

ADAM McCULLOCH.

[To accompany bill H. R. No. 648.]

MARCH 3, 1845.

Mr. SHEPARD CARY, from the Committee of Claims, made the following

REPORT :

The Committee of Claims, to whom was referred the petition of Adam McCulloch, report :

That it appears the United States have built a light-house upon Goat island, in the State of Maine, and that the title to said island is claimed by Adam McCulloch. The extent and merits of the claim are set forth by the annexed papers.

The committee report, herewith, a bill for the relief of Adam McCulloch, providing for the payment to him of the sum of \$300 from the treasury of the United States, if the Secretary of the Treasury shall be satisfied that said McCulloch has a good title to said Goat island, and will convey it to the United States for that sum.

No. 1.

To the honorable Senate and House of Representatives in Congress assembled :

The undersigned would respectfully represent :

That the "Plymouth company," to which the whole of New England was granted by King James I, in 1606, granted to John Dye and others, in 1630, a tract of land forty miles square, called Laconia, or Lygonia, in which territory Cape Porpoise was included. This grant subsequently came into the possession of Sir Alexander Rigby; and in 1646, the "governor general and commissioners of the American plantations" (a court having competent jurisdiction) declared the territory, with the right of government, to be lawfully Rigby's.

In 1651, George Cleave, (see paper marked A,) agent of Rigby, granted to Gregory Jeffery two hundred acres of land; and three islands in Cape Porpoise; one of which was Goat island. After Maine and Massachusetts were united under one government, all grants of land made by Cleave were considered valid. The town of Cape Porpoise (afterwards Arundel, now Kennebunkport) was deserted in 1689, in consequence of Indian wars, and was not resettled till about twenty-five years afterwards, when the old land-

marks having become obliterated, it became necessary to run out the several granted lots anew. In 1727, (as will appear by paper marked B,) John Jeffery, son of Gregory, had the two hundred acres of land laid out to him, which were granted to Gregory by Cleave at the same time with the islands. The same reason not existing for running out the islands, no mention was made of them when the other portions of the grant were again laid out.

September, 1796, John Jeffery and Benjamin Jeffery, (descendants and heirs of the said John Jeffery, to whom the two hundred acres of land were laid out in 1727,) who then lived upon and owned the above-mentioned two hundred acres, deeded Goat island to Hugh McCulloch, father of the undersigned.

In 1834, Hugh McCulloch being dead, the superintendent of light-houses for this district offered to purchase of the undersigned (who was the oldest son, and subsequently administrator *de bonis non* of the estate of said Hugh) the said Goat island, if he would give the United States a warranty deed; but not being able to find the deed to his father, and the estate of his father being insolvent, he declined doing it. The superintendent ultimately took a quit-claim deed from the agents of the States of Massachusetts and Maine, for which he paid nothing; and the money which was appropriated for the purchase of the island was returned to the treasury of the United States.

The undersigned, being duly authorized by the judge of probate for the county of York to make sale of the real estate belonging to the estate of Hugh McCulloch, purchased the island himself.

If certain contemplated improvements should be made in Cape Porpoise harbor, Goat island would probably become valuable for a fishing stand, for which it was originally purchased; that business being extensively carried on there, and on the increase. The United States government, however, having erected a light-house on the island, the undersigned is now willing to execute a good and sufficient deed to the United States, rather than to eject the light house keeper by aid of our State courts. He therefore prays your honorable body that an appropriation be made to pay for said Goat island.

ADAM McCULLOCH.

KENNEBUNK, May 7, 1844.

No. 2.

I, Charles Bradbury, of Kennebunkport, county of York, and State of Maine, having written and published the History of Kennebunkport, and having been appointed by the governor of this State to superintend the copying of the early records of Maine, hereby certify that, from a careful examination of the said records, and from an attentive perusal of the early history of this State, Massachusetts and Maine never had any title to Goat island, situated in Cape Porpoise harbor, on which a light-house was erected in 1834; nor did they ever claim to have any title to any of the islands on the western shore of Maine, till (for the purpose of enabling the United States to erect the light-house in 1834) they quit their title to Goat island to the United States; nor have they since that time claimed any other islands on this shore, to which they would have equal right; many of which are very valuable.

I also certify that I knew John Jeffery and Benjamin Jeffery, who deeded Goat island to Hugh McCulloch; and that they owned and resided on the land held by them by virtue of the same grant by which Goat island was holden; and that John Hovey, the justice before whom the deed was ac-

knowledgeed, was my grandfather, with whose writing I am well acquainted, and the signature on that deed purporting to be his is genuine. I further certify that I was auctioneer at the sale of the real estate of Hugh McCulloch, deceased, and that Goat island was bought by Adam McCulloch, son of said Hugh, and administrator on his estate; and that the sale was according to law.

CHARLES BRADBURY.

YORK, ss. *May 7, 1844* :

Personally appeared the said Charles Bradbury, and made oath that the above certificate by him subscribed is, to the best of his knowledge and belief, true. Before me,

ANDREW LUGUES,
Justice of the Peace.

A.

Be it known by these presents y^t I, George Cleave, Gent. Ag^t for Colonell Alexand^r Rigby, President & Proprietor for y^e Province of Laconia, do, by authority derived from y^e s^d President, give, grant, bargain, sell, & confirm unto Gregory Jefferie Two hundred acres of land, together in y^e Village of Cape Porpus, by the Bounds herein expressed; that is to say, to begin at the South West side of the Lot of Land granted to John Bush, & now assured & confirmed to Richard Moore, & from the southwest side of that Lott to run Fourscore Pole Breadth Southwesterly towards Cape Porpus, & from the sea Banke is to run Norewestwardly Four Hundred Poles; all the marsh Ground in the said Four Hundred Poles in Breadth between the sea & the wood side, to be contained in this Grant for & in Consideration of y^e Rent of Five Shillings yearly, to be paid unto y^e sd. President, or his Heirs forever, or to any of their Agents or Rentgatherers; the said Rent to be paid every Year upon the First day of November for Services & Demands, with Fealty, as is expressed, in all other grants. And I alsoe, the said George Cleave, do grant & confirme unto the s^d Jeffery & his Heirs for ever, besides w^t is herein formerly expressed, the Inheritance & Possession of three Small Islands in Cape Porpus Harbour—the one of them named the Folly Island, & the other called the Goat Island, on the East side, and the called Grejne Island on the West side, together with ten Acres of Marsh Ground in the great marsh betwixt Joseph Bowles, his Lot & the Little River, in some Place not being formerly granted, to have & to hould all the s^d Land herein expressed of & from the s^d President & his heirs for ever, for the yearly Rent of Seven Shillings Six Pence, to be paid, as afores^d, on the First of November; & for non payment, it shall be always lawful for the President and his Heirs, Agents or assigns, to distrain for the Rent & arrear thereof; & this Grant is to be enrolled in the Book of Enrollment, according to constitutions & my instructions. In Witness whereof, I have hereunto set my Hand & Seal this first Day of November, 1651.

GEORGE CLEAVE.

Sealed & Delivered in the presence of Rich. Moore, Nic. Bartlet, George Hardy, Octob^r 30, 51 vera copia taken pr

ED. RISHWORTH, *Record*

I, Benjamin J. Herrick, register of deeds for the county of York, in the State of Maine, hereby certify that the above is a true copy from the first volume of records of said county, now in the office of register of deeds, and on the 36th and 37th pages of said book.

Attest :

BENJAMIN J. HERRICK, *Register.*

MAY 3, 1844.

B.

By vurtue of a deed from Géorge Cleaves unto Richard More, of Cape Porpous, of four hundred acres of land and marsh, situating and lying in the Township of Cape Porpous; and, also, two hundred acres from said Cleaves to Gregory Jeffrey, on the southwest side of s^d 400 acres, as will more fully appear by deeds; and, also, ten acres of marsh, I, undersigned, have survaied, and run, & laid out, unto Sam^l Avery and Jacob Wildes, as attourneys, to John Jeffery, son of Gregory Jeffrys; the said land is buting and bounding, as followeth: begining at the north east corner of the point of y^e grove of pine trees near the lott ajoyning to the Little River, and there marked a tree on four sides; and from thence south west two hundred and fourty Rods, and there marked a pitch pine tree; and from the see shore a North west course on boath sides 400 Rods, which compleats the whole 600 acres; the ten of Marsh lies on y^e South West side of s^d 600 acres of land, Between the Little River and the North west side, and the pines on the South east side, begining at the North east end on the South west side of said 600 acres, and Runing on a South cours 118 Rods, as will appear By a marked tree and stakes sat in the Marsh.

SAM^{LL} WHEELWRIGHT,

Survair of Land.

ARUNDEL, *July 27, 1727.*

Entred in Arundel Town Book July 28, 1727.

P. THOMAS PERKINS,

Town Clerk.

I, Benjamin Merrill, town clerk of the town of Kennebunkport, in the county of York, and State of Maine, (formerly Arundel and Cape Porpoise,) hereby certify that the above is a true copy from the records of said town.

Attest :

BENJ. MERRILL,

Town Clerk.

YORK, }
April 2, 1844, } ss.

Then personally appeared said Benjamin Merrill, and made oath that the above certificate, by him signed, is true.

Before me,

CHARLES BRADBURY,

Justice of the Peace.

No. 3.

Know all men by these presents, that we, John Jeffery and Benjamin Jeffery, of Arundell, in the county of York and commonwealth of Massachusetts, yeomen, in consideration of twenty dollars paid by Hugh McCulloch, of Arundell aforesaid, trader, the receipt whereof we do hereby acknowledge, do hereby grant, sell, and convey unto the said Hugh McCulloch and his heirs, two certain islands, known and called by the names of Folly island and Goat island, lying in Arundell, and at the mouth of Caporpus harbor :

To have and to hold the same to the said Hugh McCulloch, with all the privileges and appurtenances to the same belonging, to him and his heirs forever. And we do covenant with the said Hugh McCulloch, his heirs and assigns, that we are lawfully seised in fee of the premises ; that they are free and clear of all incumbrances ; that we have good right to sell and convey the same to the said McCulloch in manner aforesaid ; and that we and our heirs will warrant and defend the same to the said McCulloch, his heirs and assigns, forever, against the lawful claims and demands of all persons whatever.

In witness whereof, we have hereunto set our hand and seal this twenty-second day of September, anno Domini one thousand seven hundred and ninety-six.

JOHN JEFFERY.
BENJAMIN JEFFERY.
her
HANNAH x JEFFERY.
mark

Signed, sealed, and delivered, in presence of
ANDREW BROWN,
JOEL CLUFF.

YORK, ss: September 26, 1796.

Then the within named John Jeffery personally appeared and acknowledged this instrument by him signed to be his free deed.

Before

JOHN HOVEY, J. P.

No. 4.

I, Joseph Tarbox, of Kennebunkport, in the county of York and State of Maine, aged 76 years, do depose, testify, and say: That I have lived on Trot's island, on the northeasterly side of Cape Porpoise harbor, and contiguous to Goat island, (at low water,) for 28 years last past ; and previous to that, I lived in the vicinity of said harbor ; that I was well acquainted with Hugh McCulloch, esq., as I worked for him, more or less, for six years ; that he owned Goat and Folly islands when I worked for him, and let one Bradbury Perkins set up a fish stand, and build a store and make fish on them. He said he bought them of Benjamin and John Jeffery. I further say that I never heard any other person claim said islands, or Mr. McCulloch's title disputed.

his
JOSEPH x TARBOX.
mark.

Witness, JOSHUA HERRICK,
HANNAH F. HERRICK.

STATE OF MAINE, *York county, ss:*

Personally appeared the above-named Joseph Tarbox, and made solemn oath to the truth of the above deposition by him subscribed. Before me,

J. HERRICK,
Justice of the Peace.

APRIL 25, 1844.

I certify that I am well acquainted with the above-named Joseph Tarbox, and believe him to be a man of good character, and strictly honest.

JOSHUA HERRICK.

KENNEBUNKPORT, *April 25, 1842.*

No. 5.

I, Eunice Perkins, of Kennebunkport, in the county of York, and State of Maine, of lawful age, do depose, testify, and say: That, for more than thirty years, I resided at Cape Porpoise, in said Kennebunkport, where I owned a large tract of land including several islands in the harbor of Cape Porpoise; that Folly and Goat islands, (or the last of which a light-house has recently been built,) next adjoining those owned by me, were generally believed to belong to Hugh McCulloch, esq., and, to my own knowledge, were always claimed by him, as having been purchased of John and Benjamin Jeffrey; and that it was believed that a person who occupied one of them several years, did so by consent of Mr. McCulloch; and that I have no doubt that these islands actually belonged to him, and that no other person had any claim to them.

EUNICE PERKINS.

STATE OF MAINE, *York county, ss:*

Personally appeared the above-named Eunice Perkins, and made solemn oath to the truth of the above deposition by her subscribed. Before me,

JOSHUA HERRICK,
Justice of the Peace quorum unis.

APRIL 21, 1842.

I further certify that the within written Eunice Perkins is a person of the first respectability and credibility, and that her testimony in the case in point would be considered, where she is known, as more important than that of any other person.

JOSHUA HERRICK.

KENNEBUNKPORT, *April 21, 1842.*