

# MAINE STATE LEGISLATURE

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ACTS AND RESOLVES

PASSED BY THE

TWENTY-THIRD LEGISLATURE

OF THE

S T A T E O F M A I N E ,

A. D. 1843.

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Published by the Secretary of State, agreeably to Resolves of June 28, 1820, February 26, 1840, and March 16, 1842.  
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AUGUSTA:

WM. R. SMITH & Co., PRINTERS TO THE STATE.

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1843.

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PUBLIC LAWS

OF THE

STATE OF MAINE,

1843.

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**ERRATA:**

**The following leaf is  
inserted because one or more pages  
in this chapter have errors  
noticed and corrected here.**

# STATE OF MAINE.

SECRETARY'S OFFICE,  
Augusta, June 10, 1843. }

I HEREBY CERTIFY, That the acts and resolves contained in this pamphlet, have been compared with the originals deposited in this office, and that they appear to be correctly printed, with the exceptions mentioned in the *errata* hereunto annexed.

PHILIP C. JOHNSON, *Secretary of State.*

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## ERRATA.

### PUBLIC LAWS.

- Page 45, chap. 6, first line, for "hereafter," read "hereinafter"  
47, " 9, second line of sect. 3, for "rail" read "rail road"  
59, " 21, ninth line from top, after "shall" insert "also"  
70, " 31, third line from bottom of sect. 3, after "shall" insert "not"  
73, " 33, fourth line from bottom of sect. 3, before "companies" insert "the"  
74, " 33, sect. 4, sixteenth line, for "military duty" read "duty"

### PRIVATE AND SPECIAL LAWS.

- Page 87, chap. 81, third line of sect. 4, for "low" read "log"  
93, " 83, third line, for "Dolbier" read "Dolliver"  
96, " 88, second line from the top, after "as" insert "the"  
96, " 89, first line, for "James" read "Thomas"  
125, " 113, third line from the bottom of sect. 2, for "advise" read "advice"

### RESOLVES.

- Page 169, chap. 146, sixth line of preamble, for "said" read "such"

**Chapter 29.**

AN ACT concerning the duties of clerks of the judicial courts of this state.

*Be it enacted by the Senate and House of Representatives in Legislature assembled, as follows:*

SECT. 1. The clerks of the judicial courts shall deliver to the county treasurers duplicate copies of all bills of costs allowed by said courts, one of said copies to be used as a voucher in said county treasurer's account with the treasurer of state, instead of the voucher now required by law.

Duplicate copies of bills of costs to be furnished county treasurer.

SECT. 2. All acts and parts of acts inconsistent with this act are hereby repealed.

[Approved March 24, 1843.]

**Chapter 30.**

AN ACT making the betterments and improvements on certain lands liable to taxation.

*Be it enacted by the Senate and House of Representatives in Legislature assembled, as follows:*

In all cases, where lands, in any town or plantation within this state, owned by the trustees of any literary institution, are exempt from taxation, the betterments and improvements upon said lands shall be taken and deemed to be personal property for all the purposes of taxing the same, and shall be liable to be taxed to the tenant or the owner thereof in the town or plantation in which the same may lie. *Provided*, that this act shall not be so construed as to apply to the betterments and improvements upon sites of colleges and other literary and scientific institutions. *Provided further*, that nothing contained in this act shall be so construed as to include any new settled part of the state which has been or may hereafter be organized for the purpose of elections only.

Betterments on lands of literary institutions, to be taxed to the tenant or owner thereof.

Proviso.

Further proviso.

[Approved March 24, 1843.]

**Chapter 31.**

AN ACT in relation to the sale of timber on the public lands.

*Be it enacted by the Senate and House of Representatives in Legislature assembled, as follows:*

SECT. 1. The land agent is hereby authorized to grant permits, to individuals to cut and haul pine timber upon any of the lands

Land agent to grant permits, in common with Massachusetts.

## CHAP. 31.

Proviso.

owned by the state, in severalty or in common with the commonwealth of Massachusetts, which have been or may hereafter be surveyed: *provided, however*, that no permit shall be granted to any one individual or company, with liberty to employ more than four six ox teams, nor shall the whole amount of timber cut and hauled in any one year, exceed forty millions feet, board measure, to be run into the waters of the Penobscot river, thirty millions feet to be run into the waters of the Kennebec river, and forty millions feet, or tons of timber, not to exceed that amount to be run on the Aroostook river, or the waters emptying into the St. John river.

Permits not transferrable, except, &amp;c.

SECT. 2. No permit granted as aforesaid shall be transferred, by the person or persons obtaining the same, except for the purpose of securing payment for supplies advanced for operations under the same; and any attempt at transfer, except for said purpose, shall operate to render void the rights attempted to be transferred.

Lumber classified.

SECT. 3. All lumber cut under any permit granted as aforesaid, shall be divided into three classes, as follows; logs, sound and of good quality, which if cut eighteen feet long, shall scale five hundred feet and upwards, board measure, or logs, which, when reduced in the scale, in order to make them equal to sound and good timber, and which if cut eighteen feet long shall scale five hundred feet and upwards, shall be of the first class, and the price of stumpage thereof shall not be less than four dollars for every thousand feet. All logs which if cut eighteen feet long, being sound and of good quality, shall scale more than three hundred feet and less than five hundred feet; or logs, which, when reduced in scale to sound timber, shall scale more than three hundred feet, and less than five hundred feet, shall be of the second class, and the price of the stumpage thereof shall be less than three dollars for every thousand feet. All other logs shall constitute the third class, and the price of the stumpage thereof shall not be less than one dollar for every thousand feet.

Land agent to fix price of stumpage.

SECT. 4. The price of stumpage of spruce and other timber, shall be fixed by the land agent, according to its value, regard being had to its location and hauling distance.

When to sell at auction.

SECT. 5. When there are several applications for the same timber, the land agent shall sell the same at auction to the highest bidder, first giving at least thirty days public notice of the time and place of sale.

Bond.

SECT. 6. All persons obtaining permits as aforesaid, shall be required to give a bond, with satisfactory sureties, for the payment of the stumpage, and for the performance of all the conditions of the permit or contract.

Surveyors and scalers, how appointed.

SECT. 7. The surveyors, or scalers, shall be appointed by the

land agent, and shall be sworn to the faithful discharge of their duty. They shall scale all lumber cut under permits granted as aforesaid, superintend the cutting of the same, and make return to the land agent of the number and quality of the logs cut, whether hauled or not, and the number of feet, board measure, and shall see that the lumber be cut clean and without strip or waste.

Duties.

SECT. 8. All lumber cut under permits as aforesaid, shall be and remain the property of the state until the stumpage is paid in full.

State to hold lumber till paid for.

SECT. 9. On each team to be employed under permits, as aforesaid, there shall be paid in advance to the land agent fifty dollars, which money shall be the property of the state; *provided* the privileges granted under such permits shall not be improved; otherwise the amount so paid shall be allowed in part payment of the stumpage on final settlement.

Advances to be made to land agent.

Proviso.

SECT. 10. Sections ten and eighteen, of an act entitled, "an act additional to an act in relation to the public land," passed March eighteen, eighteen hundred and forty two, is hereby repealed, and the resolve approved March nine, eighteen hundred and thirty two, partially repealed by said eighteenth section, is hereby revived and declared to be in full force.

Sections of certain acts repealed.

[Approved March 24, 1843.]

### Chapter 32.

AN ACT to revive the provisions of an act granting proprietors of certain lands forfeited to the State for the non-payment of taxes, further time to redeem the same.

*Be it enacted by the Senate and House of Representatives in Legislature assembled, as follows:*

The provisions of an act entitled, "an act granting proprietors of certain lands, forfeited to the state for the non-payment of taxes, further time to redeem the same," approved March tenth, eighteen hundred and forty two, are hereby revived—and the proprietors and claimants of said lands be, and hereby are allowed one year from the passage of this act to redeem the same, and not afterwards.

Extension of time granted to redeem lands forfeited.

[Approved March 24, 1843.]