

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

ACTS AND RESOLVES

PASSED BY THE

THIRTIETH LEGISLATURE

OF THE

STATE OF MAINE,

A. D. 1850.

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

Augusta:
WILLIAM T. JOHNSON, PRINTER TO THE STATE.

1850.

PUBLIC LAWS

OF THE

STATE OF MAINE.

1850.

ERRATA:

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

NOTE.—The legislature of Maine convened on the thirteenth day of May, and adjourned on the twenty-ninth day of August, A. D. 1850.

STATE OF MAINE.

SECRETARY'S OFFICE, AUGUSTA, January 14, 1851.

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

JOHN G. SAWYER, *Secretary of State.*

ERRATA.

PUBLIC LAWS.

Chapter 196, section 2, line 8, read hereafter "sold or" granted.

PRIVATE AND SPECIAL LAWS.

Chapter 344, section 2, line 6, read "erection" instead of action.

" 347, section 4, line 7, read "obtained" instead of attained.

" 355, section 1, line 3, read "west" line, instead of east line.

" 389, section 4, line 12, read "April" instead of March.

" 389, section 16, line 8, read "first" Monday of April instead of second.

" 398, section 1, line 4, read "forty"-seven instead of fifty-seven.

" 412, section 1, line 6, read "same" instead of sums.

" 413, section 13, line 10, read "as" are instituted, &c.

" 413, section 14, line 7, read fees pertaining, &c.

" 413, section 16, line 8, read "first" Monday, instead of second Monday.

RESOLVES.

Chapter 303, Fayette, read "194,777" instead of 174,777.

" " Penobscot county, No. 2, R. 6, read, "500" instead of 5,000.

" " Piscataquis county, No. 1, R. 11, read "12,000" instead of 1,200.

Chapter 196.**CHAP. 196.**

An act in relation to lands reserved for public uses.

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

SECT. 1. In all townships or tracts of land unincorporated or not organized for election purposes, sold or granted by the state or the commonwealth of Massachusetts, or by both jointly, in which lands have been reserved for public uses, the land agent of the state shall have the care and custody of such lands until such tract or township is incorporated or organized as aforesaid; and the agents of the reserved lands for the several counties shall transfer to the land agent all papers and plans pertaining thereto, and all notes or other securities for timber and grass cut thereon, specifying to what townships such securities belong, which the land agent is authorized and required to collect as soon as the same arrive at maturity.

Care and custody of unincorporated or unorganized reserved lands to vest in the land agent.

Duty of agents.

SECT. 2. The land agent is hereby authorized and directed to sell for cash, the right to cut and carry away the timber and grass from off the reserved lands referred to in the foregoing section which have been located, excepting however the grass growing upon any improvements made by any actual settler, the right to continue until the tract or township shall be incorporated or organized for plantation purposes; and whenever any tracts or townships of land may be hereafter granted, either by the state or by the commonwealth of Massachusetts, or by both jointly, or when any tract or township may have been sold, but in which the reserved lands have not been located in one of the modes provided by law, the land agent of this state is hereby directed to sell the right to cut and carry away the timber and grass from off the lands reserved, until such township or tract shall be incorporated or organized as aforesaid, to the person or persons who shall or may own such tract or township, at the same rate per acre as the tract or township shall or may have sold for, making however, such reasonable deduction for the soil as in the opinion of the agent should be made: *provided*, such purchaser of the tract or township may elect to purchase such right; but in case such party refuses to buy the right aforesaid, the land agent is authorized to sell the same to any other person.

Land agent authorized to sell timber and grass.

Proviso.

SECT. 3. The land agent is hereby authorized and required in all cases where location of the lands reserved for public uses have not been already made, in townships or tracts which have

Manner of locating lots reserved for public uses, where not already made.

CHAP. 196.

been sold or granted by this state, or by the commonwealth of Massachusetts, or by both jointly, and likewise in all cases of sales or grants made hereafter by the parties aforesaid, to proceed to procure the location of the lands reserved for public uses in such tracts or townships, in the same manner as is now provided by law for the county agents to proceed, unless steps shall have been previously taken by the proprietors of said tracts or townships to cause the same to be set apart and located under existing laws, or unless the land agent and the proprietors can agree upon a location of the reserved lands aforesaid, and in case the agent and proprietors do agree thereon, this agreement being reduced to writing and containing a specification and description of the boundaries of the lands reserved in each tract or township, under the hand and seal of the land agent and the proprietors, duly recorded and filed in the land office of the state, shall constitute a valid and binding location of the lands reserved for public uses in such tract or township.

Agents' accounts
—time and manner
of settling.

SECT. 4. The agents who have heretofore had custody of the reserved lands, are hereby required on or before the first day of January next, to render to and settle with the governor and council a minute and accurate account under oath, of all expenses incurred in the management thereof (and for the location of the same where such account has not been previously rendered) charging to each tract or township separately the expenditures made or incurred thereon, and credit each tract or township separately with the amount of money received therefrom by said agents, and the balance, if any, in each case, in the hands of said agents, to be paid over to the state treasurer with a specification of the township or tract to which such balance may belong.

Land agent to
open an account
with each reservation.

SECT. 5. The land agent is hereby required to open an account with each township wherein the lands reserved for public uses are by the provisions of this bill committed to his custody, and enter all the expenditures made on account of the reserved lands therein, and also all sums of money received therefrom, either from the securities which may come to his hands from the county agents, or from trespasses which have been or may be committed thereon before the sale by him of the timber and grass as provided for by this bill, and also all sums which he may receive therefrom arising from the sales of the timber and grass. And the said agent shall settle the account of his expenditures and receipts aforesaid annually with the governor and council,

—to be settled
annually with
governor and
council.

and shall pay over to the state treasurer the balance in his hands, specifying from what tract or township the same has been received.

SECT. 6. The state treasurer shall keep a separate account with the reserved lands in each township from which funds may be paid over to him by the county agents or land agent in pursuance of the provisions of this bill, and with all townships or tracts for locating the reserved lands wherein the state has paid or may pay the expenses, and all charges which the state has paid or may pay on account of the reserved lands in any township or tract, whether for the location or for the custody and supervision thereof, shall be charged to the reserved lands in such tract or township, and the balance received therefrom after deducting the payments made by the state shall be paid over to the authorities provided by law to receive the same when they shall hereafter exist, until which time the funds arising from said reserved lands shall remain in the treasury.

State treasurer to keep separate accounts.

Funds arising from said lands, how disposed of.

SECT. 7. The assessors of plantations organized for election purposes, comprised within the limits of a single township, or one half township, wherein lands reserved for public uses have been or may be hereafter located, be and they hereby are authorized and required to protect the same from trespassers, and are empowered to prosecute any and all persons for trespassing thereon in the name of such plantation, and all amounts received by said assessors for trespasses committed on such lands shall be invested for the benefit of such plantation or plantations, and the interest arising therefrom to be applied to the use of schools therein in the manner provided by the laws of this state for towns; *providing*, that no person who has been an actual settler eight years, upon said reserved lands shall be disturbed in his improvements until the township in which said improvements are made, shall have been incorporated as a town.

Assessors of plantations to protect such lands from trespassers.

Amounts received from trespassers, how invested and applied.

Proviso.

SECT. 8. The assessors of plantations aforesaid in which the lands reserved for public uses have not been located before the passage of this act, be and they hereby are clothed with the same power as is conferred by the eighty-second chapter of the laws of Maine, approved August eleventh, eighteen hundred and forty-eight, upon the agent therein provided for, in relation to the location of such reserved lands, and shall proceed in the same way as said agent is required to procure the location thereof.

Power of assessors of plantations where such lands have not been located.

CHAP. 197.

SECT. 9. All acts and parts of acts inconsistent with the provisions of this act be and the same are hereby repealed.

SECT. 10. This act shall be in force from and after its approval by the governor.

[*Approved August 28, 1850.*]

Chapter 197.

An act relating to the surrender of toll bridges and turnpikes to public uses.

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

Duty of county commissioners, in certain cases, to accept the surrender of toll bridges and turnpikes.

Whenever any toll bridge or turnpike corporation, within this state, shall offer to surrender the bridge or turnpike belonging to such corporation, to the county or counties within which the same shall be situated, free of cost and incumbrance, it shall be the duty of the county commissioners of such county or counties to accept the same to be thereafter maintained at the expense of such county or counties, provided such commissioners shall upon proper inquiry adjudge such acceptance to be for the public convenience and interest, and the same shall thereafter be and remain the property of such county or counties; *provided, however*, that the provisions of this act shall not be extended to any bridge, or turnpike that has been constructed to connect with or accommodate any private way, or road not located or accepted by the town or county within which the same is situated : and *provided, also*, that any party aggrieved by the doings of the commissioners under the provisions of this act, may have a committee or jury to determine the matter, as provided in the twenty-fifth chapter of the revised statutes relating to highways.

Proviso.

[*Approved August 28, 1850.*]

Chapter 198.

An act in addition to the one hundred and eighth chapter of the revised statutes.

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

Allowance of personal estate to the widow.

SECT. 1. In addition to the personal estate which the judge of probate is authorized by the provisions of the one hundred