

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)

**This document is from the files of the Office of
the Maine Attorney General as transferred to
the Maine State Law and Legislative Reference
Library on January 19, 2022**

✓
N.D.
July 30, 1964

Kenneth Hodgdon

Inland Fish and Game

Leon V. Walker, Jr., Assistant

Attorney General

Old Farm Pond in Howland

You already have a history of this pond, as related by Edmund Nadeau of West Enfield. Yesterday Richard Parks and I examined the records at the Penobscot Registry of Deeds and the tax records of the Town of Howland. We made no attempt to do a complete title search such as would be done when purchase of land is contemplated, but we did examine all deeds of the land involved and developed the following history:

The first conveyance is a warranty deed from the Commonwealth of Massachusetts to William Hammett of some 28,000 acres of land, which appears to be the entire Township of Howland. This deed was dated December 29, 1829, and recorded in Book 21, page 497. From a comparison of the description with a plan recorded in Plan Book 1, the pond was definitely within the boundaries of the land conveyed. By virtue of the Colonial Ordinance of 1641-47, however, title to the pond did not pass to Hammett, it being a Great Pond. Title to the tract passed to William G. Hammett, apparently by inheritance. Hammett conveyed the 1200 acre parcel with which we are concerned to Sprague Adams and James Adams, by deed dated November 9, 1870, recorded in Book 405, page 363. The following deeds give the subsequent chain of title:

Adams to Andrew H. Nickerson, October 3, 1902,
Book 716, page 374.

Nickerson to the Great Northern Paint, Chemical
and Manufacturing Co., November 21, 1904,
Book 745, page 425.

The next deeds are tax liens against one Margaret Tyler. Without further investigation, which is deemed unnecessary, it is not known by what means she gained title, if indeed she did have title. These liens are:

1. April 22, 1939, Book 1147, page 123.
2. April 8, 1941, Book 1163, page 438.

July 30, 1964 ✓

It is interesting to note that these liens call for 120 acres of land, not 1200 acres. The Town of Howland then quitclaimed the 1200 acres to Ruth Harrington by deed dated August 1, 1942, Book 1184, page 133. The next deed is a quitclaim from Harrington to Enos W. Sawyer, August 4, 1942, Book 1138, page 388. The rest of the title history appears in the excerpt from a quit-claim deed from Eastern Trust and Banking Co. to Charles J. Webber and G. Pierce Webber, March 26, 1956, Book 1527, page 235, which excerpt is in your file.

In view of the discrepancy in acreage between the tax liens and the quitclaim to Harrington, it is doubtful that the latter deed conveyed good title. This is of no moment, however. All early plans and maps show the pond in question, which was then called Little Sebocis Pond, to be a Great Pond. No acts of the owner of the land surrounding the pond could have divested the State of its title to the bottom of the pond. It is my opinion, therefore, that your Department may legally restore the pond to its former status by plugging the artificial outlet.

Leon V. Walker, Jr.
Assistant Attorney General

LVM/eh