

MAINE STATE LEGISLATURE

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DOCUMENTS

PRINTED BY ORDER OF

THE LEGISLATURE

OF THE

STATE OF MAINE,

DURING THE

EXTRA SESSION OF 1853, AND SESSION OF 1854.



Augusta:

WILLIAM T. JOHNSON, PRINTER TO THE STATE.

1854.

THIRTY-THIRD LEGISLATURE.

HOUSE.

No. 12.

DOCUMENTS

IN RELATION TO

CONVEYANCE OF LANDS

FROM MASSACHUSETTS TO MAINE.

To the Senate and House of Representatives :

In compliance with the request contained in your joint order of the 27th ultimo, I herewith transmit a copy of the deed of conveyance referred to from the Commonwealth of Massachusetts to the State of Maine, together with a schedule of the notes assigned and a copy of the assignment.

The originals were delivered to the Treasurer of State at the time of the consummation of the contract and are still in his possession. I beg leave to suggest the propriety of transferring them, by order of the Legislature, to the Land Office.

WM. G. CROSBY.

COUNCIL CHAMBER, }
March 10, 1854. }

DEED OF CONVEYANCE.

To all men to whom these presents shall come :

I, Samuel Warner, jr., land agent of the Commonwealth of Massachusetts, with the concurrence of Ephraim M. Wright, Jacob H. Loud and David Wilder, jr., commissioners of the public lands belonging to said commonwealth in the State of Maine, whose names are hereunder signed and seals hereto affixed, pursuant to a certain act of the legislature of said commonwealth passed the twenty-fifth day of May, in the year one thousand eight hundred and fifty-three, entitled "An act for the sale of the public lands in Maine," and by virtue of the powers vested in said agent and commissioners by said act—

In consideration of the sum of one hundred and twelve thousand and five hundred dollars to us paid by Samuel Cony, esquire, treasurer of the State of Maine, being thereto authorized by certain resolves of the said state, passed on the twenty-eighth day of September, in the year of our Lord one thousand eight hundred and fifty-three, for the use of said commonwealth, (the receipt whereof, to the use aforesaid, is hereby acknowledged) and of the delivery of certain certificates of the stock of said State of Maine, as follows, to wit :

Ten certificates for twenty-five thousand dollars each, amounting in all to the sum of two hundred and fifty thousand dollars, numbered from one to ten inclusive, dated October fifth, one thousand eight hundred and fifty-three, and payable annually from said date, as follows, viz :

Number one in ten years, number two in eleven years, number three in twelve years, number four in thirteen years, number five in fourteen years, number six in fifteen years, number seven in sixteen years, number eight in seventeen years, number nine in eighteen years, number ten in nineteen years—

Each certificate is signed by Samuel Cony, treasurer, countersigned by Wm. G. Crosby, governor, and attested by John G. Sawyer, secretary, and has interest warrants attached for payment of annual interest at five per cent. per annum from said fifth day of October, 1853—the receipt whereof is hereby acknowledged—have given, granted, sold and conveyed, and by these presents in behalf of said commonwealth do give, grant, sell and convey unto the said State of Maine, and their assigns forever, all the right, title and interest of the said commonwealth in and unto the following described land, to wit:

One undivided half of townships and tracts lying within the said State of Maine, and west from the east line thereof, in numbers and ranges as follows, viz:—Township G, of the first range, containing six thousand two hundred and ninety-seven hundredths acres, exclusive of settlers' lots. Township L, of the second range, containing, exclusive of settlers' lots, eleven thousand seven hundred ninety-eight and thirty-nine hundredths acres. Township M, of the second range, containing, exclusive of settlers' lots, five thousand one hundred and ninety-seven acres and seventy-six hundredths, more or less. The north part of township numbered seventeen, in the fourth range, containing three thousand four hundred and forty-six acres. The southeast quarter of township numbered seven, of the eighth range, containing two thousand eight hundred and five acres. Township numbered seventeen, in the ninth range, containing five thousand seven hundred and sixty acres. Township numbered twelve, in the tenth range, containing twelve thousand three hundred and sixteen acres. Township numbered thirteen, in the tenth range, containing eleven thousand nine hundred and ninety-seven acres. Township numbered seventeen, in the tenth range, containing five thousand seven hundred and sixty acres. Township numbered twelve, in the eleventh range, containing eleven thousand six hundred and thirty-four acres. Southeast quarter of township numbered eighteen, in

the twelfth range, containing two thousand eight hundred and ninety-one acres. North half of township numbered four, in the thirteenth range, containing six thousand two hundred and forty-five acres. Northwest quarter of township numbered ten, in the thirteenth range, containing two thousand nine hundred and seven acres. Township numbered five, in the thirteenth range, containing, exclusive of settlers' lots, eleven thousand one hundred and nine acres, more or less. Township numbered eleven, in the thirteenth range, containing eleven thousand six hundred and nine acres. Township numbered ten, in the fourteenth range, containing eleven thousand five hundred and sixty acres. West half of township numbered seven, in the fifteenth range, containing six thousand one hundred and thirty-nine acres. Township numbered eight, in the fifteenth range, containing eleven thousand eight hundred and eighty-six acres. Township numbered nine, in the fifteenth range, containing eleven thousand nine hundred and seventy-five acres. West half and northeast quarter of township numbered five, in the sixteenth range, containing nine thousand nine hundred and fourteen and a half acres. Township numbered six, in the sixteenth range, containing eleven thousand nine hundred and forty-seven acres. Township numbered seven in the sixteenth range, containing twelve thousand three hundred and seventy-three acres. Township numbered eight, in the sixteenth range, containing twelve thousand and fifty-nine acres. Township numbered nine, in the sixteenth range, containing twelve thousand two hundred and seventy-one acres. Township numbered eleven, in the sixteenth range, containing eleven thousand five hundred and seventy-one acres. Township numbered four, in the seventeenth range, containing eleven thousand five hundred and twenty acres. Township numbered five, in the seventeenth range, containing eleven thousand and twenty-eight acres. Township numbered six, in the seventeenth range, containing eleven thousand seven hundred and forty acres. Township numbered eight, in the seventeenth range, containing eleven

thousand six hundred and eighty acres. Township numbered nine, in the seventeenth range, containing twelve thousand one hundred and forty-eight acres. Township numbered ten, in the seventeenth range, containing sixteen thousand six hundred and seventy-eight acres. Township numbered eleven, in the seventeenth range, containing fourteen thousand nine hundred and seventy acres. Township numbered four, in the eighteenth range, containing fifteen thousand four hundred and thirteen acres. Township numbered six, in the eighteenth range, containing eleven thousand eight hundred and forty-six acres. Township numbered seven, in the eighteenth range, containing twelve thousand one hundred and seventy-one acres. Township numbered eight, in the eighteenth range, containing eleven thousand nine hundred and forty-two acres. Township numbered nine, in the eighteenth range, containing seven thousand nine hundred and seventy-six acres. Township numbered five, in the nineteenth range, containing eight thousand four hundred and eighty-seven acres. Township numbered seven, in the nineteenth range, containing twelve thousand and ninety-seven acres. Township numbered six, in the nineteenth range, containing thirteen thousand four hundred and thirty-eight acres. Township numbered five, in the twentieth range, containing ten thousand four hundred and eighty-two acres. Amounting in the whole to three hundred eighty-three thousand one hundred and fourteen acres, more or less; as the same were surveyed by John Webber, Zebulon Bradley and Joseph L. Kelsey, in the years eighteen hundred and thirty-two, and eighteen hundred and thirty-three; by Zebulon Bradley, Wm. P. Parrott, Isaac S. Small and Noah Barker, in the years eighteen hundred and forty and forty-one; by Wm. P. Parrott in the year eighteen hundred and forty-three; in the years eighteen hundred and forty-six, forty-seven and forty-eight, and eighteen hundred and fifty, by Small and Barker.

Also, the whole of the following townships and tracts of land owned by Massachusetts in severalty, viz:—Half township

(B) of the first range of townships, west from east line of the said State of Maine, containing ten thousand eight hundred and eighty acres, exclusive of settlers' lots. Township (C) of the first range, containing twenty-three thousand and forty acres. A part of township (A) of the second range, containing five thousand six hundred and forty-nine acres. Township (C) of the second range, containing twenty-three thousand and forty acres. Township (G) of the second range, containing nineteen thousand six hundred and sixty-five acres, exclusive of settlers' lots. Township (I) of the second range, containing twenty-three thousand and forty acres. Township numbered five, in the third range, containing twenty-three thousand and forty acres. The east half of township nine, of the third range, containing eleven thousand five hundred and twenty acres. The northeast quarter of township numbered ten, in the fourth range, containing five thousand seven hundred and sixty acres. The south half of township numbered six, of the sixth range, containing eleven thousand five hundred and twenty acres. The south half and northeast quarter of township numbered five, of the seventh range, containing seventeen thousand two hundred and eighty acres. The west half of township numbered three, of the eighth range, containing eleven thousand five hundred and twenty acres. Township (B) in the tenth range, containing seventeen thousand four hundred and twenty-four acres.

Also, the southwest quarter of township numbered three, in the third range, north of Bingham's Kennebec Purchase, containing five thousand seven hundred and sixty acres; and a part of township numbered six, in the third range, north of Bingham's Kennebec Purchase, containing five hundred acres, more or less. Also, the following townships and tracts west of Bingham's Kennebec Purchase, in the said State of Maine, viz :—The south half of township numbered two, in the fourth range, containing eleven thousand five hundred and twenty acres. Township numbered four, in the fifth range, containing

eleven thousand five hundred and twenty acres. Township numbered three, in the sixth range, containing eight thousand nine hundred and sixty acres. Township numbered four, in the sixth range, containing twenty-two thousand one hundred and eighty-five acres. Township numbered one, in the seventh range, containing twenty thousand two hundred acres. Township numbered two, in the seventh range, containing six thousand seven hundred and thirty-four acres; amounting in the whole to two hundred and sixty-eight thousand two hundred and ninety-seven acres, more or less.

Also, the following described townships and tracts of land lying within the said State of Maine, west from the east line thereof, viz:—West half of township numbered nine, in the third range, containing eleven thousand five hundred and twenty acres. The east half and southwest quarter of township numbered nine, of the fifth range, containing seventeen thousand two hundred and eighty acres. The south half of township numbered eight, of the sixth range, containing eleven thousand five hundred and twenty acres. Township numbered sixteen, of the sixth range, containing twenty-three thousand and forty acres. Township numbered nine, of the seventh range, containing twenty-three thousand and forty acres. A part of township numbered ten, in the seventh range, containing twenty thousand and forty acres. The east half of township numbered eleven, in the seventh range, containing nine thousand five hundred and twenty acres. The east half of township numbered fifteen, range seven, containing eleven thousand five hundred and twenty acres.

West half of township numbered eleven, of the seventh range, containing eleven thousand five hundred and twenty acres.

Township numbered fifteen, of the fifth range, containing twenty-three thousand and forty acres. North half of township numbered eight, in the sixth range, containing eleven thousand five hundred and twenty acres.

West half of township numbered fifteen, range seven, con-

taining eleven thousand five hundred and twenty acres. A part of township numbered thirteen, of the seventh range, containing nineteen thousand and forty acres.

Township (A) of ranges eight and nine, containing nineteen thousand and fifteen acres.

Township numbered fourteen, of the fourth range, containing twenty-three thousand and forty acres. Also, an undivided half of the east half of township numbered three, in the third range, north of Bingham's Kennebec Purchase, containing five thousand seven hundred and sixty acres.

Also, the following described townships and tracts of land lying within said State of Maine, and west of the east line thereof, viz:—Township F, of the first range, containing twenty-three thousand and forty acres.

An undivided half of the north half of township numbered seventeen, of the sixth range, containing five thousand three hundred and twenty-five acres.

The south half of township numbered two, of the third range, township numbered four, of the fourth range, and township numbered three, of the fifth range, exclusive of lots sold to settlers, amounting to fifty-six thousand five hundred and ninety-four acres.

The southeast quarter of township numbered eight, in the fourth range, containing five thousand seven hundred and sixty acres.

The east half of township numbered two, in the fifth range, containing eleven thousand three hundred and fifty-eight acres.

The northwest quarter of township numbered eight, of the fourth range, containing five thousand seven hundred and sixty acres.

The north half of township numbered six, of the sixth range, containing eleven thousand five hundred and twenty acres.

The southwest quarter of township numbered six, in the fourth range, exclusive of settlers' lots, containing five thousand and four acres.

Township numbered three, of the fifth range, north of Bingham's Kennebec Purchase, containing twenty-three thousand and forty acres.

Also, townships numbered eleven, thirteen and fifteen, in the third range, containing sixty-eight thousand one hundred and twelve acres; and township numbered twelve, in the fourth range, containing twenty-three thousand and forty acres.

Together with all the right, title and interest of said commonwealth to and in any other lands within the said State of Maine, whether described or not described in this deed, not heretofore granted or conveyed by said commonwealth.

Excepting, however, from this conveyance township numbered fourteen, in the sixth range, west of the east line of said state; and also said commonwealth's interest in township numbered seventeen, in the seventh range, west from said east line; and the fee of townships and tracts the timber of which was sold to Cyrus S. Clark and Wm. H. McCrillis on the twelfth day of March, A. D. 1853. And if any of the lands conditionally conveyed by said commonwealth prior to 23d July, 1853, shall revert to said commonwealth for or by reason of the non-payment of the notes given therefor, as a part of the consideration of said conveyance, then and in that case said lands are hereby excepted and reserved from this conveyance.

And whereas, the said commonwealth had, prior to the 23d day of July, A. D. 1853, made sales of timber and granted permits to cut and take off timber upon many of the townships and tracts hereinbefore described and conveyed, some for limited periods and others without limitation as to time, but all upon terms and conditions mentioned and agreed upon in the several instruments and writings given to the respective parties at the times when such sales and permits were made and given; therefore it is understood and agreed by the parties to this deed and conveyance that all such townships, parts of townships and tracts are hereby sold and conveyed by said commonwealth and purchased and taken by said State of Maine,

subject to the legal rights, claims, and interests of all parties claiming under such sales and permits to be held and enjoyed by them and their assigns respectively, as fully and to the same extent as they would have held, or been legally entitled to enjoy them, if this deed and conveyance had not been made; and with all the rights to the State of Maine in reference to such sales and permits as the said commonwealth had or now has.

And it is further agreed and understood by the parties to this conveyance that all lands reserved by said commonwealth in any townships or parts of townships for public uses are hereby conveyed to said State of Maine to be held in accordance with and subservient to the provisions and stipulations contained in 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—

And that this conveyance is in no wise to impair or invalidate the obligation of the provisions in said act of separation, contained for setting apart and reserving lands to educational and religious uses.

And whereas said commonwealth has heretofore agreed to sell on certain conditions to settlers, tracts or lots of land lying within the townships and tracts which are by this deed conveyed to said State of Maine, it is agreed and understood both by grantors and grantees that upon performance to the State of Maine of the conditions agreed on by the several settlers or their assigns, the said State of Maine is to make the conveyance in the same manner and to the same extent as Massachusetts would have been obliged to do if this conveyance had not been made.

And it is further expressly understood that no recourse is to be had to said commonwealth for any deficiency in the number of acres above named or for any other matter or thing herein contained.

To have and to hold the aforegranted premises with all the privileges and appurtenances thereto belonging to the said State

of Maine and her assigns in fee simple to her and their use and behoof forever, subject to all the reservations and stipulations herein contained.

IN WITNESS WHEREOF, we, the said Samuel Warner, jr., Ephraim M. Wright, Jacob H. Loud and David Wilder, jr., being hereunto duly authorized as aforesaid, have hereunto set our hands and seals, at Boston, in Massachusetts, the fifth day of October, in the year of our Lord, one thousand eight hundred and fifty-three.

SAMUEL WARNER, JR., [L. S.]
 E. M. WRIGHT, [L. S.]
 JACOB H. LOUD, [L. S.]
 DAVID WILDER, JR., [L. S.]

Signed, sealed and delivered }
 in the presence of us, }

A. G. FAY,
 HENRY BLANEY,
 D. H. ROGERS.

SUFFOLK SS.—November 23, A. D. 1853.

Then personally appeared the above named Samuel Warner, jr., and acknowledged the above written by him subscribed to be his free act and deed as land agent of the Commonwealth of Massachusetts.

Before me,

RUFUS CHOATE,

Justice of Peace.

WE have examined the deed, Commonwealth of Massachusetts to the State of Maine, dated October 5, 1853, signed by Samuel Warner, jr., E. M. Wright, Jacob H. Loud, and David Wilder, jr., and acknowledged November 23, 1853, before Rufus Choate, and find the same to be in conformity with the agreement made July 23, 1853.

REUEL WILLIAMS,
ELIJAH L. HAMLIN, } *Commissioners.*
W. P. FESSENDEN, }

November 30, 1853.

PUBLIC LANDS.

13

SCHEDULE of Notes for Settlers' Lots.

Date.	Promisors.	Tract.	No. of lot.	Acres.	When Due.	Amount.
1843. July 4,	Luke Perry,	No. 3, R. 5,	N. $\frac{1}{2}$ lot 34,	<i>d. r.</i> 268.33	July 4, 1844, " " 1845,	\$117 32 117 32 \$234 64
" "	Levi M. Perry,	"	S. $\frac{1}{2}$ lot 34,	268.33	" " 1844, " " 1845,	117 32 117 32 \$234 64
" 5,	Edwin Parker,	"	lot 32,	326.142	" 5, 1844, " " 1845, " " 1846,	204 39 204 39 204 39 \$613 17
1844. Nov. 12,	Levi Sewall,	N. 4, R. 4,	lot 26,	215	Nov. 12, '45, " " 1846,	*55 03 55 \$110 03
" 15,	Wm. J. Wyman,	"	N. E. $\frac{1}{4}$ of } Sec. No. 7, }	160	" 15, 1845, " " 1846, " " 1847,	53 34 53 34 53 34 \$160 02
" 16,	Isaiah B. Foster,	No. 3, R. 5,	E. $\frac{1}{2}$ of No. } 41 & No. 42, }	305 $\frac{1}{2}$	" 16, 1845, " " 1846, " " 1847,	147 25 147 25 147 25 \$441 75
" "	Rogers S. Rowe,	"	N. $\frac{1}{2}$ lot 44,	101	" " 1845, " " 1846, " " 1847,	37 16 37 17 37 17 \$111 50
" "	Timothy Heald,	"	S. $\frac{1}{2}$ lot 45,	91	" " 1845, " " 1846, " " 1847,	32 17 32 16 32 17 \$96 50
" "	Elnathan Leavitt,	"	N. $\frac{1}{2}$ lot 45,	91	" " 1845, " " 1846, " " 1847,	32 17 32 16 32 17 \$96 50

* Cash paid August 18, 1846—\$40.

SCHEDULE of Notes for Settlers' Lots, (Continued.)

Date.	Promisors.	Tract.	No. of lot.	Acres.	When Due.	Amount.
1844.						
Nov. 16,	Daniel Emery,	No. 3, R. 5,	lot 68,	<i>a. r.</i> 97½	Nov. 16, '45,	53 00
					" " 1846,	53 25
						\$106 25
" "	John Scudder,	"	lot 69,	100	" " 1845,	36 66
					" " 1846,	36 67
					" " 1847,	36 67
						\$110 00
" "	John Heald,	"	lot 126,	100	" " 1845,	55 00
					" " 1846,	55 00
						\$110 00
" "	George Davidson,	"	lot 128,	100	" " 1845,	55 00
					" " 1846,	50 00
						\$105 00
" "	Horace Morse,	"	lot 90,	100	" " 1845,	*55 00
					" " 1846,	55 00
						\$110 00
" "	Joseph Dolly,	"	E. part 91,	68½	" " 1845,	†38 65
					" " 1846,	38 65
						\$77 30
" "	Wesley Caldwell,	"	lot 129, & } 31 acres } W. end 91, }	131½	" " 1845,	49 22
					" " 1846,	49 22
					" " 1847,	49 21
						\$147 65
" 19,	Ichabod H. Powers,	N. 4, R. 4,	N. W. ¼ of } Sec.No.19, }	160	July 1, 1845,	55 00
					" " 1846,	55 00
					" " 1847,	55 00
						\$165 00
1845.						
July 11,	Henry Rolf,	G, R. 2,	N. E. ¼ of } Sec.No.21, }	164	" 11, 1846,	61 66
					Jan. 11, '47,	61 67
					July 11, '47,	61 67
						\$185 00

* May 7, 1850, paid first note, and endorsed \$2.85 on second note.

† Discounted \$4.59 on first note; ditto on second note.

SCHEDULE of Notes for Settlers' Lots, (Continued.)

Date.	Promisors.	Tract.	No. of lot.	Acres.	When Due.	Amount.
1845. July 29,	Daniel Duff,	G, R. 2,	S. E. $\frac{1}{4}$ of } Sec.No.21, }	a. r.	July 29, '46, Jan. 29, '47, July 29, '47,	61 50 61 50 61 50 \$184 50
Dec. 24,	John M. Freese } & Wm. L. Freese, }	The res'd } lots in } Argyle, }	S. E. $\frac{1}{4}$ of } Sec.No.21, }	320	Dec. 26, '46, " " 1847,	*160 00 160 00 \$320 00
1847. May 4,	Daniel Savage & } Martin Savage, }	17, R. 8,	lot 23,	214	May 4, 1849,	\$53 50
Nov. 10,	Ansel Smith,	5, R. 13,	lot 23,	50	Nov. 10, '49,	\$37 50
Dec. 26,	William Dickey,	17, R. 5,		477 $\frac{1}{2}$	Dec. 26, '49, " " 1850,	141 56 141 56 \$283 12
1844. Nov. 27,	D. Parker,	3, R. 5,	S. $\frac{1}{2}$ No. 44,	101	Nov. 27, '45, " " 1846,	55 75 55 75 \$111 50

* July 15, 1851, paid \$150 on first note ; ditto on second note.

In consideration that the foregoing notes and obligations are part of the subject of sale agreed upon by the commissioners of Massachusetts and Maine, dated July 23d, 1853, we hereby transfer and make over to the State of Maine all the right and interest of Massachusetts therein, and also all the rights and claims of Massachusetts against settlers on lands in Maine as provided in that agreement, without any guaranty on the part of Massachusetts or right on the part of Maine to claim either principal or costs against the commonwealth.

SAMUEL WARNER, JR., *Land Agent*, [L. S.]

E. M. WRIGHT, [L. S.]

JACOB H. LOUD, [L. S.]

DAVID WILDER, JR., [L. S.]

In presence of A. G. FAY.
October 20, 1853.

STATE OF MAINE.

HOUSE OF REPRESENTATIVES, }
March 10, 1854. }

ORDERED, That this communication and the accompanying documents be laid upon the table, and 350 copies be printed for the use of the Legislature.

JOHN J. PERRY, *Clerk.*