen and brought them off. At the ninth range, Charles Ramsdell met the officer and offered good receipts for the oxen, which were taken—the said Ramsdell, Webster, and others concerned, giving strong assurances, that the oxen should not be employed in making any further depredation on the public land. A short time after this, information came to me that Ramsdell's team had returned to the same place. I immediately sent another officer, who returned this day, and reports that he found the same men there, with six oxen, and they had cut and hauled 140 logs. He marked the logs as the others were marked, and brought off the oxen. The oxen are now in his possession, no person having offered to receipt for the same. The officer further returns that he has found on the Little Schoodic, on the west branch, 230 logs. Those he marked as before. Could not learn who cut these logs. He found at Salmon stream between 3 and 400 logs; did not mark these—the logs being covered with ice and snow. The officer by the name of Chase, who has a special deputation for this business, leaves here on the morrow to proceed up the Mattawamkeag and to the Molunkas and other places, wherever trespassers may be found. Mr. Wood is now sick with a lung fever, and in all probability will be confined to his house sometime. I think it will be for the interest of the two States that their Agents be here early in the next month.* Mr. George W. Pickering, the bearer, wishes to purchase the logs marked on the Sebois. Mr. Pickering is a respectable trader in this town. Full credence may be given to any agreements by him made. I am, with great respect, yours', &c. [Signed,] JOHN GODFREY."

I told Mr. Pickering I could not make any price for the logs, without first consulting you, and even then, would prefer making sale of them at Bangor, when we are there. I however, remarked to him, that he had better leave or send written proposals for them, which he will do. He says it is of importance that they should be sold soon on account of running them while there is plenty of water. If you think it important to go to Bangor at an earlier date than we before contemplated, (say the middle of April.) I will accompany you at short notice, and perhaps your advertisement for selling the burnt timber may be altered to 1st of May, instead of 15th.* Whatever you determine, I will hold myself in readiness to conform, as I consider you as the pioneer in this business. I am, with much respect, &c. GEO. W. COFFIN."

* I shall have occasion to notice these facts hereafter.

Thus much for the *honest* and *injured* Ramsdell. But I have not done with either him, or this topic of the pamphlet.

In November, 1825, Gen. Irish received a line from Messrs. Fiske and Billings, for permission to cut burnt timber on the public land on the east branch of the Penobscot river. This, appears by the pamphlet, was in behalf of Charles Ramsdell. Thereupon Gen. Irish wrote the Land Agent of Massachusetts, as follows :

“ Gorham, Nov. 23, 1825.

DEAR SIR—I last evening received an application from Messrs. Fiske and Billings, to cut some burnt timber on the east branch. There has, I believe, been a fire, but not occasioned by the burning of hay. Mr. Bean was here last Saturday, who has been up and surveyed Maine's half township. He says he is ready to make oath that no fire has ever run, from the burning of hay, but most probably from the surveyors under the Commissioners.

I shall expect to receive a line from you, with your opinion what is best to do with the burnt lands they talk about on the east branch. Yours', very respectfully,

JAMES IRISH, *Land Agent.*”

Two days after the application of Messrs. Fiske & Billings, Ramsdell, the *honest* quaker himself, made his appearance in Gorham, to Gen. Irish, on the same errand. Gen. Irish had not then received a reply from the Land Agent of Massachusetts, to the letter above, and, of course, had not replied to Messrs. Fiske & Billings's letter, nor could he answer Ramsdell, whether the burnt timber was for sale or not. And instead of giving him permission to cut it, or pledging his word to “an unsuspecting and confiding citizen,” that he might trespass with impunity on the public lands, or that no advantage would be taken if he did so, Gen. Irish told him, *that no mercy would be shown by the State to trespassers.** Gen. Irish,

* In confirmation, of this fact, I beg leave to call the attention of the reader to a letter Gen. Irish wrote to Mr. Wood, the sub-agent, at Bangor, *the very next day.* It is as follows.

“GORHAM, Nov. 25, 1825.

“DEAR SIR—I received your letter of the 19th and 21st inst. It gives me much satisfaction to find you are vigilant in all things. On receiving a letter

however, engaged with Mr. Ramsdell, that he would write Messrs. Fiske & Billings what he would do with him and them, in regard to the sale of the timber, as soon as an answer should be received from Mr. Coffin, the Land Agent of Massachusetts. Gen. Irish, the next morning, wrote again to Mr. Coffin, on the subject, as follows—

“ Gorham, Nov. 25, 1825.

“ GEORGE W. COFFIN, Esq.

“ Dear Sir—Yesterday, Mr. Ramsdell, who owns mills at Stillwater, came to my House, expressing much anxiety, and very desirous to purchase the burnt timber on the east branch, stating that he was interested in the Whitney half township, that Gen. Herrick not being able to suit the proprietors no location was made, he had ordered his teams to go to work.—Ramsdell is a quaker, and that is all I know about him. *He may be stly.*

“This day, I received a letter from Gen. Herrick, saying there was a fire on the east branch, and believed it to be set by some of the last winter trespassers. Mr. Wood, in his letter received this day, says he has ascertained there are three teams, viz. E. Webster's, Elijah Webster's and Warren Thompson's, which have gone up the east branch to log as usual. He thinks it would be a bad precedent to give them permits under the present circumstances. *I am also inclined to that opinion, although it might be for the present benefit of the States.* Mr. Wood thinks there is some management in this thing. *I shall not answer any of their questions until I have an answer to this letter.* It is important that we should perfectly understand each other on this subject. I wish to act for the best interest of Maine, and not against the interest of Massachusetts. You will please write me immediately, giving your opinion explicitly.

Yours', very respectfully,

JAMES IRISH, *Land Agent.*”

Three days after this, Gen. Irish received an answer from Mr. Coffin, on the part of Massachusetts, and forthwith communicated his conclusion, agreeably to

from Fiske and Billings, I immediately wrote you I had my doubts whether there was not management. Mr. Ramsdell called on me yesterday, and *I told him the State would not take any advantage of HONEST men; but if they thought to trespass, they would find no mercy.* You say there are teams on the east branch; please give Mr. Godfrey that information without comment. You know what his orders are,—let him take the responsibility. Chase will show the officer the persons and teams. You will please write to Chase. On receiving information as to the law, I will write you, immediately. As cunning as Ramsdell may be, I think he will get no advantage of us, *not* ther will Fiske and Billings. Yours', respectfully, JAMES IRISH.”

W. WOOD, Esq.

his engagement with Ramsdell, to Messrs. Fiske and Billings, in the following terms, to wit :—

“ Gorham, Nov. 28, 1825.

“ Messrs. FISKE & BILLINGS,

“ I *this day* received a letter from Mr. Coffin, and agreeable to my engagement, I write you. Mr. Coffin says he wishes me to do what I feel authorized to do respecting your application. This led me to search for my duty, in doing which I find, *I am not authorised to sell any timber of any kind, on the undivided lands, on the Penobscot waters.*”

On the very same day, Gen. Irish wrote as follows to Mr. Wood, to wit :

“ Gorham, Nov. 28, 1825.

“ WILMOT WOOD, Esq.

“ Dear Sir,—I have searched for the authority under which I act, and find *I am not authorised to sell any timber of any kind, on the undivided lands on the Penobscot waters.* I shall consult the Governor and Council tomorrow, and if they think otherwise, I will write you immediately. At present I see no other way, but for Mr. Godfrey to do his duty, and for us to do ours, by giving the necessary information and assistance to bring off the trespassers, whoever they may be, but if the Governor and Council advise otherwise, you will know it without delay. I am sorry the State should suffer any loss, but I cannot help it. Mr. Coffin requests me to do what I think proper, but you know I must be governed by law. Please show this letter to Mr. Godfrey. I am going to Boston in a few days, and will write you from thence, if any thing transpires.

JAMES IRISH, *Land Agent.*”

Here are facts spread before the public, as they occurred at the time, in relation to the story which the pamphlet writer perverts into a heinous crime, committed by the Land Agent against poor Mr. Ramsdell, very much to the detriment of the people's rights ! I will appeal to the public, without a word more of comment upon them, to say, whether they make most against Gen. Irish, as a man, as “ a public functionary,” and as one under obligations to discharge the duty of a faithful and cautious keeper of the public lands and property ; or whether they make most against the writer of the scandalous pamphlet assailing him. Let it be further said, whether they make most against Gen. Irish, or against the

“unsuspecting and confiding *Charles Ramsdell*,” for whom the pamphlet writer feels so very great sympathy. Was Charles Ramsdell deceived in any way? Was he dealt with contrary to what he knew to be just and right, when prosecuted for the trespasses on the public land, which he committed in the face of these refusals of permission to cut, and to purchase? Did he act entirely in accordance with his quaker conscience, when he went to trespass upon the burnt lands, east of the Sebois stream, in the January following the November we have been talking of? Or when, after being detected there, and having his teams taken by the State, and brought down the river, and after promising that if they were receipted for, they should not return, to trespass again, he suffered them to return, and to go about their work of trespassing a *second* time, so that they were taken and brought away a *second* time by the State; was he actuated by the honest motives of an innocent, or merely mistaken man? Does not this second act of wilful plunder betray the character of the first, and the consanguinity of the two in his heart? I am defending, not Gen. Irish alone, but the measures and the conduct of the State, executed by Gen. Irish, as a servant of the people. And what man is there, who will not, with these facts before him, lend me his cordial support? Not one in the whole State, I venture to say, unless he be himself a trespasser, or the hireling slanderer in the employ of trespassers.

I return to the pamphlet once more, and will ask the reader's attention one moment to its next prominent topic, which is the sale of a half township, received from Massachusetts, in exchange for the one this State granted the Trustees of Hopkins' Academy. It was sold to Col. Carpenter, of Houlton, by Gen. Irish, for 75 cents per acre. “By the precipitancy and folly of the Land Agent, in this sale,” says the pamphlet man, p 8, “a loss accrued to the State, of \$,265 dollars, besides the expense of locating!”

What a lamentable blunder in our Land Agent !
 "Crucify him ! crucify him!" [See note on page 34.]

But this is not the first time that a yell of this sort has proceeded from that quarter of the State, where, as the pamphlet writer declares, the Land Agent's "conduct can be best estimated," (to suit, the sour feelings of disappointed trespassers he should have added.) Complaints for this very sale, as for several other acts alike praise-worthy on the part of General Irish, have been hatched and spread before our Legislatures, to harrass and hector him, and committee after committee have been appointed to hear and consider the grounds on which they were founded, and to report the results of their respective investigations. And what have been their reports? *Not* a vote of censure upon General Irish, but, in every instance, a *full approbation of every measure adopted and executed by him!* On the 5th February, in the Senate of the last Legislature, an order was introduced for a special inquiry into the subject immediately before us, and the *honorable* Mr Butman,* who was then Senator from Penobscot county, the quarter *which comprises the scene of the Land Agent's operations*, ap-

* A more disgraceful, and unkind, and vindictive, yet groundless and unaccountable feeling was never manifested upon any occasion by any man, or representative of any men, than was by this *honorable* Mr. Butman, upon the occasion under allusion. He appeared before the Committee, as he was himself constrained to acknowledge, not for the honest purpose of guarding or protecting the interests of the State, but to persecute and injure an officer of the State, from private malice, or as a tool worked by the malignity of a certain portion—a small portion, however, I trust and believe, of his constituents! Honorable man! How worthy of promotion to a seat in Congress! I speak thus, not from mere inference or suppositions, but upon creditable authority, which I now lay before the reader, and appeal to his conscience to say, who is right and who is wrong in this business? Read—

"PORTLAND, Feb. 13, 1828.

"We certify that Col. SAMUEL BUTMAN, Senator from Penobscot county in the year 1827, and now a Member of Congress, appeared before the Committee of the Legislature of Maine on the Eastern Lands during the sitting of the last Legislature, and on being asked if he thought that the one half-township of land sold by the Land Agent to Col. Carpenter was sold advantageously for the State, replied that he did think so. Gen. Irish then observed to him, that it was not for the interest of the State that he, Mr. Butman, was contending, but against me, (the Land Agent) Mr. Batman replied that he would be candid, and said it was not for the State, but yourself, Mr. Irish, that I am against. And we further think he said he was directed to do so by his constituents.

W. VANCE,
 URIAH HOLI."

peared as the champion to conduct the downfall of General Irish from office. I am happy to have it in my power to lay before the reader also the result of that committee's investigation into the subject, which was as follows—to wit :

" IN SENATE, February 8, 1827.

The Committee on State lands being instructed to ascertain the circumstances relating to the sale of a half township of land by the Land Agent to Joshua Carpenter, and to report what measures are expedient to be taken thereon, have attended that service and Report that in June, 1820, the Commonwealth of Massachusetts by a Resolve granted to the Trustees of Hopkins Academy, half a township of land, and by another Resolve of 14th February, 1825, authorised the granters to locate said half township upon the undivided land of Massachusetts and Maine, provided Maine consented thereto, and to take some other half township as an equivalent, whereupon the Legislature of Maine, by a Resolve of 25th February, 1825, consented to the location of said lands as provided by said Resolve of Massachusetts, and resolved that they would accept, as an equivalent therefor, a like quantity of land of equal value, to be located and made up to this State, from lands belonging to said Commonwealth, at such time, either now or in any future division of undivided lands as may be most convenient to this State. Gen. Irish states that in the fall of 1825, he was at Bangor, and met the Land Agent of Massachusetts and those interested in the Grant to the Trustees of Hopkins Academy, and having ascertained that a location was then about to be made of the Hopkins Academy Grant, under instructions from the Land Agent of Massachusetts, he, Gen. Irish, as Agent of Maine, felt himself authorised, and that it was his duty to cause a half township to be located for Maine as an equivalent for the Hopkins Academy half township; that he accordingly gave direction to William Bean, to explore and find a half township, equal to the half township taken by the Hopkins Academy, and to locate it for Maine—that while at Bangor, he was enquired of whether he had or not a half township for sale, and replied that he had not, inasmuch as it was not then located, and possibly might not be. He returned to Portland or Gorham, his place of residence, and soon after Mr. Bean came to him with his return and plan of the half township which he had located for Maine. Col. Carpenter, accompanied Mr. Bean, desirous of purchasing this half township, and a bargain was closed for it in November, 1825, at \$250 dollars, payable \$200 50, in June, 1827; \$200 50 in June, 1828; \$200 50 in June, 1829; \$200 50 in June, 1830; with interest on said payments, after the time fixed for payment shall expire, for which sum security has been given, and a conveyance of the land has been made by the Agent.

The Committee are not aware that any of the public land, or lands of Proprietors, in the section of the country near to this half township, had before been sold at so high a price as was obtained for this half township, except the half township,* granted to and located for the Trustees

* I am also happy in being able to lay before the reader the value at which the proprietor estimated the half township which Maine gave in exchange for the one sold to Col. Carpenter, at the time Col. Carpenter purchased of our Land Agent the half township in question. In reference to the above report, Col. C. has given me the following piece of satisfactory information, to wit :

" Portland, February 12, 1828.

" In regard to the half township of land, mentioned in the above Report, granted and located by Massachusetts, for the Trustees of Hopkins Academy.

of Hopkins Academy, although it is said, and probably with truth, that one half of the land thus purchased by Carpenter, was soon after sold, for a price equal to what was given for the whole.

The Agent states, that in making this sale and conveyance, he supposed himself authorised by the laws of the State, and that he was promoting the interest of the State by selling the land at the price he did.

The Committee are now, as was expressed in the Report of the committee of the last year, of the opinion that the Agent had not authority to make this sale, and that if the government intend to sanction it, a resolve should pass to that effect.

The Committee are satisfied that the Agent acted under the belief that he had authority to make the sale, and that he was making a good bargain for the State, and they recommend the passing a Resolve, to ratify and confirm the sale made by Gen. Irish to Col. Carpenter, and they respectfully report the accompanying Resolve.

R. WILLIAMS, *Per Order.*

In this Report we have a satisfactory history of the whole affair, and I need not spend upon it one solitary reflection, as it is calculated to create the same favorable impression towards the Land Agent, in the mind of every candid and unbiassed reader. I therefore pass on to the next charge in the pamphlet, which "relates to the sale of burnt timber," see p. 8.

The pamphlet represents Gen. Irish as having wrongfully changed the time of sale from the 15th to 1st of May, and to give it the color of fraud, or secret connivance, says this alteration was made, "*by merely striking out the figure 5, leaving it to stand, June 1st*"* Really, how cunning! But, to be serious, the reader will understand that this burnt timber was the joint property of Maine and Massachusetts. The Agents in the first part of the year 1826, advertised it to be sold on the 15th of May then next coming. By turning back to page 20, where we have given a letter from Mr. Godfrey to the Land Agent of Massachusetts, a recommendation to sell at an earlier date, with the reason for so doing, will be found coming first

I certify, that I have now in my possession, the letter of the proprietor of it, wherein he offered to sell it to me just before I purchased of Gen. Irish, for sixty-five cents per acre, *on a long credit*, or for a considerable less sum, *cash down*. The same grant was afterwards sold, at seventy-five cents per acre, as Col. Whitney himself informed me this present winter.

JOSHUA CARPENTER."

Ought not this to put the pamphlet writer to shame? I may recommend him to the mercy of the reader.

* I presume he meant May, as he appears to have been equally ignorant of his subject throughout.

from Mr. Godfrey, the sub-agent of the two States, who was near the market-place of the timber, and could best judge of what was most advisable for the interest of the two States. In addition to this, Gen. Irish received a second letter from the Land Agent of Massachusetts on this subject, from which I make the following extract.

“ BOSTON, 7th April, 1826.

“ James Irish, Esq. Dear Sir—I received your favor of the 3d inst. From its tenor I conclude you have not received mine of the 30th ult. in which I proposed to proceed to Bangor at an earlier date than was before agreed upon, say on the 10th or 15th of this month, as it appears to be the anxious wish of Mr Godfrey we should be there soon, and, perhaps, you could alter our advertisement for selling the burnt timber to the 1st of May, instead of the 15th.”

When the two Agents arrived at Bangor, in conjunction with Mr. Godfrey's advice, it was deemed for the interest of the two States to sell the timber on the 1st of May, which was done. Here, then, Gen. Irish's friends in that part of the State “ which comprises the scene of his operations,” thought they had a fine bone to gnaw upon,* to his injury. According-

* On the 3d day of Feb. 1827, the Land Agent of Massachusetts wrote Gen. Irish as follows :—

“ LAND OFFICE, Boston, 3d Feb. 1827.

“ James Irish, Esq. Dear Sir—I received your favor of the 1st inst. this day, advising me that great complaints are made against you, concerning the sale of the burnt timber, and conditions of sale as published. I cannot conceive how any one can have a right to find fault with you upon that subject, when we took such pains to satisfy ourselves of the best course to pursue for the interests of the two States. We might, if we had thought proper, have sold the burnt timber without advertising, to any applicant, but that would have subjected us to reasonable censure. At the time we agreed upon advertising, which was at Boston early in March, we had no expectation of being obliged to go to Penobscot, earlier than the day agreed for opening the proposals, but shortly after, we had such information as rendered it necessary for us to be there earlier in April, and accordingly I wrote you on the 7th April, proposing an alteration to be made in the time for receiving the proposals which was accordingly done, and the proposals were received and opened on the 1st day of May, instead of the 15th. The same notice therefore, that was given for the 15th, was also given for the 1st of May—and the proposals received, were opened on the 1st day of May, and the best was accepted. Afterwards Mr. Veasey sent in his proposal. It could not have been accepted, even had it been received in time, as it was indefinite and clogged with conditions.

“ As respects our doings against trespassers, I am not fully satisfied with the result, as the charges made were enormous, but how could it be helped? We had a choice of evils, and I am satisfied we took the course that at the time appeared best, for I believe the people at Penobscot make it a principle to

ly, at the next session of the Legislature, the *honorable* champion of Trespassers, the honorable Mr. Butman, being then Senator from Penobscot, in servile obedience to the dictates of malignity, an order was introduced in the Senate for a special inquiry, by a Committee of the two branches of the Legislature, into the *manner and condition* of this sale. A committee was accordingly instructed, and their report I will lay before the reader, that he may again see how completely abortive have been the reiterated attempts made to destroy that high confidence which the government has reposed in General Irish. The report reads—

“ IN SENATE, FEB. 16, 1827.

“ The joint standing Committee on State Lands, under the order of *both branches* of the Legislature, instructing them to ascertain what amount of timber has been sold under the Resolve of Feb. 17, 1826, and the *manner and condition* upon which said timber was sold, &c. respectfully report—

charge the Government an extra price. *I have represented the whole subject to Governor Lincoln, and he has seen fit to approve, and EVEN APPLAUD my conduct, and all the Members of the Legislature to whom I have related the circumstances, URGE ME ONWARDS TO A FINAL RESULT.* Most of our people are quite ignorant of the situation of the public lands, and I have hard work to make them take an interest. I have no adverse parties to contend with, such as would rob the whole timber on the public lands with impunity, or that would fire the woods, that they might be benefitted by their own iniquity,—*for I strongly suspect such are the persons who are at the bottom of the accusations against you, seconded probably, by those who are innocently duped by their insinuations.* Any measures of your Legislature censuring your proceedings, would, in my humble opinion, give strength to trespassers, and would have a tendency to prevent our subduing them.

I am with respect, your very obedient servant,

GEO. W. COFFIN, *Land Agent.*

On the 12th of the same month, the Land Agent of Massachusetts wrote again to Gen. Irish, saying, “ If any error has been committed, it was in altering the advertisement, of which I am willing to take upon myself all the blame, if any there be. It was done from the best of motives.” “ It was urged by all we conversed with, that no time was to be lost—all the timber that was not gotten off last summer would be entirely lost.”

Upon an application to sell other timber, the Land Agent refers in his letter to Gen. Irish, dated 29th Jan. 1827, to this very sale, and says, “ As I am authorized to sell burnt timber, *and have been justified by this government in the former sales,* I shall be equally ready and willing to unite with you in any future sales.”

With these authentic facts before us, will MAINE complain, or censure, or even distrust her Land Agent? Will Maine condemn, where Massachusetts applauds? It is not MAINE—I know it is not our government, but only a few disappointed speculators and defeated trespassers. This fact the public must now know and see to a certainty.

{Here follows the facts about the making of the alteration in the advertisement.]

“In addition to the notice already stated, of the change of the time within which proposals for the timber would be received by the Agents, Col. Carpenter states that he was at Bangor in April, 1826, and was informed by Gen. Irish and Mr. Coffin that the time had been changed from the 15th to the 1st of May, and took from them printed advertisements of the sale on the 1st, one of which he posted up at Bailey’s in Sunkhaze, another at Hathaway’s in Passadunkeag, another at his, Carpenter’s, store in Piscataquis, and another at John Carpenter’s near Mattanawcook, as early as the 16th or 17th of April, 1826—

Having presented all the facts relating to the sale of the burnt timber for the information of the Legislature, the Committee would add that from letters shewn to them by Gen. Irish from the Agent of Massachusetts, it is apparent that the Agent of Massachusetts concurred with the Agent of Maine in all measures adopted in reference to the sale of the burnt timber, and appears satisfied therewith.

R. WILLIAMS, *Chairman.*”

After this, what more need be added? But the Land Agent is again complained of in the pamphlet, of hiring “young gentlemen, Attornies at Law,” and of putting demands of the State out of his own hands and entrusting them from the Land Department, &c. This is not the first time the complaint has been made, though now published to the world, and with what just grounds, let the reader say, after reading the following document, which is also taken from the files of the Senate, to wit :

“IN SENATE, Feb. 15, 1827.

“The joint standing Committee on State Lands, under the order of both branches of the Legislature, instructing them to inquire into the expediency of allowing bills of cost accruing upon suits commenced on notes taken by the Land Agent, for settling land, respectfully report, that the costs for which an allowance has been claimed and made, have accrued since the passage of the act of March 8, 1826, providing that it shall be the duty of the Land Agent to collect or *cause to be collected*, all sums then due or which might become due, in such manner as he might think most safe and expeditious, and to pay over the same to the Treasurer of State, as soon as may be after it is collected; and inasmuch as the Legislature have made it the duty of the Land Agent, to collect the debts due to the State

for lands, and vested in him the discretion of pursuing such course as he might think most safe and expeditious; and as the Agent adopted the measure of employing Attornies to assist in the collection of some of them, upon which costs have arisen, the Committee do not perceive any good reason why the costs, in those cases, should not be allowed.

REUEL WILLIAMS, per order.

IN SENATE, February 15, 1827.

Read and accepted—Sent down for concurrence.

ROBERT P. DUNLAP, *President*.

HOUSE OF REPRESENTATIVES, Feb. 16, 1827.

Read and accepted.

JOHN RUGGLES, *Speaker*.

I forbear to stretch this investigation to a greater length. Enough, I am sure, enough is before the reader, to exculpate Gen. Irish, as also the Auditor of his last account, triumphantly, from the base misrepresentations and wicked charges brought against them. Had the facts and documents I have adduced, been as generally known to the people, as the industry and extravagance of the pamphleteers have made their production public, by thrusting it into every corner of the State, and into every traveller's pocket, it could not have been necessary that I should have obtruded one word upon the attention of the public, in behalf of the Land Agent. But the last resort of vicious and depraved minds, to effect the desperate purposes which they indulge, and to tear from the object of their revenge the fair reputation which the laws of the land refuse to despoil him of, so long as no reasonable and well founded cause of complaint can be made to attach to him, has been resorted to by the enemies of General Irish. It is the foul work of slander and anonymous falsehood, which they now depend upon to bring about their wishes. In imitation of honest men, they first appealed to the established laws and provisions of our government, and had committees of investigation appointed again and again by the Legislature, who heard their proofs, weighed their arguments, and yet reported upon every occasion an honorable acquittal of the Land Agent in every particular. Baffled and disappointed here, and finding, yea, being told, by the result of

their every endeavor, that neither the Legislature, or law, or equity, or even the sympathies of either, would favor, and much less bear them out in their vindictive and unjustifiable undertaking, they now adopt the assassin-like method of stabbing from behind the curtain of secrecy and midnight, to gratify their insatiable thirst for revenge. Will the public lend them countenance? Will one, honest, patriotic, and well meaning man, whatever may have been his feelings, or his prejudices, or impressions heretofore, regard with complacency, or with any feelings short of open indignation, the lawless confederacy engaged in this outrageous attack upon the character and conduct of a "public functionary," to whom the people have committed the care of their public property and landed interests? I ask, if there is a man, of liberal and honest feelings, that will stand a passive spectator of the abuse heaped, not only on the Land Agent and Auditor directly, but indirectly upon a large portion of our governmental officers? upon the Governor, and the Council, the members of the two branches of our Legislature, and through them upon their constituents? Weigh deliberately the facts and documents I have here selected from many more that are also within my reach, and might be adduced, but for want of room and the great draft I have already made upon the reader's patience, and say, if in them may not be seen an ample vindication of both General Irish, and Mr. Churchill, and a satisfactory refutation of all charges that have been preferred against either, and also a full vindication of "*the Governor, Council and Legislature of the State of Maine,*" for continuing that confidence in the ability, integrity, industry and perseverance of the former, which they have heretofore reposed in him? When a man thus narrowly watched, not for the honest purpose of promoting public good, and thus hunted and persecuted by the bitterest feelings, is able to wipe himself clean of every imputation, he doubly merits the high eulogium, and the high reward of "*Well done, thou good*

and faithful servant ; thou hast been faithful over a few things, I will make thee ruler over many things."

HONESTUS.

Portland, February 18, 1823.

P. S. A piece of information has just come to hand, which I wish may not be overlooked. The pamphlet writer says, page 3, that the whole sum expended for the benefit of Massachusetts and Maine, is "charged to Maine. Why is this? Mr. Coffin was on the ground. Massachusetts could have launched out her share of the dollars, as well as Maine the whole. I can conceive of no reason, why this Agent should expend money for two corporations, and charge it to one only. How has this State ever been paid, or how is she to be paid? Suppose you present your bill, \$2115 54, one half the amount expended, to Massachusetts for payment—what will she say to you? Why, "I know nothing about it; what is Irish to me; he is not an agent of mine. If he chooses to pay away money for me without my asking, he may get it as he can; I had my Agent, Mr. Coffin, there, if it was necessary to have spent this money, he would have done it, not thrown it off upon Irish."

Here we have another instance of the extravagance and deception one will run into with himself, when meddling with affairs of which he is totally ignorant, under the pretence of knowing every thing, and of instructing every body. The affairs of the people are what every man has a right to be informed of. But to be so, a man must be at the pains of learning, as well as desirous of being taught respecting them. Had the writer of the pamphlet taken proper pains of the kind, he would have found full satisfaction concerning the point immediately before us, in the following letter, addressed to the Executive of this State, which will need no comment; to wit:

"Boston. Secretary's Office, July 13, 1821.

"SIR—Your note of the 7th instant, addressed to the Governor, respecting depredations committed on the public lands belonging to the States of Massachusetts and Maine, in the eastern part of Maine, has been received and communicated to the Council, and pursuant to their advice, I have been instructed by his Excellency the Governor, to observe to you, in reply, that the State of Massachusetts relies upon the authority of Maine, in full confidence, that all necessary measures will be taken by the government of that State, to preserve the joint property of both from further depredation; the said government having exclusive cognizance of the proper processes for effecting the object, having also a com-

mon interest with Massachusetts, and the said lands being that portion of the whole joint property of the two States, which is more immediately in the care and keeping of Maine, while other portions thereof rest under the protection of Massachusetts; and that the expense which may be incurred in protecting said lands, will be, in the opinion of the Supreme Executive of Massachusetts, until the ultimate division of all the joint property, properly a subject of cognizance by the Commissioners appointed under the Act relating to the "Separation of the District of Maine from Massachusetts Proper, and forming the same into a separate and independent State," passed June 19, 1819.

I have the honor to be, very respectfully,

Your obedient servant,

A. BRADFORD, *Secretary.*"

"*Secretary's Office, Feb. 15, 1828.*

"I certify that the foregoing is a true transcript from a book, called the "Letter Book," belonging to this office, and containing copies of letters to and from the Executive Department.

EDWARD D. BANGS,

Secretary of the Commonwealth."



Note referred to on p. 25.—Gen. Irish is accused of selling the public lands foolishly cheap! But the Land Agent of Massachusetts has sold, since the separation, the public lands of that State, to the amount of 40,000 dollars, at an average price of less than 20 cents per acre. The Land Agent of Maine, since his appointment, has sold the lands of this State, to the amount of 60,000 dollars, at an average price of *thirty-six cents* per acre. Now judge who is in fault.