

MAINE STATE LEGISLATURE

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PUBLIC ACTS

OF THE

STATE OF MAINE,

PASSED BY THE

FIFTEENTH LEGISLATURE,

AT ITS SESSION, HELD IN JANUARY, 1835.

Published agreeably to the Resolve of June 28, 1820.

AUGUSTA:

WILLIAM J. CONDON.....PRINTER TO THE STATE.

1835.

same extent, and their bond shall be so varied as to cover any liability which may accrue in such manner and the monies which may arise in either of the ways aforesaid, shall be accounted for by the executor or executors, administrator or administrators in their account of administration.

SECT. 5. *Be it further enacted,* That any person who shall be liable as surety for any deceased persons, whose estate has been represented insolvent, or shall have any other contingent claim against such estate, may exhibit the same to the commissioners, who may upon proof thereof, include the amount by them allowed in their return; but they shall in such return distinguish such claims from the other claims, and briefly state the nature of the same.

Persons liable as sureties may exhibit their claims to commissioners.

[Approved by the Governor, March 24, 1835.]

Chapter 192.

AN ACT additional, to promote the sale and settlement of the Public Land.

SECT. 1. *Be it enacted by the Senate and House of Representatives, in Legislature assembled,* That there shall be appointed and commissioned in manner prescribed by the Constitution, a Surveyor General, whose duty it shall be to survey and superintend, and direct in the surveying the public land, and perform the other duties herein provided, or which may be prescribed by law, and whose salary shall be One Thousand Dollars in lieu of all other compensation, and who shall hold his office for the term of four years, unless sooner removed by the Governor and Council.

Surveyor General of public lands to be appointed.

His salary and term of office.

SECT. 2. *Be it further enacted,* That the Surveyor General shall have power to employ such assistants and other persons as he may deem necessary, to carry into effect the provisions of this Act, for whose conduct he shall be responsible, and

Empowered to appoint assistants.

whose services shall be certified by him, and their accounts audited, and compensation fixed by the Governor and Council.

Surveyor and assistants to be under oath and not concerned in the purchase of State lands.

SECT. 3. *Be it further enacted,* That said Surveyor and his assistants shall be under oath for the faithful discharge of their duties, and that during the term of their employment, they will not be directly or indirectly concerned in the purchase of any land or timber belonging to the State. And if said Surveyor or any assistant shall be so concerned in any such purchase, he shall forfeit and pay a sum not exceeding Twenty Thousand Dollars to be recovered by indictment in the Supreme Judicial Court, or Court of Common Pleas, and moreover shall be removed from his office or employment.

Penalty for so doing.

Governor and Council to constitute a board for directing surveys.

SECT. 4. *Be it further enacted,* That the Governor and Council and Land Agent for the time being shall constitute a Board under whose direction all surveys shall be made and the Governor and Council be and they are hereby vested with full authority to settle and determine all disputes which may arise between the Land Agent and Surveyor General in the discharge of their official duties.

No township to be sold until surveyed and lotted.

SECT. 5. *Be it further enacted,* That no township or tract of land belonging to this State not already surveyed for settling, shall be sold by the Land Agent until all the land in such township or tract shall be surveyed and lotted, the land suitable for farming into lots not exceeding one hundred and seventy acres each and the remaining land in such township or tract into lots not exceeding seven hundred acres each; and in each case, the Surveyor shall make an accurate map or plan of the lands as surveyed, on which he shall describe and define, as near as may be, the growth, quality of the soil, lakes, ponds, rivers, streams, falls or mill sites, and the road or roads, which may in his opinion be necessary, and

Surveyor to make maps of land and describe the same.

make return thereof together with the field notes, to the Land Agent, in three months after he shall have performed the same. And an estimate of the distance of each lot of timber land from any stream, in which the timber can be floated to market; and the plan and field notes, or a copy thereof, shall be kept in the Land office, at Augusta and Bangor, and be open for inspection and copying at all times, when the Land Agent or his assistant shall be in either of said offices; and they shall be exhibited at the places where, and during the time when, any of said land is offered at auction; and it shall be the duty of the Land Agent, and all persons by him employed in the business relating to his office, to give every facility for said examination and copying, and to communicate all the information he or they may possess of any tract, concerning which enquiry may be made of him or them, by any one.

Plan and field notes to be kept in Land Office, and open to inspection.

Duties of Land Agent.

SECT. 6. *Be it further enacted,* That the land so lotted for settling shall be sold to those only, who will perform settling duties on each lot; the price to be fixed by the Land Agent, having reference to the field notes, not however at a less price, than fifty cents per acre; and such price shall be fixed upon each lot, sixty days before the same shall be offered for sale.

Settling land to be sold only to those who perform settling duties, and at a minimum price.

SECT. 7. *Be it further enacted,* That the settling duties required by this Act, shall be, of the purchaser of one lot, to clear in a proper manner, fifteen acres thereof, ten or more of which shall be well laid down to grass; and to build a house thereon, within four years from the purchase thereof; and any purchaser who shall purchase more than one lot, shall be required to clear ten acres, and lay down to grass the same proportion on each lot, and to build a house on one of said lots, within the term aforesaid; but there shall not be sold to any one person, more than four of said lots, in any one township or tract.

What shall constitute settling duties.

Surveyor General may lay out roads when for the interest of the State.

SECT. 8. *Be it further enacted,* That in any township or tract of land, where in the opinion of the Surveyor General, there is a sufficient quantity of settling land to make it for the interest of the State to have a road laid out thereon, he may cause said road to be laid out through the whole, or a part thereof, in such manner as will best promote the settlement of said township or tract; and the Land Agent may expend in opening and making said road, whatever the lots on said road may sell for, over and above the price which may be set upon lots not on said road of the same quality; and said road shall be so located before any of the land in said township shall be offered for sale.

Mode of selling public land at auction, notice of sale, minimum price, &c.

SECT. 9. *Be it further enacted,* That all land, except settling land, shall be first offered at auction, at the price set upon it by the Land Agent; and sixty days before any of said land is offered for sale, he shall give notice of the time, place, price and terms of sale; and a description of the land, by advertising in the State paper, in one paper in the city of Boston, and in one paper in each county in the State; and the price fixed upon said land, shall be the price he would sell for, provided he were authorized to sell at private sale; and at the time and place of sale, he shall have posted up in some conspicuous place, the conditions of such sale, one of which shall be, that immediately after a lot of land is struck off to any bidder, he shall give said Agent satisfactory evidence that he will comply with his bid, and if any bidder shall neglect to give such satisfactory evidence, the land shall be immediately offered again at auction as before. But if the price fixed upon by the Land Agent should not be offered by any one, he may at any time afterwards sell the same at private sale, but not at a less price than that at which it was offered at auction; and if any of said land should remain unsold twelve months from the date of said advertisement, he may fix a different price upon the

Land Agent in certain cases may sell at private sale.

same, and proceed to advertise and sell as in the first instance.

SECT. 10. *Be it further enacted,* That in the sale of all lands belonging to the State, the Land Agent shall require of the purchaser, one fourth part in cash, and the remainder in cash, or in three equal annual payments, with interest annually, at the option of the purchaser. And if the land sold be settling land, the annual payments shall be secured by good and sufficient surety or sureties, or by retaining a lien thereon by the terms of the Land Agent's deed; and if any other description of said land, then the annual payments aforesaid, shall be secured by notes, with two or more sureties, to the satisfaction of the Land Agent.

Terms of sale and security to be given by purchaser.

SECT. 11. *Be it further enacted,* That there shall not be sold in any one year, a greater quantity of the land aforesaid than five townships except the settling land.

No more than 5 townships to be sold annually.

SECT. 12. *Be it further enacted,* That the Land Agent shall advertise the settling land in market once a year, for two months, in one paper in the city of Boston, one in Concord, N. H. and in one paper in each county in this State, describing the quality and situation of said land, and the terms of sale.

Land Agent to advertise land for sale.

SECT. 13. *Be it further enacted,* That in any town now incorporated, or which may be hereafter incorporated, in which there may be land belonging to the State, the Land Agent may sell the same in manner provided by the sixth section of this Act.

Land Agent may sell State land in incorporated towns.

SECT. 14. *Be it further enacted,* That the money authorized by this Act shall be paid out of any money in the Treasury not otherwise appropriated by warrant from the Governor as in other cases, and all notes which may be taken by the Land Agent, on account of the State, shall be kept by him in a secure place; and he shall make out a schedule of said notes annually, and also quarterly trial bal-

Land Agent to keep and collect notes taken by him and return schedule of the same to State Treasurer.

ances, and balance sheets of the land office leger, and shall return the same to the office of the State Treasurer. And it shall be the duty of the State Treasurer to enter the same in a book kept for that purpose; and it shall be the duty of the Land Agent, to collect all notes taken other than for settling land, as soon as may be after they shall become due, and to collect the interest at least, annually, of all notes taken for settling lands, and pay all money received into the State Treasury.

Land Agent to make return of land sold, sums received, &c.

SECT. 15. *Be it further enacted*, That the Land Agent shall, in his annual report to the Governor and Council, communicate the state and condition of the public land, the quantity of land sold, the sums received, when and of whom received, and what may be due; and an abstract of all notes, bonds, obligations and other sureties, with the names of the debtors and their sureties, together with such collateral security as may have been taken to insure payment.

Land Agent to give bond.

SECT. 16. *Be it further enacted*, That the Land Agent shall hereafter be required to give bond, conditioned for the faithful discharge of the duties of his office in the sum of fifty thousand dollars.

Former Acts repealed.

SECT. 17. *Be it further enacted*, That from and after the passage of this Act, all Acts and parts of Acts, inconsistent with the provisions of this Act, and so much of the Resolve, approved March eleventh, in the year of our Lord one thousand eight hundred and thirty four, as relates to the manner of sale of the lands therein named, be and the same are hereby repealed.

[Approved by the Governor, March 24, 1835.]