

# MAINE STATE LEGISLATURE

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THE  
REVISED STATUTES

OF THE  
STATE OF MAINE,

PASSED APRIL 17, 1857;

TO WHICH ARE PREFIXED

THE CONSTITUTIONS

OF THE  
UNITED STATES AND OF THE STATE OF MAINE:

WITH AN

APPENDIX.

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PUBLISHED BY AUTHORITY OF THE LEGISLATURE.

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BANGOR:  
WHEELER & LYNDE.

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1857.

## CHAPTER 5.

LANDS. THEIR SALE AND SETTLEMENT. LAND AGENT. LOCATION  
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Land agent's bond, duties and restrictions.

R. S., c. 3, § 1, 2, 3, 4, 5.

SEC. 1. The land agent shall give a bond to the state in the sum of fifty thousand dollars, with sufficient sureties to the satisfaction of the governor and council, for the faithful performance of the duties of his office. He shall superintend and manage the sale and settlement of the public lands of the state. He shall not, when appointed or during his continuance in office, be directly or indirectly concerned in the lumber business on the state lands, or in the purchase of the public lands, or of any timber or grass growing or cut thereon.

Shall receive moneys arising from lands, and attend personally to duties of office.

SEC. 2. He shall receive all moneys and securities accruing to the state from the sale of lands, timber, and grass, or in payment for timber or grass cut by trespassers, and pay over to the treasurer of state all moneys so received and found due from him on settlement. All securities shall be made payable to the treasurer of state. He shall personally attend to the duties of his office, as far as practicable, and may employ so many assistants, as he shall find necessary, for whose doings he shall be responsible. All persons so employed by him shall be sworn to the faithful discharge of their duties. No person so employed shall be concerned, directly or indirectly, in the purchase of lands, or of timber or grass on lands belonging to the state.

May appoint assistants.

R. S., c. 3, § 6, 7, 10.

SEC. 3. He shall execute deeds, in behalf of the state, conveying lands, which have been granted by the legislature or sold by lawful authority, as soon as the grantees have complied with the conditions of their respective grants; collect all sums due to the state by note or from any source mentioned in this chapter; collect the interest on all notes at least annually, and pay, at the expiration of every month, into the state treasury, all moneys so collected or received by him.

Execute deeds, collect notes, and sums due, and pay same monthly into state treasury.

R. S., c. 3, § 35, 49.

Governor and council and land agent a board to direct surveys.

SEC. 4. The governor and council and land agent shall constitute a board, under whose direction all surveys of land shall be made. An accurate plan or map of all lands surveyed shall be returned to the land office, and entered upon the plan books, within three months after the survey is completed, on which shall be laid down all lakes, ponds, rivers, streams, falls, mill sites, and roads. The field notes of such surveys shall contain a description of the growth, soil, and general character of the township, and of every lot, if it is surveyed into lots, which shall be deposited in the land office within three months. The said plans and field notes shall be kept at the offices in Augusta and Bangor, open for inspection at all times, when the land agent or his assistant is in either of said offices. He shall aid in furnishing information about the public lands to all persons, who seek for it at his office.

Surveys how made.

Maps and field notes.

Plans to be open to public inspection.

R. S., c. 3, § 17, 18, 19, 20.

Surveyors to

SEC. 5. Every surveyor, in surveying the public lands, shall

explore each lot carefully, and enter in his field notes, the quantity and quality of pine, spruce, and other valuable timber thereon, and all other useful information within his knowledge relating to the value of the land. He shall deposit duplicate plans of his surveys and his field notes in the land office, within sixty days after the completion of his surveys.

SEC. 6. If any person unlawfully enters and trespasses upon the public lands of the state, or upon any of the lands reserved for public uses, while under the care of the agent, and cuts down, takes, or carries away, any trees or grass standing or being upon said lands, he and all persons who furnish teams, implements, apparatus, or supplies of provisions, or of other articles, used in committing and carrying on such trespasses, are trespassers, and shall be jointly and severally liable in damages for the trespasses so committed, and may be sued therefor in any county in the state. All such teams, implements, apparatus, and supplies, shall be forfeited to the use of the state. The measure of damages shall be the highest price which such timber, logs, or other lumber, or hay would bring at the usual place of sale thereof. Nothing in this section shall affect the right of the state to seize and sell any timber, logs, lumber, or hay, cut as aforesaid. At such sale no person, who was in any way concerned in committing such trespass, or in supplying or aiding those who committed them, shall be allowed to become purchasers directly or indirectly.

SEC. 7. When an action for such trespass is prosecuted in the name of the state for the benefit of an individual, the principles of decision and the measure of damages shall be the same as are applicable to like actions between individuals.

#### LANDS RESERVED FOR PUBLIC USES.

SEC. 8. In every township there shall be reserved one thousand acres of land, and at the same rate in all tracts less than a township, for the exclusive benefit of such town or tract, as the legislature directs, to average in quality, situation, and value as to timber, with the other lands therein. In townships or tracts, sold and not incorporated or organized into plantations, the lands reserved for public uses may be selected and located by the land agent and the proprietors, by a written agreement, describing them by metes and bounds, signed by them, and recorded in the land office. The plan or outline of the lands so selected shall be entered on the plan of the township or tract in the land office, which shall be a sufficient location thereof.

SEC. 9. When the land agent and proprietors of such township or tract cannot agree on such location, if the right to cut the timber and grass thereon until the town is incorporated, or organized as a plantation, has not been legally sold, the land agent may petition the supreme judicial court for the appointment of commissioners to make the location in the manner hereinafter provided. The petition may be filed, and the proceedings under it had in any county in the state.

SEC. 10. In every township or tract hereafter to be sold or

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explore, and enter in field notes timber. Field notes to be deposited in land office. 1842, c. 33, § 16.

Trespasses, prosecutions for them.

Teams and supplies forfeited, measure of damages.

R. S., c. 3, § 41, 42, 43, 44.

Rule of damages when suit for benefit of an individual. 1853, c. 47.

Reservation of 1,000 acres for public uses, may be located by agreement. R. S., c. 3, § 11, 14. 1850, c. 196, § 3.

Location without agreement. R. S., c. 3, § 14. 1850, c. 196, § 3.

Location to be

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made before  
offered for  
sale.

1850, c. 196, § 3.  
c. 206, § 5.

Land agent to  
have care of  
lots located.

May sell  
timber and  
grass on them.

Give proprie-  
tors an option.

1850, c. 196,  
§ 1, 2.  
1852, c. 284, § 1.

To keep an  
account with  
lots.

1850, c. 196, § 5.  
1852, c. 284, § 2.

Treasurer to  
keep an ac-  
count.

Disposition of  
the money.

1850, c. 196, § 6.  
1852, c. 284, § 2.

Money to  
constitute a  
fund for  
schools.

1846, c. 217, § 1.

Money, how  
and when to  
be paid over.

located for settlement, the land agent, before the same is offered for sale or settlement, shall cause the reserved lands to be located so as to embrace one or more tracts of the requisite quantity, quality, situation, and value, and to be properly described and recorded in the land office, and the plan or outline thereof to be entered on the plan of the township or tract in the land office, all of which shall be a sufficient location thereof.

SEC. 11. The land agent shall have the care of the reserved lands in all townships or tracts, until they are incorporated, or organized into plantations, and the fee becomes vested in the town, or is otherwise parted with. He may from time to time, sell the timber and grass thereon, or the right to cut the same, for cash, except the grass growing on improvements made by an actual settler, until so incorporated, or organized, for such sum, as he thinks just and reasonable. When so sold, he shall give the purchaser a permit under his hand and seal, setting forth the terms of the contract, which shall be recorded in the office. The proprietors of the township or tract shall have the option to become purchasers thereof at the rate per acre for which the township or tract was sold.

SEC. 12. The land agent shall keep an account with each such township and tract, in which shall be entered all expenditures made on account thereof, and all sums received therefrom. He shall settle his account of such receipts and expenditures annually with the governor and council, and pay over to the treasurer of state the balance in his hands, specifying each township and tract, from which it was received.

SEC. 13. The treasurer shall keep a separate account with the reserved land in each such township, in which he shall enter all sums by him received and paid on account thereof; and the balance shall remain in the treasury until such township or tract is by law authorized to receive it; and thereupon it shall be paid over to the proper officers thereof.

SEC. 14. The money arising from the sale of timber and grass, or from trespasses on the reserved lands, paid into the treasury of the county, in which the township is situated, or into the treasury of the state, shall constitute funds for school purposes, of which the income only shall be expended and applied as is by law provided.

SEC. 15. The annual interest shall be added to the principal of such fund until the inhabitants of said township or tract are incorporated into a town, or organized as a plantation for election or other purposes, and establish in such plantation one or more school districts according to law. When any such township is incorporated as a town, said funds belonging to it shall be paid over by the treasurer of state to the treasurer of the trustees of the ministerial and school funds in such town, to be added to the funds of that corporation, and shall be held and managed as other school funds of that town are required by law to be held and managed. If such township or tract is organized as a plantation, the interest of said fund shall be paid annually by the treasurer of state to the assessors of such plantation, to

be applied for the support of schools according to the number of scholars in each district. When the plantation is composed of two or more townships, the interest derived from lots in a township is to be distributed, as nearly as may be, for the support of schools in that township. The interest so to be paid shall be cast up to the first day of January in each year, and shall be paid to such assessors by the treasurer, on producing satisfactory evidence that such plantation is organized, and school districts established therein according to law, and that assessors are duly sworn and qualified.

Interest to be cast annually. 1846, c. 217, § 3.

SEC. 16. When in the grant of townships or parts thereof, there are certain proportions of them reserved for the use of such townships, or for public uses, and they have not been lawfully located in severalty by the grantee, for the purposes expressed in the grant, the supreme judicial court in the county where the land lies, on application of the land agent, may appoint three disinterested persons of the county, and issue their warrant, under the seal of the court, to them, requiring them, as soon as may be, to locate in separate lots; the proportions reserved for such purposes, and to designate the use for which each lot is so reserved and located, such lots to be of an average quality with the residue of the lands therein.

Location of lands where there are proportions reserved in grant, how made.

R. S., c. 122, § 1, 2, 3, 4. 1850, c. 196, § 3.

SEC. 17. Said committee, before acting, shall be sworn before a justice of the peace; and a certificate thereof shall be endorsed on the warrant.

The same, committee sworn.

R. S., c. 122, § 2.

SEC. 18. They shall also give notice of their appointment, and of the time and place of their meeting to execute it, by publishing it in some newspaper in the state to be designated by the court, and by posting up written notifications in two or more public places in the same plantation or town, at least thirty days next prior to their meeting.

Notice of appointment and place of meeting to be published.

R. S., c. 122, § 3. § Greenl. 135.

SEC. 19. They shall make return of said warrant and their doings thereon, under their hands, to the next supreme judicial court in the county after having completed the service; which, being accepted by the court, and recorded in the registry of deeds therein within six months, shall be a legal assignment and location of such reserved proportions for the uses designated.

Return, acceptance, record.

R. S., c. 122, § 4.

SEC. 20. When the grantee of any such lands severs and locates such reserved proportions thereof for the purposes mentioned in the grant, designating the use for which each lot is located, and presents it to said court, such court may confirm it; and such location shall then be deemed legal and conclusive, being recorded as before mentioned.

Location by grantee, how made.

R. S., c. 122, § 5.

SEC. 21. Or the severance and location of such reserved lands may be made and completed in the manner prescribed in the twenty-ninth section of chapter eighty-eight.

Location on partition.

R. S., c. 122, § 6.

SEC. 22. A person aggrieved by the opinion, direction, or judgment of said court in matters of law, in a proceeding for the location of such public lots, may allege exceptions thereto as in other actions.

Exceptions may be filed.

1850, c. 183, § 2.

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## THE SALE OF LANDS FOR SETTLEMENT.

Townships to be selected for settlement, list to be published with conditions of sale.  
1850, c. 206, § 1.

SEC. 23. Out of townships located and designated for settlement, the land agent shall, from time to time, select, not exceeding ten in a year, to be offered for sale in lots for settlement; and publish a list of them and of the townships offered for sale and settlement in former years, in which lands still remain for sale, in some paper in each county in the state, in which any paper is published, once a week for three months, within six months after the selection is so made, with the substance of so much of this chapter as relates to the terms and conditions of the sale and settlement of such lands.

Roads to be located by land agent.  
1850, c. 206, § 2.

SEC. 24. In townships so selected, in which suitable roads have not been located, the land agent shall cause such roads to be located as the public interest and the accommodation of the future settlement require.

Price and mode of payment.

SEC. 25. The price of the settling lots shall be fifty cents per acre, for which the purchaser shall give three notes payable in one, two and three years, in labor on the roads in said township, under the direction of the land agent. The land agent shall thereupon give him a certificate, stating that he has become a purchaser of the lot or lots therein described, and that he will be entitled to a deed thereof, when he complies with the requirements of law. The certificate of the person appointed by the land agent to superintend the laying out of the labor on the roads, shall be evidence of the payment of the notes. Only one lot, not exceeding two hundred acres, shall be granted to the same person.

Certificate of purchase to be made by land agent.

One lot only to be granted to same person.  
1850, c. 206, § 3.

Settling duties required.  
R. S., c. 3, § 26, 27.  
1842, c. 33, § 1, 2.  
1850, c. 206, § 3.

SEC. 26. Beside the payment of the notes, every such purchaser shall be required, within two years from the date of his certificate, to establish his residence on his lot, and within four years from such date to clear, on each lot, not less than fifteen acres, ten at least of which shall be well laid down to grass; and to build a comfortable dwellinghouse on it.

Forfeiture for failure to perform.

1842, c. 33, § 2.

Agents to superintend location of settlers and labor by them.  
1850, c. 206, § 4.

SEC. 27. If the purchaser fails to perform any of the duties required of him, or to pay his notes, he forfeits all right to the land; and the land agent may dispose of it to another person.

Settlers' lot to the value of \$1,000, exempted from attachment.  
1849, c. 150, § 1.

SEC. 28. The land agent shall appoint some suitable person or persons in the vicinity to superintend the location of settlers, the payment of their road labor, and the performance of their several duties.

SEC. 29. Whoever purchases a lot of wild land of the state, not exceeding one hundred and sixty acres, [and] complies with the condition of purchase, may hold it with the improvements thereon, free from attachment and levy on execution while he remains in actual possession thereof. The value so exempted shall not exceed one thousand dollars, to be set off to the owner in such portions of the lot as he directs, by the appraisers appointed to levy an execution, the same as real estate is set off and appraised on execution.

Descend to children free from debts of deceased till

SEC. 30. On the decease of such purchaser, such lot and the improvements shall descend to his children, subject to his widow's right of dower, and shall not be liable to be sold for



the payment of his debts, except in case his other property is not sufficient for the payment thereof; and, in that case, his children shall have the occupancy and improvement thereof, subject to the widow's dower, until the youngest surviving child attains the age of eighteen years. The remainder of the estate, after the life estate of the widow, and after the youngest surviving child attains said age, may be sold as other estates of deceased persons for the payment of such debts, as the other estate of the deceased is not sufficient to pay. If he dies without issue, such lot shall descend and be disposed of as any other property.

SEC. 31. No such purchaser, having a wife, shall convey his said lot by deed, unless his wife joins therein, and acknowledges it to be her free act and deed before a proper magistrate.

SEC. 32. The land agent, under the direction of the governor and council, shall annually, in the month of February set apart for sale not exceeding ten townships of lands not suitable for settlement, and record them in a book to be kept for that purpose in the land office, and cause a list of them to be published in the state paper six months successively before the day of sale. The tracts so set apart may be offered for sale in townships, or parts of townships, as will be most for the interest of the state. Three months at least before the day of sale, he shall fix a minimum price on each tract or parcel, and enter it in said book, and cause the list, with such minimum price, to be published in one paper in each county in the state in which a paper is published, once a week at least, for three months successively before the day of sale. The sale shall be on the first day of September, at the land office in Bangor, by sealed proposals, which may be received at any time after the list, with the minimum price is published. No proposals shall be received unless ten per cent. of the minimum price is therewith paid into the land office. All proposals shall be numbered and entered in a book in the order in which they are received, and filed in the land office, and none shall be received after the hour of twelve, noon, on the day of sale, nor unless entered in said book. No proposal so entered and filed, shall ever be withdrawn from the office. Immediately after twelve, noon, of the day of sale, the proposals so entered shall be publicly opened by the land agent, and declared in the order in which they are entered and numbered. The person making the highest bid above the minimum price shall be declared the purchaser, and on payment of one-third of the purchase money in cash, including the ten per cent. of the minimum price deposited, the land agent shall make out and deliver to him a conditional deed, in the usual form of state deeds, of the tract by him purchased, taking for the remainder of the purchase money, three promissory notes for equal sums, payable annually in one, two, and three years, with interest, and a bond with sufficient surety for the payment of a fair stumpage of all timber to be cut thereon, to be applied to the payment of the notes. If any person so declared a purchaser does not within two hours thereafter pay, or give satisfactory security for the

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youngest is 18 years old.

1849, c. 150, § 1, 2, 3, 4.

Not to be conveyed without consent of wife.

1849, c. 150, § 5.

Townships of timbered land for sale to be set apart and published.

Mode of sale.

Manner of payment.

Purchaser to comply with condition of

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sale within two hours.

In neglect thereof, shall forfeit the deposit of ten per cent.

Bids may be withdrawn before sale.

List of lands not taken to be made, and such lands sold at private sale.

1853, c. 46, § 1, 2, 3, 4.  
1853, c. 53.

Land agent may sell tracts in towns or on islands.

R. S., c. 3, § 30.  
1842, c. 33, § 3, 4.

Land agent to report to governor and council.

Governor and council to settle accounts of land agent.

R. S., c. 3, § 46.  
Form and contents of his report.

R. S., c. 3, § 46.

Money to be paid on warrant.

Land agent to keep notes.

Schedule returned to treasurer.

R. S., c. 3, § 48.

Land agent's annual report.

R. S., c. 3, § 50.

payment of the cash payment so required, the land agent shall offer it to the next highest bidder in the list of proposals, on his bid or offer, on the same terms and conditions, and so on until some such bidder complies with the conditions of the sale. The person so declared the purchaser, and neglecting or refusing for twenty days to comply with the conditions of the sale, shall forfeit the ten per cent. of the minimum price by him deposited. The sum deposited by any other bidder, who does not become a purchaser, may be withdrawn by him at any time after the bids are declared and recorded. A list shall be made of the lands so offered and not taken by any bidder, in a book to be kept for that purpose, and they may, at any time thereafter, be sold by the land agent at private sale for a price not less than the minimum price, the terms and conditions of the sale, and security for the payment of the stumpage, being the same as in case of a public sale.

SEC. 33. The land agent may sell at public or private sale, for such price as he considers fair and for the interest of the state, all tracts of land owned by the state on islands or in incorporated towns.

SEC. 34. The land agent shall report to the governor and council once in three months, and oftener if required, a particular account of all doings in his office, and the names of his agents; and they are hereby authorized to audit and settle his accounts at the close of each year prior to the annual session of the legislature, and at such other times as may be designated.

SEC. 35. He shall, in his reports, particularly describe all the lands which have been surveyed for sale and settlement, and exhibit plans of them with the field notes of the surveyor; and when any land has been sold, he shall describe it, and report the sum received therefor, the names of the purchasers, and their sureties, the names of the trespassers, the amount of the timber cut, and the place where cut, whether on settling or timber land, and the sum received per thousand feet, where he has settled with trespassers; and the sums he receives, from time to time, on the demands now due, or which may become due; distinguishing the sums paid for principal and interest, and the names of the persons from whom received, and all other particulars required by the governor and council; and also an abstract of all notes, bonds, obligations, and other securities, with the names of debtors and sureties and the collateral security, taken to insure payment.

SEC. 36. The money to be paid out of the treasury by virtue of this chapter shall be paid by a warrant from the governor and council, as in other cases; and all notes taken by the land agent, on account of the state, shall be safely kept by him, and he shall annually make out a schedule of said notes, and also quarterly trial balances, and balance sheets of the land office ledger, and return them to the state treasurer, who shall enter them in a book kept for that purpose.

SEC. 37. He shall make his annual report to the governor and council, including a written statement of the number of suits

instituted on notes given for lands sold, and for timber and grass cut by trespassers, or otherwise, and the amount of costs in each of said suits, for the year preceding. CHAP. 5.

## CHAPTER 6.

### THE ASSESSMENT AND COLLECTION OF TAXES.

#### GENERAL PROVISIONS RESPECTING TAXATION.

- SEC. 1. Poll tax, on whom assessed.
2. Real and personal property taxable.
  3. Construction of term real estate.
  4. Real estate of railroad corporations taxable as non-resident lands. Track of road exempted.
  5. Construction of term personal estate.
  6. What property and polls shall be exempted from taxation.
  7. Poll tax, where assessed.
  8. Taxes on real estate, where and how assessed.
  9. Taxes, how divided between landlord and tenant.
  10. Taxes on personal estate, how and where assessed.
  11. Exceptions to the rule of the preceding section.
  12. Betterments and improvements on exempted lands of literary institutions, how taxed.
  13. Stock of toll bridges, how taxed.
  14. Blood animals, how assessed.
  15. Personal property of non-residents, how assessed.
  16. Lien for the benefit of the person who is taxed for same, and pays the tax.
  17. Remedy for paying more than proportion of tax.
  18. Stock of companies invested in banks, how taxed.
  19. Personal property mortgaged, how taxed.
  20. Real estate of deceased persons, how taxed.
  21. Personal estate of partners in business, how taxed.
  22. Lands may be taxed to tenants or owners, in the town where situated. Part owners with others, may be taxed separately on furnishing a description of their separate interest.
  23. Assessments may continue to be made to same person till notice given. Tenant in common considered owner.
  24. Property of manufacturing corporations taxed where used, and may be to the person in possession. Lien on such property for one year. Shares in the capital stock of such corporations not to be taxed to the owners.
  25. Supplemental assessments may be made to correct mistakes, notwithstanding the overlay and disproportion on polls.
  26. Treasurer to issue warrant for state tax.
  27. Substance of the warrant.
  28. Regulations to be observed by the assessors.

#### PERSONAL LIABILITY OF ASSESSORS.

29. Assessors responsible for personal faithfulness only.

#### TAXES ON LANDS IN PLACES NOT INCORPORATED.

30. Lands in places not incorporated, may be taxed by the state.
31. Are subject to county taxes. Treasurer of county to certify them to treasurer of state. Treasurer of state to give credit for same.
32. Treasurer of state to publish lists of state and county taxes.
33. Owners of whole or any part may redeem by paying within two years. If not paid, land wholly forfeited to the state.