

MAINE STATE LEGISLATURE

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DOCUMENTS

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THE LEGISLATURE

OF THE

STATE OF MAINE,

DURING ITS SESSIONS

A. D. 1842.

AUGUSTA:

SMITH & Co., PRINTERS TO THE STATE.

1842.

TWENTY-SECOND LEGISLATURE.

NO. 39.]

[SENATE.

AN ACT

ADDITIONAL TO AN ACT

IN RELATION TO

THE PUBLIC LANDS.

[WM. R. SMITH & Co.....Printers to the State.]

STATE OF MAINE.

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

AN ACT additional to an act in relation [to] the
public lands.

*Be it enacted by the Senate and House of Rep-
2 resentatives in Legislature assembled*—as follows:
3 SECT. 1. That whenever any of the settling
4 lands belonging to this State shall be surveyed
5 into lots for settlement, as provided in chapter
6 three, and section fifteen, of the Revised Stat-
7 utes, if the same or any part thereof, shall be
8 occupied or improved, it shall be the duty of
9 the surveyor to locate the lot on which such
10 occupation or improvement shall be found, in
11 such a manner as to secure as far as may be,
12 without material injury to adjoining lots, the
13 benefit thereof to the person entitled thereto.
14 And the surveyor shall return to the Land Office

15 the field notes of his said survey, together with
16 the names of the persons who have made such
17 improvements, and the numbers of the lots on
18 which they reside, and also the numbers of the
19 lots on which said improvements have been
20 made ; and any person residing on any such lot
21 surveyed as aforesaid, and any person who has
22 made such residence or improvements upon any
23 such lot surveyed, before the passing of this
24 act, who shall notify the Land Agent of such
25 residence or improvement and furnish him with
26 satisfactory evidence of his said residence or
27 improvement shall be entitled to the preemp-
28 tion of the lot or lots so occupied or improved
29 by him at any time within six months after said
30 notice, or in case no such notice shall be given,
31 within six months from the time the surveyor
32 shall make his return as aforesaid.

SECT. 2. In all applications for settling land
2 the applicant shall be required to pay one fourth
3 of the price of the lot in cash at the time of
4 the application, and shall perform the settling
5 duties prescribed in the twenty sixth and twenty
6 seventh sections of the third chapter of the Re-
7 vised Statutes, and also within two years from

8 the time of application shall become a resident
9 on said land and continue such residence for
10 the term of two years at least before such appli-
11 cant or his assignee shall be entitled to receive
12 a deed. And if any applicant after receiving a
13 certificate from the Land Agent, as provided in
14 the eighth section of this act, shall not within
15 one year make some improvement on said lot
16 the Land Agent may give permission to any
17 other person to enter upon the same, and if the
18 applicant shall not within two years from the
19 date of such certificate establish his residence
20 thereon he shall forfeit his right to purchase
21 the same, and the Land Agent may dispose of
22 it to any other person.

SECT. 3. All timber lands that now are or
2 may hereafter become the property of the State
3 in any incorporated town south of the ninth
4 range of townships north of the Waldo patent
5 may be sold by the Land Agent at public auc-
6 tion, as prescribed in the fifth section of this act,
7 in such quantities as he may deem expedient ;
8 but before offering said lands for sale the Land
9 Agent shall cause the same to be surveyed and
10 appraised agreeably to section

SECT. 4. The Land Agent may sell at public
2 auction any islands belonging to the State, also
3 the lots reserved for the future appropriation of
4 the Legislature of Massachusetts which were
5 assigned to the State of Maine by the commis-
6 sioners appointed under the sixth article of the
7 "separation act," in such quantities as the public
8 interest may require.

SECT. 5. All public lands except settling lands
2 held by the State of Maine in severalty shall be
3 offered for sale at public auction at a minimum
4 price to be fixed upon each lot by the Land
5 Agent. All sales of land, which may be made
6 at public auction under the provisions of this
7 and the two preceding sections, shall be made
8 in the month of August, and the Land Agent
9 shall give at least sixty days' notice of the time
10 and place of any such sale, and a description
11 of the land to be sold by advertising the same
12 in the State paper, one paper printed in Port-
13 land, and one paper printed in Bangor. If any
14 bidder at any such sale shall fail to satisfy the
15 Land Agent forthwith that he will comply with
16 his bid and with the terms of sale, the same shall
17 be immediately offered again, and if such per-

18 son shall again bid upon said land the Land
19 Agent shall not receive such bid or consider it
20 an offer for said land. All lots or sections shall
21 be offered and sold separately, not exceeding
22 seven hundred acres in any one lot or section.

SECT. 6. Any lands surveyed as settling lands,
2 according to the fifteenth section of the third
3 chapter of the Revised Statutes, may be sold
4 under the conditions prescribed in the second
5 section of this act at a price not less than fifty
6 cents per acre, and the payments therefor shall
7 be made one fourth in cash, and the other three
8 fourths in labor in making roads within the lim-
9 its of the township in which said land is situated,
10 under the direction of the Land Agent.

SECT. 7. The Land Agent shall not give to
2 the purchaser of any public lands which may be
3 sold under the provisions of this act, any deed of
4 conveyance of the same until payment shall be
5 made in full and all other conditions of sale shall
6 have been fulfilled by the purchaser or his as-
7 signs.

SECT. 8. When any land shall be applied for
2 to the Land Agent, as provided in the second
3 section of this act, the Land Agent shall give to

4 the applicant a certificate setting forth the terms
5 and conditions of the contract, the amount re-
6 ceived in cash, the amount to be paid, and a
7 description of the land, which certificate shall
8 entitle the lawful holder to a deed of the same
9 from the Land Agent on the fulfilment by the
10 applicant or his assigns of the conditions set
11 forth in said certificate. The Land Agent shall
12 keep a record of all certificates issued by him
13 and such certificate shall be transferred only by
14 assignment under seal.

SECT. 9. All payments for the public lands
2 which may be sold by the Land Agent, under
3 the provisions of this act, both of lands held by
4 this State in severalty, and lands held by this
5 State jointly with Massachusetts, shall be made
6 in cash at the time of sale, except as provided in
7 the sixth section of this act.

SECT. 10. The Land Agent shall appoint some
2 suitable person whose duty it shall be at least
3 twice a year to examine every township which
4 shall have been lotted for settlement, to locate
5 such roads as may be necessary for the conve-
6 nience of the settlers, to collect the amount that
7 may be due from them and others for making

8 roads, to direct upon what roads the labor shall
9 be expended, to superintend the opening and
10 making of such roads either by contract or oth-
11 erwise, to determine the price of labor when
12 performed by the day, to examine all questions
13 of preemption right and all matters of dispute
14 between the settlers where the State may be in-
15 terested as a party and to report the facts to the
16 Land Agent, and to perform all other duties in
17 relation to said lands which may be required of
18 him by the Land Agent. And such person shall
19 be governed in all his acts by the law and such
20 written instructions as he may receive from the
21 Land Agent, to whom he shall make a written
22 report of all his doings on or before the first day
23 of December of each year. And said agent
24 shall receive for his services a sum not exceed-
25 ing two dollars per day for the time actually em-
26 ployed in said service.

SECT. 11. The Land Agent shall on or before
2 the first day of May next, make out a full and
3 complete list of all such lands as were forfeited to
4 the State prior to the first day of January, A. D.
5 1842, for the non-payment of the purchase money
6 or for other conditions not performed, describing

7 the several lots or tracts, the number of acres
8 and the names of the purchasers, and shall pub-
9 lish the same in the State paper, one paper in
10 Bangor, one paper in Portland, and one paper
11 in Augusta. And he shall annually thereafter on
12 the first day of January, of each year, publish a
13 similar list of all the lands which may become
14 forfeited to the State, during the year then next
15 preceding.

SECT. 12. The original purchasers or any
2 person claiming under such original purchasers
3 of any lands which may have been advertised as
4 prescribed in the preceding section, shall have
5 the right to perfect his or their title to the same,
6 by paying into the Land Office the amount due
7 to the State for the same, within one year from
8 the date of such advertisement and no longer.
9 And any person actually residing on any of said
10 land which shall not be redeemed as aforesaid,
11 and who shall file in the Land Office within one
12 year from the date of such advertisement as
13 aforesaid, written evidence satisfactory to the
14 Land Agent, that he actually resides on and is
15 improving such land, shall be entitled to purchase
16 the lot so occupied by him at any time within

17 one year from the expiration of the original pur-
18 chaser's right to redeem the same as aforesaid,
19 by paying in money the original price for which
20 such lot was sold. And in all such sales to ac-
21 tual settlers, the Land Agent shall deduct from
22 the price of said lot all sums received by the
23 State for such lot exceeding the interest on the
24 original purchase money.

SECT. 13. All lands belonging to this State
2 held in severalty or jointly with Massachusetts,
3 which have been sold prior to the first day of
4 August, A. D. 1841, and which shall not be
5 redeemed or sold as provided in the preceding
6 section, shall be subject to sale according to law
7 in the same manner as other lands.

SECT. 14. All lands which have been sold by
2 the Land Agent prior to the first day of August,
3 A. D. 1841, by conditional deed, may be de-
4 clared by the Land Agent to be forfeited lands
5 upon the non-payment of the notes given for
6 the same within the time specified in the note
7 having the longest time to run.

SECT. 15. The Land Agent shall not sell the
2 moiety of this State in any township or tract of
3 land held jointly with Massachusetts until the

4 same shall have been surveyed into lots not
5 exceeding seven hundred acres. And if there
6 shall be any settlers upon any such township or
7 tract the surveyor shall run out to each settler
8 a lot not exceeding one hundred and sixty acres,
9 and shall make return to the Land Office of the
10 names of all such settlers, with the description
11 and number of the respective lots so occupied.

SECT. 16. Every surveyor employed to survey
2 the public lands shall be required to explore
3 each lot carefully, to ascertain the quantity and
4 quality of the pine, spruce and other valuable
5 timber on each lot, and the quality of the soil,
6 and shall give all other valuable information
7 which may aid in forming an estimate of the
8 value of such land. He shall return correct
9 duplicate plans and field notes of his surveys to
10 the Land Office in sixty days after the survey
11 shall be completed, with the quantity and qual-
12 ity of the different kinds of timber on each lot
13 ascertained as aforesaid.

SECT. 17. The Land Agent may sell the part
2 belonging to this State held jointly with Massa-
3 chusetts, except such lots as may be reserved
4 for settlers, in the same manner and shall be

5 governed by the same rules and regulations as
6 are prescribed in the fifth section of this act,
7 and in all cases the proportion of the purchase
8 money belonging to this State shall be paid in
9 cash at the time of sale.

SECT. 18. So much of the "Resolve respect-
2 ing the sale, disposition, and management of
3 the public lands belonging to the commonwealth
4 of Massachusetts and the State of Maine jointly
5 and of lands belonging to said States in sever-
6 alty," approved March 9th, 1832, as authorizes
7 the sales of timber, or the sale of lands in larger
8 quantities than sections of seven hundred acres
9 each, or at private sale, is hereby repealed.

SECT. 19. Not more than three townships of
2 timber land shall be sold in any one year, two
3 of which shall be situated on the waters of the
4 Penobscot, or Penobscot and Allegash, and the
5 other on the waters of the Kennebec. And
6 before offering any timber lands for sale the
7 Land Agent shall cause the pine, spruce, cedar,
8 and juniper timber on each lot to be thoroughly
9 examined by men well qualified for that duty,
10 who shall make duplicate reports to the Land
11 Agent of the quantity and quality of the several

12 kinds on each lot, together with all other infor-
13 mation that can be obtained that shall have a
14 bearing on the value of said timber. And all
15 lands having pine timber thereon in value equal
16 to fifty cents per acre shall be considered and
17 sold as timber land.

SECT. 20. If any lands offered at auction, at
2 the annual sale specified in the fifth section of
3 this act, shall remain unsold, at the close of said
4 sale, the Land Agent may adjourn said sale for
5 sixty days, and again offer said lands as before,
6 but not at a reduced price. Any lands remain-
7 ing unsold, which have been offered at auction
8 the preceding year, may again be offered at
9 auction at the annual sale, at such price as the
10 Land Agent may then fix.

SECT. 21. In all unincorporated townships or
2 tracts of land sold or granted by this State or
3 the commonwealth of Massachusetts, in which
4 lands have been reserved for public uses, the
5 county commissioners for the county in which
6 such lands are situated shall have the care of
7 such lands, and shall protect them from strip or
8 waste by trespassers, until said townships or
9 tracts shall be incorporated. And where such

10 reservations have not been located, and there is
11 valuable timber, or grass, on the township or
12 tract, which is being taken off or liable to be
13 taken off by trespassers, the said county com-
14 missioners shall cause said reserved lands to be
15 run out and located by a committee to be ap-
16 pointed by the district court in the county where
17 the land lies. And in all cases where applica-
18 tion is made to said court by the commissioners
19 for a committee to locate any reserved lands,
20 the same proceedings shall be had as are pro-
21 vided in chapter one hundred and twenty two of
22 the Revised Statutes, on application of the
23 assessors of any town or plantation. The
24 county commissioners shall have full power to
25 seize and sell any timber, grass or hay, cut by
26 any trespassers on said lands, and pay the pro-
27 ceeds of such sales into the county treasury,
28 first deducting all reasonable expenses.

SECT. 22. All persons committing trespass on
2 any of the reserved lots, located as provided in
3 the preceding section, shall be subject to all the
4 liabilities and penalties of the forty first and
5 forty second sections of chapter three of the
6 Revised Statutes, which are applicable to tres-
7 passers on public lands.

SECT. 23. The treasurers of counties shall
2 receive all monies which may be paid them as
3 aforesaid, by county commissioners, keep a just
4 account thereof, and pay the same to treasurers
5 of towns, rightfully owning it, whenever applied
6 for.

SECT. 24. Sections eight, nine, twenty one,
2 twenty two, twenty three, twenty four, twenty
3 five, twenty eight, twenty nine, thirty, thirty
4 one, thirty two, thirty three and thirty four of
5 the third chapter of the Revised Statutes, be and
6 the same are hereby repealed.

STATE OF MAINE.

IN SENATE, March 5, 1842.

ORDERED, That 500 copies of the foregoing Bill be printed
for the use of the Legislature.

[Extract from the Journal.]

ATTEST : JERE HASKELL, *Secretary.*