

# MAINE STATE LEGISLATURE

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ACTS AND RESOLVES

PASSED BY THE

THIRTY-FIFTH LEGISLATURE

OF THE

STATE OF MAINE,

A. D. 1856.

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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:  
FULLER & FULLER, PRINTERS TO THE STATE.  
1856.

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RESOLVES

OF THE

STATE OF MAINE.

1856.

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CHAP. 328.

—to report to  
next legislature.

point, in Oldtown, with a view to ascertain how far the natural channel of said stream has been changed, and the natural flow of water impeded and diverted therefrom, by obstructions or impediments placed therein, or otherwise so placed or found as to impede the natural flow of water and divert it therefrom; and to report to the next legislature what legislation, if any, is necessary and proper for the preservation and protection of the rights of persons interested in mills, and in the flow of water in said stream. *Provided, however,* that the said petitioners shall advance and pay the expenses of said commission and for the services of the commissioners.

[Approved March 21, 1856.]

### Chapter 328.

Resolve in favor of the town of Danville.

Books, &c., to  
be furnished.

*Resolved,* That the secretary of state be directed to furnish the town of Danville with a copy of each volume of Maine reports, the acts and resolves of the state for the years eighteen hundred and forty-two to eighteen hundred and fifty-four inclusive, belonging to the state, not otherwise appropriated.

[Approved March 22, 1856.]

### STATE OF MAINE.

The joint standing committee on state lands and state roads, to whom was referred the petition of G. L. Boynton and others, asking for an extension of time to pay certain notes in the land office, ask leave to

#### REPORT:

By the resolve of the legislature approved April 20, A. D. 1854, it was provided, “that the land agent be and is hereby directed as soon as may be after the first day of January next, to advertise in the paper of the printer to the state, and in some paper in the county in which any of the hereinafter mentioned lands may lie, if any be therein published, a list of all tracts and parcels of land, other than settler’s lots, on which there was overdue at the time of the passage of this resolve, any notes or security given for the purchase money thereof, which shall not be paid before the publication of said notice; and he shall

specify in said advertisement the notes and demands—the amount of principal due thereon—and the name or names of the promisors, and if said notes are not paid within one year from the first day of January, A. D. 1855, all the tracts, townships or parcels of land for which the aforesaid notes were given, shall be and the same is hereby declared forfeited to the state, without any further time for redeeming the same, together with all the payments made thereon.”

Agreeably to the requirements of the foregoing resolve, George C. Getchell, Esq., land agent, on the 30th day of January, A. D. 1855, published a list of the notes with a description of the lands for which said notes were given.

The subsequent legislature, by a resolve approved March 8th, 1855, extended the time before the forfeiture should occur until the first day of January, A. D. 1857, and the lands of such owners as fail to pay on or before that day will become the property of the state, unless the present legislature allow a further time.

Your committee, after such an examination and consideration of the whole matter as they have been able to give it, have unanimously come to the conclusion, that it is advisable to extend still further the time of forfeiture, but upon conditions and payments, as follows :

Of the notes given prior to September, 1852, by the resolves herewith submitted, if one-third is paid at the time now provided by law, the balance is extended and made payable in two equal annual payments from that time. These notes being three in number on each tract of land, payable in one, two and three years from date, were all overdue at the time of the publication of the list, and many of them of long standing.

Of the notes given after the first day of September, A. D. 1852, (three of which were given on each tract of land) but one was overdue at the time of the approval of the resolve of April 20, A. D. 1854, and no further extension of time is to be given.

There is still another class of notes given for lands lying east of the eighth range and south of township number seventeen. These notes, a majority of the committee decided not to extend. The lands for which they were given are the old survey and divided lands, and lying in the settled portions of Aroostook county. The notes are small in amount, and it is desirable the title of the state should be extinguished at an early day, that they may be taxed for the building of roads, &c.

In determining the amount and times of payment, we have been principally guided by the ability of the parties to pay, and we have viewed it as a question of how much money can be put into the treasury at the earliest day, and at the same time avoid a forfeiture of the land; although other considerations have had due weight with us.

For many reasons it is not desirable that the lands should be forfeited to the state, but that the money due on them should be paid into the treasury.

The amount due on all the notes overdue at the passage of the resolve of April 20th, A. D. 1854, will be on the first day of January

CHAP. 329. next, both principal and interest, about one hundred and seventy-five thousand six hundred dollars, and the amount to be paid on the first day of January next is about one hundred thousand nine hundred dollars; leaving the amount for which any extension is proposed to be given, about seventy-five thousand dollars.

If any owner of any tract does not pay, no delay of forfeiture will occur beyond the time provided by the present law; and if the payment of one-third is made it will be a good guaranty for the subsequent payments. We are, however, of the opinion, that all the notes given for timber lands will be paid if the extension is granted, and the land agent discharges his duties with promptness and fidelity in collecting the stumpage.

The following table will show the amount received from collection on notes in the land office in some of the most prosperous years of the lumbering interest:

	Principal.	Interest.
1851, . . . . .	\$43,329 28	\$7,190 05
1852, . . . . .	55,884 32	10,281 48
1853, . . . . .	28,753 24	8,111 35
1854, . . . . .	35,731 51	7,080 39

Amount received in the above years, both from sales and collections, and paid into the treasury:

1851, . . . . .	\$68,803 40
1852, . . . . .	78,554 00
1853, . . . . .	93,747 51
1854, . . . . .	44,474 41

The practice and the policy of the state for the last twenty years seems to have been to sell her lands for one-fourth in cash, and the balance in three or four annual instalments, the state retaining the title to the land and all the lumber cut upon it until all the notes were paid. Laws have sometimes been passed requiring the purchase money to be paid in cash, and at other times sureties on the notes given, but there does not seem to have been many sales under these laws. The number of competitors for the land were probably much diminished by those terms, and the laws were changed. The lands, for the most part, have been sold to those who, after making the cash payment of one-fourth, were dependent upon what they might cut from the land to pay the balance; and the practice grew up at an early day in the land office, of allowing notes to lie overdue where there was no cutting upon the lands, and where there was cutting, of requiring the value of the timber to be paid on the notes.

We do not intend to express an approval of this policy; but it must be admitted that under it a large amount of money has been paid into the treasury—nearly two millions of dollars.

The state, after pursuing this line of policy for so many years, changed it in 1854, and demanded the forfeiture of the land unless all the notes were paid, and allowed but a short time for the payment.

We are of opinion, in view of all the circumstances of the case, that justice to its debtors, and its own interest, require of the state the adoption of the resolves herewith submitted.

FRANCIS G. BUTLER, *Chairman.*

### Chapter 329.

Resolves further to postpone the operation of a resolve, entitled a resolve in relation to the collection of debts due the state in the land office, approved April twentieth, in the year of our Lord one thousand eight hundred and fifty-four.

*Resolved,* That the operation of the resolve of April twentieth, in the year of our Lord one thousand eight hundred and fifty four, in relation to the collection of debts due the state in the land office, be further suspended upon the following conditions: on payment of one-third part of the principal and interest due on the notes given for any tract of land, and advertised by the land agent, pursuant to the requirements of said resolve, to be made on or before the first day of January, in the year of our Lord one thousand eight hundred and fifty-seven, the forfeiture of said land shall be postponed one year from said first day of January, in the year of our Lord one thousand eight hundred and fifty-seven; and on payment of one-half of the principal and interest remaining due on such notes, on or before the first day of January, in the year of our Lord one thousand eight hundred and fifty-eight, the forfeiture of said land shall again be postponed for one year; and on payment of the balance of principal and interest remaining due on said notes, the other condition of the deed having been performed, the title of the purchaser under the deed shall become absolute. If any such payments shall fail to be made in manner and at the times aforesaid, the land shall be declared forfeited in the manner provided in said resolve. *Provided,* that such notes as were given for land conveyed since September, in the year of our Lord one thousand eight hundred and fifty-two, and advertised as aforesaid by the land agent, and all notes heretofore given and so advertised, for land lying in the county of Aroostook, and east of the eighth range, and south of the townships seventeen, letter G and letter M, shall be paid in full, on or before the first day of January, in the year of our Lord one thousand eight hundred and fifty-seven; and if the said notes, so advertised, are so paid, the land shall be saved from forfeiture; and if said notes are not so paid, the land shall be declared forfeited in the manner provided in said resolve of April twentieth, eighteen hundred and fifty-four.

Debts due the state, suspension of.

Conditions.

Forfeiture.

Proviso.

**CHAP. 329.** *And provided further,* That if any timber shall be cut from any township or tract of land for which any of the aforescribed notes were given, the stumpage on the same shall be fully paid, and the amount endorsed on the notes given for the township or tract from which it was so taken; and if the stumpage is not so paid, then the township or tract from which said lumber was so cut, shall not be saved from forfeiture, but the same shall be forfeited, in the manner provided in said resolve of April twentieth, eighteen hundred and fifty-four. The time of the payment of said stumpage shall be the first day of November in each year.

Further proviso.

Stumpage.

Land forfeited, if stumpage is not paid.

Stumpage, when to be paid.

Part owner.

*Resolved,* If any part owner of any tract of land, or any mortgagee thereof, fails to pay his proportion of the principal and interest to be paid as by the foregoing resolve, as provided on the first day of January, in the year of our Lord one thousand eight hundred and fifty-seven, any other part owner or mortgagee, who on that day pays his part of such principal and interest, may on the second day of January, in the year of our Lord one thousand eight hundred and fifty-seven, pay to the land agent the sum which was required to be paid on the said first day of January by said delinquent part owner, and the part owner so paying shall be considered the purchaser of the interest in the land forfeited by such delinquent part owner, and shall have the right to complete the payments for the whole, in the manner in the aforesaid resolve provided; and having so done, shall be entitled to a deed of the interest in the land forfeited by said delinquent part owners. No payment made by any part owner shall save from forfeiture any part of the lands, unless the sum so left unpaid by the delinquent part owner, is paid and the land purchased in the manner before provided. If there are two or more part owners, who desire to pay their own shares of such sums and to unite in paying the shares of such delinquent part owner, they may do so, and shall be entitled each to his proportion of the forfeited interest of such delinquent part owner in proportion to their several interests.

—entitled to a deed upon certain conditions.

Two or more part owners, rights and privileges of.

[Approved March 22, 1856.]