

MAINE STATE LEGISLATURE

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THE LEGISLATURE,
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OF THE

STATE OF MAINE,

DURING ITS SESSION

A. D. 1841.

Augusta:
SEVERANCE AND DORR, PRINTERS TO THE STATE.

1841.

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TWENTY-FIRST LEGISLATURE.

NO. 24.

SENATE.

R E P O R T

O F T H E

C O M M I T T E E

O N

S T A T E L A N D S .

SEVERANCE & DORR,....Printers to the State.



REPORT.

The Committee on State Lands, to which was referred so much of the Governor's Message as relates to that subject ; and to which was also referred the Land Agent's Report, and the Order of the Legislature of the third of March last past, directing said Committee to inquire into the mode pursued by the Land Agent in selling and disposing of the timber and timber lands of this State, and the effect of that mode as thus far developed, and also into the expediency of altering or amending the law more particularly defining the mode by which the Land Agent shall hereafter be governed in the future sales of the same, and also as to the expediency of amending the law now in force for the sale and settlement of the Public Lands, have attended to that duty, and ask leave to

REPORT:

That after a full examination of the policy pursued by the State in selling the Public Lands, and the result arising therefrom, are well satisfied, that the best interest of its citizens requires a radical change in the mode of disposing of the Public Lands.

The practice has been, under the provisions of existing laws, to sell the public timber lands upon a credit of four years, paying one fifth part of the purchase money at the time of the sale.

The result has been, that large and frequent purchases have been made, when money has been abundant ; but as money has become scarce in the fluctuations of business, the notes have not been paid, the value of the lands has fallen, and the purchasers have been obliged to abandon their purchases, or have applied to the Legislature for relief, and so numerous have been such applications, growing out of these credit sales, that a Bill has been passed this present Legislature, providing for the establishment of a board of Commissioners to adjust the claims of these applicants, between them and the State.

Precisely such a state of things grew out of the credit sales of the public lands belonging to the General Government, shortly after the close of the last war, and so numerous and embarrassing were the applications of those who had purchased lands upon credit, that it was found expedient to change the whole system of selling the public lands, and substitute cash payments for credit; and since that alteration in the law, no further trouble has been experienced, and no complaint has been made that the lands of the General Government have not been sold for their full value.

It is believed that this policy began by the General Government, and continued with such favorable results, ought not to fail in having its due influence upon the policy of this State in the management of the public lands.

During the last two years, the course adopted by the Land Agents of the two States, in selling the undivided timber lands, has been, to require one fifth of the purchase money in advance, and then give a permit to the purchasers to cut the timber, upon the condition of paying about one half the usual stumpage, and the amount so cut, when collected, to be endorsed on the notes as they become due.

These sales have been made, with few exceptions, to irresponsible persons, and it is apparent that if more timber is cut from the land than is sufficient to pay what has been advanced, and the stumpage estimated at half price, that the surplus would

go into the pocket of the purchaser, and be lost to the State, if he chooses to abandon the land.

And thus the State enters into a speculating operation with insolvent men, in which a strong temptation is held out to the purchaser, and where the advantage is wholly on his side, by a vigorous operation to take what timber he can get from the land, and then to abandon it, or, if it turns out a bad bargain, to apply to the Legislature for relief.

Extensive operations have been made for a number of years past, and are continuing to be made, on our State lands, by lumbermen under licences from the Land Agent, to cut timber on stumpage. The course pursued by the Land Agent, in granting these licenses, since 1831, has been to sell the stumpage on a credit, payable when the amount could be realized from the sales of the timber, and at a price averaging from three to four dollars a thousand—retaining a lien on the timber so cut to secure the payment of the stumpage—the State paying the expense of scaling the timber, and other necessary expenses growing out of the employment of agents to superintend these operations, in order to keep secure the lien which they retained on the timber, to secure the payment of stumpage, which amount is no small item in the case. The result of these operations may be seen by reference to a schedule annexed to this Report, which is a transcript from the Land Office—by which it appears that, since the year 1831, licenses have been granted to cut timber in eighteen townships of the divided and undivided lands; that 29,274,191 feet of timber have been cut, which amounts to the sum of \$94,131 85; of this sum \$67,179 81 belongs to Maine, and the balance to Massachusetts. The sum of \$34,489 32 has been collected by Maine, and \$31,190 49 is uncollected; and \$1,500 has been allowed to the operators, to improve the streams, in order to run said timber. Of the \$31,190 49 now due the State, the Land Agent says that \$12,000 is secured by timber in Bangor, and logs on the rivers; the balance, amounting to

\$19,190 49, is worthless and lost—thus leaving only the small sum of \$46,489 32, which the State has realized, providing the \$12,000 should be paid, from the whole of these operations; and from this sum is to be deducted all the expenses appertaining to the same. Your Committee are aware that this mode of selling the timber of this State is approved of and advocated by many, up to the present time, and whose opinions are worthy of consideration; but your Committee cannot but think, that on a full examination of the subject, they must be satisfied they have entertained mistaken views in relation to this policy. In cutting timber under a license, the operator can have no other object in view but his own immediate interest; and of course would cut the best timber he could find, frequently cutting down large quantities of timber, and hauling but a small part of it, and leaving the balance to rot on the ground, and thus going over large tracts of land, cutting out the best of the timber, and subjecting the remainder to the risk of fire and the depredation of trespassers; thus leaving a large portion of our timber lands, worth, in the estimation of the community, but a trifle—they being considered *culled* townships; and, in the meantime, the State has received but a small sum from these operations. Your Committee deem it unnecessary to comment further on this mode of disposing of the timber, believing, as they do, that the results exhibited in the schedule prove this a ruinous and mistaken policy, and if persisted in but little revenue can be realized from this source.

Your Committee also believe that the sales of land should be limited, and made in small sections, and for cash; and thus a fair opportunity will be given to those of moderate means, to purchase—that a fair value will be realized to the State for the lands, and that it will lead to prudent and safe operations in the lumbering business. They cannot but think, also, that the present system of selling lands and stumpage tends to a speculating spirit, by which many are losers and few are gainers, and the State runs the hazard of a loss.

In regard to settling lands, your Committee entertain no doubt but it is the true policy of the State to invite the settlement of the public lands, by all suitable and proper means. The price should be fixed low, to correspond with the price of Government lands in the western States, and a liberal policy be extended to actual settlers, who give undoubted security to the State, by the improvements they make.

Under the present law regulating the sale of land to settlers, no payment is required at the time of the sale, and the result has been that purchases have been made for speculating purposes only, and lots of land which have been wanted by actual settlers, have been locked up, and held merely for an advanced price.

It is believed that it would be beneficial, on the whole, to require the cash payment, in the purchase of settling lots, to be made at the time of the sale, as it would have a tendency to prevent speculation, and would not be onerous on those who actually intend to become settlers, as they would still have a credit of three years for three fourths part of the purchase money, to be expended in labor on the roads, and principally for their own accommodation and benefit.

All of which, together with the following Bill, is most respectfully submitted.

JOSEPH EATON, Chairman.



SCHEDULE.

A LIST OF LICENSES GRANTED BY THE LAND AGENT OF MAINE, TO CUT TIMBER ON THE PUBLIC LANDS OF MAINE, SINCE 1831: AND ALSO BY THE AGENTS OF BOTH STATES, ON THE UNDIVIDED LANDS.

Date of permit.	To whom granted.	Township.	Quantity cut.	Price per M.	Am't of stumpage.	Amount paid to Maine.	Amount due and unpaid.	REMARKS.	
1832. Oct. 24.	Ebenezer Webster,	No. 6, R 8, S. E. quarter,	980,456 ft.	\$3 12	\$3,059 02	1,529 51		Undivided lands, one half to Maine.	
1832. Oct. 24.	William Emerson,	No. 6, R 8, N. E. quarter,	4,223,390	2 00	7,026 84	3,513 42		Undivided lands, one half to Maine.	
1833. Sept. 28.	E. & S. Smith,	No. 8, R 7, Lot 14,	31,406	3 50	109 92		109 92	I. & J. Wadleigh, Jefferson Sinclair and Amos Davis were sureties on Smith bond—all failed. Lincoln, Foster & Co's paper was then taken for the amount due the State, and before it could be secured they failed.	
1833. Sept. 28.	E. & S. Smith,	No. 8, R 7, Lot 16,	325,189	3 22½	1,048 73		1,048 73		
1833. Sept. 28.	E. & S. Smith,	No. 8, R 7, Lot 19,	68,378	3 90	266 67		266 67		
1833. Sept. 28.	E. & S. Smith,	No. 8, R 7, Lot 20,	188,576	3 87½	730 73		730 73		
1833. Sept. 28.	E. & S. Smith,	No. 8, R 7, Lot 22,	236,292	3 75	886 09		886 09		
1833. Sept. 28.	E. & S. Smith,	No. 8, R 7, Lot 29,	555,366	4 05	2,249 23		2,249 23		
1833. Sept. 28.	E. & S. Smith,	No. 8, R 7, Lot 30,	493,348	3 70	1,825 39		1,825 39		
1833. Sept. 28.	E. & S. Smith,	No. 8, R 7, Lot 34,	25,901	3 60	93 24		93 24		
1833. Sept. 28.	E. & S. Smith,	No. 8, R 7, Lot 35,	13,556	3 62½	49 18		49 89		
1833. Sept. 28.	E. & S. Smith,	No. 7, R 6, Lot 19,	407,886	3 39	1,482 73		1,482 73		
1833. Sept. 28.	E. & S. Smith,	No. 7, R 6 Lot 25,	239,925	3 62	868 52		868 52		
1833. Sept. 28.	E. & S. Smith,	No. 7, R 6 Lot 26,	129,054	3 27½	422 65		422 65		
1833. Sept. 28.	E. & S. Smith,	No. 7, R 6 Lot 27,	84,356	3 32½	280 48		280 48		
1833. Sept. 28.	E. & S. Smith,	No. 7, R 6 Lot 31,	213,841	3 70	791 21		791 21		
1833. Sept. 28.	Andres Dwinal,	No. 8, R 7 Lot 23,	896,179	3 75	3,360 67		3,360 67		Jos. Smith, Wm. Jameson & Jno. O. Smith, sureties.
1833. Sept. 28.	Robert Gibson,	No. 2, R 9 Lot 25,	75,125	3 55	266 69	266 69			
						\$5,309 62	\$14,465 44		
1837. Oct. 18.	Franklin Adams & Co.	No. 7, R 10 & ¼ No. 6, R 10	2,989,478	4 00	11,957 96	5,978 95		Undivided lands.	
1837. Nov. 18.	Ebenezer Webster,	No. 4, R 5	842,258	3 00	2,713 66	2,713 66			
1838. Aug. 20.	Jacob O. Rogers,	No. 3, R 4	137,779	4 87½	563 86	563 86			
1838. Aug. 20.	G. K. Jewett,	No. 4, R 7,	253,083	5 22½	1,324 31	481 31	843 00		
1838. Aug. 20.	Lorenzo Leadbetter,	No. 7, R 6,	982,585	2 87½	2,824 93	100 00	2,724 93		
1838. Aug. 20.	Isaac Smith,	No. 8, R 7,	1,560,663	part 2 25, part 2 37½	3,583 04*	100 00	1,983 04		
1838. Aug. 20.	N. G. Norcross,	No. 4, R 5,	286,166	2 00	545 32	545 32			
1838. Aug. 20.	S. & W. H. Smith,	No. 6, & part of 7, R 10,	1,806,362	4 00	7,225 45	3,612 72		Undivided land.	
1838. Aug. 20.	Franklin Adams & Co.	No. 7, R 10,	2,619,983	4 00	10,479 93	5,239 91		Undivided land.	
1838. Sept. 4.	Charles Cooper,	No. 5, R 10,	1,340,244	4 00	5,370 23	2,685 11		Undivided land.	
1838. Oct. 20.	Samuel Braley,	No. 7, R 8,	867,000	4 00	3,468 00	1,734 00		Undivided land.	
1838. Nov. 22.	Ebenezer Webster,	No. 8, R 8 & 9,	1,609 tons.	1 00	1,609 00	283 41	571 09	John H. Pillsbury and John S. Bennock, sureties.	
1839. April 23.	Thomas Michaels,	No. 7, R 9,	416,596	4 00	1,666 38	833 19			
1839. Sept. 30.	N. G. Norcross,	No. 4, R 14 & 15,	118,509	3 50	414 75	100 00	107 39	Undivided—John Fiske, surety.	
1839. Dec. 21.	S. P. & H. Strickland,	No. 5, R 10, N. W. ¼	431,600	4 00	1,726 40	568 69	294 51	Undivided—good.	
1839. Aug. 28.	William Jameson,	No. 4, R 7,	spr. & pine 427,387	spr. 1 00, pine 4 00	1,233 99	1,233 99			
1839. Sept. 18.	Samuel L. Hunt,	No. 3, R 4,	273,855	2 50	684 63	636 73	47 90		
1839. Sept. 24.	Samuel Smith,	No. 2, R 11,	1,413,878	3 50	4,948 57	100 00	4,848 57		
1839. Nov. 16.	Hill, Lane & Spencer,	No. 7, R 6,	293,039	2 00	586 57	7 75	578 32		
1839. Dec. 2.	Eliphas Gulliver,	No. 8, R 7,	434,663	2 25	977 99	977 99			
1839. Dec. 23.	Thomas J. Grant,	No. 2, R 9,	227,689	3 00	683 06	683 06			
1840. Jan'y 1.	Samuel Homans,	No. 6, R 1,	2,363,150	2 00	4,726 30		4,726 30		
						\$94,131 85	\$34,489 32	\$31,190 49	
						Amount paid Massachusetts,	26,952 04		
						Amount allowed Isaac Smith,	1,500 00		
							62,941 36		

*1,500 was allowed by Mr. McIntire for improvements on Sebois stream, by the discretionary power given him by the Legislature, in 1839.

\$94,131 85

Total amount of timber cut since 1831, including one half cut on undivided land,	\$67,179 81
Amount paid in cash,	34,489 32
Amount allowed Isaac Smith,	1,500 00
Amount remaining unpaid,	31,190 49
	67,179 81

Amount remaining due and unpaid, viz:	\$31,190 49
This sum accrued prior to 1834, and is worthless,	14,465 44
About \$12,000 is secured by lumber in Bangor, and in logs in the river,	12,000 00
Balance, doubtful,	4,725 05
	31,190 49

STATE OF MAINE.

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

AN ACT additional to an Act to promote the sale
and settlement of the Public Lands.

*Be it enacted by the Senate and House of Rep-
2 resentatives in Legislature assembled, as follows :*

SECTION 1. In the sale of all lands belonging
2 to the State, excepting to settlers, the Land Agent
3 shall require of the purchaser the whole of the
4 purchase money to be paid at the time of the sale;
5 and said land shall be sold in mile sections, as
6 near as may be, and only one section at a time.

SECT. 2. If the land sold be settling land, the
2 payments shall be secured by good and sufficient
3 surety or sureties, or by retaining a lien thereon,
4 by the terms of the Land Agent's deed, and said
5 lien shall be equivalent to a mortgage of the same
6 land to the State.

SECT. 3. Not more than two townships, except
2 the settling lands, shall be sold in any one year.

SECT. 4. All lands lotted for settling shall be
2 sold to those only who will perform settling duties,

3 as required by law, the price to be fixed by the
4 Land Agent, not, however, at a less price than
5 fifty cents an acre ; three fourth parts of the price
6 shall be paid, within three years from the sale, in
7 labor, in making roads in such township, under
8 the direction of the Land Agent ; and the remain-
9 ing quarter shall be paid in cash at the time of the
10 sale : Provided, That in all townships where the
11 State is not the owner of at least one half of the
12 land, the several payments may be required in cash
13 or labor, at the option of the Land Agent.

SECT. 5. The Land Agent shall carry into
2 effect the provisions of a Resolve, respecting the
3 sale, disposition, and management of the public
4 lands belonging to the Commonwealth of Massa-
5 chusetts and the State of Maine jointly, and of
6 lands belonging to this State in severalty, approved
7 March ninth, eighteen hundred and thirty-two :
8 Provided, in all sales of land and timber, the pro-
9 portion of the purchase money belonging to Maine
10 shall be required to be paid in cash, at the time of
11 the sale.

SECT. 6. Sections twenty-four, twenty-nine,
2 thirty-three, thirty-four, and thirty-seven, of the
3 third chapter of the revised statutes, are hereby
4 repealed ; and sections eight and nine of said third
5 chapter of the revised statutes, so far as they re-
6 late to the sale of timber, are hereby suspended,

7 for the term of two years from the passage of this
8 Act.

SECT. 7. This Act shall take effect and be in
2 force, from and after its approval by the Governor.

STATE OF MAINE.

IN SENATE, April 9, 1841.

Laid on the table, and 500 copies ordered to be printed
for the use of the Legislature.

[Extract from the Journal.]

ATTEST: **DANIEL SANBORN, Secretary.**