

# MAINE STATE LEGISLATURE

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# DOCUMENTS

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## THE LEGISLATURE,

OF THE

## STATE OF MAINE,

DURING ITS SESSION

**A. D. 1835.**

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

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1835.

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FIFTEENTH LEGISLATURE.

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NO. 43.

SENATE.

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

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AN ACT, additional, to promote the sale and settlement of the Public Land.

[NEW DRAFT.]

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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 belonging to the State of Maine, not already  
6 surveyed for settling, shall be sold by the Land  
7 Agent, until he has, under the direction of the  
8 Governor and Council, caused all the land in  
9 each Township or tract suitable for farming, to  
10 be surveyed into lots, not exceeding one hun-  
11 dred and seventy acres each, and the remaining  
12 land in said Township or tract, into lots not ex-*

13 ceeding in quantity seven hundred acres each.

SECT. 2. *Be it further enacted,* That all  
2 Surveyors who may be employed by said Land  
3 Agent to survey any part of said land, shall, as  
4 soon as may be, after completing such survey,  
5 return to the Land Office a plan of the land by  
6 them surveyed, together with the field notes, in  
7 which they shall give a particular account of the  
8 sorts of wood, and trees, and the quality and  
9 quantity of the pine timber, which may be stand-  
10 ing and growing on each lot, also a particular des-  
11 cription of the surface of the land, and quality of  
12 the soil, and an estimate of the distance of each lot  
13 of timber land from any stream, in which the tim-  
14 ber can be floated to market; and the plan and  
15 field notes, or a copy thereof, shall be kept in  
16 the Land Office, at Augusta, and Bangor, and be  
17 open for inspection and copying at all times,  
18 when the Land Agent or his assistant shall be  
19 in either of said offices; and they shall be exhibited  
20 at the places where, and during the time when,  
21 any of said land is offered at auction; and it  
22 shall be the duty of the Land Agent, and all  
23 persons by him employed in the business relat-  
24 ing to his Office, to give every facility for said

25 examination and copying, and to communicate  
 26 all the information he or they may possess of any  
 27 tract, concerning which enquiry may be made  
 28 of him or them, by any one.

SECT. 3. *Be it further enacted*, That the land  
 2 so lotted for settling shall be sold to those only,  
 3 who will perform settling duties on each lot;  
 4 the price to be fixed by the Land Agent, hav-  
 5 ing reference to the field notes, not however at  
 6 a less price, than fifty cents per acre; and such  
 7 price shall be fixed upon each lot, sixty days  
 8 before the same shall be offered for sale.

SECT. 4. *Be it further enacted*, That the  
 2 settling duties required by this Act, shall be, of  
 3 the purchaser of one lot, to clear in a proper  
 4 manner, fifteen acres thereof, ten or more of  
 5 which shall be well laid down to grass; and to  
 6 build a house thereon, within four years from  
 7 the purchase thereof; and any purchase who  
 8 shall purchase more than one lot, shall be re-  
 9 quired to clear ten acres, and lay down to grass  
 10 the same proportion on each lot, and to build a  
 11 house on one of said lots, within the term afore-  
 12 said; but there shall not be sold to any one per-

13 son, more than four of said lots, in any one  
14 Township or tract.

SECT. 5. *Be it further enacted,* That in any  
2 Township or tract of land, where in the opin-  
3 ion of the Land Agent, there is a sufficient  
4 quantity of settling land to make it for the  
5 interest of the State to have a road laid out  
6 therein, he may cause said road to be laid out  
7 through the whole, or a part thereof, in such  
8 manner as will best promote the settlement of  
9 said Towhship or tract; and he may expend in  
10 opening and making said road, whatever the  
11 lots on said road may sell for, over and above  
12 the price which may be set upon lots not on said  
13 road of the same quality; and said road shall  
14 be so located before any of the land in said  
15 Township shall be offered for sale.

SECT. 6. *Be it further enacted,* That all  
2 land, except settling land, shall be first offered  
3 at auction, at the price set upon it by the Land  
4 Agent; and sixty days before any of said land  
5 is offered for sale, he shall give notice of the  
6 time, place, price and terms of sale; and a des-  
7 cription of the land, by advertising in the State  
8 paper, in one paper in the city of Boston, and

9 in one paper in each county in the State; and  
10 the price fixed upon said land, shall be the price  
11 he would sell for, provided he were authorized  
12 to sell at private sale; and at the time and place  
13 of sale, he shall have posted up in some con-  
14 spicuous place, the conditions of such sale, one  
15 of which shall be, that immediately after a lot  
16 of land is struck off to any bidder, he shall give  
17 said Agent satisfactory evidence that he will  
18 comply with his bid, and if any bidder shall  
19 neglect to give such satisfactory evidence, the  
20 land shall be immediately offered again at auc-  
21 tion, as before. But if the price fixed upon by  
22 the Land Agent, should not be offered by any  
23 one, he may at any time afterwards sell the  
24 same at private sale, but not at a less price than  
25 that at which it was offered at auction; and if  
26 any of said land should remain unsold twelve  
27 months from the date of said advertisement, he  
28 may fix a different price upon the same, and  
29 proceed to advertise and sell as in the first in-  
30 stance.

SECT. 7. *Be it further enacted,* That in the  
2 sale of all land belonging to the State, the Land  
3 Agent shall require of the purchaser, one fourth  
4 part in cash, and the remainder in cash, or in

5 three equal annual payments, with interest  
 6 annually, at the option of the purchaser. And  
 7 if the land sold be settling land, the annu-  
 8 al payments shall be secured by good and  
 9 sufficient surety or sureties, or by retaining a  
 10 lien thereon by the terms of the Land Agent's  
 11 Deed; and if any other description of said land,  
 12 then the annual payments aforesaid, shall be se-  
 13 cured by notes, with two or more sureties, to  
 14 the satisfaction of the Land 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, except the settling land.

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 in Concord, New  
 5 Hampshire, and in one paper in each county in  
 6 this State, describing the quality and situation  
 7 of said land, and the terms of sale.

SECT. 10. *Be it further enacted,* That in  
 2 any town now incorporated, or which may be  
 3 hereafter incorporated, in which there may be  
 4 land belonging to the State, the Land Agent



5 may sell the same, in manner provided by the  
6 sixth section of this Act.

SECT. 11. *Be it further enacted,* That all  
2 notes which may be taken by the Land Agent,  
3 on account of the State, shall be kept by him  
4 in a secure place; and he shall make out a sched-  
5 ule of said notes annually, and also quarterly  
6 trial balances, and balance sheets of the Land  
7 Office ledger, and shall return the same to the  
8 Office of the State Treasurer. And it shall be  
9 the duty of the State Treasurer to enter the  
10 same in a book kept for that purpose; and it  
11 shall be the duty of the Land Agent, to collect  
12 all notes taken other than for settling land, as  
13 soon as may be after they shall become due, and  
14 to collect the interest at least, annually, of all notes  
15 taken for settling lands, and pay all money re-  
16 ceived into the State Treasury.

SECT. 12. *Be it further enacted,* That the  
2 Land Agent shall, in his annual Report to the  
3 Governor and Council, communicate the state  
4 and condition of the public land, the quantity of  
5 land sold, the sums received, when and of whom  
6 received, and what may be due; and an ab-  
7 stract of all notes, bonds, obligations and other  
8 sureties, with the names of the debtors and

9 their sureties, together with such collateral se-  
10 curity as may have been taken to insure pay-  
11 ment.

SECT. 13. *Be it further enacted,* That the  
2 Land Agent shall hereafter be required, to  
3 give Bond, conditioned for the faithful discharge  
4 of the duties of his office, in the sum of fifty  
5 thousand dollars.

SECT. 14. *Be it further enacted,* That  
2 from and after the passage of this Act, all Acts  
3 and parts of Acts, inconsistent with the provis-  
4 ions of this Act, and so much of the Resolve,  
5 approved March eleventh, in the year of our  
6 Lord one thousand eight hundred and thirty-  
7 four, as relates to the manner of sale of the  
8 lands therein named, be, and the same are here-  
9 by repealed.

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**AMENDMENTS** proposed by Mr. Holmes to the Bill entitled "an Act additional to promote the sale and settlement of the Public Land."

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Strike out the first section, and the second to the word "market," inclusive, and insert after the enacting clause,

That there shall be appointed and commissioned in manner prescribed by the Constitution, a Surveyor General, whose duty it shall be to survey and surperintend, and direct in the surveying the public land, and perform the other duties herein provided, or which may be prescribed by law, and whose salary shall be \_\_\_\_\_ in lieu of all other compensation, and who shall hold his office for the term of four years, unless sooner removed by the Governor and Council.

**SECT. 2.** *Be it further enacted,* That the Surveyor General shall have power to employ such assistants and other persons as he may deem necessary, to carry into effect the provisions of this Act, for whose conduct he shall be responsible, and whose services shall be certified by him, and their accounts audited, and compensation fixed by the Governor and Council.

**SECT. 3.** *Be it further enacted,* That said Surveyor and his assistants shall be under oath for the faithful discharge of their duties, and that during the term of their employment, they will not be directly or indirectly concerned in the purchase of any land or timber belonging to the State. And if said Surveyor or any assistant shall be so concerned in any such purchase, he shall forfeit and pay a sum not exceeding \_\_\_\_\_ to be recovered by indictment in the Supreme Judicial Court, or Court of Common Pleas, and moreover shall be removed from his office or employment.

**SECT. 4.** *Be it further enacted,* That the said Surveyor General, with such assistants and other persons as may be necessary, shall proceed forthwith, and continually, except such seasons of the year when it shall be impracticable, to explore and survey all the public lands of the State into Townships, lots or sections, as hereinafter provided.

**SECT. 5.** *Be it further enacted,* That those Townships which are considered valuable, principally for timber thereon, shall be subdivided into sections of not more than \_\_\_\_\_ acres, and those Townships which come within the denomination of settling lands, shall be subdivided or lotted into lots of not exceeding \_\_\_\_\_ acres each, and in each case, the Surveyor shall make an accurate map or plan of the lands as surveyed, on which he shall describe and define, as near as may be, the growth, quality of the soil, lakes, ponds, rivers,

streams, falls or mill sites, and the road or roads, which may be necessary, and make return thereof, together with the field notes, to the Land Agent, in months after he shall have performed the same.

**STATE OF MAINE.**

**HOUSE OF REPRESENTATIVES, }  
March 13, 1835. }**

The foregoing Bill was assigned for a third reading on Tuesday next, at 10 o'clock, and 500 copies thereof, with the amendment proposed by Mr. Holmes of Alfred, ordered to be printed for the use of the Legislature.

[Extract from the Journal of the House.]

Attest:       **JAMES L. CHILD, Clerk.**