

MAINE STATE LEGISLATURE

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THE LEGISLATURE,

OF THE

STATE OF MAINE,

DURING ITS SESSION

A. D. 1835.

AUGUSTA:
WILLIAM J. CONDON,.....PRINTER.

1835.

FIFTEENTH LEGISLATURE.

NO. 35.

SENATE.

The Committee on State Lands, to whom was referred so much of the Governor's Message as related to that subject, and to whom also was referred the Land Agent's Report, have attended to that duty, and ask leave to

REPORT :

That in their opinion, the settlement of our Public Land by a good population, is an object of the first consideration, and one which the Legislature ought by every proper means to encourage. The Law of 1831 authorizes the Land Agent, under the direction of the Governor and Council, to survey any Township or other land belonging to the State. The first Section authorizes the Land Agent to sell to such persons as will engage to settle and improve the same, at a price not less than fifty cents per acre. The fifth section also authorizes the Land Agent under the direction of the Governor and Council, to sell any public land which may be put into the market as aforesaid, to such person as will engage to settle and improve the same. This law is very indefinite. The purchaser must engage to set-

tle and improve the Land; it does not fix the time when it must be done; nor the number of settlers which must settle on a Township; nor the penalty for not performing the settling duties. There is nothing in this law to prevent one individual from monopolizing all the land in the market, and it may be for his interest to forfeit the penalty of his Bond, for the performance of settlement duties; and thus defeat the leading and primary object of the State, in the settlement of the wild lands. The present method of lotting settling land without reference to the places where roads must eventually be made, is often found to be very inconvenient. As soon as any considerable number are settled in a Township, it becomes necessary to open roads; these roads frequently cross the lots in such a manner as to render them of little comparative value, leaving the buildings and improvements excluded from the road. Your Committee are of opinion that the only way that good settlers can be induced to settle on our Public Land, is to provide for the opening of roads through them. A law authorizing the Land Agent to locate a road through each Township where there is any considerable quantity of settling land and to expend the amount he may sell the road lots for more than the price of other lots, in the same Township, of equal quality, in making the same, would in their opinion produce the most favorable results; a sufficient number of settlers might thereby be induced to settle in a Township, as soon as it was offered for sale, to enable them to avoid the inconveniences usually attendant on new settlements. One Dollar per acre extra for the privilege of a road is but a trifling consideration, where a person can settle in the vicinity of our timber land, as there is in such places a ready market at home and at a high price, for the produce of his farm. Farming in the vicinity of our timber land, has not increased in the same ratio as lumbering.

Many at this time have to haul all the hay they consume upwards of fifty miles, and as good land as any in the State in the immediate neighborhood. Open roads to these lands, and let our young farmers settle them; and the value of our timber land will be increased more than enough to pay the expense. By passing the Bill now reported you will have these roads made without expense to the State. The Bill provides for some alteration in the disposition of our timber land. The practice has heretofore prevailed, of selling by the Township, or granting licenses or permits to cut timber, at a certain price per thousand feet. The expense of Surveyors to scale the timber is considerable; there is great waste in cutting it, and consequently a loss to the State; none but the best of the timber is taken, and there is generally one or more logs in each tree left to be destroyed by the worms. In cutting the timber and clearing the roads, the tops, bark, chips and bushes are left on the ground to dry, which very much exposes the remaining timber to fires. Where a person owns a timber lot, he will cut every thing worth hauling, and do it in a manner least liable to expose it to fires. The Bill herewith submitted, provides that land other than settling land shall be surveyed into lots, not exceeding in quantity six hundred and forty acres each, and for the sale in a manner to secure to every one wishing to purchase an opportunity so to do. By selling the land in lots of a mile square or less, you prevent the possibility of a combination of speculators, and by enabling persons with a small capital to become purchasers you secure a greater price for your land. The Bill also provides for the Land Agent to have the custody of all notes taken for land, and for the prompt collection of the same as they may become due, and for the payment of all money so collected, to the State Treasurer. As the provisions of this Bill will place at the disposition of the Land

Agent, a greater amount of property than is provided for by the present law, we have reported in favor of a corresponding increase of the Bond required of him.

IRA FISH, Chairman.

STATE OF MAINE.

IN THE YEAR OF OUR LORD ONE THOUSAND EIGHT HUNDRED
AND THIRTY-FIVE.

AN ACT additional to promote the Sale and
Settlement of the Public Lands.

SECTION 1. *Be it enacted by the Senate
2 and House of Representatives in Legislature
3 assembled,* That from and after the passage of
4 this Act, no Township or other Tract of Land,
5 not already surveyed into lots for settlers, be-
6 longing to the State of Maine, shall be sold by
7 the Land Agent, until he has, under the direc-
8 tion of the Governor and Council, caused the
9 same to be surveyed; the land suitable for farm-
10 ing, into lots not exceeding one hundred and
11 sixty acres each, and the remaining land, in said
12 township or tract, into lots not exceeding, in
13 quantity, six hundred and forty acres each.

SECT. 2. *Be it further enacted,* That all
 2 Surveyors who may be employed by the Land
 3 Agent, to survey any of said land, shall, imme-
 4 diately after completing such survey, return to
 5 the Land Office, a plan of each township or
 6 tract he may survey, together with his field notes,
 7 in which he shall give a particular account of
 8 the sorts of wood and trees, the quantity and
 9 quality of pine timber, which may be standing
 10 and growing on each lot. Also a particular de-
 11 scription of the surface of the land and quality
 12 of the soil, and an estimate of the distance of
 13 each lot of timber land from any stream in which
 14 the timber can be floated to market, and the
 15 plan and field notes, or a copy thereof, shall be
 16 open for inspection, at the Land Offices at Au-
 17 gusta and Bangor, and be exhibited, at all times
 18 when any of said land is sold at Auction.

SECT. 3. *Be it further enacted,* That the
 2 land located for settling, shall be sold to those
 3 only, who will perform settling duties on each
 4 lot. The price to be fixed by the Land Agent,
 5 having reference to the field notes and situation
 6 thereof, not however, at a less price than fifty
 7 cents per acre.

SECT. 4. *Be it further enacted,* That the
2 settling duties required by this Act, shall be to
3 clear, in a proper manner, at least fifteen acres
4 on each lot, ten acres or more of which, shall
5 be well laid down to grass, and to build a house
6 thereon, in four years from the purchase thereof.

SECT. 5. *Be it further enacted,* That in
2 any township or tract of land, where, in the
3 opinion of the Land Agent, there is a sufficient
4 quantity of settling land, to make it for the in-
5 terest of the State to have it done, he may
6 cause a road to be located through the whole,
7 or a part of said township or tract, in such man-
8 ner as will best promote the settlement thereof,
9 and he may expend, in opening and making said
10 road, a sum of money, equal to the amount the
11 lots on said road may sell for, over and above
12 the price set upon lots of equal quality in the
13 same township or tract not on said road.

SECT. 6. *Be it further enacted,* That sixty
2 days at least, before any of the land aforesaid,
3 except settling land, is offered for sale by the
4 Land Agent, he shall give notice of the time,
5 place and terms of sale, and a description of the
6 land, by advertising the same in the State paper
7 and all the papers in the County where said

8 land is situated, also in one paper published in
9 the city of Boston, and before any of said lots
10 are offered at Auction, he shall mark upon the
11 plan the price thereof, which shall be the price
12 he would sell for, were he authorized to sell at
13 private sale, he shall also have posted up in some
14 conspicuous place, where the land is to be sold,
15 the conditions of sale, one of which shall be
16 that immediately after a lot of land is struck off
17 to any person, he shall give the Land Agent
18 satisfactory evidence that he will comply with
19 his bid, and in case any bidder shall neglect so
20 to do, the land shall thereupon, be offered again
21 at Auction as before. If no person offers the
22 price set upon any lot, by the Land Agent, he
23 may sell such lot at private sale, not, however,
24 at a less price than that at which it was offered
25 at Auction, and if any of said land having been
26 offered at Auction, shall not be sold at private
27 sale within twelve months from the time it was
28 advertised, he may set a different price upon it,
29 and proceed to advertise and sell, as in the first
30 instance, but no land of this description shall be
31 sold at private sale, until after it has been offered
32 at Auction, as herein provided.

SECT. 7. *Be it further enacted,* That in
 2 the sale of all land belonging to the State, the
 3 purchaser shall be required to pay one fourth
 4 part in cash, and the remainder in three equal
 5 annual payments, with interest annually. The
 6 security required, shall be for settling land as
 7 provided for in the second section of an act,
 8 approved March eighth, in the year of our Lord
 9 one thousand eight hundred and thirtytwo. And
 10 for other land, notes with two or more good
 11 sureties, who shall be satisfactory to the Land
 12 Agent.

SECT. 8. *Be it further enacted,* That there
 2 shall not be sold, in any one year, a greater
 3 quantity of the land aforesaid, than five town-
 4 ships.

SECT. 9. *Be it further enacted,* That the
 2 Land Agent shall advertise the settling land in
 3 market, once a year for two months, in one pa-
 4 per in the city of Boston, one paper in the city
 5 of Portland, and one paper in Concord, New
 6 Hampshire, giving a description of the quality
 7 and situation of said land, and the terms of sale.

SECT. 10. *Be it further enacted,* That when-
 2 ever any town, in this State, shall be incorpo-
 3 rated, in which there is any land belonging to

4 said State unsold, the Land Agent may sell the
5 same in manner provided for, in the sixth sec-
6 tion of this act.

SECT. 11. *Be it further enacted,* That all
2 notes which may be taken by the Land Agent,
3 for any land he may sell, belonging to the State
4 of Maine, shall be kept by said Agent in a place
5 secure from fire, and he shall make out a sched-
6 ule of the notes annually, and also quarterly
7 trial balances, and balance sheets of the Land
8 Office Ledger, and return the same to the office
9 of the Treasurer of State, whose duty it shall
10 be to enter the same in a book, to be kept by
11 him, for that purpose. And it shall be the duty
12 of the Land Agent, to collect all notes taken
13 for land, other than settling land, as soon as
14 may be, after they become due, and to collect
15 the interest, at least on all notes taken for set-
16 tling land, and pay the same over to the State
17 Treasurer.

SECT. 12. *Be it further enacted,* That the
2 Land Agent shall hereafter be required to give
3 bond conditioned for the faithful discharge of
4 the duties of his office, in the sum of fifty thou-
5 sand dollars.

SECT. 13. *Be it further enacted,* That from
2 and after the passage of this act, all acts and
3 parts of acts, inconsistent with the provisions of
4 this act, be, and the same are hereby repealed.

STATE OF MAINE.

IN SENATE, February 27th, 1885.

ORDERED, That five hundred copies of the foregoing Report and Bill be printed for the use of the Legislature.

[Extract from Journal.]

Attest, WILLIAM TRAFTON, Secretary.