

MAINE STATE LEGISLATURE

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RESOLVES

OF THE

ELEVENTH LEGISLATURE

OF THE

STATE OF MAINE,

PASSED BY THE SESSION

Which commenced on the fifth day of January, and ended on the second day of April, one thousand eight hundred and thirty-one.

—◆—
PUBLISHED AGREEABLY TO THE RESOLVE OF 28TH JUNE, 1830.
—◆—

Portland.

TODD AND HOLDEN.....PRINTERS TO THE STATE.

1831.

STATE OF MAINE.

House of Representatives, Feb'y 23, 1831.

The Committee on State Lands, to whom was referred so much of the Governor's Message, as related to that subject, and to whom also was referred the Land Agent's report, have attended to the same, and ask leave to REPORT :

It seems to be conceded, that our State lands have not been well managed. Without examining the details, the conclusion is drawn from results. If a new system is based simply upon the results, without a careful examination of the system and the causes which produced the results, the new one will, very likely, share the fate of the one it was intended to remedy ; and will not be likely to answer public expectation.

One of the first effects produced under the systems we have had of managing our public lands, was confusion, and consequently waste and loss. This may be charged either upon the systems themselves, or may be owing to the manner of administering them. Another effect has been, the reduction of the value of the lands, and consequently, many purchasers have been driven from the market. This, however, may have arisen from throwing more land into the market, than was sufficient to supply the demand, or there may have been a combination of other causes in the production of the result. The sale of large tracts, has had very little effect towards increasing the settlement of the county, or in changing it from a wilderness to a state of production. There is a defect somewhere which requires a remedy.

Perhaps we cannot do better than to resort to history and experience, and, from those sources learn wisdom. Without examining minutely all the systems, it may be necessary to notice only a few of the most prominent ones, since the first settlement of our country. It was the practice and policy of the British government to grant large tracts of territory, to encourage speculation and adventure, and to forestall the French, who were at the same time pushing their settlements in this part of North America. Beside such inducements, the creation and perpetuation of large estates in families were in accordance with the genius and principles of a monarchical government, and tended to perpetuate its power. Much mischief arose from the great extent and indefiniteness of the grants ; the government was perplexed with the various petitions and complaints of the patentees, and this State has felt, and still continues to feel the evils, which have thus been entailed upon it.

The grants to the Plymouth Company, and to Brigadier General Waldo, are some among the many, which the people

of this State have abundant cause to deplore. They had not the least effect in encouraging the settlement of the country; on the contrary they retarded it, and, from a combination of causes, tended to demoralize the community. The limits of the grants were indefinite, and when the people who had settled upon them, had paid the persons who called in the names of the proprietors once, and in some instances twice, when they were again called upon to pay for the same land very naturally claimed some rights for themselves. Such was the state of feeling, which had arisen, and such was the desire of the owners of land to extend their claims as far as possible, that the government found it necessary, by legislative enactments, to restrain the rapacity of the landlord, and to secure to the tenant the fruits of his hard earnings. The law which was passed, was just and equitable in its provisions, securing to the landlord all the soil was worth, and to the tenant, the value of his improvements. But notwithstanding the just and equitable principles of the law, its effects were demoralizing, as every one must have observed, who has witnessed the administration of it in our Courts of Judicature. The just rights of the people had so long been in jeopardy, that their prejudices were generally if not universally excited against every one, who appeared in the character or name of a landed proprietor. They did not visit the wrongs, which they had sustained, upon the real author, the granting power; but upon such as claimed under those grants. The people considered the landholders as the sole authors of the mischief, and considered their property a fair object of possession, which, they thought themselves justified in acquiring by any means; hence individuals otherwise respectable, have not hesitated to state under the sanction of an oath, opinions, which they would not have dared to avow by their own firesides, lest the correctness of their judgment should be questioned.

The granting power was transferred from the Council of Plymouth to the Province of Massachusetts Bay. The change did not destroy the evil, for large tracts were still granted. A few years before the revolution, in order to encourage the settlement of the country, certain conditions were annexed, such as building meeting houses, and putting on the tract, a certain number of families. The new conditions, which promised much in theory, were futile in practice. The government did not for noncompliance with its requirements, seize the grantees—speculation was encouraged, the lands were suffered to lie, in expectation that they would increase in value, and the settlement of the country was not advanced. Actuated by convenience or necessity, settlers established themselves along the sea board, and on some of our rivers,

induced by the hope of reaping advantages from the fisheries, and the timber and game of the forests. They considered the soil only as an abiding place, inasmuch as they placed no reliance on its annual productions for subsistence. Thus induced to establish themselves at different places, some became attached to their places of abode, and others became too poor to move, and in most instances the children were left to occupy the places of their ancestors.

Though settlements were commenced within the limits of this State, under the charter of Gorges, early after the first settlement in New England, and great inducements held out to settlers, still the progress of settlement was slow. Even at the period of the revolution there were scarcely any settlements except on the sea coast, and few towns had acquired any considerable importance. In 1790, when the first census of the United States was taken, but a small portion of the territory was settled or even explored, except by hunters, and the centre of population was within the limits of the County of York.

When Massachusetts was relieved from the troubles of the revolution, she early turned her attention to the sale and settlement of her wild lands. She was oppressed with debt and wished to place them in a condition to raise a revenue, either from sale or settlement. But she was held in bondage, by the old habits which had been formed under the grants of the Council of Plymouth, her own grants; and under Indian grants, which she had recognized. There were, however, no grants North of the grants to the Plymouth Company, and the ten proprietors; and none, which had been perfected East of the Penobscot River. Here, in this immense territory containing nearly two thirds of the whole State, was a field where she might have applied a system, which would have produced incalculable benefits, to herself and to the people. But influenced as she was by her necessities and her habits, she was very naturally led to adopt magnificent plans on paper, but such as were wholly inefficient in causing the settlement of the country. Her plans, however plausible they might appear, were premature—they neither changed public opinion or induced the people to settle and cultivate the country.

A few schemes of the government will be noticed. One was to dispose of the land by lottery. A magnificent scheme was adopted of selling and settling one or two millions of acres on the East side of the Penobscot River, in lots of various sizes, from one hundred and sixty to twenty thousand acres. The whole section was divided on paper into Townships, and the Townships into lots, and every ticket was to

draw a prize of not less than one hundred and sixty acres. The tickets were five dollars each. It was supposed, the inducements held out to the public by the scheme would cause not only a sale of all the land thus alluringly offered to the people, but in its consequences the settlement of that section of territory. Such were not however the consequences. Few of the tickets were sold, and where they were, and land was drawn, settlement was not a consequence that followed. The holders of prize tickets were content to let them lie, and they did lie, until within a few years, when the natural progress of settlement was such, as to bring them to the notice of speculators, who have purchased them at moderate prices. Thus, there was nearly a total failure in all the effects which were intended.

The scheme of selling by lottery having failed, another succeeding, of selling in large tracts, with the condition of performing certain acts on the land, such as building meeting houses, and putting on a certain number of settlers, or in lieu thereof to pay a certain sum of money a head for each settler not put on the Townships within a certain period. This was similar to the system which had been adopted by the colonial government. The State was in debt and the spirit of speculation in lands had arisen to a great height, and with a double view of replenishing the Treasury and settling the country, large tracts, and it may be said nearly the whole territory not before granted, was thrown into the market. Two very large tracts were granted, the residue of the lottery lands, and a large tract on the Kennebec. Another large tract was contracted to be sold extending to the Canada line, and containing three millions of acres, the chief part of which was within the territory now unjustly claimed by the British. If this sale had been perfected, some benefit might have resulted from it; it might have prevented the fictitious claim of the British, which has cost the governments vast sums of money, and which has, in some measure interrupted the advantages which our State would otherwise enjoy. In relation to tracts actually granted, what have been the advantages? The State had the benefit of the purchase money, which she much needed; but the lands were not and could not be settled, farther than natural causes produced it; and there was no instance of the enforcement of the conditions of the sales according to their tenor. Whatever the consequences were to the proprietors, and however much they may have paid to individuals for contracting with the government and assuming the performance of the conditions of the grants, in relation to settling duties, the State has continued to prolong the time, leaving the performance of the conditions to the effect of natural causes, or the natural progress of settlement.

There were many other grants of large tracts to others, and to literary institutions, with similar conditions annexed. All the lands granted to literary institutions were liberated from taxation. Some sections of the State have felt severely the operation of this system. Settlements have been prevented, and public improvements retarded. In some places the tracts thus granted, have been public nuisances, inasmuch as they have prevented highways from being established and wrought and have prevented the onward course of population into the forests. Though these remarks are generally true, there is an exception in the grant to the New Salem Academy; but even here, the beneficial consequences are attributable to the exertions of an individual, who, prompted by the desire of settling his family about him, which he could not do where he resided, penetrated the forest to the frontier of the State, where he found land which answered his purpose. To this individual the State is indebted, for without his exertions the frontier to this day, might have been a wilderness, and the British might have endeavored to have established the North West angle of Nova Scotia near the Monument, instead of Mars Hill. But an instance or two of beneficial consequences cannot be a full justification of a system, which has been in its general operation unequal and unjust.

Sundry grants were made to such as begged them, founding their claims upon the public interest. Such was the policy of the government and such their views in relation to the public lands, that the people on the most natural principles, were induced to become beggars and the government their dupes. There are few if any instances where grants were made on such inducements, where the anticipations of either party were realized.

Among the last systems that Massachusetts adopted, was that of giving away her lands to actual settlers. Townships were surveyed into lots and were to be conveyed to settlers on the condition of their clearing a specified quantity, erecting certain buildings, settling thereon and paying five dollars, which was considered to be sufficient to defray the expenses of the State. The scheme, plausible enough in appearance, induced but few to settle, and most of them were of such a character as to prevent more reflecting and substantial men, from settling in the same townships. Experience has shown that lands, in townships partially settled in that mode, have been diminished in value, and do not sell so well and at so high a price as lands in more remote situations.

Such are the brief outlines of the sale and management of the public lands before Maine became a separate and independent State. In looking back it is natural to suppose that

Maine with so much experience of the evils of former systems, would have devised a system of her own, which would have combined the true interest of the State and the people. What have been her systems? It may be answered that she can scarcely be said to have had any, and none which she has pursued for more than a year or two at a time. Such have been the irregularities and confusion, that it is very difficult, and in some instances impossible to trace any thing with certainty in the Land Office. It may in truth be said, there was not any thing which could be called a system before the year 1824.

It may not be unprofitable to take a brief notice of the several laws and resolves, which have had relation to the management of the public land in this State. The Resolve of June 26, 1820, provided for the appointment of a Surveyor and Land Agent. The duties of the Agent were limited to the performance of such acts and duties, relating to the public roads, and the care and preservation of timber on the public lands, as should be prescribed by the Governor.

The Resolve of February 5th, 1822, provided for the appointment of one or more agents for the preservation of timber on the public lands and for other purposes, whose duties were limited to the performance of such acts relating to the preservation of timber and grass on the public lands, or the sale of any part thereof, as the Governor from time to time, should prescribe.

The Resolve of February 5th, 1823, related to the contracts of sale, made by the Commissioners of Massachusetts, and to the extension of time for the performance of settling duties on such tracts thereof, as had been assigned to Maine in the division of the public lands.

The Resolve of February 8, 1823, authorizing the sale of State lands, and for other purposes, authorized the appointment of an Agent or Agents, for the preservation, and to prevent the destruction of timber and grass standing and growing on the public lands. The Resolve authorized the sale of such lands as had been divided and were held in severalty by this State, in lots not exceeding five hundred acres each to actual settlers. The Governor was authorized to prescribe the manner and restrictions of the sale and also to make and execute the deeds. This Resolve repealed the Resolve of the 6th of February, 1822, as that did the Resolve of the 26th of June, 1820.

These Resolves cannot be said to have prescribed a system, and certainly no system which could be examined and understood, as they did not define the powers which were to be exercised under them, but vested a discretionary power in the

Governor, which was probably limited in its exercise by the varying circumstances of cases. No department was provided and organized, and it is now very difficult to trace the acts which were done under the Resolves. Some may be, but others cannot be traced. The last was the only Resolve which authorized the sale of land in tracts of not more than five hundred acres. The State thus far seems to have endeavored to avoid the errors of former systems without adopting any permanent one, of her own. Here perhaps may be the germ out of which the subsequent systems have grown. The inducing principle of this Resolve probably was the belief, that such tracts would entice purchasers and effect settlements, and that if tracts were sold promiscuously, the forests would be broken in upon, and the sale and settlement of all the lands would be the consequence. Massachusetts was pursuing a different system, and Maine distrusting the wisdom of her own course, and supposing a more perfect system might be contrived, by a Resolve of February 11th, 1823, directed the Commissioners under the Act of Separation, to consider and report to the next Legislature, what, in their opinion might be the best mode of managing the public lands. They did consider the subject and made a report. A small part of the report was incorporated into a system, but the most important suggestions it contained, were entirely overlooked, that is the part which relates to sales to actual settlers and fixing the price of land. It will not be necessary to enter into a discussion of the principles of the report, as the Legislature to which it was made, by an Act passed February 25th, 1824, created a new system, the principles of which, may be worthy of some examination. It made an important and proper innovation by its provisions for the appointment of a Land Agent, and in defining his powers and duties. This gave to the system a head restrained by certain rules, and not subservient to the discretion of any one. The three first sections appear to be founded upon the ideas contained in the last system of Massachusetts before the Separation, that is, on the principle of giving the lands away, with some modifications. The price in money was increased a little, and a new condition was added, requiring the performance of certain labour on roads. It seemed to promise, not only a sale of the lands, but lines of communication through the forests as fast as the lands should be sold, and, in its consequences, an increased value to the unsold lands. What has been the result of this system? Some lands were sold under it, and the part of the contract to be performed in labor on the roads has not been of the least value to the State. No system of regular appropriation of the labor was prescribed by the law or the Land

Agent ; it has been performed in almost every instance where fancy or interest dictated ; no roads have been opened by it, which have been of any value to the public.

The fourth section provided for the sale of timber lands in tracts not exceeding five hundred acres each. This section seems to have been founded upon a want of information concerning the dispositions of lumber men. Some tracts were sold, but if none had been, it would have been more for the interest of the State. The mode of laying out those lots interfered with other surveys, and the purchasers were let in to plunder the adjacent lands. If this branch of the system had been pursued to this time, the sales of a lot or two in a township would have destroyed all the timber in the forest, unless the State had expended as much for its preservation as it was worth.

The fifth, sixth, seventh, eighth and ninth sections relate to mill sites, the sale of reserved lots and of islands, the reservation of one thousand acres in each township, and the right of preemption to actual settlers. These sections require no further notice.

An additional Act was passed the 8th of March, 1826. This introduced an important feature into the system. It provided that land chiefly valuable for timber should be explored, examined and sold by the Land Agent with the advice and consent of the Land Commissioners of this State. The size of the tracts and the whole quantity to be sold, and the minimum price was left to the Commissioners and Land Agent. This Act repealed the fourth section of a former act, which authorized the sale of lands in tracts of five hundred acres each. This system continued in force nearly two years. The system thus far, varied from year to year. Now large tracts of land were thrown into the market. The government had no doubt intended originally, to have avoided making large grants, but here it adopted the principle. During the continuance of this system, sundry large tracts were granted to literary institutions.

The effects produced by the system had been such, combined with the subsequent Acts of the Legislature in granting large tracts and giving the Land Agent authority to sell burnt and decaying timber, which was operating as a license to cut all timber in the forests, that the people became entirely dissatisfied with the whole, and the Legislature enacted another law for the sale and settlement of the public lands. The Legislature of the same year granted or authorized the sale or disposition of fifteen townships and a half for the erection of public buildings, construction of roads and other purposes. This alone, was sufficient to have checked, if not to prevent

the operation of a new system, however wise it might have been in its provisions.

An Act was passed the 20th of Feb. 1828, providing for the appointment of the Land Agent, and extending and defining his powers. It provided for the sale of eight timber townships annually, limiting the sale of one township to an individual or company. This was in addition to all the other townships, which were thrown into the market. It also authorized the sale of settling and waste lands, in any quantities, on eight years credit, the payment to be secured by securities or mortgage.

The division of the lands into timber, settling and waste is perhaps peculiar to our system. It was probably caused by the influence of those, who had an interest in throwing large tracts into the market; but it has been a very unfortunate and profitless division, because connected with the sales, it has forcibly impressed the idea upon the public mind, that much the largest portion of all our wild lands are unfit for settlement and cultivation. It has also kept down or reduced the price of our lands in the market, and has brought us back to the ancient system, of creating numerous and large proprietary interests, with some slight modifications. By it the original intention of the government has been defeated. If we add the large tracts sold by Maine to those sold by Massachusetts, it may not be too much to say, that the number of large grants made within eight or nine years, exceeds those of all former years.

Observation furnishes one commentary, and the reports of Land Agents, another. The sale of numerous and large tracts produced a spirit of speculation, and the lands were purchased chiefly with a view of selling at an advance, and not for opening and settling the country. The State has derived little benefit from the sales except from the consideration received in money. The reports shew the trifling consideration per acre, the State has received for large tracts, and the fairer consideration for smaller ones, particularly the tracts sold to actual settlers. The first class of sales, has not extended and increased the settlement of the country near so much as the second.

The whole quantity granted, sold and conveyed is 701,437 acres, to which amount ought to be added 60 or 70,000 acres more, conditionally appropriated or granted, making a total of about 770,000 acres, for which the State has received in cash and sureties, \$182,648, from which sum are to be deducted the bad debts, expenses of surveys, pay of agents and other expenses connected with the Land Office. A more minute reference to the report may not be unprofitable. The

first year's sales averaged 94 1-2 cents, the second 33 cents, the third 26 cents, the fourth 14 cents, the fifth 31 cents, the sixth 17 cents, the first of the seventh 16 1-2 cents, and the remainder of the seventh 38 1-2 cents per acre. The average of the sales, that is 660,402 acres, is 27 1-2 cents per acre. If all the grants and contracts made by the State, during this period were added, the average would be reduced. The report of the late Land Agent shows that the sales to actual settlers have been fair, and that the average has been about 70 cents per acre, particularly the last year, and were it not for these sales, the average of the whole would be still further reduced. The comparison of the report with the face of the country shows another fact. The lands have sold well to actual settlers so far as the forests have been penetrated with roads, and they have been rendered approachable, without compelling the settler to expend all his substance, and exhaust all his energies in the approach to his abiding place. It is almost too obvious to remark that the class of our citizens, who would actually settle our country and extend a hardy and valuable population through our immense forests, cannot do it, while the lands are locked up. Their want of means, and the hardships and privations they must endure, repress their energies, and they and their sons remain on the spot which gave them birth. Another fact is also shown by the report connected with the conduct of purchasers. The hopes and expectations of the State have not been realized in the sales of large tracts of timber lands, and the beneficial effects of the present system both as they relate to the settlement of the country, and the price of land, are derived chiefly from that part of it, which relates to settling lands. A single provision in a system if wise or productive of good, under a wise administration of it, if the residue be bad, is no justification for a continuance of the whole of it.

From the reports of the Land Agents we have seen thus far, that 701,437 acres have been absolutely conveyed, and that 60 or 70,000 acres more are already appropriated for other purposes, since February, 1824. The last report of the Land Agent shows, the total amount of divided lands remaining unsold, is 1,615,787 acres, more than the half of which, and very little exceeding the quantity conveyed by the State since the passage of the first general Land Law in 1824, lies North of the Monument line, and is now and has been, since May, 1818, contrary to title and right unjustly and fraudulently claimed by the British. This may have had some effect in retarding the settlement of the country, but it will not hereafter in any considerable degree, if the State pursues a system, which her rights, her policy, and her interest equally dictate.

The report farther shows that the quantity of land already surveyed, dispersed as it is through various townships, is only 200,483 acres, the balance of the residue is now out of the market, unless it should be sold to speculators, because it is beyond the natural or artificial highways of the country, and where no man, of small means, who would wish to become an inhabitant and an industrious cultivator of the soil, can approach. To illustrate the position, we will suppose a man sincerely disposed to provide for himself and family, possessing \$1000, and could have 500 acres of the finest bottom lands on the Aroostook River, given him on the condition of actual settlement, he would not do so well to take it on such condition in the present state of the country, as he would to purchase and pay his all for it, if there was a highway near or to it. A fault and a very material one in the system has been, in the profusion with which the land has been thrown into the market, when it could not be even approached and examined without great labour and fatigue, which has to a great degree discouraged competition in the market. It has in fact been sold as the merchant sells his property, when his principal object is to sustain from day to day his doubtful credit. It has not been managed as a man of ordinary capacity manages his own affairs.

There has been another fruitful source of mischief, which has arisen from adopting opinions without a full and careful examination. At the commencement there might not have been sufficient facts and knowledge, to enable us to form correct conclusions. It has been a very prevalent opinion, that it was of great importance to the State, for her to get rid of the fee of the land, and thereby give to individuals a direct interest to increase and extend the settlements of the country. The idea is plausible in theory, but does not all the experience derived from former and present systems show its fallacy? The population if increased at all under such an influence, has been in an unequal proportion to the evils and sacrifices it has brought in its train.

If we look backward to the first settlement of the country and observe the progress that settlements and agricultural improvements have hitherto made, we may conclude that, at least a century will elapse, before our whole territory will be sold and inhabited. Here is a fallacy produced by a false application of the facts, or by false deductions. The only way to arrive at correct conclusions, is, to examine and ascertain the increase of population, by the data which the respective census afford, and apply the ratio of increase prospectively. If this course be adopted it may be seen, that it may not require a century to populate the whole State, it

may even be discovered that one fourth of a century will give an increase of population sufficient for settling the whole wilderness now the property of both States. If we consider the land already sold, compared with the residue, and compared also with the increase of population, we are irresistably led to conclude that the interest of our State will not be promoted by a continuance of the present system. It is true, shrewd speculators may not wish a change, because it will deprive them of making the same profits out of the State, which they have been accustomed to make. It is expected therefore that they will be opposed to any change which tends to diminish the prospects of gain. It is not the interest of the few, or of any particular class, which ought to be our guide, but the greater and permanent interest of the whole people. None of the systems hitherto adopted, have been so salutary in their effects, as to afford a sufficient justification for their continuance unless it be the wish and determination of the Legislature, rather to foster speculation, than encourage the settlement of the country on the most profitable and substantial basis.

It must be obvious to every one, that the ownership of a moiety of the wild lands by the Commonwealth of Massachusetts, is a prospective evil to any system which we may adopt for the management of our own. If she does not adopt the same, hers may have an influence on ours, and may materially affect or counteract it. She will no doubt adopt any system, if she be convinced that it will give her a fair and just compensation for her lands. To avoid any evil however, on this head, it is obvious that the interest of this State is, to purchase the whole title of Massachusetts in the lands, lying within the limits of Maine, if it can be done at a fair price. It would also relieve this State from many evils which now exist, and are inseparably connected with her ownership. If Massachusetts will not sell at such a price as Maine will give, the only remaining course to be adopted for the mutual interests of both States is, to unite in the same system, to which it cannot be supposed that Massachusetts will object. The inconveniences and loss which the operation of two systems, in the same territory, would occasion, would be avoided; the expenses of managing diminished, and the costs arising from future divisions would be saved,

We would recommend the following as the basis of a system.

- 1st. Sales to be made to such as will settle on the lands.
- 2d. The minimum value of the land to be fixed.
- 3d. The land to be surveyed into such lots as will best promote the interests of the States.

4th. Timber to be sold separate from the land.

5th. One or two great roads to be constructed, progressively and by contracts, under the direction of the land department, from the south line of the State's land to the River St. John, the expense to be reimbursed by a small per centage on the amount of sales.

On the subject of a great road through the wilderness from the waters of the Penobscot to the river St. John, it may be proper to remark, that the settlements in this State have been conducted from the sea-coast towards the interior by means of natural highways. The banks of the Kennebec were first settled, and then the settlements extended from the river. So it has been with the Penobscot. The rivers in the State have uniformly furnished the first pathway for penetrating the forests. Where there are not natural highways, it is obvious that an artificial one would furnish equal, if not better facilities for spreading a population through the wilderness, and that it would make land valuable, which in its present situation is without any considerable or certain value. The system recommended is an innovation upon all former systems, but the history of the settlement of our country, and the great effects which have been produced on a smaller scale, wherein some of the principles of it have been tested, give us great confidence in its successful results.

The committee would have embodied the principles proposed as the basis, into a system, and would have presented them to the Legislature in the form of a bill, but not knowing whether the principles would be sanctioned, they have not deemed it advisable to perform the labor unless further directed. Another reason has operated, if the principle of forming a system in conjunction with Massachusetts, is adopted, there may be no necessity for it, until the result is known.— We have therefore prepared three resolutions, which are herewith submitted.

JOHN G. DEANE, Per order.

Chapter 59.

Resolve making provision for settling the wild lands in this State.

Approved March 28, 1831.

Resolved, That the Governor, with advice of Council, be and hereby is authorized to appoint a person or persons to negotiate with the Government of the Commonwealth of Massachusetts, or such person or persons as they may appoint, for the purchase of all the lands of said Commonwealth within the limits of this State, so far as to ascertain the terms and conditions on which they can be purchased.

Resolved, That in case the Commonwealth of Massachusetts shall refuse to negotiate for the sale of said lands, on terms and conditions which shall be approved by the Governor and Council, then it shall be the duty of the person or persons appointed as aforesaid, to agree with the Commonwealth of Massachusetts, or the person or persons by them appointed, upon a system for the sale, disposition and management of the public lands of said Commonwealth and this State; and report the system agreed upon by them, to the next Legislature; and no agreement or contract, as aforesaid, shall have any force or effect, until the same has been approved by the Legislature of this State.

Resolved, That the Governor be requested to transmit a copy of this Resolve to the Governor of the Commonwealth of Massachusetts, and request him to communicate the same to the Legislature of said Commonwealth for their concurrence.

Chapter 60.

Resolve appointing a Committee to establish the dividing line between Hollis and Lyman.

Approved March 29, 1831.

Resolved, That John Fairfield, Benjamin Pike and Jonathan King all of Saco, in the County of York, be, a Committee to ascertain and establish the dividing line between the towns of Hollis and Lyman, in said County, agreeably to the acts of incorporation, location and boundaries of said towns; and said Committee shall be duly sworn to the faithful discharge of their trust, and shall give reasonable notice to all parties interested of the time and place of their meeting; and it shall be the duty of said Committee, *or a major part of them*, to describe said boundary line by course and distance; to set up and make suitable marks and monuments, and notice the same in their return, with a view to the permanent establishment of said line; and also make out triplicate returns of their doings; one of which shall be lodged with the Clerk of the town of Hollis, and one with the Clerk of the town of Lyman; and these returns shall forthwith be recorded by the Clerks of those towns respectively; and the other copy shall be returned to the office of the Secretary of State; and the line, so marked, returned and described shall be the dividing line between said towns; and all the expenses of settling this line, shall be equally borne by the towns of Hollis and Lyman.