

MAINE STATE LEGISLATURE

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SIXTIETH LEGISLATURE.

HOUSE.

No. 154.

ATTORNEY GENERAL'S OFFICE, }
Portland, March 1, 1881. }

*To the President of the Senate and
Speaker of the House of Representatives :*

In response to the communication of the Senate and House of Representatives of February 2d, relating to the title of the State of Maine to a certain lot of land numbered 115, situated in the town of Mars Hill, and now occupied by S. G. Wheeler, under a deed from the European and North American Railway Company. I have the honor to submit the following :

The Commonwealth of Massachusetts, by a resolve passed in March, A. D., 1801, granted to each non-commissioned officer and soldier, who enlisted in the American army to serve during the war with Great Britain, and who was returned as a part of the State's quota and actually served in the army for the full term of three years and was honorably discharged, two hundred acres of land, to be laid out at the expense of the Commonwealth. Provision was also made for the children of those who died in the service. In accordance with this resolution and subsequent legislation, certain lands situated in the eastern section of the Commonwealth, which then included the territory of Maine, were set apart for such purpose. An actual survey was made and plans of the different lots returned with the number thereon. Upon an examination of such plans it appears that Lot, No. 115, to which your order relates, is included in the Township set apart and appropriated for the above purposes.

Thus far I have been unable to find any record of the selection of Lot No. 115, under the Resolutions of the Commonwealth of Massachusetts, as required, or any appropriation or assignment of such lot for the purposes designed; and if such is the fact, then the title remained in the Commonwealth of Massachusetts, and the State of Maine acquired the same by the articles of separation and the deed of the Commonwealth, executed in 1853.

A resolve of the Legislature of the State of Maine, passed in 1868, authorized the Governor to transfer and convey by deed to the European and North American Railway Company, all the timber and lands belonging to the State, situated upon the waters of the Penobscot and St. John's rivers, with certain reservations, which do not apply to the lot in question.

The conveyance to the Railway Co. follows the language of the Resolution of 1868, and if the title then existed in the State of Maine, such conveyance cannot be regarded as excepting or excluding Lot, No. 115, from its operation, if situated upon the waters of the Penobscot and St. John's, which I understand is conceded.

The deed to Mr. Wheeler is from the European and North American Railway Company, and under the existing state of facts I regard legislation inexpedient upon the order referred to in your communication.

Very respectfully,

HENRY B. CLEAVFS,

Attorney General.

STATE OF MAINE.

In HOUSE OF REPRESENTATIVES, }
March 8, 1881. }

Transmitted by the Attorney General, and ordered printed, on
motion of Mr. KEEGAN of Van Buren.

ORAMANDAL SMITH, *Clerk.*