

# MAINE STATE LEGISLATURE

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DOCUMENTS

PRINTED BY ORDER OF

THE LEGISLATURE

OF THE

STATE OF MAINE,

DURING ITS SESSION

A. D. 1848.

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Augusta:

WILLIAM T. JOHNSON, PRINTER TO THE STATE.

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1849.

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# TWENTY-EIGHTH LEGISLATURE,

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No. 32.

SENATE.

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## STATE OF MAINE.

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THE joint standing committee on state lands and state roads, to which was referred a bill, and an order, in relation to the "lands reserved for public uses," having had the same under consideration, ask leave to submit the following

### REPORT:

That they find by a reference to the constitution of this state, article seventh, the following provisions:

"And in all grants hereafter to be made by either state of unlocated lands in said district, the same reservation shall be made for the benefit of schools and of the ministry, as have heretofore been usual in grants made by this commonwealth."

An act in the revised statutes of this state, chapter 3, section 11, is the following enactment:

"In every township suitable for settlement, whether timber lands or not, there shall be reserved one thousand acres of land, to average in quality and situation with the other land in the township, for the exclusive benefit of said township, as the legislature may hereafter direct."

Under the foregoing provisions, the state when it made sales of townships and tracts of land, remained the trustee of the reserved lands for the further beneficiaries.

The trust in question is one of great importance, and one which in the opinion of your committee should be executed in such manner as fully and fairly to carry out the true intent and design of the reservation.

This trust is now, by the act of A. D. 1842, chapter 33, section 21, especially reposed in the hands of the county commissioners in those counties where the land lies, and they are in said act especially directed to protect it from strip and waste, to cause the reserved lands to be located after a sale and grant in such townships as contain timber and grass, which is being taken off and liable to be taken off by trespassers; to seize trespass timber and sell the same and pay the proceeds (deducting the expenses) into the county treasury; the county commissioners are also by subsequent enactment directed to grant permits under certain restrictions therein contained, to pay the proceeds thereof into the county treasury; and further by the act of A. D. 1846, are directed to loan the funds received from any of the beforementioned sources into our state, county, or town securities.

To the call of the secretary of state on the several boards of county commissioners and county treasurers where such reservations exist, full response has been received, and your committee are of the opinion that all the trust and authority conferred upon or confided to them by previous enactments have been faithfully carried out and executed according to the intent and meaning of said provisions of law.

Believing this, your committee ask leave to recommend that all the documents and other papers received from the several counties be placed on file in the land office, and ask leave to further report that legislation is not expedient on that subject.

WILLIAM R. FLINT, *Chairman.*



STATE OF MAINE.



IN SENATE, July 31, 1848.

ORDERED, That 350 copies of the foregoing Report be printed for the use of the Legislature.

DANIEL T. PIKE, *Secretary.*