

Eastern Lands Papers

Records, 1717-1860

30 cubic feet

History

Chronology

Records:

- I. Sale and Development of Public Lands in Maine
 - EA 1 Committee for the Sale of Eastern Lands, 1780-1801
 - EA 2 Land Office, 1801-1861
 - EA 3 Committee on Eastern Claims and Settlements, 1648-1720
 - EA 4 Land Lottery, 1786-1830
 - CT 0 General Court
 - SC 1 Office of the Secretary of State
 - GO 1 Governor
 - GC 3 Council

- II. Disputed Lands in Maine
 - EA 2 Land office, 1801-1861
 - EA 5 Commissioners to Quiet Settlers on the Waldo Claim, 1797-1800
 - EA 6 Commissioners to Quiet Settlers on the Kennebec Purchase, 1802-1804
 - EA 7 Commissioners to Quiet Settlers on the Pejepscot Claim, 1804
 - EA 9 Commissioners to Investigate Disturbances in Lincoln County, 1803-1811
 - EA10 Commissioners for Determining Rights of Claimants to Lands in Lincoln County, 1811-1813
 - EA11 Commissioners Appointed to Give Deeds to Settlers in Lincoln County, 1813-1819
 - EA13 Commissioners to Quiet Settlers in Waldoborough

- III. Separation of Maine
 - SC 1 Office of the Secretary of State
 - CT 0 General Court
 - EA14 Constitutional Convention
 - SC 1 Office of the Secretary of State
 - EA15 Commissioners Appointed under Act of Separation, 1821-1828

History of the Land Office

The area between the Piscatagua and Kennebec rivers was originally named the Province of Maine by Ferdinando Gorges, whose royalist connections allowed him to dominate the region from the first decade of the seventeenth century, when it was explored, until his death in an English jail in 1647. Gorges, supported by King Charles I of England, planned to become royal governor of all of New England.

Cromwell's victory wrecked Gorges' dream and created a power vacuum in Maine that the Puritans of Massachusetts Bay rushed to fill. In 1691, the new charter presented by William and Mary to Massachusetts provided for the integration of Maine within the political structure of Massachusetts. Thus, from 1691 to 1820 much of the territory between New Brunswick and Rhode all belonged to Massachusetts. The region now know as Maine was designated the District of Maine (Banks, 4).

During the contest for supremacy in North America between French Canada and English America, Maine was caught in the middle. Occupying a strategic borderland position between the two, Maine, down to 1750, was the scene of some of the most sanguinary battles of the war. Entire villages were destroyed, their inhabitants slaughtered by Indians who, allied with the French, viewed the English settlers as intruders (5).

After the tensions had died down following King William's War, to hasten a resettlement that would be as free as possible from land controversies, the General Court of Massachusetts established in 1700 a committee on eastern claims (EA 3). This body of seven was to examine all titles and claims to land in the deserted area and report its findings to the General Court. Scarcely had the committee begun its task when the death of King William and the accession of Queen Anne in 1702 precipitated yet another war (Williamson, 94).

The end of Queen Anne's War in 1713 permitted the revival of the abandoned eastern towns such as North Yarmouth and Falmouth. At the same time, it opened the western and northwestern frontiers of New England to new exploitation and settlement. In 1713, the General Court revived the old "Committee of Eastern Claims and Settlements". The committee was now enlarged from seven to nine members and empowered to examine all claims to the abandoned lands and confirm those it found valid. At the same time, the Court designated five towns for resettlement: Saco, Scarborough, Falmouth, North Yarmouth, and Arrowsick. The legislators required that the abandoned towns be replanted by groups of twenty to thirty families. Each family was to live on a small home lot of three or four acres, and each settlement was to take the form of an easily defensible cluster of houses located near the seacoast (Clark, 122).

In 1783 the Commonwealth owned 17 million acres of land in Maine. Steeped in war debt and with the Commonwealth treasury virtually empty, Governor John Hancock turned to these land holdings in the District of Maine. In his first message to the Legislature in 1783, Hancock called for land sales as a substitute for taxation (Allis, 24). Still largely unsettled and for the most part unsurveyed, The District seemed to offer an

“exhaustless merchandize” available to exchange for the desperately need cash (“Report on Public Lands, 1836 Senate Unpassed legislation, 9856).

In May of 1781 a committee of both houses of the General Court had been appointed to clarify rightful land claims in Maine and identify trespassers (Res. 1 May 1781). The committee of five was instructed to accept payments from squatters for damages done to Commonwealth land, and to report to the General Court if purchase of the land was desired (Ford, 135). Following Hancock’s recommendation, the General Court appointed a second committee in July of 1783, which was to survey, appraise and sell land in the District of Maine. The first exploratory committee was never dissolved, but rarely assembled after 1783. Recognizing that the sale of lands in all five of the Maine counties (York, Cumberland, Lincoln, Hancock, and Washington) was too great a task for five men, the General Court established a separate committee in October of 1783, empowered to sell land in Lincoln County only (Res. 28 October 1783). This “Committee for the Sale of Unappropriated Lands in Lincoln County” later became solely responsible for the sale of lands in the District of Maine (Allis, 26).

The original 1783 sales committee was apparently inactive, or if active not efficient. A resolve of March 1784 created another three man committee to close sales and deliver deeds in York and Cumberland Counties. However, one year later the Lincoln committee was given responsibility for sales in Cumberland County, and all previous committees appear to have been dissolved.

The first Lincoln committee consisted of Samuel Phillips, Jr. of Andover, Nathaniel Wells, of Maine, and Nathan Dane of Beverly. In 1785 Dane was elected to the U.S. Congress and was replaced by John Brooks, a Federalist who later became Governor of Massachusetts and who was in office at the time of Maine’s separation in 1819. In 1785 a surveyor, Rufus Putnam, was added to the committee. The committee was empowered to procure its own additional surveyors as necessary (Bridgham, 94). The following year, Leonard Jarvis, himself a proprietor of several townships in Maine, was added to the committee. The addition of Jarvis, a resident of Boston who was not a member of the General Court, enabled the committee to keep a permanent office near the State House. When the Court was not in session, Jarvis assumed full responsibility for Maine land sales.

As sales became consolidated in the hands of the Lincoln committee, the General Court passed numerous resolves in an attempt to dispose of the land in a uniform manner. Preference was given for sales of land in small parcels. The land was to be surveyed and divided into townships of six square miles, one half of which were to be sold in 500 acre lots and half of which were to be sold in 150 acre lots (Allis, 26). Townships were sold undivided only to proprietors who agreed to settle 60 families in the townships within 6 years (Res. 17 March 1785). Between 1785 and 1789 the committee had surveyed 28 townships and numerous islands. Approximately 100,000 acres of land had been sold in small parcels by 1786 (Allis, 27).

Eager to escalate sales, the General Court passed a resolve in November of 1786 instituting a land lottery. Under the direction of John Brooks and Leonard Jarvis, 50

townships were divided into 2,760 lots of various sizes. Tickets were sold for 60 pounds each, every ticket yielding some prize, though acreage and quality were to be dictated by a chance drawing. As an additional incentive, lottery lands were exempted from property taxes for 15 years, and settlers on lottery lands were exempted from the poll tax for the same amount of time. Even with these benefits attached, only 437 tickets were sold, yielding an income to the Commonwealth of \$86,200. This disappointing turnout reflects the fact that lottery lands were actually left over, scattered, unsaleable tracts (Bridgham, 238). For those with capital to invest, direct purchase with knowledge of quality was preferred.

By a resolve of 1788, the Lincoln and Cumberland committee was given responsibility for sales in York County. At this time Daniel Cony, Representative from Lincoln, and John Read, Senator from Norfolk, were added to the committee. After that the committee was referred to as the "Committee for the Sale of Eastern Lands". The resolve eliminated the previously established lot size and price restrictions, but added the requirement that 4 lots in each township surveyed be reserved for public use. One lot was to be reserved for the first settled minister, one for the use of the church, one for a public school, and the fourth was to be disposed of by the General Court at a later date. In an attempt to quiet angry squatters, the resolve entitled all settlers who had located on Commonwealth lands prior to 1784 to 100 acres of land at a nominal fee.

Although the task of administering sales in the large, uncharted province was a times too great for one committee, the General Court avoided instituting any new agency. Occasionally groups of proprietors were authorized to settle disputes between squatters which were technically under the jurisdiction of the committee. For example, in 1791 Jonathan Bridgham, a proprietor in Cumberland, complained that squatters refused to leave his land. By a resolve of March 1791 Bridgham was appointed to prosecute trespassers in the name of the Commonwealth. In other words, since an official was not available to go to Cumberland to eject the squatters, Bridgham was temporarily deputized as an official to do so. Similarly, in June of 1791 a committee of six was authorized to collect payments from delinquent settlers in Hancock and Washington Counties (Res. 17 & 18 June 1791). None of the appointees were members of the General Court, but all were proprietors of land in Maine. Since the committee for the sale of eastern lands had no authority in Hancock and Washington, deputized proprietors enforced legal claims. This preference of the General Court for piecemeal solutions indicates a general dissatisfaction with the large and cumbersome committee for the sale of eastern lands. By 1790 it had become clear that receipts from sales did not cover administrative selling costs (Handlin, 82).

In 1791 the committee obtained explicit permission from the General Court to sell two million acres to William Bingham, a wealthy speculator (Bridgham, 304). Historian Frederick S. Allis claims that this act caused the subsequent suspension of sales by an angered General Court in 1795 (32). It seems more probable that this large sale enabled the General Court to dissolve a committee it was already dissatisfied with for various other reasons. Most sales were transacted on credit, with only a 10% down payment. There was, therefore, a considerable time lag between the sale of land and the collection

of payment. Buyers frequently required and were granted, extension of time to make payments. The committee therefore had a constant cash flow problem, reflected by repeated protests of surveyors who went unpaid for many months. Furthermore, payments were often made directly to Leonard Jarvis, who seems to have borrowed frequently from this fund. In 1801 he still owed the Commonwealth \$40,000, borrowed from eastern lands receipts (Report of 4 Feb. 1801). Relegating the sale of small parcels to Bingham and his corporation seemed to offer an immediate and reliable flow of cash into the Commonwealth treasury. Unfortunately, this sale was not the panacea for the eastern lands problem. The Bingham Corporation had similar cash flow problems, and forfeited its contract with the Commonwealth in 1807 (Handlin, 84).

After 1793 industry thrived but land prices continued to decline (51). The Commonwealth land policy, which attempted to offer preferred prices to speculators while preventing settler uprisings by defending squatters' rights, ultimately alienated both the large and small investors. Both sought better opportunities in the more extensive Northwest Territory (85). Subsequently, the committee became increasingly preoccupied with the prevention of timber theft from Maine lands. Money collected for timber felled on Commonwealth lands was a principle source of income for the committee between 1793 and 1795.

During the first two decades of its existence, the committee failed to bring vast amounts of cash into the Commonwealth treasury. However, by 1793 the committee had insisted that "settlement of the country has been considered... as an object of highest importance" and of as much consequence as sums of money collected (Report of 20 March 1793). The desire for an alternative cash source which had initiated sales in 1783 had been abandoned, at least by the active members of the committee. The committee seems to have been more successful in promoting settlement in Maine. Between 1790 and 1800 the population of the District increased by 55,179, a larger increase than that experienced by the Commonwealth during the same period.

As previously noted, the General Court suspended all sales by the committee in 1795. Until 1801 all sales were enacted directly by the General Court through specific resolves. In 1801 the committee was officially dissolved and John Read and Peleg Coffin were appointed as "Agents for the Sale of Eastern Lands" (Res. 19 June 1801). The agents were carefully supervised and no sales were made unless mandated by a specific resolve of the General Court. Unlike the committee who submitted reports, which often spanned three or four years, the agents submitted a report and detailed "Schedule of Conveyances" to the General Court every year. In 1811 William Smith replaced Peleg Coffin. By 1811, George Coffin, working out of Boston, was acting in a quasi-official role with the other two agents.

In 1816 the death of William Smith facilitated new legislation for a program for the sale of Maine lands, thought to be the "first attempt to reduce the management of this great public interest to anything like method" (Report on Public Lands, 1836 Senate unpassed legislation, 9856). The General Court appointed a three year commission, consisting of Edward Robbins as chairman, George Coffin and Joseph Lee, and

designated Lothrop Lewis as Surveyor General. This commission was authorized to survey land, lay out roads and issue deeds. Although sales by the commission appear to have been minimal, survey work was extensive. Surveys were sub-contracted by Lewis to at least ten other surveyors, three of whom were given the title “assistant surveyor” (Index #4, Instructions 1816 – 1820).

Official separation in 1820 did not terminate Commonwealth land ownership in Maine. As of 1820 Massachusetts held approximately 10 million acres of public lands jointly with Maine (Report on Public lands, Senate 1836 Unpassed, 9856). In 1827 approximately 5 million acres were still held in this joint manner, while the other 5 million had been divided between the two states (14). George Coffin continued to act as the land agent for Massachusetts after 1820, assisted by Nehum Mitchell, the State Treasurer, after 1823. During this time the land agent’s office was under the close supervision of the governor’s office, and corresponded frequently with land agents in Maine. The land agent continued to supervise sales of land in Maine for several decades. Correspondence generated by the land agent survives through 1859, while records of the land agents account exist through 1868.

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A CHRONOLOGY OF THE ADMINISTRATORS OF THE EASTERN LANDS

1780 – 1801

1785 A succession of committees that eventually coalesced (Res., Oct. sess., c 80) into the **Committee for the sale Eastern Lands** was appointed by the General Court for the purpose of selling the land owned by the Massachusetts Bay Colony, then the Commonwealth.

Initially committees were appointed to examine and correct “trespassers and illegal entries” on unappropriated lands in Maine.

1784 The first committee was authorized to conduct surveys, layout townships, and make sale of available land.

The administrative functions of the committee were routinized by legislation that included maintaining an office in Boston. The committee was also authorized to settle disputes over land among settlers.

1788 The committee was empowered to receive applications from lottery land owners for the exchange of lands drawn in the lottery.

Receipts from the sale of lands in Maine lagged far behind the expectations of the General Court.

1795 The committee was directed to suspend sales and prepare a report on its activities. While the committee continued to exist until 1801, its core function, the sale and settlement of land, was directed by the General Court through a series of resolves until the committee’s final discharge (Res. 1801, May sess., c 46).

1801 – 1861

1801 When the Committee for the Sale of Eastern Lands was abolished in June, the General Court authorized the appointment of two land agents who were directed to complete all contracts undertaken by the original committee. With this action the legislature created a **land agency**, which, through several incarnations, continued to operate until the period of the Civil War.

Initially the activities of the **Agents for the Sale of Eastern Lands** were supervised closely by the General Court. Most sales could be executed only after passage of a specific resolve.

1803 By this time the legislature had arranged for the settlement of some land disputes by the agents. After the final separation of Maine in 1820, however, activities of the agents became increasingly the responsibility of the governor of Massachusetts.

1816 In February (St. 1815, c. 131), the General Court passed a law that provided for the replacement of the two land agents by a three-member commission, that was appointed by the governor and known as the **Land Office**.

The functions of the Land Office were described in detail in St. 1815, c. 131. While it was charged with the general care and management of public lands, its specific duties included conducting surveys of the bounds of such lands, examinations to determine the quality of soil and identifying lakes, rivers, mountains, and other natural features in the public domain. It also contracted the laying out and opening of roads in the area, designated lots for public sale in each township, and oversaw surveyors. The office was also directed to maintain itself in Boston.

During the 1830s and 1840s, the work of the Land Office became focused on the sale of timber permits, the construction of roads, and the surveying of land. Intermittently the land agents, like the legislature, became involved in matters relating to the boundary disputes with Britain.

- 1850** (St. 1850, c 307) the land agents were instructed to sell no lands in Maine without the approval of a new group, the **Commissioners on Public Lands**, consisting of the treasurer, the auditor, and the secretary of the Commonwealth. These commissioners continued to oversee the Land Office until the Office was transferred to the Commissioners on Public Lands in 1861.
- 1853** The agents were authorized to sell all the timber and land then unsold in Maine, on whatever terms were to the advantage of the Commonwealth.
- 1859** St. 1859, c. 52 empowered the land agents to deal with lands that had been forfeited for unpaid notes. The agents also continued to have the authority to execute and deliver deeds.

1861 – 1883

- 1861** The Land Office was abolished and its powers transferred to the **Commissioners on Public Lands** (formerly the Commissioners on the Back Bay). These commissioners performed all the duties that were required of the land agent by law.
- 1873** The Commissioners on Public Lands were directed to transfer a limited portion of records to the land agent of Maine.
- 1879** The Commissioner on Public Lands became the **Board of Harbor and Land Commissioners**.
- 1883** The remaining records of the Land Office were conveyed to the **Secretary of the Commonwealth** and are now located in the Massachusetts Archives.

SERIES RELATING TO MAINE

I. SALE & DEVELOPMENT OF PUBLIC LANDS IN MAINE.

EA 1 Committee for the Sale of Eastern Lands. (1780 – 1801)

The first committee originated in an effort to ease the financial distress in Massachusetts after the Revolutionary War. Public leaders anticipated that the sale and settlement of land as well as the exploitation of timber in Maine would provide a source of revenue and economic growth sufficient to improve the financial status of the Commonwealth. Initially these series of committees were appointed to examine and correct “trespassers and illegal entries” on unappropriated, state-owned, lands in Maine. In 1784 the committee was authorized to conduct surveys, layout townships, and make sale of available land. The administrative functions of the committee were routinized by legislation that included maintaining an office in Boston.

The committee was also authorized (Resolves 1780, c 113) to settle disputes over land among settlers. In 1788 the committee was empowered to receive applications from lottery land owners for the exchange of lands drawn in the lottery. (See EA 4.)

Receipts from the sale of lands in Maine lagged far behind the expectations of the General Court. In 1795 the committee was directed to suspend sales and prepare a report on its activities. While the committee continued to exist until 1801, its core function, the sale and settlement of land, was brought to an end.

Series with this agency:

689x *Applications to exchange lottery lands. 1787 – 1790. (0.5 Document Box)*

73x *Reports of committee business. 1795 – 1801. (2 vols.)*

Series 689x *Applications to exchange lottery lands. 1787 – 1790. (0.5 Document Box)*

As part of the process of overseeing the sale of public lands, the Massachusetts legislature commissioned a land lottery in 1786. Once the lottery was held and the allotment of land completed, some recipients of land found their parcels scattered over a wide area. To facilitate consolidation, the General Court acted to permit holders of prize lots to exchange their holdings for other land more to their liking (St. 1788, c. 17). Individuals desiring to exchange lots with the Commonwealth were granted six months in which to make application. Acting for the Commonwealth, the Committee was authorized to receive applications for exchange of lots. This series comprises the applications made by lottery landholders in response to this legislative allowance. The applications ordinarily specify the lots being exchanged and include endorsements by the ticket holder and a witness. In most cases the original ticket is attached. (For other tickets, see EA 4, 688x). Calendar available (Box 16)

Series 73x *Reports of committee business. 1795 – 1801. (2 vols.)*

In 1795 the General Court directed the committee to suspend all sales and to prepare a report on its activities from the time of its creation in 1783. This series consists of two volumes. The first is the manuscript copy of a report dated June 16, 1795 covering the accounts of the committee from October 28, 1783 to June 16, 1795. The second volume is the printed version of two reports. The first is the printed version of the manuscript, the second is the printed version of a report covering the dates June 16, 1795 to February 4, 1801.

Consistent with the directive of the legislature, the reports detailed “all their doings and proceedings, as a committee, from the first of their appointment to the time of making said report; and in such a manner as to exhibit to view the whole quantity of land sold, to whom sold, and considerations upon which sold; money or other consideration received or due, and disbursements of every kind respecting the same...” The manuscript copy of the report starts out with a brief written summary endorsed by the members of the committee, followed by information corresponding to the categories above is presented in a set of 24 tables. This series provides one of the more concise sources of information about public lands in Maine for the period covered. Calendar available. (Box 49)

EA 2 Land Office. (1801 – 1861)

When the Committee for the Sale of Eastern Lands was abolished in June 1801, the General Court authorized the appointment of two land agents who were directed to complete all contracts undertaken by the original committee. With this action the legislature created a land agency, which, through several incarnations, continued to operate until the period of the Civil War.

Initially the activities of the Agents for the Sale of Eastern Lands were supervised closely by the General Court. Later, 1850, the Land Commissioner oversaw the agents and communicated with the General Court. Most sales could be executed only after passage of a specific resolve. By 1803 the legislature had arranged for the settlement of some land disputes by the agents. After the final separation of Maine in 1820, however, activities of the agents became increasingly the responsibility of the governor of Massachusetts.

Series with this agency:

2026x *Administrative files of the land agent.* 1817 – 1865. (Originals in ME, the Massachusetts Archives holds 1 microfilm reel, 35 mm and photocopies which consist of 1 document box) .

691x *Receipts and expenditures.* 1784 – 1860. (6 Document Boxes)

692x *Journals.* 1784 – 1858. (2 vols.)

693x *Applications for land.* 1786 – 1853. (1 Document Box)

694x *Instructions to surveyors.* 1774 – 1820. (1 Document Box)

695x *Reports of the Land Office.* 1786 – 1854. (3 Document Boxes)

696x *Administrative files relating to the apprehended insurrection in Kennebec County.* 1809 – 1811. (1 Document Box)

697x *Legal files of the Land Office.* 1784 – 1853, bulk 1849 – 1853. (1 Document Box)

698x *Administrative files pertaining to land disputes and development.* 1717 – 1853, bulk 1784 – 1853. (5 Document Boxes)

72x *Correspondence.* 1783 – 1859. (21 Document Boxes)

74x *Transcripts of deeds for lands sold in Maine.* 1783 – 1861. (7 vols.)

76x *Administrative files relating to the eastern boundary of the United States.* 1782 – 1849 (2 Document Boxes)

79x *Transcripts of deeds for lands in dispute between Great Britain and the United States.* 1845 (1 v.)

Series 2026x *Administrative files of the land agent.* 1817 – 1865. (Originals in ME, the Massachusetts Archives holds 1 microfilm reel, 35 mm and photocopies which consist of 1 document box).

The series was created to document and administer the various responsibilities of the land agent. There are three sub-series that make up this series, the first two sub-series are on microfilm. The series consists of George W. Coffin's journals. Coffin was the land agent from 1820 until 1851.

Sub-series 1, George W. Coffin's copybook and journal, 1817 – 1825, consists of the transcripts of enabling legislation; then, in a second chronological sequence, commissioner votes and orders; reports, memorials, and other communications to the General Court and governor; public notices and advertisements; and listings of letters written, with references to sub-series 2.

Sub-series 2, George W. Coffin's Letterbook, 1817 – 1865, is arranged by correspondent. It is transcripts of outgoing letters from the commissioners/land agent.

Sub-series 3 is arranged chronologically and is recording the land agent's visits to Maine to inspect/survey public lands, to appear in court in connection with litigation, and otherwise to carry out responsibilities of the office; diary/field survey notebook entries are accompanied by listing of expenditures for each visit.

Series 691x *Receipts and expenditures.* 1784 – 1860. (6 Document Boxes)

These files provide the back-up documentation for much of the business undertaken. Throughout these files are found an assortment of bills, receipts, and statements of expenditures relating to the purchase of services and/or sale of real estate by the various agencies. Items encountered with less frequency include accounts of the land agents with the treasurer, reports on timber scaling and sale of timber licenses, timber cutting returns, bonds, schedules of land sales, and correspondence.

Aside from documenting the routine business of the agencies, the receipts and expenditures provide insight into the changing emphasis of their activities. For example, survey and exploration activities, road and bridge construction, and timber sales become increasingly prominent features of these files chronologically. Calendar available (Boxes 1 – 7)

Series 692x *Journals.* 1784 – 1858. (2 vols.)

In conducting its activities the Land Office received money from the sale of lands, as well as from state appropriations. They also disbursed money. These books record and summarize those receipts and expenditures.

Debit entries are in chronological order. Each entry includes information concerning the account name, dollar amount, and a brief description of each transaction. While most entries reflect routine business activities, some explanations offer distinctive insights into the various activities of the Land Office and its predecessor.

In the second volume, for 1823 – 1858, the left-hand pages appear to function as regular journal entries, while the right-hand pages appear to be confined to receipts proceeding exclusively from land sales. At the back of the second volume is a tabular summary of receipts and payments extending from 1820 through 1851. Several categories of information are summarized annually, including number of acres sold, amounts paid to the Treasury, expenses for surveys, expenses for constructing roads, and the like. Some entries in the journals can be traced to documentation in the Receipts and expenditures series (See EA 2, 691x).

Series 693x *Applications for land.* 1786 – 1853. (1 Document Box)

This series consists of applications from groups and individuals seeking to buy lots and/or townships from the reserve of Maine public lands. Usually in the form of correspondence, an application contains the identity of the applicants, the tract of land being sought, the asking price, the price being offered, and any conditions upon which the purchase is contingent. The series is incomplete. The years from 1798 through 1850 are represented only by a few irregular and infrequent applications, however the series picks up again in 1851. At the back of the last

folder is a summary of applications for 1848 – 1851 only. Calendar available (Box 8, Applications for land)

Series 694x *Instructions to surveyors.* 1774 – 1820. (1 Document Box)

As part of their land management function the Committee/Land Office regularly commissioned surveys of Commonwealth land in Maine. In commissioning survey work, they identified surveyors and provided them with detailed instructions. Surveys variously were designed to delineate the bounds of large tracts, subdivide tracts into townships and lots, or support exploration and road building. The series includes agency copies of that what was given to the surveyors. Some correspondence pertaining to surveys is interspersed through the record. Instructions ordinarily include the identity of the surveyor, the methodology to be undertaken, survey reference points to be used, and the terms of compensation. Instructions also often direct the surveyor to note topographic features, mill sites, and timber availability. A few early documents from the General Court are included. Calendar available (Box 13).

Series 695x *Reports of the Land Office.* 1786 – 1854. (3 Document Boxes)

Periodically it was necessary for the Land Office to report their management activities to the General Court. This series comprises those reports. The General Court was informed on such matters as the quantity of land sold at different intervals, contracts fulfilled and outstanding, expenses for such activities as surveying, money forwarded to the treasurer, and delinquencies of purchasers. At several points is interspersed supporting documentation, such as treasurer's receipts and correspondence.

Information in the reports frequently provides insight into such matters as road building and exploration, the mechanics of land sales and speculation, commerce in timber, boundary disputes, and other activities on which land management had some bearing. Calendar available (Boxes 48 – 51).

Series 696x *Administrative files relating to the apprehended insurrection in Kennebec County.* 1809 – 1811.

This administrative file documents the activities of the Commonwealth in responding to the threat of insurrection in Kennebec County in 1809. The file details the responses of the several involved agents of the government in Massachusetts and the District of Maine. The governor, Council, General Court, local sheriff and the justices of the common pleas are the government officials primarily represented.

The event that triggered the development of this series was a local dispute involving squatters and landowners in Kennebec County. The situation became so aggravated that armed persons began resisting the practices of land proprietors and Commonwealth officials, leading to the death of Paul Chadwick, a surveyor employed by the Land Office, in the fall of 1809. The arrest and indictment of

several local persons served to increase tensions, leading the government of Massachusetts to conclude that an insurrection was imminent. As a result of reciprocal communications between local officials and the central government, arrangements were made for a detachment of militia to support and preserve the administration of civil government. A majority of the documents relate to arrangements for this military presence. Calendar available (Box 45).

Series 697x *Legal files of the Land Office.* 1784 – 1853, bulk 1849 – 1853. (1 Document Box)

Typically legal arrangements involved land transactions and/or development. This file comprises a variety of legal documents, including copies, reflecting the land management activities of the agencies. Agreements and permissions relating to the sale of land and the cutting of timber predominate. Performance bonds detailing settlement duties are also represented.

Copies of resolves from Maine and Massachusetts are arranged chronologically in 3 folders at the back of the file. These files are only a fragment of the body of legal documents created in the course of administering the sale of Maine lands. Calendar available (Box 9).

Series 698x *Administrative files pertaining to land disputes and development.* 1717 – 1853, bulk 1784 – 1853. (5 Document Boxes)

A considerable part of the Land Office's activity came to involve resolving boundary and proprietary disputes in areas subject to the control of Massachusetts. These files document the activities of the early committees on land and the Land Office in responding to land and boundary disputes, as well as to the developmental needs of the interior parts of Maine.

These records are arranged roughly by place and activity, and only subordinately by chronology. The first group of records was gathered in 1786-1787 to document the Beauchamp/Leverett claim. (See EA 5) The date 1717 comes from the first document which is an excerpt from a letter dated 1717. The files in this series include petitions, lists, specifications, reports, invoices, and receipts. Activities documented include sale of land, leasing of timber rights, land surveys, resolution of trespasses and boundary disputes, and provision of roads and bridges. In some instances, details concerning the continuing boundary unease between the British provinces and the U.S. are included. Folder list and calendars available (Boxes 10, Papers re several towns; 14, Islands East of Penobscot; 15, Jackson & Flint; Dearborn Purchases; 52, Papers re Sandy River, Canada Road, Trespassers).

Series 72x *Correspondence.* 1783 – 1859. (21 Document Boxes)

This is the main correspondence file of the Land Office, and, as such, it incorporates materials generated by its predecessor. This series is arranged

chronologically and the attending calendar lists correspondents involved as well as place names and subjects.

Subjects that typically recur include surveys and explorations, sale and purchase of lands, land prices, timber permits and cutting, trespasses and land disputes, road and bridge construction, soil and topographic descriptions, town boundaries, and bounty lands for Revolutionary War veterans. Inquiries regarding lands for Revolutionary War veterans and their heirs first appear in the early 1820s. Another subject of note is the dispute between the U.S. and Great Britain over the eastern boundary. Generally the correspondence offers insights into the political cultures of both Maine and Massachusetts. Calendar available (Boxes 18 – 44).

Series 74x *Transcripts of deeds for lands sold in Maine.* 1783 – 1861. (7 vols.)

These copybooks contain transcripts of deeds presented to purchasers of public lands. The transcripts identify the principals to the transaction, the bounds of the land being deeded, considerations being given for the purchase of land, and restrictions and/or qualifications on the purchase being made. The volumes are arranged chronologically. There is an alphabetical index by name in each volume. (Card index for last 3 vols.)

Series 76x *Administrative files relating to the eastern boundary of the United States.* 1782 – 1849 (2 Document Boxes)

The responsibility for the land management and sale by the Land Office gave it a direct interest in the protracted negotiations surrounding the establishment of the northeastern boundary setting Maine apart from the British provinces. Consisting of correspondence, reports, depositions, and extracts from various source documents, these administrative files were assembled as Massachusetts sought to protect its proprietary rights to public lands in Maine.

The files contain documents relating to the General Court and governor; U. S. Congress, secretary of state, and president; and British authorities. The development of the file was more active in the periods before, during, and immediately after the settlements of the Jay Treaty, 1794, and the Webster-Ashburton Treaty of 1842. The Jay Treaty was negotiated in 1794 to resolve the outstanding differences between the United States and Great Britain. The treaty was drafted by the American statesman and jurist John Jay and the British foreign secretary Baron William Grenville. The agreement was intended both to settle long-standing differences between the U.S. and Great Britain and to secure American neutrality during the time of the French Revolution in Europe. The Webster-Ashburton Treaty, 1842 was a treaty between the U.S. and Great Britain establishing the northeastern boundary of the U.S. and providing for Anglo-U.S. cooperation in the suppression of the slave trade. Calendars available (Boxes 11 & 12, Boundary papers).

Series 79x *Transcripts of deeds for lands in dispute between Great Britain and the United States.* 1845 (1 v.)

This series consists of a copybook containing transcripts of deeds relating to land transfers in Maine territory previously in dispute between Great Britain and the U.S. Each page consists of a deed copy that identifies the parties to the conveyance, the physical bounds, and conditions.

The actual conveyances of land were made by the land agents from both states based on findings by state-appointed commissioners. These records are indexed by name at the front of the volume, by name with lot designation at the back.

****EA 3 Committee on Eastern Claims and Settlements.** (1648 – 1720, bulk 1674 – 1714)

This committee was charged (Res. 1714, c. 102) with promoting a rapid resettlement of the frontier towns in York County in the Province of Maine, largely abandoned after repeated Indian attacks. The committee, required to report to the General Court in the May 1715 session, was similar in function to two earlier committees (Res. 1700-1, c. 73 and Res. 1713-14, c. 165). Resolves 1715 –16, c. 25 established a committee on eastern settlements that appears to have assumed the resettlement responsibilities of the 1714 committee. Although there are no further references to such a committee in the General Court or Council, it continued to keep records until 1720.

Series with this agency:

1705x *Transcript of Eastern claims.* 1648 – 1720, bulk 1674 – 1714 (1 Document Box)

Series 1705x *Transcript of Eastern claims.* 1648 – 1720, bulk 1674 – 1714 (1 Document Box)

The two volumes of this series represent the original and its copy that was made and certified by Josiah Willard, secretary of the council (Council records [Executive] XIII, 95, 96). Both are transcripts of claims of persons with land titles predating 1713, made as a preliminary step to resettlement. Information includes description of land, statement of claimant's title with citation of depositions and other record books, and in some cases date that the committee received claim.

Surrendered with related papers in 1724 by committee member Samuel Phipps to Council Committee on Eastern Indians.

EA 4 Land Lottery. (1786 – 1830)

As part of an effort to obtain revenues from the lands in the District of Maine, the General Court established a land lottery in 1786 (St. 1786, c. 40). The legislature directed that 2,720 tickets be printed. Each ticket was to represent a certain quantity of prize lots or land. Everyone who bought a ticket received land, however some tickets corresponded to greater or more desirable tracts of land. The tickets were to be sold at the rate of sixty

pounds a piece. Land for the lottery was allotted in the section of Lincoln County between the Penobscot and Schoodic Rivers. A five-member committee was appointed by the General Court to serve as the managers of the lottery (the management group contained the same members as the Committee for the Sale of Eastern Lands).

In administering the lottery, the managers were authorized to sell tickets, hold a drawing, and make a return to the secretary of the Commonwealth of the prize lots and those to whom they were awarded. Proceeds were to be turned over to the treasurer.

Ultimately only several hundred tickets were sold. The drawing took place in the fall of 1787. To benefit those who had purchased tickets and drawn undesirable lots, the General Court authorized the Committee for the Sale of Eastern Lands to receive applications for the exchange of prize lots by lottery participants with the Commonwealth to the end that individuals be able to consolidate their holdings. (See EA 1/689x)

Series with this agency:

81x *Lists of lottery lands drawn.* 1786 – 1787. (1 vol.)

82x *Lottery Stub Books.* 1786 (0.5 Document Box)

688x *Lottery Tickets.* 1787 – 1789 (3 folders)

690x *Correspondence.* 1786 – 1830 (0.5 Document Box)

Series 81x *Lists of lottery lands drawn.* 1786 – 1787. (1 vol.)

This series consists of lists of lots in each township, designating those that had been awarded on the basis of the drawing. Information includes the number of the lot, the quantity of land it contained, the ticket number by which it was awarded, and the name and address of the person to whom the award was made. On the page opposite each list is a schematic of the township with lot located. Rufus Putnam, a surveyor and Committee member attested to the schematics. At the front of the volume, a map of townships in Lincoln County, between the Penobscot and Schoodic Rivers, has been affixed. This volume provides the most concise and detailed information concerning the land distribution effected by the lottery of 1787.

Series 82x *Lottery Stub Books.* 1786 (0.5 Document Box)

These books comprise the numbered stubs from which tickets had been removed for sale, although in each volume a large number remain attached to the stubs. As numbers were drawn in the lottery, tickets were returned by the holders to validate their winnings. (See 688x)

Series 688x *Lottery Tickets.* 1787 – 1789 (3 folders)

Tickets were removed from Lottery stub books and presented to those purchasing chances. Tickets and stubs had corresponding numbers. In addition to the number, information on the tickets includes a description of the entitlement to

land (quantity, etc.), identification of purchaser, signatures of managers, and the endorsement of the Secretary of the Commonwealth. Stub books act as a numerical index to the tickets. Calendar available (Box 16).

Series 690x *Correspondence*. 1786 – 1830 (0.5 Document Box)

These files contain a potpourri of disparate communications made and received by the managers of the Land Lottery. Included are letters, receipts, lists of ticket holders, copies of resolves, and updated draft reports of the managers to the General Court. Calendar available (Box).

CT 0 **General Court.**

Series with this agency:

2032x *Resolves respecting the sale of Eastern Lands*. 1781 – 1811. (1 Document Box)

Series 2032x *Resolves respecting the sale of eastern lands*. 1781 – 1811. (1 Document Box)

The General Court oversaw the surveying, sale, and other disposition of Massachusetts public lands in the District of Maine. Resolves 1802, c 113 (1803) directed the state secretary to publish 300 copies of a transcript kept by the land agents of resolves and other legislative documents relating to public lands in Maine. This series includes the transcript (to March 8, 1803), published resolves, and a second similar compilation identified as being printed by order of the legislature of Feb. 14, 1811.

SC 1 **Office of the Secretary of State**

Series with this agency:

34x *Penobscot Indian Treaty and Release*. 1818 – 1820, (1 folder)

Series 34x *Penobscot Indian Treaty and Release*. 1818 – 1820, (1 folder)

The series contains two treaties, the first, signed June 29, 1818, was drafted pursuant to Resolves 1817, c 120, based on a reports of the commissioners of the Land Office. Following on the treaty of August 1796 (Resolves 1796, Jan 1797 Sess, c 86), it provided additional land for settlement, as the Indians released all claims to land on both side of the Penobscot River and the branches thereon with a few exceptions, in return for a payment of \$400 and an annual payment of supplies. Provisions to carry out the terms of the treaty were made in Resolves 1818, c 272. The second treaty, signed August 17, 1820, released the Commonwealth from the previous agreement pursuant to the creation of the state of Maine on March 15, 1820.

GO 1 Governor

Series with this agency:

1702x *Papers relating to the northeastern boundary of Maine.* 1802 – 1866 (bulk 1820 – 1842), (O.5 Document Box)

Series 1702x *Papers relating to the northeastern boundary of Maine.* 1802 – 1866 (bulk 1820 – 1842), (O.5 Document Box)

The Commonwealth had a continuing interest in the United States-Great Britain dispute over the northeastern boundary of Maine, from the Revolution to the Webster-Ashburton Treaty of 1842; to 1820, as the state of with the District of Maine formed a part; from 1820, and pursuant to St 1819, c 161, an act to provide for separation of the District of Maine as a state, as the holder of title to certain Maine public lands. The series consists of correspondence and reports relating to the dispute sent or received by the governor and others. A calendar is included with the series.

GC 3 Council

Series with this agency:

1703x *Council records on the northeastern boundary of Maine.* 1842, (1 folder)

Series 1703x *Council records on the northeastern boundary of Maine.* 1842, (1 folder)

The Commonwealth had a continuing interest in the United States-Great Britain dispute over the northeastern boundary of Maine, from the Revolution to the Webster-Ashburton Treaty of 1842; to 1820, as the state of with the District of Maine formed a part; from 1820, and pursuant to St 1819, c 161, an act to provide for separation of the District of Maine as a state, as the holder of title to certain Maine public lands. The series relates to the appointment by the council of commissioners to represent Massachusetts interests in negotiations prior to the 1842 treaty. A calendar is included with the series.

II. DISPUTED LANDS IN MAINE

EA 2 Land Office. (1801 – 1861)

When the Committee for the Sale of Eastern Lands was abolished in June 1801, the General Court authorized the appointment of two land agents who were directed to complete all contracts undertaken by the original committee. With this action the legislature created a land agency, which, through several incarnations, continued to operate until the period of the Civil War.

Initially the activities of the Agents for the Sale of Eastern Lands were supervised closely by the General Court. Later, 1850, the Land Commissioner oversaw the agents and communicated with the General Court. Most sales could be executed only after passage of a specific resolve. By 1803 the legislature had arranged for the settlement of some land disputes by the agents. After the final separation of Maine in 1820, however, activities of the agents became increasingly the responsibility of the governor of Massachusetts.

Series with this agency:

77x *Report of the Land Commissioners.* 1820 (1 folder)

78x *Memorandum of claims to land in the town of Penobscot.* 1819 (1 folder)

87x *Report concerning lands mortgaged by Leonard Jarvis.* 1818 (1 folder)

Series 77x *Report of the Land Commissioners.* 1820 (1 folder)

This report, concerning land in Penobscot, Surrey, and Ellsworth, reflects the adjustment of claims of those individuals who had settled on or taken possession of lands mortgaged to the late Leonard Jarvis, a former Committee member. Disputes arose over Jarvis land claims between his family and the individuals occupying the land.

The commissioners of the Land Office were administering the findings of George Herbert, who had been authorized by the General Court to explore claims and titles to lands in this tract. Upon accepting Herbert's report in 1819, the legislature directed the Land Office to settle the claims and sell any residual lands. The report of the commissioners reflects that activity by listing claimants, briefly describing their claims, and designating what actually was deeded to each person.

Series 78x *Memorandum of claims to land in the town of Penobscot.* 1819 (1 folder)

This memorandum was prepared by Joseph Lee, one of the commissioners of the Land Office. It represents his work in following up the findings of George Herbert as presented in his report concerning lands mortgaged by the late Leonard Jarvis. Lee visited individuals claiming lands in the town of Penobscot to discuss their claims and Herbert's findings.

The memorandum documents Lee's work, as well as the submission of settlers to the terms of settlement presented by the Land Office. Lee's work was incorporated in the subsequent Report of the Land Commissioners (See EA 2/77x).

Series 87x *Report concerning lands mortgaged by Leonard Jarvis.* 1818 (1 folder)

This series consists of a report made by George Herbert, an agent appointed by the governor in 1815 to investigate the disposition of a tract of public lands in Maine mortgaged by the late Leonard Jarvis earlier in the century. Since then settlers had occupied lots in this tract, resulting in a variety of claims.

Herbert was commissioned to survey the lands mortgaged to Jarvis; to investigate the title of the Commonwealth to any of the lands; to investigate the number of people settled on, or in possession of, lots in this tract; and to determine the nature of claims and titles of individual settlers in this area. Herbert's report includes detailed discussions of the various claimants and lists of settlers in possession of lands in the area. At the back are inserted copies of pertinent documents, including deeds, resolves, and releases, dated 1762 to 1803.

On the basis of this report, the legislature directed the Land Office to settle accounts with the widow and heirs of Leonard Jarvis, including taking possession of whatever lands remained residual, to receive and adjust claims to title by individual settlers, and to sell land that was left over. This report provides a detailed account of the land dealings of Leonard Jarvis.

EA 5 **Commissioners to Quiet Settlers on the Waldo Claim.** (1797 – 1800)

The Waldo Patent (Claim), situated between the east-side of the Muscongus River and the Penobscot Bay, was originally granted to John Beauchamp and Thomas Leverett in 1629 by the Council of Plymouth (the Muscongus Patent), and was later settled by the Lincolnshire Company under its principal shareholder, Brigadier General Samuel Waldo in 1730. After the Revolution, General Knox, Waldo's son-in-law and heir, made repeated attempts to force settlers without title to secure deeds from him. Ensuing settler violence quickly collapsed, and by 1796 most reluctantly came to terms with Knox.

By Resolves 1796, January 1797 Session, c 60, the General Court named Nathan Dane, John Sprague, and Enoch Titcomb commissioners to fix terms of 100-acre awards to settlers not yet reaching agreement with Knox, dependent on whether their claim came prior to, during, or after the Revolution.

The commissioners went to the patent in 1797, received references from settlers, and appointed James Malcolm, John Harkness, and Robert Huston as surveyors to identify settler lots and note land conditions. Resolves 1798, c 176, (Mar. 1, 1799) continued the charge of the commissioners, who returned to the patent, viewed lots, and discussed land prices. Their awards were made the following year.

Series with this agency:

83x *Certificates of agreement for quieting settlers.* 1797 – 1800 (2 vols.)

854x *Commission Files.* 1763 – 1799. (1 Document Box)

Series 83x *Certificates of agreement for quieting settlers.* 1797 – 1800 (2 vols.)

This series contains legal documents evidencing completion of the process of fixing terms of wards from Henry Knox, principal proprietor, to settlers without title in the Waldo Patent. The two volumes are arranged first by town, then by individual. There is a name index near the beginning of each volume. Both volumes are arranged in the same manner. Documents were pasted into the books in groups representing reports. Reports typically consist of a reference, an award, and a plan and description from the surveyor. Sometimes the plan is placed at the end of the volume. Some reports also include powers of attorney.

References are documents submitted to commissioners by settler and proprietor, establishing a settler's claim. Information includes name of settler, date moved onto land, town where land was located, and whether property had been transferred to another person.

Awards are certificates signed by commissioners setting terms of sale of lands from proprietor to settler. Information includes name of settler, amount of money owed to proprietor, and date of payment.

Powers of attorney are legal documents granting power of attorney to certain individuals in conjunction with the process of quieting claims.

Surveyor field notes are descriptions of lots surveyed by James Malcolm, John Harness, and Robert Huston, including actual boundaries and condition of the land. With the surveyor field notes are lot plans indexed as part of the Maps and Plans collection (See SC 1/50).

Series 854x *Commission Files.* 1763 – 1799. (1 Document Box)

Commission files were created to document how the commissioners fixed terms of awards from Henry Knox, principal proprietor, to settlers without title in the Waldo Patent. The files consist of working papers which include copies of legislation and petitions; notifications about quieting settlers and of meetings between commissioners and settlers; depositions regarding arrival of certain settlers; surveyor oaths, instructions, and other communications; and references from settlers in Islesborough and Prospect. Background files include legal papers and other information regarding the Waldo Patent filed prior to appointment of commissioners. Calendar available (Box 53).

EA 6 **Commissioners to Quiet Settlers on the Kennebec Purchase.** (1802 – 1804)

In 1629, the Council for New England granted to William Bradford and his pilgrim friends all the land between Lake Cobbosseconte on the north to the mouth of the Kennebec River, fifteen miles on either side of the river. In 1661, the grant was sold to Boston merchants whose heirs in 1753 invited a number of individuals, including Dr. Silvester Gardiner and Benjamin Hallowell, to form a corporation for the exploitation of the area. They were officially known as the Proprietors of the Kennebec Purchase from the late Colony of New Plymouth. In 1789, the state established new boundaries for the

grant and declared that all persons who had settled on the company lands before 1784 were to receive 100 acres gratis. For those who squatted after 1784 on company lands, the proprietors were to sell them the land at fair price.

In the 1790s, the company failed to survey much of its land to keep up with settlers who moved on to it. Toward the end of the decade the company became concerned about these squatters. Proprietors moved in and attempted to eject settlers who were unable to pay for the land or who tried to avoid paying for it.

In 1802 the General Court authorized the governor to appoint a 3-member commission to settle disputes between the proprietors of the Kennebec Purchase and those who had settled, without sanction, on the land (Resolves 1801, c. 84). The commissioners acted as arbitrators in reviewing the circumstances of each land dispute. All settlers who sought the assistance of the commissioners had to agree in advance to submit to the authority of the commission. In examining each case, the commissioners considered improvements made to the property, as well as the point in time (before, during, or after the Revolution) when the lot was settled.

Generally the process enabled settlers to purchase 100 acres of land, along with the improvements, for a nominal amount. The report of the commissioners was to be lodged with the secretary of the Commonwealth upon completion. On the basis of that report the agent of the Kennebec proprietors was to make and execute deeds of conveyance to individual settlers. The work of the commissioners was completed by 1804.

Series with this agency:

84x *Certificates of agreement for quieting settlers.* 1802 – 1804 (5 vols.)

Series 84x *Certificates of agreement for quieting settlers.* 1802 – 1804 (5 vols.)

Arranged by town or plantation. This record is the legal agreement negotiated by the commissioners between the settlers and the agent of the proprietors. It is comprised of documentation for each land claimant who made a submission to the commission. Each claim is represented by two printed forms containing endorsements and written annotation. The first is a document by which the dispute is defined and formally submitted to the commissioners for resolution. The item carries the endorsements of both the settler and the agent for the proprietors, as well as witness signatures. This submission document also designates the category (i.e., settled before, during, after the Revolution) into which each settler fell. In each case the document is followed by a certificate of agreement as determined by the commissioners. That determination settled disputes by defining the land to be possessed by the settlers, as well as specifying any obligations owed to the proprietors by the settlers. These determinations became the basis on which the agent of the proprietors ultimately conveyed land to the individual settlers. Folded regional maps are interspersed throughout the volumes.

EA 7 Commissioners to Quiet Settlers on the Pejepscot Claim. (1804)

In 1714, eight businessmen and politicians, most of them Bostonians, bought title to the old Pejepscot patent, which the Council for New England had granted to its original proprietors in 1632. This new group of entrepreneurs laid out the towns of Brunswick and Topsham and shipped the settlers, deeds in hand, from Boston. This arrangement typified the kind of speculation in real estate that characterized a large part, but not all, of the expansion of New England in the eighteenth century.

The controversy between the Commonwealth and the Pejepscot Proprietors was two-fold, the first concerned the bounds of the original Pejepscot Claim, the second concerned the claims of the settlers supposedly holding deeds to land within the Claim. In 1792 the General Court received a petition from the inhabitants of Pejepscot Claim asking for clarification on the bounds of the grant because some of the settlers were unclear as to the legitimacy of their claim to their piece of land. A committee was appointed (Res. 1791, Jan 1792 Sess, c 134) to establish the boundaries and exchange deeds with the proprietors, but the matter was reconsidered the following year after the first resolve was mislaid.

In 1793 the General Court directed the Attorney General to initiate a suit against the Proprietors in order to legally establish the northern boundaries of the Pejepscot Claim. (Resolves 1792, c 124) The case was heard in 1796 and 1797, but a verdict was not handed down.

In 1798, in light of this inaction, the General Court authorized the Attorney General to submit the controversy to the Supreme Judicial Court (Resolves 1798, c 64). The resolve provided for the appointment of several disinterested persons to referee the case, awarding lands as necessary to the Proprietors/businessmen and to obtain from them a deed of release for Commonwealth lands; and for the appointment of three commissioners to quiet claims of any settlers remaining on the undivided lands awarded to the Proprietors. Settlers were allowed to purchase 100 acres, including best improvements. Levi Lincoln, Samuel Dexter, Jr., and Thomas Dwight were appointed referees. They completed their work in 1799; however, the Attorney General later ruled that the deed of release filed by the agent for the Proprietors did not satisfactorily extinguish their claim to the disputed lands.

Resolves 1800, c 143 reprised previous actions of the General court and stipulated that settlers be quieted on the lands which had already been divided by the Proprietors. Nathaniel Dummer, John Lord, and Ichabod Goodwin were appointed by Governor Caleb Strong as commissioners to quiet the settlers in June 1803 as provided by the 1798 and 1800 resolves, presenting their report in 1804 and then filed in the Secretary of State's Office. The Pejepscot Proprietors refused to accept the conditions of the resolve relating to the settlers on the divided lands and ignored the report of the commissioners. The stalemate continued. A final settlement was not reached until May 1813.

Series with this agency:

85x *Report of the Commissioners.* 1804 (.25 vol.)

Series 85x *Report of the Commissioners.* 1804 (.25 vol.)

Series consists of a report of the commissioners' work listing settlers on lands awarded to the claims' proprietors by the referees.

For maps originally accompanying report showing lot locations and settler names check the Maps and Plans series (SC1/ 50) and see Map no. 1688.

EA 9 Commissioners to Investigate Disturbances in Lincoln County. (1803 – 1811)

Unrest in Lincoln County near the Damariscotta River, over conflicting land claims of nonresident proprietors and town settlers was brought to a head in 1810 by a Supreme Judicial Court order for a survey of the bounds of the Brown Claim, an Indian deed, dated the 15th of July 1625 from Captain John Somerset and Unongoit of the Sagamores, to John Brown of New Harbor. Judge George Thacher proposed the use of militia (per St 1809, c 122) to suppress settler opposition to the survey, but threats of armed resistance led to the Act's suspension by county authorities.

Governor Elbridge Gerry was first alerted to the situation in Lincoln County in October of 1810 by Judge Thacher. Shortly after, several petitions and memorials were sent to the General Court from the inhabitants of the towns of Nobleborough and Bristol. The Governor reported the situation to the General Court on Lincoln County in his January 25, 1811 inaugural address. A subsequent message to the Legislature on January 29, 1811 forwarded all the documents concerning Lincoln County that the Governor had received. These were later delivered to the commissioners and formed the basis of their work. The Governor appointed Attorney General Perez Morton, Jonathan Smith, Jr. and Thomas B. Adams as commissioners.

The commissioners met at the Court House in Wiscasset on May 1, 1811. Subsequent hearings were held in Newcastle, Bristol and Nobleborough through May 10. The commissioners received evidence in support of the non-resident proprietors and the "Memorialists"; took depositions and interviewed witnesses. They wrote their report in Portland and resigned on May 20, 1811.

The body of the Commissioner's report provided a recitation of the major claims of the non-resident proprietors: the Brown Claim, the Drowne Claim and the Tappan Claim. By law, the rights of each claim should have been established by trial; however all claimants seemed willing to end the difficulties and eliminate the hardships that trials would have imposed on the inhabitants. Instead, the commissioners proposed, and the claimants agreed, that they would release and surrender their title to any claims to the Commonwealth, and submit to a new board of commissioners to determine whether the claims were justified. If so, they would receive a comparable amount of land in the unlocated Maine lands as compensation, leaving the Commonwealth as the sole proprietors in the disputed Lincoln County lands.

Series with this agency:

88x *Report of the Commissioners.* 1811. (1 vol.) Published with Resolves 1811, c 34.

89x *Proceedings of hearings.* 1811 (1 vol.)

90x *Evidence Presented to Commissioners.* 1803 – 1811. (1 Document Box)

Series 88x *Report of the Commissioners.* 1811. (1 vol.) Published with Resolves 1811, c 34.

Commissioners appointed to investigate and recommend remedies for unrest over conflicting land claims in Lincoln County met May 1 – 10 in several affected towns and submitted their report to Governor Elbridge Gerry on May 20. This is the manuscript copy of the commissioners' report.

Series 89x *Proceedings of hearings.* 1811 (1 vol.)

This series records the proceedings of the commissioner's hearings. Included are lists of documents (depositions, deeds, leases, and letters) entered as evidence by attorneys for nonresident proprietors, Lincoln Academy, and local inhabitants petitioning the General Court; interviews of witnesses; and references to visits by commissioners to old settlement sites.

Series 90x *Evidence Presented to Commissioners.* 1803 – 1811. (1 Document Box)

These documents were presented before the commissioners to Investigate Disturbances in Lincoln County, and formed the basis for their considerations. There are three sub-series:

Sub-series 1: Documents transmitted by the Governor. (1810 – 1811) Documents sent to Gov. Gerry describing the disturbances and the subsequent reactions of county and state officials. The documents include correspondence, petitions and depositions. A schedule listing the documents when they were sent to the commissioners is included.

Sub-series 2: Exhibits introduced before the commissioners. Deeds, patents, wills and depositions presented before the commissioners by attorneys on behalf of the various claimants. Most of the documents were entered into the record by Clerk Eleazer Wheelock Ripley, who then made copies of the documents and returned the originals to the attorneys. (A few originals were held by commissioners; in 1885 – 1886 they were removed from this collection and incorporated into the Massachusetts Archives Collection, series 45x.)

Sub-series 3: Copies of legislation. Copies of acts of the General Court regarding the confirmation of land titles, referenced in the report of the commissioners.

EA 10 Commissioners for Determining Rights of Claimants to Lands in Lincoln County. (1811 – 1813)

Resolves 1811, c 34 (June 20, 1811), authorized the governor to appoint three commissioners to review claims surrendered to the Commonwealth by nonresident

proprietors in Lincoln County and to determine compensatory grants elsewhere in Maine. These actions were pursuant to the agreement by the proprietors included with the report of the previous commissioners (Commissioners to Investigate Disturbances in Lincoln County, authorized by an order of February 27, 1811). (See EA 9)

Governor Elbridge Gerry appointed commissioners Jeremiah Smith, William H. Woodward, and David Howell in the fall of 1811. Along with Attorney General Perez Morton, representing the Commonwealth per the resolve, the commissioners met in Portland on Nov. 20 and then traveled in Lincoln County. They authorized a survey showing nonresident claims; received testimony from nonresident proprietors and town settlers; received submission, deeds of release, and accompanying powers of attorney from nonresident proprietors; and filed a final report with the General Court, Jan. 26, 1813, stating compensatory awards to nonresident proprietors.

Resolves 1812, c 183, with which the report was printed, authorized appointment of commissioners (See EA 11) to examine land claims and give deeds from the Commonwealth to town settlers in Lincoln County. Resolves 1812, c 184, c 185 and c 186 granted compensatory lands to nonresident proprietors, affirming the awards of the commissioners reported in c 183.

Series with this agency:

91x *Administrative Files*. 1810 – 1813. (2 Document Boxes)

92x *Deeds of Release to the Commonwealth*. 1812 (1 Document Box)

Series 91x *Administrative Files*. 1810 – 1813. (2 Document Boxes)

This series consists of files presented before the commissioners to document the various claims to the contested lands in the Lincoln County towns of Bristol, Edgecomb, New Castle, Nobleborough, Waldoborough, Jefferson and Boothbay. The commissioners were given the authority to determine in land and equity the validity of these claims; thus the files substantiate the rights of the non-resident proprietors, the settlers and the Commonwealth. The files also include the papers generated by the commissioners during their work, 1811 – 1883. Four sub-series:

Sub-series 1: Working papers, which are memorandums, notes, schedules of documents submitted by attorneys, and receipts for documents received.

Sub-series 2: Claims of the Commonwealth, which include the position of the Commonwealth regarding Lincoln County land titles as outlined by Attorney General Perez Morton.

Sub-series 3: Claims of nonresident proprietors, which include copies of wills and deeds, genealogies, title abstracts, and other papers to substantiate rights to lands under Brown, Tappen, Drowne, Brown/Pierce and Pemaquid claims.

Sub-series 4: Claims of settlers, records proving title to contested lands and showing length of residency, including lists of settlers in the towns of Palermo, Putnam, and Jefferson. There are depositions and extracts of Massachusetts's public records relating to the purchase of Indian lands. It also includes a manuscript with extracts of Massachusetts public records illustrating the state's position in the past dealing with lands purchased from Indians.

Series 92x *Deeds of Release to the Commonwealth.* 1812 (1 Document Box)

Deeds of release transferred title from nonresident proprietors to the Commonwealth. The deeds follow standard legal formula, and include right claimed and signatures of claimant or attorney and witnesses. Localities include Boothby, Bristol, Edgecomb, Jefferson, Newcastle, Nobleborough, and Waldoborough (these towns represent a large part of Lincoln County).

EA 11 Commissioners Appointed to Give Deeds to Settlers in Lincoln County.
(1813 – 1819)

Jeremiah Bailey and Silas Lee were appointed by Governor Caleb Strong on March 2, 1813 to give deeds to settlers in Lincoln County, Maine. Their work followed that of two previous commissions (See EA 9 and EA 10) which resolved the tangled and conflicting land claims in the towns of Bristol, Edgecomb, New Castle, Nobleborough, Waldoborough, Jefferson and Boothbay, and left the Commonwealth as the sole proprietor of those lands. Resolves of 1812, c 183 authorized the appointment of the commissioners (also referred to as agents) with the consent of Council, to quiet the settlers in these towns. Conforming to the standards set by the state for quieting settlers in other parts of the eastern lands, each settler would receive clear title for up to two hundred acres of his property, including his best improvements, for a nominal amount of money. Settlers were divided into two groups: those who resided on their property prior to January 1, 1789, and all other settlers. The first group as allowed to purchase their land for \$5.00 per one hundred acres. The second group paid \$.30 per acre.

The work of the commissioners proceeded slowly, interrupted by the uncertainty caused by the War of 1812 and financial hardships in the area. The final report of the commissioners (House, unpassed [Series 230] c 164, Resolves of 1815), June 1817 and May 1819. Along with 1816, 1817 and 1819 reports to the General Court, the commissioners submitted schedules of deeds released and the surveys of the settlers' lots to the Land Office. The plans were deposited in the Land Office by May of 1819, and the accompanying schedules of deeds were eventually bound into a single volume (see series below).

Series with this agency:

93x *Returns of Deeds Given.* 1815 – 1819 (0.25 vol.)

Series 93x *Returns of Deeds Given.* 1815 – 1819 (0.25 vol.)

Arranged by town. The commissioners submitted these schedules of deeds to the Land Office in 1816, 1817, and 1819, accompanied by town surveys for land deeded. Schedules for each town list settlers not paying for their lands, deeds given in November and December 1816 meetings, deeds given before the 1817 report, and deeds given in 1817 and 1818. Information includes name of settler, lot location, acreage, price, and amount paid. Towns included are (#s correspond to map #s in the Maps and Plans Collection SC1/50): Boothbay (# 1773), Bristol (#1768), Edgecomb (#1772), Jefferson (#1766), Newcastle (#1786), Nobleborough (#1758), and Waldoborough (#1770).

EA 13 Commissioners to Quiet Settlers in Waldoborough.

In response to an 1803 petition on the behalf of settlers in Waldoborough by Waterman Thomas, Resolves 1802, c 123 provided that settlers there within the boundaries of the patent compile a list of their number whose families had arrived prior to the Revolution. If the list as submitted to the governor by June 1, 1803 included at least fifty parties, the governor would designate commissioners already appointed to quiet settlers on lands of the Plymouth Company.

Series with this agency:

86x *Certificate of agreement for quieting settlers.* 1803 – 1804 (1 vol.)

853x *Commission files.* 1803 –1804, (1 folder)

Series 86x *Certificate of agreement for quieting settlers.* 1803 – 1804 (1 vol.)

This series contains legal documents evidencing the completion of the process of fixing terms of awards from Henry Knox, principal proprietor, to settlers without title in Waldoborough, Maine.

Awards are certificates signed by commissioners setting terms of sale of land from proprietor to settler. Information includes name of settler, exact description of land (usually 100-acre lot) awarded, name of surveyor, amount of money owed to proprietor, and date of payment.

Surveyor field notes are descriptions of lots surveyed by John Harkness and Ephraim Rolings. With surveyor notes are lot plans indexed as part of the Maps and plans Collection (SC1/50). Also included are a few references (documents submitted to commissioners by settler and proprietor, establishing settler's claim), a copy of enabling resolve, petition to the governor by settlers mandated by the resolve, and transmittal letter for these documents from the state secretary to the commissioners.

(For similar material, see EA 5.)

Series 853x *Commission files.* 1803 –1804, (1 folder)

Files contain a November 1803 petition from Waldoborough settlers to the commissioners asking to be deemed eligible for quieting, and a February 23, 1804 report from the commissioners to the governor. Calendar available (Box 53, Waldo Claims).

III. SEPARATION OF MAINE

SC 1 Office of the Secretary of State

Series with this agency:

94x *Returns of 1807 vote on separation of Maine from Massachusetts.* 1807, (1 Document Box)

95x *Returns of 1816 vote on separation of Maine from Massachusetts.* 1816, (1 Document Box)

Series 94x *Returns of 1807 vote on separation of Maine from Massachusetts.* 1807, (1 Document Box)

Resolves 1806, Jan 1807 Sess, c 45, in response to an 1803 petition from towns in the District of Maine, required Maine towns, districts and plantations to hold an Apr. 6, 1807 vote on the question of separating Maine from Massachusetts as a state. The vote, the third such authorized by the General Court, was open to all qualified to vote for its members. Returns of the vote were submitted to the state secretary pursuant to the resolve. The returns are uniform in format. Information includes legislative mandate, total town votes for and against separation, signatures of selectmen (or assessors for plantations), and attestation by town clerk. Counties represented are Hancock, Kennebec, Lincoln, Washington, and York. The series also includes aggregate listing of votes, General Court order establishing committee to examine votes, and committee report.

Series 95x *Returns of 1816 vote on separation of Maine from Massachusetts.* 1816, (1 Document Box)

Resolves 1815, c 157, in response to petitions from the District of Maine. Petitions of 1816 from Maine supporting separation of Maine from Massachusetts required Maine town, districts, and plantations to hold a May 20, 1816 vote on the question of separating Maine from Massachusetts as a state. The vote, the fourth such authorized by the General Court, was open to all qualified to vote for Maine senators. Returns of the vote were submitted to the state secretary pursuant to the resolve. The returns are uniform in format. Information includes legislative mandate, total town votes for and against separation, signatures of selectmen (or assessors for plantations), and attestation by town clerk. Returns are from 219 localities, for 17,000 of 38,000 eligible voters; counties represented are Cumberland, Hancock, Kennebec, Lincoln, Oxford, Penobscot, Somerset, Washington, and York. Series also includes aggregate listing of votes by county, petitions from Lincoln County inhabitants stating opposition to separation, and memorials from Maine members of the General Court.

EA 12 Brunswick Convention.

St. 1816, c 41, an act to provide for separation of the District of Maine from Massachusetts as a state, stipulated a September 2, 1816 election in which each Maine town, plantation, or district would elect delegates (from one up to the number of representative it had in the General Court) to a constitutional convention. A vote on separation was also included, results were to be sent to the president of the convention; a five-to-four pro-separation majority would allow the convention to proceed to draft a constitution.

The convention met in Brunswick on September 30 with 185 delegates from 137 localities, a slight majority favoring separation. The vote on the September 2 question had been 11,969 to 10,347, short of the required five-to-four pro-separation majority. After lobbying on both sides to eliminate incorrect or illegal votes, the Committee to Examine the Returns found the five-to-four majority as met if defined as a “corporate majority,” and also found the simple majority of Maine residents favoring separation reason enough to proceed.

The convention adjourned October 9, after which delegates sent majority and minority reports (“memorials”) to the General Court. On November 16 the General Court Committee on Separation declared the convention majority had “misconstrued” the enabling act. Resolves 1816, c 111 (Dec. 4), including the committee’s report, dissolved the convention and declared the separation process at an unsuccessful end.

Series with this agency:

101x *Transcript of Proceedings*. 1816. (0.5 Document Box)

102x *Memorials*. 1816, (1 folder)

Series 101x *Transcript of Proceedings*. 1816. (0.5 Document Box)

The Transcript of proceedings records the actions taken during the convention held at Bowdoin College in Brunswick, Maine. The proceedings provide a daily account of the activities of the Convention, showing the establishment of committees, their reports, and a return of votes from towns in the Sept. 1816 election.

Series 102x *Memorials*. 1816, (1 folder)

Memorials are petitions sent to the General Court in November, constituting majority and minority reports on the convention’s proceedings. The folder contains two documents: one is a memorial from the majority in favor of separation, and the other is from the minority or the opposition. They were committed to the General Court’s Committee on Separation.

CT 0 General Court

Series with this agency:

1387x *Depositions from the Town of Lyman, Maine.* 1816, (1 folder)

1474x *Memorial of Maine legislators supporting separation of Maine from Massachusetts.* 1816, (1 folder)

97x *Petitions of 1816 from Maine towns supporting separation of Maine from Massachusetts.* 1816, (1 Document Box)

98x *Petitions from Maine towns protesting action of the Brunswick Convention.* 1816, (1 Document Box)

99x *Petitions of 1819 from Maine towns opposing separation of Maine from Massachusetts.* 1819, (1 Document Box)

100x *Petitions of 1819 from Maine towns supporting separation of Maine from Massachusetts.* 1819, (1 Document Box)

Series 1387x *Depositions from the Town of Lyman, Maine.* 1816, (1 folder)

The Brunswick Convention met Sept. 30 – Oct. 9, 1816, to consider separating the District of Maine from Massachusetts as a state. A Sept. 2 vote of Maine inhabitants favoring separation, taken along with election of convention delegates, failed to produce the five-to-four pro-separation majority mandated by St 1816, c 41 for proceeding with the separation process. In dealing with this failure, pro-separation convention forces succeeded in having election returns of Lyman, Maine, ruled invalid over allegations that separation supporters were identified and harrassed in open town meeting. These five depositions regarding the town meeting were taken and sent to the General Court in Nov. 1816.

The depositions are accompanied by a statement of town selectmen to John Low, Sr., Lyman's representative to the General Court, and were referred to the General Court's committee on separation. They discuss activities of John Low, Jr., who had sent a memorial to the convention disputing the Lyman election's validity.

Series 1474x *Memorial of Maine legislators supporting separation of Maine from Massachusetts.* 1816, (1 folder)

The Brunswick Convention met Sept. 30 – Oct. 9, 1816, to consider separating the District of Maine from Massachusetts as a state. This memorial is a petition favoring separation filed with the General Court in Nov. 1816 by Maine senators and representatives. The memorial was referred to the General Court's committee on separation. It cites pro-separation majority of Maine inhabitants in the Sept. 2, 1816 vote that accompanied election of convention delegates, despite its failure to produce the five-to-four majority mandated by St 1816, c 41 for proceeding with the separation process. The convention's actions to overlook this failure are not mentioned.

Series 97x *Petitions of 1816 from Maine towns supporting separation of Maine from Massachusetts.* 1816, (1 Document Box)

Petitions were sent by towns in the District of Maine to the Jan. 1816 session of the General Court requesting legislation to establish Maine as a separate state. Petitions are signed by town inhabitants or by town selectmen indicating a town meeting vote of support for separation. Most petitions are printed forms. Counties represented are Cumberland, Hancock, Kennebec, Lincoln, Oxford, Sagadahoc, Somerset, Washington, and York.

Series 98x *Petitions from Maine towns protesting action of the Brunswick Convention.* 1816, (1 Document Box)

The Brunswick Convention met Sept. 30 – Oct. 9, 1816, to consider separating the District of Maine from Massachusetts as a state. Although a Sept. 2 vote of Maine inhabitants taken along with election of convention delegates failed to produce the five-to-four pro-separation majority mandated by St 1816, c 41, convention leaders chose to regard the actual majority as sufficient to proceed with the separation process. Petitions are remonstrances sent by Maine towns to the General Court, Oct. – Dec. 1816, protesting actions of pro-separation convention delegates. Petitions were referred to the General Court's committee on separation. They consider the majority convention report sent to the General Court (See EA12/102x) non-binding. Counties represented are Cumberland, Hancock, Kennebec, Lincoln, Oxford, Somerset, and York. For committee report see Resolves 1816, c 111, which dissolved the convention.

Series 99x *Petitions of 1819 from Maine towns opposing separation of Maine from Massachusetts.* 1819, (1 Document Box)

St 1819, c 161, an act to provide for separation of the District of Maine from Massachusetts as a state, was instigated by petitions sent by Maine towns to the May 1819 session of the General Court. This series includes petitions opposing such legislation. Petitions are signed by town inhabitants or by selectmen on their behalf. Localities represented are Bucksport (Hancock County); Bath, Phippsburg, Topsham, Waldoborough (Lincoln County); Eliot, Lebanon, Newfield, Shapleigh, and York (York County). Also included is a petition from the inhabitants of Parsonfield (York County), asking to be annexed to New Hampshire rather than becoming part of the state of Maine.

Series 100x *Petitions of 1819 from Maine towns supporting separation of Maine from Massachusetts.* 1819, (1 Document Box)

St 1819, c 161, an act to provide for separation of the District of Maine from Massachusetts as a state, was instigated by petitions sent by Maine towns to the May 1819 session of the General Court. This series includes ca. 170 petitions, a large majority favoring such legislation. Petitions are signed by town inhabitants or by selectmen on their behalf. Most petitions are printed forms. Counties represented are Cumberland, Hancock, Kennebec, Lincoln, Oxford, Penobscot, Somerset, Washington, and York; there are also a few unidentified plantations.

EA 14 Constitutional Convention. (1819 - 1820)

St. 1819, c 161, an act to provide for separation of the District of Maine from Massachusetts as a state, stipulated a July 26, 1819 election in which inhabitants of each Maine town, plantation, or district would vote on separation. The results were to be sent to the State Secretary. A previous attempt at separation under St. 1816, c 41 had failed. (See EA 12)

If a majority of 1500 or more supported separation, Maine would become a state on March 15, 1820. In the meantime the governor would call for election of delegates to a constitutional convention, whose drafted constitution would be presented to Maine inhabitants by January 1, 1820 for ratification. If accepted, the constitution would be effective on statehood; otherwise the Massachusetts constitution would remain in force. Also required was Congressional admission of Maine to statehood by March 4, 1820.

The July election backed separation, 17,091 to 7,132. After election of 274 delegates on September 20, the convention opened in Portland on October 11. William King and Robert C. Vose were chosen president and secretary. Constitutional articles were debated October 18 – 29, after which a document comparing it to that of Massachusetts was circulated. The convention re-opened January 5, 1820, to record the December 6, 1819 ratification, then adjourned finally on January 7.

Since the March 4, 1820 deadline for federal ratification could not be met, St. 1819, c 287 (Feb. 25, 1820) extended it for two years. In fact, Maine was admitted as the twenty-third state on March 15, 1820.

Series with this agency:

103x *Transcript of the proceedings.* 1819 – 1820. (1 vol.)

104x *Transcript of Maine state constitution.* 1819 (1 folder)

105x *Transcript of returns of vote on Maine State constitution.* 1819 – 1820. (1 folder)

Series 103x *Transcript of the proceedings.* 1819 – 1820. (1 vol.)

Transcript of proceedings provides a daily account of the activities of the Convention, including the structuring of the Constitution, resolutions and

amendments. This series also includes committee reports, resolutions, and orders of the convention.

Series 104x *Transcript of Maine state constitution.* 1819 (1 folder)

Attested manuscript copy is by Robert C. Vose, convention secretary. Document is in ten articles, based on constitution of Massachusetts; includes names of 236 delegate signers and localities. This copy was sent to Massachusetts by William King pursuant to a resolution of the Convention, along with a copy of the proceedings of the Convention (see EA 14/103x), and a transcript of the schedules of votes from Maine towns on the adoption of the Constitution (see EA 14/105x)

Series 105x *Transcript of returns of vote on Maine State constitution.* 1819 – 1820. (1 folder)

This series is an aggregate showing the number of votes cast to ratify the Constitution, as well as votes in opposition. It also includes votes from towns that were not accepted by the Convention, and an explanation for their rejection. The return was accepted by the Constitutional Convention on January 9, 1820.

This copy was transmitted to Massachusetts by William King, pursuant to a resolution of the Convention.

SC 1 Office of the Secretary of State

Series with this agency:

96x *Returns of 1819 vote on separation of Maine from Massachusetts.* 1819, (2 Document Boxes)

1689x *Schedule of books.* 1820, (1 folder)

106x *Papers concerning Maine.* 1820, (1 folder)

Series 96x *Returns of 1819 vote on separation of Maine from Massachusetts.* 1819, (2 Document Boxes)

St 1819, c 161, in response to petitions from the District of Maine, required Maine towns, districts, and plantations to hold a July 26, 1819 vote on the question of separation. The vote, the sixth such authorized by the General Court, was open to all qualified to vote for its senators or for governor. Returns of the vote were submitted to the state secretary pursuant to the act. Returns are mostly printed forms. Information includes total town votes for and against separation, signatures of selectmen (or assessors for plantations), and attestation by town clerk. Returns are for 240 localities; counties represented are Cumberland, Hancock, Kennebec, Lincoln, Oxford, Penobscot, Somerset, Washington, and

York. Series also includes aggregate listing of votes by county. Town lists by county included with series.

Series 1689x *Schedule of books.* 1820, (1 folder)

Pursuant to Resolves 1819, c 135, the state secretary identified all books and maps belonging to the Commonwealth so that one third could be apportioned for use by the new state of Maine being separated from Massachusetts. Schedules drawn up by the secretary's office record this apportionment. Items sent were one third part of all the copies of the laws, resolves, term reports, and all other books and maps belonging to the Commonwealth, and not appropriated by any previous law or resolve, except in cases where there are but two copies, to deliver one. They also sent authenticated copies of all the plans, papers, deeds, records, and other documents, in any of the public offices of the Commonwealth which were necessary or convenient for the state of Maine.

Series 106x *Papers concerning Maine.* 1820, (1 folder)

Pursuant to St 1819, c 161, an act to provide for separation of the District of Maine from Massachusetts as a state, a constitutional convention met in Portland, Oct. 11 – 29, 1819 and Jan. 5 – 7, 1820; the resulting constitution was submitted to Maine inhabitants and ratified Dec. 6, 1819. Transcripts of convention proceedings, constitution, and returns of ratification vote (See EA14/103x – 105x) were sent by convention president William King per order of Jan. 7, 1820 to Governor John Brooks. This series contains related documents. Included are a letter from King to Brooks, Jan. 7, 1820, noting a delay in forwarding transcripts; message from Brooks to the General Court, Feb. 4, 1820, so directing; and a letter from Asher Ware, state secretary pro tem of Maine to Massachusetts state secretary Alden Bradford, Mar. 11, 1820, relating to Brook's proclamation on separation.

EA 15 Commissioners Appointed under Act of Separation. (1821 – 1828)

Pursuant to St. 1819, c 161, an act to provide for separation of the District of Maine from Massachusetts as a state, commissioners were to be appointed after separation, two each by the governors of Massachusetts and Maine, and two additional by those commissioners. They were to divide public lands in Maine equally between the two states, within ten years. They also were to assign a just portion of certain remaining Commonwealth property in Maine to the Commonwealth as indemnification for outstanding debts, annuities, and Indian claims, with the remainder divided two to one between Massachusetts and Maine, within two years. Another task was to compensate Maine with \$30,000 of Commonwealth public lands or proceeds from the sale thereof, for assuming obligations to the Indians. Authenticated copies of commissioner surveys and other records were to be placed with the archives of each state.

Levi Lincoln and Timothy Bigelow were appointed from Massachusetts, October 14, 1820; James Bridge and Benjamin Porter were appointed from Maine; Silas Holman and Lothrop Lewis were commissioned at the first meeting, October 31, 1820. Lincoln resigned in 1823, and was replaced by Charles Turner; Bridge was replaced by Remuel Williams; Lewis died in 1822, Daniel Rose then took his commission.

The commissioners' work was delayed because St. 1819, c 161 did not provide them with compensation or a budget; and because a Winter 1821 agreement by a committee of Massachusetts and Maine legislators would have turned over all public lands in Maine to Massachusetts for \$180,000, superceding the commissioners' charge. As the agreement was ratified in Maine only, the Massachusetts General Court re-authorized the commissioners in January 1822 by St. 1821, c 41, which provided compensation and an account for surveys.

The commissioners submitted reports to the General Court and governor irregularly through 1828. Three reports enclosed agreements signed by the commissioners dividing productive property (May 25, 1822), establishing lands equivalent to \$30,000 (Dec. 28, 1822), and dividing public lands (May 21, 1823). Additional surveys were conducted through 1827 to open up lands for division and subsequent sale. Much of the commission's later work related to lands within the disputed northeastern boundary of Maine. In a report of January 1828, the commissioners asked the General Court to specify their remaining duties. Resolves 1827, c 69 declined that request, ending the work of the commissioners.

Series with this agency:

107x *Administrative files*. 1821 – 1828. (10 folders)

108x *Report to divide military stores*. 1822. (1 vol.)

Series 107x *Administrative files*. 1821 – 1828. (10 folders)

Administrative files were created in fulfilling the function of dividing public lands and other property between Massachusetts and Maine. The series consists of correspondence and working papers.

Correspondence received includes documents from Maine and Massachusetts governors, state secretaries, and legislators. Topics include a proposed 1821 interstate agreement and legislation of both states relating to commissioners' compensation and budget.

Working papers include memorandums by commissioners, preliminary drafts of agreements, instructions for land surveys, reports, and warrants for monies awarded to Maine.

Series 108x *Report to divide military stores*. 1822. (1 vol.)

Series is a report ordered by the commissioners as an inventory of military stores on hand to be divided two to one between Massachusetts and Maine. The report by Commissioners Benjamin Porter and Silas Holman, as a subcommittee, is

dated May 17, 1822. The inventory is as of Mar. 15, 1820, official date of separation. Information includes description of article, location (mainly Cambridge or Boston); quantities as divided, serviceable and unserviceable; total serviceable and unserviceable; and grand total.