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Documents Accompanying the Governor's Message: Relating to the Road from Baring to Houlton

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DOCUMENTS

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ACCOMPANYING THE

GOVERNOR'S MESSAGE,

RELATING TO THE

ROAD FROM BARING TO HOULTON.



Portland :

DAY & FRASER....Printers to the State.

1830.

DOCUMENTS

BY JAMES W. BROWN

GOVERNOR'S MESSAGE

STATE OF MAINE.

IN SENATE, FEBRUARY 26, 1830.

ORDERED, in concurrence with the House, That 200 copies of the Documents accompanying the Governor's Message, relating to the Road from Baring to Houlton, be printed for the use of the Members of the Legislature.

Attest, **EDWARD KAVANAGH,** *Sec. of the Senate.*

ROAD FROM BARING TO HOULTON

Printed by

W. B. BROWN, at the State Printing Office, in the City of Portland, Maine.

1830

STATE OF MAINE.

IN COUNCIL, FEBRUARY 7, 1828,

William Vance, Esq. of Baring, in the county of Washington, is appointed by the Governor and Council, under and by virtue of the Resolve, entitled, "Resolve for making the State Road from Baring to Houlton Plantation near Baskahegan" passed the twenty fourth day of January last, an agent, to open and make the road, called the Baring Road, through the land of this State, leading from Baring to Houlton Plantation, from the outlet of Round Pond in township number two, in the first range, till it meets the road laid out by the Court of Sessions for the county of Washington, at the north line of township number eight and nine, being the south line of townships number nine and ten, in the third range lately owned by the Commonwealth of Massachusetts but since sold by said State, agreeably to the provisions of said Resolve.

Know all men by these presents, That I, William Vance, of Baring, in the county of Washington, Esquire, am holden and stand firmly bound and obliged unto the State of Maine, in the penal sum of ten thousand dollars, the payment whereof well and truly to be made, I bind myself, my heirs, executors and administrators, firmly by these presents. Sealed with my seal, and dated at Portland, this eighth day of February, in the year of our Lord, one thousand eight hundred and twenty-eight.

The conditions of the above written obligation are such, That whereas, the Legislature of the State of Maine, did, on the twenty-fourth day of January, A. D. one thousand eight hundred and twenty eight, pass a Resolve for making the State road from Baring to Houlton plantation, near Baskahegan, and authorizing the Governor and Council to oppoint an agent to open and make the road called the Baring road through the land belonging to the State, leading from Baring to Houlton plantation from the out let of Round Pond, in township numbered two in the first range till it meets the road laid out by the Court of Sessions for the county of Washington at the north line of townships number eight and nine, being the south line of townships number nine and ten in the third range, lately owned by the Commonwealth of Massachusetts, but since sold by said State. Provided, The owner or owners, other than the State of Maine, of the land through which said road may pass, shall make or pay their full and just proportion of making the road through the lands owned

by them respectively, and to contract and pay for the making said road in public lands to be located from lands set off to this State by the States of Maine and Massachusetts, in the first division of lands between said States. And also directing the Land Agent of this State to give a deed or deeds of said land agreeably to said contract. Provided, That the cost of said road shall not exceed three hundred dollars for each and every mile, and the whole cost thereof shall not exceed two townships of land, and provided further, that said road be made and completed on or before the first day of November one thousand eight hundred and twenty nine. And whereas in pursuance of said Resolve, the Governor and Council did, on the eighth day of February, in the year of our Lord one thousand eight hundred and twenty eight, appoint the above bounden William Vance, an agent to open and make said road agreeable to the provisions of said Resolve, in consideration of which premises, the said Vance has agreed, and does hereby agree, and obligate himself to open and make said road agreeably to the provisions of said Resolve, and have the same done and performed in a good and workman-like manner, with suitable bridges, causeways and water-courses, wherever the same may be reasonably required or needed, for the safe and convenient passing and re-passing of horses, wagons, and teams, for a sum not exceeding three hundred dollars for each and every mile, to be paid in public lands agreeable to the provisions of said Resolve, and to have the same completed on or before the first day of November, in the year of our Lord one thousand eight hundred and twenty nine. And to submit to the determination of the Governor and Council, for the time being, whether said road (when completed) is, or is not, made agreeable to the terms or conditions of this bond, in connection with said Resolve. And also the price or value of making said road, as well as the price or value of the land to be received in payment therefor, which said lands are to be appraised and set off to him, by the Governor and Council, for the time being, in such way and manner as they may think proper, to the full amount or value of making said road from townships number one in the second range adjoining the township granted to Williams' College, and number four in the first range, to be conveyed or deeded to him by the Land Agent of this State, whenever said road is completed agreeable to the conditions of this obligation and all the provisos, and requisitions of said resolve, (so far as it respects the duties and obligations of said agent) are strictly complied with. And no part of the conditions of this obligation, are to be so construed, as to dispense with, or militate against any part of said Resolve. And the price or value of making said road is not to exceed three hundred dollars for each and every mile and the compensation to be made therefor, not to exceed said two townships. And the said William Vance, is, at all events, to have the northerly half of the first mentioned township and one half

of the last mentioned township to be conveyed to him as aforesaid, whenever said road is completed agreeably to the conditions of this obligation unless the same shall exceed in value the estimated expense of making said road, in which case he is to have only so much as will amount to a fair compensation therefor, with the privilege of selecting such parts of said two half townships as he may think proper. And the said William Vance is to have the management, control and agency over said two half townships from and after the day of the date hereof.

Now, if the said William Vance shall well and truly perform, fulfil and keep each and every part of the foregoing conditions according to the true intent and meaning thereof, then the bond aforesaid, to be null and void ; otherwise to be and remain in full force and virtue.

(Signed)

WM. VANCE.

SEAL.

Signed, sealed and delivered in presence of

A. NICHOLS,
THOMAS BAILEY.

STATE OF MAINE.

IN COUNCIL, Feb. 9th, 1828.

The Committee of the whole Council, to whom was referred the Resolve, entitled, "Resolve for making the State Road from Baring to Houlton Plantation, near Baskahegan" passed the twenty fourth day of January last, having had the same under consideration Report: That among other provisions contained in said Resolve, the Governor and Council are authorized to contract and pay for making the road, described therein, in public lands, to be located from lands set off to this State by the State of Massachusetts and Maine, in the first division of lands between said States, under certain restrictions and provisions: That in pursuance of the said Resolve, the Committee have entered into a contract with William Vance, Esquire, of Baring, the agent appointed by the Governor and Council to open and make said road, which is herewith submitted, and is to be considered a part of this Report.

Which is respectfully submitted,

DANIEL WOOD, per order.

IN COUNCIL, 9th February 1828.

This Report on being read, was accepted by the Council, and by the Governor approved.

Attest,

A. NICHOLS, Secretary of State.

To the Honorable the Governor and the Council of the State of Maine :

The undersigned respectfully represents that, in conformity with his contract with the State of Maine, to make the Houlton road, so called, from Baring, he has commenced making the same ; that he finds the road more difficult to make than he had anticipated ; that he is anxious to avail himself, so far as he can, of the benefit of his contract for the payment he is hereafter to receive to enable him to fulfil his said undertaking ; that he has offers from individuals to make a part of said road for him, and to receive some of the lands he may be entitled to on fulfilling his said contract, in part payment therefor—provided they could know at what price it was to be set—that though he may not now have his deed of said lands, said individuals will be willing, on the price being fixed, to take his bond for a deed of such part as they may agree to take—that unless he is thus enabled to avail himself of this fund, it will be impossible for him under all the circumstances to accomplish his undertaking, without great injury to himself and family ; the public will be much disappointed and must continue to suffer for the want of the road ; and your petitioner become embarrassed by the expense—therefore he respectfully requests that the price at which the land appropriated to make said road is to be set, may now be fixed by the Governor and Council, and as in duty bound, &c.

WM. VANCE.

Portland, 20th June, 1828.

STATE OF MAINE.

IN COUNCIL, JUNE 24, 1828.

The Committee of the whole Council, to whom was referred a communication from William Vance, Esq. the person contracted with to make the State Road from Baring to Houlton Plantation, near Baskabegan, under the Resolve of the twenty-fourth day of January last, praying that the price at which the land, appropriated to make said road may now be fixed by the Governor and Council, having had the same under consideration, Report : That the said Vance have the northerly half of township number one, in the second range adjoining the township granted to Williams' College, and one half of township number four in the first range, at twenty cents per acre.

Which is respectfully submitted,

DANIEL WOOD, per order.

IN COUNCIL, June 24, 1828.

This Report on being read, was accepted by the Council, and by the Governor approved.

Attest,

A. NICHOLS, Sec'y. of State.

STATE OF MAINE.*IN COUNCIL, October 18, 1828.*

Ichabod Bucknam, Esquire, of Columbia, and Charles Peavey, Esq. of Eastport, are appointed by the Governor and Council a Committee to examine the road contracted to be made and completed by William Vance, under the provisions of the Resolve, entitled, "Resolve for making the state road from Baring to Houlton Plantation, near Baskahegan" passed the twenty-fourth day of January, one thousand eight hundred and twenty eight, and ascertain whether the same is made and completed, in all respects, agreeably to the terms and conditions of a certain contract, entered into by the Governor and Council, with said Vance, dated the eighth day of February one thousand eight hundred and twenty eight, and the provisions of the Resolve aforesaid, and to certify the same to the Governor and Council, for the time being, when they shall have performed the service; and also as far as practicable without actual explorations, to ascertain the value of the lands mentioned in said contract and certify the same as aforesaid, the accounts for which service to be laid before the Legislature for allowance.

STATE OF MAINE.*IN COUNCIL, January 6th, 1829.*

The Hon. John Balkham of Robinston, in the county of Washington, is added to the committee appointed by the advice of Council of the eighteenth day of October last, to examine the State Road from Baring to Houlton Plantation, near Baskahegan, contracted to be made by William Vance, Esq. with all the powers with which the other members of the committee are vested.

The undersigned dissents to the foregoing appointment.

JOEL WHITNEY.

*CALAIS, 19th December, 1828.**Hon. EDWARD FULLER:*

SIR—A few days since, Mr. Vance named to me, that it had been suggested to him, that much exertion had been used, to create an influence to be exerted with the Governor and Council, to prevent their finally concluding any arrangement with him, concerning his contract to complete the road in this vicinity, towards the Baskahegan stream—that it was to be represented to the Governor and Council that he was making the road in a deceptive and ineffectual manner—that he was getting a great price—that the land he was to have was more valuable than the Governor and Council had supposed. All

this may be mere rumor which has come to Mr. Vance, and what no one anticipated laying before you. But Mr. Vance thinks there is something of the kind intended, but from whom or where he knows not—but believing so he is quite solicitous about it as he finds he has a hard bargain and fears much injury to himself, if any such representations be made to and credited, by the Governor and Council. I have never been upon the road as made by Mr. Vance, but have taken some pains to inquire of several who have, and in whom I think I can confide concerning any statement they would make concerning it—and every such individual agrees in stating that the road is well made—the trees and roots thoroughly taken out, the little hillocks and knowlies and all parts of the road well travelled—that it is the best made piece of new road, unploughed, they have ever seen. I have conversed with the workmen who have been on it, and they say it is substantially and solidly done, without any deceptive means used.

As to the value of the lands, I stated my views of them to the Council when in Portland in June, and have not, since, seen any reason to induce me to put them at a higher rate. It is true, the Land Agent has had twenty cents per acre offered him for the township next S. of the one on Chepetnook, which was offered to Mr. Vance, but that offer was made expressly and avowedly to me, to prevent a company of British subjects in New-Brunswick, buying it—for it is so arranged they exclude our boards from their market, where the price is better, and where of course they can afford to give more for the timber, and if they could monopolize the little sources left, of timber here, they would carry the whole of the business to their side. To prevent that in some degree, the 20 cents were offered—and not because they believed the land intrinsically worth that, as they expressly declared to me. I have taken the liberty to make these remarks to you, as a member of the Council, before which the subject of Vance's compliance with his contract will be agitated, and as one, to whom any information, though small, would be acceptable. The relation in which I stand to Mr. Vance is, perhaps known to you—that of an intimate friend—and I now refer to it, in order that these remarks may be received, subject to such qualifications as you may deem this circumstance to induce; and that you might not suppose that I was unconsciously yielding to feelings of friendship, and urging them under the name of principles of private justice.

With respect Sir, your

obliged and humble servant,

ANSON G. CHANDLER.

To the Governor and Council of the State of Maine :

We, the subscribers, inhabitants of the county of Washington, respectfully represent that there has been large sums of money paid over to the land agents for trespasses on the public lands in that county, and it is desirable to know, whether the agents have paid over said money, or that the same has been expended for the purpose of locating and opening the road from the vicinity of Round Lake to the townships of No. 9 and 10 agreeable to a resolve passed Feb. 17, 1824.—And request further that two persons be added to the committee appointed to examine the road when made by William Vance, Esq. from Baring to Houlton Plantation, and whether the land as appraised for the payment for making said road is agreeable to the contract.

We are very respectfully, your obedient sev'ts.

| | |
|----------------|------------------|
| WILLIAM BELL, | BENJAMIN FOLSOM, |
| FRANCIS LIBBY, | JOSEPH ADAMS, |
| OBADIAH HILL, | WILLIAM NASH. |
| JABEZ MOWRY, | |

Portland, Jan. 26, 1829.

STATE OF MAINE.

IN COUNCIL, January 29, 1829.

The committee of the whole Council to whom was referred the Memorial of Jabez Mowry and others, in relation to the Houlton Road, and to monies paid by trespasses on the public lands to the Land Agents, have had the same under consideration and now report, in part, That they recommend that two persons be added to the committee appointed by advice of Council of the eighteenth day of October last, and the sixth day of January current, to examine the State road from Baring to Houlton Plantation, near Baskahegan, contracted to be made by William Vance, Esq. with all the powers with which the other members of the committee are vested.

Which is respectfully submitted,

CALEB EMERY, per order.

IN COUNCIL, Jan. 29, 1829.

This report on being read, was by the Council, accepted, by the Governor, approved, and thereupon William Bell, of Trescott, and Ebenezer C. Wilder, Esq. of Dennysville, were appointed by the Governor to be added to the committee to examine the road herein described.

Attest,

EDWARD RUSSELL, Sec. of State.

PORTLAND, the 10th of March, 1829.

Honorable, the Governor and Council of the State of Maine :

The undersigned, having seen a paper that has been drawn up and signed by Obadiah Hill and six others, all of them enemies of the undersigned, and not one of whom lives, or has been, within, from 75 to 122 miles of the land over which the road from Baring to Houlton Plantation passes, and therefore cannot know any thing about said road. And that justice may be done both to the State and the undersigned, and save the State from four to six hundred dollars, the expenses of committees. The undersigned prays your Honourable Body to appoint and authorize the Land Agent, to examine and inspect said road and view the land, and report the same to the Governor and Council ; and by his report, the undersigned pledges his word and honor, to be satisfied, and will abide by.

All which is hereby humbly submitted by

Your very humble servant,

WM. VANCE.

IN COUNCIL, March 10, 1829.

Read and ordered to be put on file for consideration at the next session of the Council.

Attest,

EDWARD RUSSELL, Sec. of State.

BARING, the 3d May, 1829.

*To the Hon. Enoch Lincoln, Governor of the
State of Maine, and the Honorable Council.*

The undersigned wishes to represent that the very heavy and violent gale of wind last November, has filled the road I made last season with windfalls ; the trees are blown up by the roots, and some twisted and broken off that are three feet and a half over. This must be cut and cleared out before I can proceed to finish and complete the remaining part of my contract on said road, which is about two and a half miles—the clearing out the road filled up by the wind, I expect to get done and keep an account and charge it to the State and have it settled in the old accounts due for timber, all which can be examined by the Land Agent, when he comes to view and examine the State lands in this county. And as it will save great expense and trouble to the State and me, to have the Land Agent, when here, to view and measure the road, I am making, and also view the lands I am to have from Government for making said road, and report to the Governor and Council, which report I will abide by ; and it must be more satisfactory to the Governor and Council than the report of a prejudiced committee of my enemies, whose report I

will never agree to. The undersigned begs the favor of the Governor and Council (as it will be a great saving to the State) to appoint the Land Agent to view and measure said road which will greatly oblige

Your most obedient

And very humble servant,

WM. VANCE.

BARING, Oct. 16, 1829.

To the Honorable Council of the State of Maine :

GENTLEMEN—I have this day heard by report that it is expected that we have to lament the loss of our Governor by death—and from fear that this melancholy news may be true, I think it my duty to inform you that as the road from this place to Houlton, or to the Baskahegan, a distance of about fifty three miles, cannot all be made or opened so as to be fit for travel short of one year from next April, as there are 14 or 15 miles of the Bingham lands from here to the outlet of Round Pond or Lewey's Island. From thence about 23 or 24 miles which belong to this State, and which I am bound to open and make passable (twenty miles of which I made passable last season) at the north end of this road through the State's land, are 16 1-2 miles of road to be opened by private individuals, and which, by law, cannot be made under one year from next April. Now as there are 14 or 15 miles on this end of the road, that I am to make for the State, and 16 1-2 miles, on the further end of said road, to be opened and made before there can be any passing or travel on the part to be opened and made by the State, it is thought by all the friends to the road, that it is improper for me to go on this season and complete the road which I am to make (and which is the middle part) for the State, because before those other two parts of the road are made, the part made by the State will be filled up with wind falls so as to render it impassable. I stated this to the Governor when last in Portland, and he advised me (if I was willing to stand bound) to let the road remain unfinished till another year, so that it might all be made passable for travellers at the same time. And that in the mean time the Land Agent would be down here, and lay the land out on the road and sell the same to settlers who might wish to settle and keep the road open. And this the Governor stated he would lay before the Honorable Council, and said, I might be assured there would be no objection. To all which I on my part agreed. And for fear the news of the sudden death of our Governor may prove too true, and he not be spared to meet and state the same to his Council, I have thought it proper for me to lay the same before the Honorable Council, that they may direct the committee not to come down, as it will cost the State from four to six hundred dollars

for nothing, as there is about 3 1-2 miles of the road which will not now be completed till next year ; though I could and would have completed it this fall had not the public good and the friends of the road wished me to postpone the work till next season. All which I have agreed to.

With great respect, Gentlemen, I remain
Your most obedient and very humble servant,
WM. VANCE.

STATE OF MAINE.

IN COUNCIL, October 28, 1829.

The Committee of the whole Council to whom were referred the communications of William Vance Esq. dated March 10th, May 3d, and October 16th, of the current year, have examined the same, and Report :

That under the Resolve passed the 24th of January, 1828, Chap. 5. entitled, " Resolve for making the State Road from Baring to Houlton Plantation near Baskahegan" said William Vance was appointed by the Governor and Council, an Agent to open and make said road, on the 7th day of February following ; and on the 9th of the same month, said Vance entered into a contract to make said road, and gave a bond for faithful fulfilment thereof : in which it is stipulated, that said road shall be " completed on or before the first day of November 1829, and to submit to the determination of the Governor and Council for the time being, whether said road (when completed) is or is not made agreeable to the terms and conditions of said bond, in connection with the Resolve." That on a communication from said Vance dated June 20, 1828, praying that the price of the land appropriated by the Resolve for making said road might then be fixed, and a price of a part of the land so appropriated, was fixed by the Governor and Council, on the 24th of June, 1828. That the Governor and Council on the 18th day of October 1828, appointed Ichabod Bucknam, Esq. of Columbia and Charles Peavy, Esq. of Eastport, a committee " to examine the road aforesaid and ascertain whether the same is made and completed in all respects agreeably to the terms and conditions of the contract, also, to ascertain the value of the lands mentioned in said contract and certify the same to the Governor and Council." That on the 6th of January last, the Hon. John Balkam of Robinston was added to the Committee last named. And that on the representation of Jabez Mowry and others to the Governor and the present Council, dated Jan. 26, 1829, requesting that "two persons be added to the committee appointed to examine the road when made, by Wm. Vance Esq. from Bar-

ing to Houlton Plantation"—William Bell and Ebenezer C. Wilder Esquires, were added to said committee on the 29th day of January aforesaid.

Mr. Vance in his communication of the 10th of March last, prays that the Land Agent be appointed, instead of the committee above named to examine the road. In his communication of the 3d of May last, he represents that a violent gale of wind has filled that part of the road he made last year with windfalls, the expense of clearing out which, he claims the right to charge to the State, and to pay himself out of monies in his hands on "old account due for timber" and again proposes, that the Land Agent be substituted for the committee, whose report he states as his opinion, will be more satisfactory to the Governor and Council than the *report of a prejudiced committee of his enemies*. And in his communication of the 16th of the present month he represents that about three and a half miles of the road is unfinished and which will not be completed until next year, and that several miles of the same road to be made by other persons and corporations at each end of the road contracted to be made by him, not, and will not be made until next year; for want of which the road to be made by him would be useless if finished; and requests that the committee be directed not to attend to examine the road

By the terms of the contract, the question, whether the road is, or is not made agreeably to the contract, is entirely submitted to the determination of the Governor and Council for the time being, and under this agreement the Governor and Council have the right to appoint whom they please to report to them the facts. This committee are instructed also by the last Council to ascertain and report the value of the land; which value may be lessened by the removal of the timber. Since Mr. Vance has failed to complete the road agreeable to his contract, a statement of all the facts by the committee will be of essential service to the Council or to the Legislature hereafter. The committee of Council, do not believe that the respectable gentlemen appointed to view the road and appraise the land, are disposed, or that they will do Mr. Vance any injustice, and see no cause for revoking the instructions heretofore given them; and therefore recommend, that they be discharged from the further consideration of the communications referred to them, and that the papers be put on file.

Which is respectfully submitted,

PHINEHAS VARNUM, per order.

IN COUNCIL, Oct. 28, 1829.

This Report on being read, was accepted by the Council, and by the officiating Governor approved.

Attest, EDWARD RUSSELL, Secretary of State.

In answer to which I immediately wrote him, that I considered it our duty to proceed in the examination, as I had good reason to doubt any such understanding with the Governor and Council, as Mr. Vance had stated to him, and should be much pleased to meet all the members of the committee at the time appointed, in addition to which, a man that was going into the woods with us called upon Mr. Vance on the 3d November and inquired for us, and stated our business, in which conversation it appeared that Mr. Vance had full knowledge of the time of our meeting, but he did not call upon us, and from the temper in which he appeared to be, from his conversation with other people upon the subject, we did not think proper to call on him, he was at Calais on the 3d November, and was at home on the 5th, when we passed his house going into the woods. I may have committed an error in directing to him as Postmaster, but did then and do now believe he is such.

Yours respectfully,

JOHN BUCKNAM.

EDWARD RUSSELL, Esq.

STATE OF MAINE.

IN COUNCIL, Jan. 1, 1830.

The committee of the whole Council to whom was referred the report of the committee appointed by the Governor and Council to examine the road contracted to be made by William Vance, Esq. in the county of Washington, dated "Calais, Nov. 9, 1829," with the plan of said road, and a letter from Ichabod Bucknam, Esq. the chairman of said committee, dated "Columbia, Dec. 12, 1829," having examined the same, Report: That the Secretary of State be directed to prepare copies of all the papers and records in relation to said contract for the use of the Legislature, and that the committee be discharged from the further consideration of the documents referred to them. Which is respectfully submitted.

J. G. HUNTON, per order.

IN COUNCIL, Jan. 1, 1830.

This Report on being read, was accepted by the Council, and by the officiating Governor approved.

Attest,

EDWARD RUSSELL, Sec'y. of State.