

MAINE STATE LEGISLATURE

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FIFTY-FIFTH LEGISLATURE.

SENATE.

No. 1.

REPORT OF LAND-OFFICE COMMISSION.

To the Legislature of Maine :

Under the provisions of Chapter 26 of the Public Laws of 1875, the undersigned were created a Commission "to inquire what further steps are necessary in order to finally close up the affairs of the Land Office, and to place the settling lands in such custody as shall be for the best interests of the State ;" and having attended to the duty thus assigned, we would submit the following

REPORT.

The recent sale of all the remaining tracts of timber and swamp lands owned by the State, leaves undisposed of only some small islands on the coast, and about a township and a half of settling lands, of the extensive domain which Maine once possessed. The only business which remains for the Land Office, or any other State Department to which its unsettled affairs may be transferred, is the disposal of these few landed interests ; the final settlement of accounts of settlers who have taken up about six townships and have not completed their payments in road labor, and including also some balances against the Swedish settlers ; the collection of the unsettled notes and accounts against persons who have purchased or permitted timber lands ; the care of a few remaining reservations in unincorporated townships until the Legislature shall authorize the sale of the timber and grass upon the same, which should be done as soon as may be ; and the preservation and further arrangement of the papers and records belonging to the office.

The chief part of this business relates to the township and a half of settling lands undisposed of, and the six townships certificated

to settlers, but not yet entirely paid for; and is of such a character as to require several years to finally close it up under the existing settling policy of the State. Under these laws the Land Agent employs local agents—at present thirty-five in number—to introduce and locate settlers and superintend from year to year the working out of the road labor in which all payments for settling lands are made, and these agents report to him; and on the basis of these reports he issues certificates in the case of new settlers, and deeds whenever the payments are completed. If the Land Department be continued until these interests are disposed of under the present system, the office cannot be abolished for at least two, and probably three years. If it be the judgment of the Legislature that the Land Office be continued until its affairs are settled, and the settling lands conveyed under the laws relating to settlement, we have no further legislation to suggest beyond such a modification of laws relating to that department as will provide for the transfer to the Treasurer's Office of all notes and other securities belonging to the State; and for the payment directly to the Treasurer of all sums due the State on account of transactions with that office, and the auditing and payment of bills against the Land Office in the same manner as bills against other departments of State. Such a modification of the system of managing the affairs of the office, is equally desirable in case its unsettled affairs should be transferred to another department. If, on the contrary, it is the judgment of the Legislature that the Land Office should be discontinued before its unsettled affairs are closed up—as it seems to us expedient—we would suggest two plans for your consideration, the first of which would probably be more economical and efficient:

I. The care of the settling lands not yet taken up, and of those already taken up and certificated but not entirely paid for, may be transferred to the municipal officers of the towns or plantations in which the lands are located, who have an immediate interest in securing good settlers in the one case, and in having the road labor profitably expended in the other case; and where these lands are not located in incorporated townships, their care may be transferred to the County Commissioners of Aroostook County, in which all but a few lots are situated. Certificates or deeds may be issued to settlers, on the report of the municipal officers or County Commissioners, by the head of such department as shall be created Land Agent *ex officio*, and shall thus be charged with

the unsettled affairs of the Land Office. The Land Office plans, maps, papers and records, not required for the closing up of unsettled business, may be transferred to the office of the Secretary of State for preservation, and such further arrangement as may be thought proper.

II. In case a satisfactory arrangement cannot be made with the municipal officers or County Commissioners of Aroostook, then so many of the local agents now employed as are necessary, may be retained to superintend the settlement of the lands undisposed of, and the working out of the road labor, and their report may be made to such head of department as shall be created Land Agent *ex officio*, and certificates or deeds be issued by him instead of by the Land Agent. The Land Agent *ex officio* shall also be charged with the unsettled affairs of the Land Office, and the plans, &c., transferred to the Secretary of State.

All of which is respectfully submitted.

NELSON DINGLEY, JR., }
S. C. HATCH, } *Commissioners.*

AUGUSTA, January 6, 1876.

STATE OF MAINE.

IN SENATE, January 13, 1876.

On motion by Mr. WHEELWRIGHT of Penobscot,

Ordered to be printed, and referred to the Committee on State Lands and State Roads.

SAMUEL W. LANE, *Secretary.*

*To the Honorable Senate and House of Representatives
of the State of Maine in Legislature assembled:*

The undersigned, Land Agent, and by virtue of his office one of the Commissioners under the act of the Legislature, approved February 22, 1875, chapter 26, section 4, finding himself unable to agree with his associates in their conclusions, respectfully presents the following reasons for his dissent.

In his annual report as Land Agent, for the year ending Nov. 30, 1875, he has in a general summary of the work remaining to be performed in connection with the Land Office, indicated in a general manner the importance of continuing the office in force, at least, for the present. To that part of his report, as also to the remarks made upon the value and importance of the "Archives and Records" of the Department and to the extended schedules accompanying the Report, he begs leave to refer as a part of the present communication. The portions thus cited, relate more particularly to the following subjects:

1. "Settlers and Settling Lands," whereby it appears that 34,781 acres of good settling lands remain to be sold in townships set apart for settlement, and besides these, 142,067 acres remain unconveyed which have been taken up by settlers who are now at work performing the settling duties and earning their titles, each one of whom has an account open with the State to be hereafter adjusted.

2. "Conditional Sales,"—under which head allusion is made to the large amount of land sales during the last two years on credit secured by a lien on the timber standing on the land, requiring permits to be issued and stumpage collected, and the timber to be looked after and liens enforced in case of the non-payment of the notes.

3. "Reserved Lots," such as have been reserved in deeds of townships made by this State and by Massachusetts for the last eighty years or more, amounting to several hundreds in number.

4. "Islands," very many of which are the property of the State, lying along the coast in the ocean and large bays.

5. "The Swedish Colony," which though a success thus far, still needs the care and oversight in some degree of the State, which still owes the colonists their deeds.

6. "Records and Archives," of which a great mass now exists in the Land Office, including the very valuable collection recently bestowed upon us by the Commonwealth of Massachusetts, involving the title of almost every township and lot of land in the State, a large portion of which is in a very dilapidated condition, needing large repairs and an orderly arrangement for future use and reference.

7. "Furnishing Information," the constant call for which from all parts of the State respecting titles, imposes a great and important duty upon the office.

8. "Appropriations and Supervisory Duties," such appropriations as have annually heretofore been constantly made for roads and bridges in the sparsely settled portions of the State, the expending of which has been uniformly charged upon the Land Agent.

These several duties, besides many others of a minor character, are all of them important, and none of them can be shirked or avoided consistently with the honor or the best interests of the State; and it is reasonable to infer that no desire on the part of any good citizen exists to do so. This being the case, the single question remains, at most, in what way can those important duties be best and perhaps most cheaply performed? On the score of expense, it is to be presumed that the State cannot, nor will it undertake to impose the duties upon other departments or subordinate officers without a corresponding compensation. County commissioners, clerks of courts, selectmen of towns and assessors of plantations, however it may be with Treasurer and Secretary of State, are under no obligation to perform such onerous duties, as many of those now detailed impose, without the usual compensation for other similar services; and the additional clerkships of the Treasurer and Secretary which these duties will require, can hardly with justice be saddled upon those officers, whose time is already fully occupied with their appropriate and arduous duties. Universal experience teaches that the more duties of a like nature are consolidated and placed in a single hand the less the cost of execution. This is peculiarly true of the matter now discussed. The single duty of amending, compiling and arranging the records and plans, so as to fit them for future use and reference, as well as preservation in the Secretary's office, will require the most careful and vigilant service of a skillful clerk for months. This

will necessitate the keeping open of the office for that purpose. While this work is going on, the other duties may be helped along and performed with comparatively little additional expense. If, however, instead of a single mind, already informed on the subject, the duties be farmed out to be performed in part by the county commissioners and clerks of court, in part by selectmen of towns, and in part by assessors of plantations, here are three boards of raw recruits, consisting of three persons each, all of whom are first to be educated at the State's expense, and who then can legally act only in session and by majorities, necessitating the payment in each case of three men instead of one for every service performed. And when it is recollected that the time employed in any such duty is generally in the inverse ratio of the number in the board to perform it, it can be very readily seen how vastly greater will be the expense in the new order of things proposed than in the present. But if this were the only disadvantage arising from the proposed change it might be endurable. The work to be done as proposed, by these several boards of commissioners and other officers, can only be done well in presence of the records bearing upon the subject. All the accounts are to be found only in the Land Office; there alone is the description of the premises, location, quantity, and all other items necessary to govern the action of the presiding board. To judge correctly then, the records must be carried to them or they go to the records or copies be made. But this involves expensive plans and field notes, copies of which will largely increase the expense. Thus, indeed, sessions of the boards may often be required to settle and dispose of business which a single person may do in an hour, which will require of the three at least each an hour, with travelling fees and copies besides.

Allusion is made in the majority report to the large number, viz: 35 local agents. These agents are thus numerously appointed for the very purpose of saving expense. They are paid not by a salary, but strictly according to the time necessarily employed, generally two dollars per day, and very generally without any travelling or other expenses. This is effected by having an agent in each locality, so that he can do his work quickly and cheaply. With half the number or less, so situated as to require travel to reach the place of service, the cost and expense might readily be doubled. The larger part of the settling lands having been sold during the past two years, the duties of these local

agents have been greatly reduced, and their expense for the future can be comparatively but nominal, certainly very much less than the expense of the boards recommended to take their place. On a review of the whole it cannot but be very readily perceived that a continuation of the present arrangement respecting the settling lands must inevitably be very much less expensive than that recommended by the majority report.

It may be worth alluding to in this connection that thus far a uniform course of proceeding has been adopted with reference to the performance of the duties of the Land Office, and any given subject may be readily pursued on its records from its beginning to its end. Uniform laws exist for the completion of the work, and with reference to the future it is certainly desirable that the same uniform order shall be preserved. If, however, the newly recommended order is to be introduced, the greatest confusion must be the result. From the records in the Land Office, where one's title is found regularly entered until the Centennial year, the owner may be afterwards compelled to range the county, now looking up the clerk's records of the county commissioners, now of the selectmen of the town or the assessors of the plantation. Certainly such a result should by no means be hazarded. Then, too, the old and well-tried system of statute law must now be repealed and a new code enacted to meet the new order of things.

The remarks thus far made may be regarded as applicable to the settling lands, including also the subject of "Appropriations and Supervisory Duties." The "Reserved Lots" are still to be provided for, and so important a subject as the "Islands" of the ocean belonging to the State, should not be overlooked. Without the method proposed with reference to the "Archives and Records" of the office and their repair and orderly arrangement, no other department or officer of government can possibly be qualified without infinite labor and research, to answer the constant demand for information which is made from every part of the State relative to titles, boundaries and other matters, the records of which are now in the Land Office.

The notes given for "Conditional Deeds," secured by liens on the timber, may be very readily collected by the Treasurer as proposed, provided they are promptly met at maturity. But the same party who is entrusted with that duty must also have the additional duty of guarding the security held by the State. This implies the granting of permits, as provided by law, and the

looking after the timber subject to the lien wherever the same may be found; and as the larger part finds its market at St. John, it is hardly to be expected that the Treasurer will give it his personal attention without at least a proportionate increase of pay.

Inasmuch then as the office must be virtually continued for the present, in order to complete the duties remaining to be performed, thus necessitating the continuance of the Land Agent's functions, either *ex-officio* by another, or by the officer already known to the law, and as any distribution of the duties as proposed by the majority report must tend to introduce confusion and delay into all the operations of the Department, and thus necessarily to increase the expense, the undersigned feels himself compelled to dissent from the conclusions of the majority and to recommend that for the present, at least, the Land Office be continued in existence for the purpose of closing its unfinished business and placing the records of the department in such state of order that they may be properly and consistently transferred to the care of others. He would further recommend that an appropriate committee be appointed to devise and report to the next Legislature a proper depository for the valuable records now in the office, together with the draft of proper laws and regulations such as may be necessary to make them available for reference and legal use in all time to come.

PARKER P. BURLEIGH.

AUGUSTA, Jan. 12, 1876.

STATE OF MAINE.

IN SENATE, January 14, 1876.

On motion by Mr. BROWN of Piscataquis,
Ordered, That the minority report be printed in connection with
the majority report, and referred to the Committee on State Lands
and State Roads.

SAMUEL W. LANE, *Secretary*.