

# MAINE STATE LEGISLATURE

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DOCUMENTS

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THE LEGISLATURE,

OF THE

STATE OF MAINE,

DURING ITS SESSION

**A. D. 1833.**

## LAND AGENT'S REPORT.

*To the Honorable Governor and Council of the State of Maine.*

The Land Agent of the State of Maine respectfully reports, that in the early part of last winter, Mr. Joseph L. Kelsey was employed to go up the East branch of the Penobscot river, and survey such timber as should there be cut, under what is called the burnt timber permit ; and explore the public lands in that quarter, and prevent, as far as practicable, depredations thereon. It will be seen by his report that he found but one case of trespass. Twenty nine logs were cut. The quantity was so small, that he did not think proper to incur expense to drive and secure them, and it was impracticable to advertise and sell them where they lay.

This trespass was on the undivided land, and has since been settled by the advice and concurrence of the Land Agent of Massachusetts, and persons supplying the trespassers have paid therefor 141 dollars 14 cents, being what was the estimated value of the logs at the boom in Orono. Gen. John Webber was also employed to watch and protect the timber, and see to the surveying of the timber cut under permits. He seized and sold some small lots of timber cut by trespass and the amount is credited. He also found some other cases of trespass, and prosecutions therefor were commenced by John Godfrey, Esq., Attorney for the State, for the County of Penobscot. In some of the cases he has obtained judgment in favor of the State, and others have been by him adjusted, but not having received

his report, or any payment thereon, I cannot state the amount due. The trespasses were only to a small amount.

Some cases of trespassing in the County of Washington, near Machias were committed to the Hon. Elijah L. Hamlin. I have not yet received his account of them. Mr. Hiram Rockwood was also employed by the Land Agents of Massachusetts and Maine, to proceed to Dead river, and to Moosehead Lake, to see if there was any trespassing in that quarter; he found none. Moses Burley, Esquire of Linneus was employed to go to the Aroostook. It will be seen by his report that he seized several parcels of timber. The little prospect there was of disposing of it according to law, so as to obtain a sufficient sum to defray the expense of protecting and selling it, prevented any thing being done with the timber. By his report and information of other persons, it appears that the country on the Aroostook is suffering the evils arising from the want of an efficient government. It appears that the agents of the British Government, also went on to the Aroostook and seized what timber they could find; so that it is believed that trespasses were not there committed to a large extent.

It has been reported that the British officers have given permits to cut timber on the Aroostook, the present season, and that persons have actually gone up there for that purpose. I have not been able to learn whether these reports are true. I have appointed Moses Burley as an Assistant Agent to see to the public lands in that part of the State where he resides.

I had, in pursuance of the directions of the Governor and Council, made arrangements for surveying some of the townships on the Aroostook into sections for settlement. Owing to the situation of the boundary question, I did not direct the surveyors to proceed on that service; and the persons engaged for the purpose were directed to survey

two townships on the head waters of the Seboois, for the purpose of ascertaining its quality for settlement, and particularly for offering the timber thereon for sale, if it shall be deemed advisable to do it. They were also directed to run and mark that part of the line between the sixth and seventh ranges which was wrongly marked and left unfinished by Norris in his survey of the townships north of the monument line. It became necessary that the true line between the townships numbered seven in the sixth and seventh ranges should be ascertained and marked; as the township numbered seven in the seventh range has been sold by Massachusetts, and the proprietors have this winter commenced cutting the timber thereon, which is principally on that part of the township where the line was wrongly marked. This line has been run and marked as it was directed to be done by the commissioners under the act of separation. The township numbered seven in the sixth range, and that numbered eight in the seventh range have been surveyed. It is found that they contain some excellent land for settlement; but they are most valuable for the excellent timber upon them; especially No. 8, in the 7th range, on which the timber is of the very first quality. It is also found that Limestone abounds in that part of the State.—The surveyors according to their directions, then proceeded up the west branch of the Penobscot river and surveyed the township No. 2 in the 9th range into sections. This township has been mostly burnt over and a large portion of the original growth of timber destroyed. It is now in many places covered with a young growth of white and hard pine; there is however upon it a small quantity of good timber. It being in the vicinity of Mount Katahdin the foot of which may be said to extend to the Millinocket Lake in which is the south east corner of this township, a large part of it is not valuable for settlement.

When that part of the State of Maine which was divided by the commissioners under the act of separation was surveyed, the surveyors were directed to run a line due west from the monument at the head of the St. Croix, to the located lands near Moosehead Lake, and this line was to be the base line from which the townships were to be laid off north and south; the range lines to run north and south at right angles with the line run due west from the monument. In 1825, Joseph C. Norris run the line from the monument to near the top of Mount Katahdin; it being late in the season when he arrived at that point, it was found that the line could not be then run, and it was deemed impracticable to extend it further. The next year, Joseph Norris attempted to ascertain the course and distance on the line to Chesuncook Lake by calculation, but having made an error in his calculation it was found that his distance was incorrect, and that the corners of the township marked by him west of the Chesuncook Lake were wrongly marked. In the winter of 1827 he undertook to correct this error by making an offset from the line east of Katahdin and returning to the line west of the mountain. It is now thought that this line is also incorrect. This renders it uncertain what is the true north line of several townships. The surveyors employed to survey No. 2 in the 9th range were directed to ascend Mount Katahdin, and report whether in their opinion it is practicable to continue the monument line over Katahdin; accordingly on the 14th of September they ascended the mountain, the top of which was then covered with snow and ice. They are of the opinion that the line can be run, and much of the way marked, but cannot be measured the whole distance on the line.

In May last, Zebulon Bradley was directed to survey and divide the townships No. 1 of Titcomb's survey on

the Schoodic river and belonging to the 2d range of townships north of Bingham's Penobscot Purchase, and township No. 4 in the first range of townships north of Bingham's Penobscot Purchase, for the purpose of having one half of each conveyed to William Vance, Esq.

Pursuant to a resolve of the Legislature, the west half of No. 4 was advertised and on the 24th of August, offered at public auction at Bangor and was sold for 126 cents an acre.

Applications having been made to purchase a part of the south part of No. 1 in the second range north of Bingham's Penobscot Purchase and on the Schoodic river the same was surveyed, and several lots have been sold. The half township No. 3 in the 6th range and on the Aroostook road, and township No. 5 in the same range, were surveyed into quarter sections for the purpose of sale and settlement, and some lots have been sold. These are all the surveys that have been made on lands assigned to Maine except some small corrections and alterations in No. 2, river township, and No. 4, of the old Indian Purchase.

Pursuant to the arrangement between the Commonwealth of Massachusetts and State of Maine, respecting the management of lands held in common and undivided, the two Agents of the States met at Bangor on the 16th day of May last, and made a classification and valuation of those townships of land in the State of Maine held in severalty by said Commonwealth and State. We then proceeded to direct a part of the undivided lands to be surveyed and explored, and directed a more particular examination of the territory to be surveyed than has heretofore usually been made. A survey of 13 townships has been made and the field notes, descriptions and plans of this tract have been returned to the land offices of the two States. Although this survey may not be so particular as might be desired,

the lakes and streams not having been surveyed, yet it is believed to be much more accurate, and the information obtained much more extensive and definite, than what has heretofore been obtained respecting any large tracts surveyed in this State. It was found that a part of this tract was under the incumbrance of a permit to cut thereon such timber as has been injured by fire, commonly called the burnt timber permit. This permit was given in 1826, by the Land Agents of Massachusetts and Maine, in pursuance of resolves of the Legislatures of both States. It is probable that the Legislatures of the two States directed the sale of this timber under the impression that such part of this timber as should not be soon used would be useless and lost. In giving this permit the Land Agents made use of the words of the resolves, and gave it without limitation of time. It has since been found that a considerable part of this timber was so severely burnt by the fire in 1825 as to prevent the worms from entering it, and that much of the timber, although materially injured, is still valuable. This permit extended to lands which had been sold by direction of the Legislature of Maine and also to land sold by Massachusetts. This might hereafter be the foundation of claims for indemnity from the States. Supposing that this incumbrance would materially injure the sale of a considerable extent of territory this year surveyed, we deemed it advisable to enter into an arrangement with Mr. Emerson, to whom the permit was granted, by which he gave up the permit, and relinquished all claims under it; for which we paid him 3000 dollars, and granted him a permit to cut the timber on a quarter part of the township No. 6 in the 8th range for three winters including the present winter for which he is to pay two dollars a thousand, board measure. It is believed that the sales of the land and timber would have been injured much beyond the sum paid,



had the relinquishment of the claim on the land under the burnt timber permit not been obtained. Taking into consideration that the townships No. 4 and 5 in the 8th range, and No. 4 and 5 in the 9th range were exposed to the depredations of trespassers, and that a part of these townships had heretofore been burnt over, and from this circumstance were in more danger of being again burnt, and only a small part of them being suitable for settlement, and being principally valuable for the timber upon them, we concluded to offer those four townships for sale at auction, and having advertised them, on the 24th day of October last, we sold township No. 4 in the 8th range for 159 cents an acre—No. 5 in the same range for 126 cents an acre, and township No. 4 in the 9th range, for 66 cents an acre. We also at the same time offered for sale the timber on townships No's 6 and 7 in the 8th range and No's 6 and 7 in the 9th range. The timber on 13 quarters of townships were bid off at different prices from 2 dollars 51 cents to 5 dollars 18 cents per thousand. The persons to whom the permits were given, are to have three seasons including the present to cut and remove the timber. It is probable that the timber under a part of these permits will not be cut at the price given. On each permit of a quarter township, 100 dollars was required to be paid on granting the permit, which is to be deducted as part payment for such timber as may be cut under them, but to be forfeited to the States if no timber is cut under a permit. Eleven permits have been given and 1100 dollars paid; the other two will probably be taken and the 200 dollars paid.

The proceeds of the sale of the west part of township No. 4 in the 1st range north of Bingham's Penobscot purchase have been deposited in the office of the Treasurer of the State. The notes taken for the part belonging to this State of the undivided lands which have been sold,

are also deposited with the Treasurer. As these notes are of a large amount and may as well be paid directly to the Treasurer, it is hoped this will be approved of by the Governor and Council.

Having, pursuant to a resolve of the Legislature, advertised all the lands in the Counties of Hancock and Washington south of the monument line, the whole was sold, with the exception of one lot in Ellsworth. The several lots were sold for different prices, from seven cents to one dollar an acre. Considering the situation and quality of the land, it probably was sold for as much as could be reasonably expected. These tracts are included in the account of sales. The Land Agent was authorized to sell a tract of land in Oxford County. This was advertised for sale at Augusta and a person appointed to explore the same, which in consequence of lameness he failed to do. The reason why the Legislature directed this tract to be sold was that it was then contemplated that a County road would be laid through it, and it was thought best to sell the tract for what it would fetch under that incumbrance. Having been informed that it was found impracticable to have the road made through that tract, and that it probably would not there be laid by the County Commissioners of roads; the reason which was supposed to have induced the Legislature to direct the sale having ceased to exist, it was thought best to suspend the sale. If the Legislature shall not see fit to alter the disposition of this tract, it can be sold the next summer. The tract of meadow land in No. 4 of the old Indian purchase has been surveyed and sold, except a small part of it, where there was some doubt about the title.

The whole amount of land sold during the present year exclusive of the undivided lands is 88,717 acres for 59,149 dollars 42 cts. If to this be added the half of the undivided lands sold, and 2,202 acres conveyed pursuant to a resolve

of the Legislature, the consideration for which was paid to the Treasurer, the whole amount of lands sold will be 124,154 acres, the consideration to be paid for which, is ninety-nine thousand two hundred twenty-one dollars and seventy-six cents.

The amount which was due on the first of November last, for timber cut the last winter, was \$5,815 89; of this \$3,398 36 has been paid, leaving now due \$2,417 53. This sum is believed to be well secured and that it will be soon paid.

About thirty miles more of the Aroostook road has been made the past season, making the whole distance now cut, thirty-seven miles. The remainder of this road has been resurveyed and located. It now arrives at the Aroostook river near the north line of township No. 11, in the 5th range, which is about 18 miles further down the river than where the road as before located struck the river. For these objects there has been paid \$4,434 56, half of which has been paid by Massachusetts. It cannot be expected that with the sum expended on this road, it can have been made what it ought to be. But even as it is, it will be of great advantage to the country in the winter, and when the remainder of it shall be made in the manner in which about one half the distance which is laid out is finished, it will be an avenue by which the Aroostook country *can* be entered in the summer without passing through a British province, and thus facilitate the intercourse with a country which the more it is known the more its value is appreciated. Whatever may be the ultimate decision respecting our northeast boundary question, it is important that a good road should be made. It is believed to be the unanimous opinion of all persons acquainted with the country north of the Penobscot waters, that the military road now constructed should have been made in the direction where the Aroostook road is now located. In a military point of view, this road ought

to be expeditiously and well made, and extended to the northern boundary of the State. The inhabitants now settled on the Aroostook river are cut off from all direct communication with the other parts of the State. Having understood that the Commissioners of roads for the County of Washington contemplated locating a road to the north line of township A, in the first range, the Land Agents of Massachusetts and Maine forwarded to said Commissioners a petition, requesting them to continue the road to the Aroostook settlement. If there is any doubt about the authority of the Commissioners to lay out a road over the public lands, it may be worthy of the consideration whether it would not be advisable to empower the Commissioners of roads, under proper restrictions, to lay out roads over the public lands within the State.

The tract of land belonging to Massachusetts and Maine, lying between Raymond and Poland, has been surveyed, and an Agent appointed to sell the several lots to the persons occupying them if they wish to purchase. Most of the tract has been sold and deeds delivered to Agent appointed to transact that business, he has not yet completed it and made his report.

By the arrangement between the two States for the sale and disposition of the public lands it is contemplated to have a communication between the settlements north of the Waldo Patent and the country on the Alagash lakes and streams. Before any thing can be done respecting this road, the country between Moosehead and Chesuncook lakes must be more thoroughly explored than it has yet been.

A large part of the unsettled land in the State remains almost unexplored and unknown, especially as respects its geology, which is essentially different from the inhabited part of the State. When it is considered that the centre of the State is a mountainous region of probably as great an elevation as any part of the United States, and that the

geology of the several parts are essentially different from each other, this becomes an interesting inquiry not merely as a matter of curiosity, but as tending to discover the different mineral productions, ascertaining the qualities of the different soils and developing the agricultural advantages of the different sections of our State. It cannot be expected that those persons who are employed to survey and measure the land, even if they were qualified for the task, could pay much attention to the geology of the country over which they pass. It is therefore worthy of consideration, whether the expense of employing during a part of the year some scientific persons to examine the geology of the uninhabited part of the State would not be amply compensated by the information that would be obtained.

Difficulties are constantly arising from the imperfect, erroneous and blundering manner in which surveys have heretofore been made in this State. Most of the States in the Union have laws regulating the surveying of land. The Legislature of Maine have very wisely made laws regulating the weights, measures and inspection of every article of commerce, and for regulating the practice of law and medicine, while the surveying and measuring of land is left to be done in such way and manner, and with such instruments as each person who deems himself qualified for the business thinks best. The want of a knowledge of what has in past times been the variation of the compass in different parts of the State, renders it impossible to ascertain what is the true course of lines where the ancient monuments cannot be found.

The field notes and plans of the several surveys which have been made the past year have been returned to the Land Offices.

DANIEL ROSE, *Land Agent of Maine.*

AT THE LAND OFFICE IN AUGUSTA, {  
January 1st, 1833. }

**Dr. State of Maine in account with**

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For the amount collected for principal on the demands in the Land Office on the first of January, 1832, exclusive of interest, and credited to the State, -	14,928 98
For the balance of securities remaining in the Land Office, and taken before the first of January, 1832, and carried to a new account, 71,298 56	
For the amount of notes taken for sales of land in 1832, and remaining in the Land Office, 34,253 41	
For notes taken in 1832 for trespasses, and for hay cut by permission, - - - - 214 81	
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Making the amount of securities remaining in the Land Office on the first of January, 1833, exclusive of interest, and which is credited the State in a new account, - - - -	105,766 78
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	\$120,695 76

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For the amount of securities taken for land and credited to the State, - - - -	34,253,41
For the amount of notes taken for land, and deposited with the Treasurer - - - -	19,063,36
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	53,316 77
For the amount of notes taken for undivided lands, and deposited with the Treasurer, 30,959 25	
For the amount paid for the relinquishment of the burnt timber permit, - - - -	1,500,00
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	32,459 25
For the amount paid for surveys and exploring of the public lands, including half of the expense on the undivided lands, - - - - - - - -	3,328 15
For expenses of surveying timber cut under permits, seizing, securing, and selling timber cut by trespass, and watching the timber on the public lands, and for assistance in the Land Offices, - - - -	894 43
For expenses in surveying and locating, and making a part of the Aroostook road, - - - - - - - -	2,219 26
For the amount paid for sundry expenses including stationery, postage, stage fares, printing and advertising, office rent, expenses in the Land Offices, and payment for expenses in redeeming real estate to secure a demand to the State, - - - - - - - -	401 29
For the amount paid to the Treasurer, - - - -	28,229 89
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	\$120,849 04

**Daniel Rose, Land Agent, in 1832. Cr.**

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By the amount of the securities in the Land Office, on the first of January, 1832, - - - - -	86,227 54
By the amount of notes taken for sales of land in 1832, and retained in the Land Office, - - - - -	34,258 41
By the amount of notes taken for grass and for trespasses, - - - - -	214 81

\$120,695 76

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By the amount secured by notes for the sales of land, - - - - -	53,316 77
By the amount received in cash for the sales of land, - - - - -	5,832 65
	<u>59,149 42</u>
By half of the total amount of the consideration for the sales of the undivided lands, including the interest on cash payments, - - - - -	38,971 34
By the amount received on the demands in the Land Office for principal, - - - - -	14,928 98
By amount received for interest on demands in the Land Office, - - - - -	2,820 66
	<u>17,749 64</u>
By the balance for trespasses exclusive of notes, - - - - -	59 71
By the balance for grass, exclusive of notes, - - - - -	11 00
By amount received for timber cut under permits, - - - - -	3,598 36
By amount received for timber cut under burnt timber permit, - - - - -	300 17
By half of the advance money received for permits to cut timber on the undivided land, - - - - -	550 00
By amount received for sundry demands not receipted for to the State, including payments on old contracts, and interest on cash payment of lands sold, belonging to Maine, - - - - -	659 40
	<u>\$120,849 04</u>

January 1, 1833.

STATE OF MAINE.

IN SENATE, January 12, 1833.

ORDERED, That five hundred copies of the foregoing Report be printed.

[Extract from the Journal.]

Attest,

T. J. CARTER, *Secretary.*