

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

DOCUMENTS

MAINE STATE LIBRARY

PRINTED BY ORDER OF

THE LEGISLATURE,
State - Library.
OF THE

STATE OF MAINE,

DURING ITS SESSION

A. D. 1841.

Augusta:
SEVERANCE AND DORR, PRINTERS TO THE STATE.

1841.

TWENTY-FIRST LEGISLATURE.

NO. 11.

SENATE.

R E P O R T

O F T H E

COMMITTEE ON STATE LANDS

O N T H E P E T I T I O N O F

ABSALOM PETERS AND OTHERS.

SEVERANCE & DORR,.....Printers to the State.



REPORT.

IN SENATE, 26th Feb. 1841.

The Committee on State Lands, to which was referred the petition of Absalom Peters, and others, have had the subject of said petition under consideration, and ask leave to

REPORT

The following statement of facts, together with a Resolve, which is herewith submitted.

It appears in evidence that Township No. 6, Range 9 west from the east line of the State, was sold on the 10th of June, 1835, by the States of Maine and Massachusetts, to Milo L. Bennett and others, for the sum of \$119,718, one fifth part of which, amounting to \$23,943 60, was paid down, and notes given for the balance, payable in four equal annual payments. A conditional deed of said land was given by the States, which was void unless said notes were paid. It also appears that the petitioners purchased said land of Bennett and others, agreeing to assume the responsibility of paying said notes; since which time they have paid to the States on said notes, in principal and interest, the sum of \$28,086 29. In addition to this payment, they have made large improvements in the river, and thereby advanced the value of timber, belonging to the State, on the upper waters of that branch of the river, so that the State has derived some considerable benefit from the sale of this town, in addition to the \$52,029 87 paid in cash.

The field notes in the Land Office show this town to have been surveyed in 1832, by Zebulon Bradley and John Web-

ber, and the timber estimated at 30,000,000 feet. It also appears that an estimate of this timber was made in 1834, by Isaac S. Small and others, under the direction of the Agents of the State and Commonwealth, who returned 15,000,000 feet. This was the only evidence exhibited by the Land Office of the amount of timber upon the township. For these two estimates, and these alone, the State is responsible; whatever other evidence the purchasers relied upon was derived from private individuals.

There has been taken from the township 10,892,041 feet of pine timber, for which there has been received \$32,689 80; and to determine the value of the town and the quantity of the timber remaining, at the request of the Hon. Rufus McIntire, Land Agent of Maine, Isaac S. Small again examined the town, in 1839, and in his report says, "About three-fourths of the town is very rough and broken, and where the timber is off is worth little or nothing, the other quarter consists of low intervale, ordinary upland, and meadows, worth perhaps fifty cents per acre." He also says there is not above 1,500,000 feet of timber remaining on the town, that would pay the usual stumpage, or could be taken off with advantage by the owner or operator. He also says, according to the best of his judgment, the township, in the condition which it was when sold by the States would now be worth about \$40,000. There is, he says, a large amount of defective timber on the town, which probably occasioned the error in the estimate in 1832. Zebulon Bradley, who accompanied Mr. Small in 1839, corroborates his statements in every important point, and says he is satisfied the timber could not have exceeded 15,000,000 feet, and that the estimates formerly made by him and Gen. Webber must have been incorrect. He also thinks the township, when sold by the States, worth about \$40,000. In this opinion of the value of the town when sold, Col. Hodgdon (former Land Agent) agrees with Mr. Small and Mr. Bradley. This seems to be the most direct and pointed testimony in the case, because

it is given by persons qualified to judge, and who had the means of knowing from actual examination. There is some other evidence in the case, given by lumbermen, estimating the original value of the town variously, from one to two dollars per acre, and in one case as high as from two to three dollars per acre. These statements generally go to establish the correctness of the report of Messrs. Small and Bradley. It would seem to appear, therefore, that they have paid some \$12,000 more than the township has proved to be worth at the time of purchase, whether the estimate of \$40,000 be taken, or the value be arrived at by adding to the \$32,689 80 received for stumpage, \$5,000 for the value of the timber remaining, and \$3,000 for the value of the soil, independent of improvements. All the security the States now have for the payment of the balance of the notes is the land, as the makers of the notes are represented to be deeply insolvent.

All which is respectfully submitted.

JOSEPH EATON, *Chairman.*



STATE OF MAINE.

RESOLVE in favor of Milo L. Bennett and others.

RESOLVED, That the Land Agent of this State
2 be and hereby is authorized and empowered to can-
3 cel and give up to Milo L. Bennett, Charles H.
4 Coffin and Jefferson Sinclair, the several notes now
5 in the Land Office, given by them, for Township
6 number six in the ninth Range west from the east
7 line of the State: *Provided, however,* and on con-
8 dition, that the said Milo L. Bennett, Charles H.
9 Coffin, and Jefferson Sinclair, or their assigns,
10 shall pay to the Land Agent of this State, the sum
11 of one thousand dollars, on or before the first day
12 of October next, over and above the sums already
13 paid and secured to this State, in lumber cut prior
14 to this year: *And provided also,* That they shall
15 furnish to the Land Agent satisfactory evidence
16 that the liabilities of the second purchasers to the
17 said Bennett and others are cancelled.

STATE OF MAINE.

IN SENATE, February 27, 1841.

ORDERED, That the foregoing Report and Resolve be laid on the table and 400 copies be printed for the use of the Legislature.

[Extract from the Journal.]

ATTEST:

DANIEL SANBORN, *Secretary.*