

MAINE STATE LEGISLATURE

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PUBLIC ACTS

OF THE

STATE OF MAINE,

PASSED BY THE

FOURTH LEGISLATURE,

AT ITS SESSION, HELD IN JANUARY, 1824.

PUBLISHED AGREEABLY TO THE RESOLVE OF THE 28TH JUNE, 1820.



PORTLAND:

PRINTED BY TODD AND SMITH.....PRINTERS TO THE STATE.

1824.

annually at Paris, on the second Tuesday of June, and on the fourth Tuesday of November, instead of the times now established by law : and all matters and things which may be pending in, or returnable to said Court, when this Act shall take effect, shall be returned to, have day in, and be acted upon at the term of said Court, which is, pursuant to this Act, to be held at said Paris, on the second Tuesday of June next.

[*This Act passed February 25, 1824.*]

CHAPTER CCLXXX.

AN ACT to promote the sale and settlement of public lands.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in Legislature assembled, That* such townships of land belonging to the State as may be suitable for settlement and cultivation, shall be surveyed and divided into lots of one hundred acres each, as nearly as may be; and the land so surveyed and allotted shall be sold to such persons only, as may wish to become actual settlers. And the first forty settlers in any township shall have each a lot of one hundred acres, wherever he may wish to make a selection of land not contracted for, at thirty cents per acre, one half to be paid in money at the time of contracting, and the other half to be paid in labor in making roads in said town, under the direction of the agent.

Townships, suitable for settlement, to be surveyed and allotted;

and sold to settlers only.

Grant to the first 40 settlers.

SECT. 2. *Be it further enacted, That* any person who shall enter on any of the land aforesaid, under contract, and clear in a good and workmanlike manner, fifteen acres at least, ten of which shall be well laid down to grass, and build a house and fix his residence thereon, with his family, if any he have, within four years from the time of contracting, shall be deemed to be an actual settler, within the meaning of this Act; and shall be entitled to a good and sufficient deed from the State, he having

Definition of an actual settler.

performed the labor due for the purchase of said lot, on payment being made of all the purchase money due on such contract.

SECT. 3. *Be it further enacted,* That whenever in any township, contracts shall have been made for forty settlers, the residue of such township shall be sold at sixty cents an acre, until otherwise ordered by the Legislature; and any person at any time contracting for land under the provisions of this act, shall be allowed to purchase any quantity not exceeding five hundred acres, on condition that he shall pay sixty cents an acre for so much as he may purchase beyond one hundred acres, and obligate himself to put thereon two settlers at least, if he shall purchase more than three hundred acres; the settling duties for each settler so put on, and conditions of payment in this case to be the same as are required by the second section of this Act: *Provided, however,* That the conditions of sale aforesaid, shall not extend to lots on the Penobscot river, now assigned to this State; and all such lots fit for settlement and cultivation shall be sold at a price not less than fifty cents an acre, at the discretion of the agent who may be appointed to superintend and manage the sale and settlement of the public lands.

SECT. 4. *Be it further enacted,* That such land as may be unfit for settlement and cultivation, and properly falling under the denomination of timber land, shall be laid out in lots and sold for its just value, not exceeding five hundred acres to any one person; one half of the purchase money to be paid at the time of contracting, and the other half to be paid in three equal annual payments, with interest annually, with good and sufficient surety for the payment thereof.

SECT. 5. *Be it further enacted,* That a tract of land, not exceeding two hundred acres, together with the best mill site in any such township, shall be reserved, and at the discretion of the Agent, to be appointed as is hereinafter provided, may be given to any person or persons who shall erect the first saw mill and grist mill thereon, by consent of said Agent.

Price of land for settlement.

Proviso.

Timber land how sold.

Mill sites how reserved and appropriated.

within three years from the time the settlement shall first commence in such township; and when such person or persons shall have erected such mills as aforesaid, and shall have given bond with sufficient surety or sureties to the Treasurer of the State and his successor in office, in a reasonable sum, to keep such mills in good repair for the term of eight years, at least, from their erection, he or they shall be entitled to a good and sufficient deed, from the State, conveying to him or them the said reserved land and mill site.

SECT. 6. *Be it further enacted,* That all the reserved lots and other parcels of land, which have fallen to the share of Maine, in the division with Massachusetts, except the Islands, shall be sold at private sale or public auction, at the discretion of said agent: And in case the same shall be sold at auction, public notice shall be given of the time and place of such sale, three months at least, before such sale, by three publications in three or more of the newspapers printed within the State, the last publication to be three weeks prior to such sale.

Reserved lots belonging to Maine on division with Massachusetts. to be sold.

SECT. 7. *Be it further enacted,* That the islands or parts of islands which have fallen to the share of Maine, in the division of lands with Massachusetts, now held or claimed by settlers, or by persons claiming under settlers on said islands or parts of islands, may be sold and conveyed by said agent to the person or persons holding or claiming the same as aforesaid, upon such terms and conditions as to the said agent may seem just and equitable: and the said agent upon examination of the claims of such settlers or persons claiming under them, shall in the name and behalf of the State of Maine, make, execute and deliver to them severally, deeds of the islands or parts of islands to which they shall respectively be found to be entitled: *Provided,* That such person shall, on receiving the deed or deeds aforesaid, pay to said agent a reasonable compensation for his services in examining their claims, and making and executing such deeds: *And provided further,* That no deed, made and executed as aforesaid, shall affect

Islands and parts of islands to be conveyed to settlers or claimants under them, on certain conditions.

the rights or claims of any persons claiming under any title not derived from the State, or by possession merely, against each other, but all such claimants may pursue their legal remedy as if no such conveyance had been made. And all other said islands and parts of said islands as may not be held or claimed as aforesaid, shall be sold by said agent in such manner as to him may seem fit.

1000 acres in each township reserved for public uses.

SECT. 8. *Be it further enacted*, That there shall be reserved in every township, suitable for settlement, one thousand acres of land, to average in quality and situation with the other land in such township, to be appropriated to such public uses, for the exclusive benefit of such town, as the Legislature may hereafter direct.

settlers entitled to prior rights of purchase.

SECT. 9. *Be it further enacted*, That in every case where any person has commenced a settlement on any of the land belonging to this State, prior to the passage of this act, such person shall be entitled to a prior right of purchase.

Land Agent to be appointed: his powers and duties.

SECT. 10. *Be it further enacted*, That the Governor, with the advice of Council, be and he hereby is authorized to appoint and commission some discreet and suitable person, as agent to superintend and manage the sale and settlement of the public land; and it shall be the duty of said agent to survey or cause to be surveyed the townships aforesaid, or such of them as in his judgment circumstances may from time to time require. And such agent is hereby empowered to make contracts and execute deeds in behalf of the State, according to the provisions of this act; to receive all money and securities accruing to the State from the sale of land, timber or grass belonging thereto; and he shall pay unto the Treasurer of the State, for the time being, all money by him received, within six months from the time he shall receive the same; and said agent is hereby empowered, and it shall be his duty, to sell at public auction or private sale, all grass growing on the public land from year to year; to take all suitable measures for the preservation of the timber and grass standing or growing thereon, and to

prosecute in behalf of the State, for all trespasses which have been or may be made on the same; and to seize, and sell at public auction, all kinds of lumber or grass cut by trespassers, first giving timely public notice of such sale.

SECT. 11. *Be it further enacted,* That it shall be the duty of said agent to keep correct plans of all surveys made as aforesaid, and to transmit copies thereof and of all field notes to the office of the Secretary of the State as soon as may be after such surveys shall have been made; and he shall give his personal attendance to all the duties appertaining to his office as far as practicable; and he shall have power to employ such assistants from time to time as he may need, to aid him to carry into effect the provisions of this act, for whose conduct he shall be responsible; and he shall render a fair account of all his doings to the Legislature annually, and shall receive such compensation for his services as may be deemed just and equitable; and he shall give bond to the Treasurer of the State, for the time being, with sufficient surety or sureties, to the satisfaction of the Governor and Council, in the sum of ten thousand dollars, for the faithful performance of his duties.

Agent to keep plans and to transmit copies thereof and of field notes to office of Secretary of State.

To employ assistants.

To give bond, &c.

SECT. 12. *Be it further enacted,* That no person shall be appointed or continued agent for the purposes aforesaid, who is or may be concerned directly or indirectly in the lumbering business, nor shall said agent be concerned, directly or indirectly, in any purchase of said public land.

Persons not eligible to be appointed or continued agents.

[*This Act passed February 25, 1824.*]

CHAPTER CCLXXXI.

AN ACT additional to an Act for the relief of Poor Debtors.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in Legislature assembled,* That whenever any person who shall be arrested on execution, shall at the time of such arrest, declare to the