

MAINE STATE LEGISLATURE

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E I G H T Y - E I G H T H L E G I S L A T U R E

Legislative Document

No. 167

S. P. 137

In Senate, January 28, 1937.

Referred to Committee on State Lands and Forest Preservation. Sent down for concurrence and 500 copies ordered printed.

ROYDEN V. BROWN, Secretary.

Presented by Senator Hussey of Kennebec.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
THIRTY-SEVEN

RESOLVE, Authorizing the Forest Commissioner to Convey Certain Interests of the State in a Certain Lot of Land to Elmer E. Newbert, Trustee.

Conveyance of certain land, authorized. Resolved: That the forest commissioner as land agent be, and hereby is, authorized to convey the interest of the state in an undivided $\frac{1}{4}$ part of the south half of township 3, range 6, B. K. P. W. K. R. (Upper Enchanted Township), according to a survey and plan of said township made and returned to the land office of the state of Maine by S. F. Weston et als in 1850; also the right to cut and carry away timber and grass from an undivided $\frac{1}{6}$ part of the reserved lands on said south half of said township, which lands and rights were sold for taxes of the year 1931, to Elmer E. Newbert, Trustee under indenture of November 16, 1932 for the benefit of the creditors of W. D. Hutchins, in consideration of the payment by said Elmer E. Newbert, Trustee of the sum of \$1,298.27, said payment representing the total of the state, county and district taxes on said property and rights for the years 1931 to 1936, both inclusive, together with interest thereon to February 1, 1937.

STATEMENT OF FACTS

On November 16, 1931, the creditors of W. D. Hutchins of Augusta, Maine, entered into a voluntary agreement with him, by the terms of which a conveyance of all of his property was made to Elmer E. Newbert of said Augusta, as Trustee. The property conveyed included among other things timberlands of which an undivided $\frac{1}{4}$ part of the south half of Township 3, Range 6, "B. K. P. W. K. R." (Upper Enchanted Township) was one. By the terms of said agreement said Trustee was to sell all of the real estate, so far as possible and upon the complete liquidation of the property and assets transferred to him was to make equal division among said creditors. The parcel in question among others remains unsold by said Trustee, he now holding the title to complete the purposes and conditions of said agreement.

Upon a bill in equity brought in the Supreme Judicial Court for Kennebec County, in 1935, wherein a Master was appointed, it was determined that taxes were a preferred claim and should be paid by said Trustee. He, however, previous to said order of Court had been given no notice of taxes due and payable upon this undivided $\frac{1}{4}$ part of said township.

Wherefore, he believes it just and proper and for the benefit of said creditors that he should be allowed to redeem said real estate by paying the amount of taxes due thereon and thereby comply with said order of Court.