

# MAINE STATE LEGISLATURE

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# **PUBLIC ACTS**

OF THE

## **STATE OF MAINE,**

PASSED BY THE

### **EIGHTH LEGISLATURE,**

AT ITS

**SESSION HELD IN JANUARY, 1828.**

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Published agreeably to the Resolve of the 20th June, 1820.

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**PORTLAND.**

PRINTED BY THOMAS TODD.....PRINTER TO THE STATE.

1828.

**SECT. 3.** *Be it further enacted,* That it shall be the duty of said Agent at all times when thereto required, to render to the Governor and Council a true account of all monies that may come into his hands, and of sales of timber that may be made, in virtue of this Act, and of the expenditure thereof; and the Governor and Council are authorized to adjust and settle the same.

Agent required to  
render accounts,  
&c.

[Approved by the Governor, February 19, 1828.]

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### CHAPTER CCCXIII.

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 an Agent shall be appointed by the Governor, with advice of Council, to superintend and manage the sale and settlement of the Public Lands, who shall hold his office during their pleasure, subject however to the limitation of an Act limiting the tenure of civil offices, and shall be governed in making contracts and executing deeds in behalf of the State and in the discharge of his public duties by the provisions of this Act. He shall receive all money and securities accruing to the State from the sale of land or grass and in settlement for timber or grass cut by trespassers on the public lands, and all securities so taken, shall be made payable to the Treasurer of State for the time being, or his successor in office, and he shall pay over to the said Treasurer for the time being, all money by him received by virtue of his office, which may be found due to the State on settlement of his accounts in the manner herein provided. And it shall be his duty to sell at public auction or private sale, all grass growing on the public lands from year to year; to take suitable measures for the preservation of timber and grass standing and growing thereon, and to

Land Agent to be  
appointed;

his powers and  
duties;

prosecute in behalf of the State for all trespasses which have been committed or may be committed 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. 2. *Be it further enacted,* That it shall be his duty to keep correct plans of all surveys to be made by authority of this Act and to transmit copies thereof and of all field notes to the office of the Secretary of 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 such assistants in making surveys shall be under oath, and shall be required to return with their plan and field notes, a particular description of the kind and quality of the land by them surveyed and an appraisal of its value. And the said Agent shall receive such compensation for his services as by the Legislature may be deemed just and equitable, and he shall give bond to the Treasurer of the State for the time being, with sufficient sureties to the satisfaction of the Governor and Council, for the faithful performance of his duties, in the sum of twenty thousand dollars.

Further powers  
and duties.

Compensation.

Bond.

SECT. 3. *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 lumber business, nor shall said Agent be concerned, directly or indirectly in any purchase of said public lands, or of lumber or grass growing or cut upon the public lands.

No person to be  
appointed Agent,  
who is concerned  
in lumber business;  
neither shall he  
purchase lands, &c.

SECT. 4. *Be it further enacted,* That there shall be reserved in every township suitable for settlement whether timber land or otherwise, one thousand acres of land to average in quality and

Lands to be reserved for public uses.

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.

Land Agent to execute deeds, &c.

SECT. 5. *Be it further enacted,* That the Land Agent be and he is hereby authorized to execute deeds in behalf of the State, conveying any lands which have been or may be granted by the Legislature, so soon as the grantees have complied with the conditions of their respective grants, and to collect all sums now due, or that may become due from any of the sources mentioned in this Act.

Sales of timber lands regulated;

SECT. 6. *Be it further enacted,* That the said Agent be, and he is hereby authorized to sell from year to year in the manner herein provided, any quantity of the public lands, not otherwise appropriated, which are considered valuable principally for timber thereon, not exceeding eight townships of six miles square, or what shall be equal to eight townships of six miles square in any one year. And said Agent shall advertise said townships or parts of townships, with the time and place of sale, in the State paper, and in some newspaper published in the County where the land to be sold is situated, (if any there be,) and in such other newspaper or newspapers, as in the opinion of said Agent the public good requires, sixty days at least before the time of sale; and the lowest price for which any parcel of said lands will be exposed for sale shall be set forth in said advertisements and shall also be made known at the time of sale, and a plan of said land exhibited to the purchasers. And in case said Agent shall be unable to sell at public auction the whole or any part of said townships of land so advertised, for the lowest price aforesaid or a greater sum, he is hereby authorized to sell the same at private sale on the best terms he can obtain, not however for a less sum than the lowest price aforesaid; *Provided,* The said Agent shall not

Proviso.

sell a larger quantity of timber land than one township of six miles square, nor a less quantity than would be contained in one mile square, to any individual or company during the same year. And the said Agent may cause the said townships and parts of townships advertised for sale as aforesaid to be divided into lots according to the foregoing provision, in such manner as, in his opinion, will be most advantageous to the State.

SECT. 7. *Be it further enacted,* That the said Agent, under the advice and direction of the Governor and Council, shall fix and determine upon the *minimum* price aforesaid. And in all cases, for the sale of timber lands, one fourth part of the purchase money shall be required to be paid at the time of sale, and the residue shall be secured by the notes of the purchaser with good sureties, payable in three equal annual instalments, with interest annually; and no timber shall be sold, except by sale of the land on which the same stands; and the State shall in all cases have a lien on all timber lands sold under the provisions of this Act for the amount of the purchase money due therefor, until the same with the interest thereon be fully paid.

Agent, under the advice and direction of the Governor and Council to fix the *minimum* price.

SECT. 8. *Be it further enacted,* That the Land Agent under the advice and direction of the Governor and Council, is hereby authorized and empowered to sell at public auction or private sale, any quantity of the public lands which come within the denomination of settling or waste land, whenever in their opinion the same can be done for a fair price, on a credit of not exceeding eight years, the interest to be paid annually, and one fourth of the principal in five years, one fourth in six years, one fourth in seven years, and the remaining fourth in eight years, payment to be secured by the personal security of the purchasers with good sureties, or a mortgage of the land purchased. And he is also authorized, under the advice and direction aforesaid, to cause any of

Sales of settling or waste lands regulated.

Surveys authorized.

said lands to be surveyed and divided into lots of not less than one hundred acres each for the purpose of sale and settlement.

Land Agent required to report a particular account of his doings &c. to the Governor and Council, &c.

SECT. 9. *Be it further enacted,* That the Land Agent, from and after the passing of this Act, shall be required to report a particular account of all his doings in his said office, and the names and doings of his agents and assistants, to the Governor and Council once in three months, and oftener, if by them required, and they are hereby authorized to audit, scrutinize and settle his accounts, at the close of each year, prior to the annual session of the Legislature, and at such other times as they may deem necessary. And the said Agent in his reports, shall particularly describe all the lands which he has caused to be surveyed, for sale and settlement, and shall exhibit plans thereof, together with the field notes and appraisal of the surveyor; and when any lands shall have been sold, he shall describe the same and report the sum received therefor, the names of the purchasers and their sureties, the names of trespassers, the amount of timber by them cut, and the place where cut, whether on timber or settling land, and the sum received per thousand feet, where he shall have settled with trespassers; and he shall further report the sum he receives from time to time, on the demands or securities now due, or which may hereafter become due the State; specifying the sums received for principal, and the sums received for interest, and the names of the persons from whom received, and all such other particulars as the Governor and Council may from time to time require.

When this Act shall be in force, Former Acts repealed.

SECT. 10. *Be it further enacted,* That this Act shall take effect from and after the third day of March next, and all Acts and parts of Acts providing for the sale and settlement of Public Lands, from and after that time are hereby repeal-

ed: *Provided*, That all contracts entered into Provide.  
under any of said Acts, prior to the expiration of  
said time, shall be valid.

[*Approved by the Governor, February 20, 1828.*]

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#### CHAPTER CCCXCIV.

AN additional ACT to exempt certain goods and chattels from attach-  
ment, execution and distress.

*BE it enacted by the Senate and House of Rep-  
resentatives, in Legislature assembled*, That all  
potatoes raised or purchased by any person for Potatoes exempt-  
ed.  
the consumption of himself and family, shall be  
exempt from attachment, execution and distress.

[*Approved by the Governor, February 20, 1828.*]

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#### CHAPTER CCCXCV.

AN additional ACT respecting Salaries of Judges and Registers of Probate.

SECT. 1. *Be it enacted by the Senate and House  
of Representatives, in Legislature assembled*, That  
the salary of the Judge of Probate for the county Salary of Judge  
in Washington in-  
creased.  
of Washington, shall be two hundred dollars, in  
lieu of the salary now established by law, com-  
mencing on the first day of January, one thousand  
eight hundred and twenty eight.

SECT. 2. *Be it further enacted*, That the salary  
of the Register of Probate for the county of \_\_\_\_\_ of Register  
in Cumberland in-  
creased.  
Cumberland, shall be eleven hundred dollars,  
instead of the salary now established by law,  
commencing on the first day of January, one thou-  
sand eight hundred and twenty eight.

[*Approved by the Governor, February 21, 1828.*]