

MAINE STATE LEGISLATURE

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ACTS AND RESOLVES

PASSED BY THE

THIRTY-EIGHTH LEGISLATURE

OF THE

STATE OF MAINE.

1859.

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

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1859.

PUBLIC LAWS

OF THE

STATE OF MAINE.

1859.

him and certify the fact upon the writ, and the debtor shall thereupon be discharged from arrest by the person having him in custody.

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Discharge.

SECT. 3. The seventh section is also amended, so as to read as follows, to wit:

SECT. 7. If the debtor is discharged from arrest, no execution issuing on the judgment in the suit or process, shall run against his body, but against his property only.

Ch. 113, sec. 5,
R. S. amended.
Effect of discharge.

[Approved April 4, 1859.]

Chapter 119.

An act to aid the Aroostook Railroad Company, increase the value and promote the sale and settlement of the public lands.

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

SECT. 1. All the public lands shall hereafter be managed and sold under the direction of the governor, council, state treasurer and the land agent, for the time being, and they are hereby constituted a board for that purpose; and the governor, state treasurer and the land agent, in the absence of the council shall constitute a quorum for the transaction of the business hereby confided to them. Said board shall, from time to time, cause all lands suitable for settlement, to be surveyed into lots of one hundred and sixty acres each, and cause the character of each lot to be noted on the plan or plans of such survey, to be retained in the land office. And the board shall cause a minimum price to be noted on each lot. The land agent may thereupon, under their direction, sell and convey such lots or parts of lots, at that price, or at a higher price, not however exceeding in any case one dollar an acre to an actual settler, nor more than one hundred and sixty acres be sold and conveyed to any one person. And every purchaser beside the payment of one dollar per acre shall be required within two years from the date of his purchase to establish his residence on his lot, and within four years from such date to clear on each lot not less than fifteen acres, ten of which shall be laid down to grass, and to build a comfortable dwelling house on it, and if the purchaser fails to perform any of the foregoing duties required of him, he forfeits all right to the land, and it may be sold to another person.

Board for managing public lands.

Quorum.

Settling lands, how to be surveyed.

— price to be fixed.

— land agent to convey, conditions.

— settling duties required.

— failing to perform, forfeit.

Timber lands may be sold for a price exceeding one dollar per acre at private sale or at auction, under such regulations as the above named board may prescribe, after giving six months notice thereof.

Timber lands, how to be sold.

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Settling duties
in case of full
payment.

Terms of pay-
ment on set-
tling lot.

Act not to af-
fect lots ap-
plied for.

Board to make
return of do-
ings.

Certain de-
scribed lands
not assessed by
provisions of
this act.

Proceeds of
sales appropri-
ated.

Fish river road
\$10,000.

Violet brook
road \$1,200.

Legislature to
direct expendi-
tures.

Any person may purchase a lot paying the full price thereof at the time of the execution of the deed, which conveyance shall require the performance of settling duties by the purchaser or his grantee in actual occupation thereof; and all conveyances made by such purchaser or those claiming under him shall be valid, in case of an actual occupation of the same by the party holding the title and performing the settling duties set forth in said deed. In all other cases, upon every such sale of a settling lot, one-fourth part of the consideration shall be paid in two years from the date of his deed, and the remainder in equal payments, in one, two and three years after the first payment, and all with interest from the date of the deed. Nothing however expressed in this act shall have the effect to preclude the land agent from selling and conveying lots to such persons as have applied for them, and have designated the lots in their respective applications, under the law, as it existed at the time when their several applications may have been made. The board hereby constituted, shall make return of their doings to each regular session of the legislature.

SECT. 2. Lands set apart and designated, under the direction of the land agent for schools, and such as have been designated as soldiers' lands, all lands which the land agent is authorized to convey to literary institutions, and four townships of said land, situated one in Oxford county, one in Franklin county, one in Somerset county and one in Piscataquis county, to be selected under the direction of the board named in the first section of this act; the proceeds of sales of which are to be expended in the several counties in which they are situated for roads, and lands, which may be selected by persons in exchange for other lands, under the authority of the state, and lands heretofore conveyed by the state, by conditional deeds, on which the state may hereafter receive the purchase money, are not to be affected by the provisions of this act. But the proceeds of the sales of the other public lands, including those which may be received or obtained by way of exchange, or so much thereof as may be necessary, are hereby appropriated and set apart for the following purposes, namely: a sum, not exceeding ten thousand dollars, is to be reserved and expended in completing the Fish river state road, extending from the Aroostook river to Fort Kent, but not more than two thousand dollars of this appropriation is to be expended in any one year. And a sum not exceeding twelve hundred dollars, of which not more than five hundred dollars is to be expended in any one year, is to be reserved and appropriated for completing the Violet brook state road. Said expenditures to be made from time to time, as the legislature may direct. All the

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residue of the proceeds of said sales are hereby granted and appropriated, under the conditions and limitations hereinafter expressed, to aid the Aroostook Railroad Company, incorporated by an act, approved March twenty-seventh, in the year of our Lord eighteen hundred and fifty-eight, in constructing their railroad, extending from a point at or near Mattawamkeag village, or from any point between Milford and Mattawamkeag, in an easterly direction to the easterly boundary of the state, where it may be most convenient for a connection with a railroad from the city of Saint John, in the province of New Brunswick to the said boundary. Also to aid in constructing a branch railroad to Houlton, or a distance of twenty-five miles from any point in their railroad, in the direction of the state lands, in the county of Aroostook; the point of departure to be determined by said company, with the approval of the board named in the first section of this act. And said railroad from Milford to Mattawamkeag and to the boundary, and said branch shall be considered to be the railroad, authorized by the act of incorporation of said company.

Residue of proceeds in aid of Aroostook railroad.

Branch railroad aided.

Description of railroad contemplated.

Conditions of grant of aid.

SECT. 3. The grant made by the state to the Aroostook Railroad Company, of the proceeds of the sales of the public lands, as provided in this act to aid said company in constructing and completing that part of their railroad extending from a point at or near Mattawamkeag village, or from any point between Mattawamkeag and Milford, and extending in an easterly direction to the easterly boundary of the state, and the branch railroad extending as described in the preceding section, is made in consideration of, and on the express condition, that said Aroostook Railroad Company shall have commenced constructing that part of their railroad extending from Milford to Mattawamkeag, on or before the first of September, eighteen hundred and sixty, and shall have completed the same in all its parts, with the necessary furniture and equipments, and put it in running order the whole distance from said Milford to Mattawamkeag, within three years thereafter. And on the further condition that the part of their railroad extending from the Milford and Mattawamkeag section of it to the eastern boundary of the state, and the branch towards the state lands shall be commenced as soon after the completion of that section of their railroad, extending from Milford to Mattawamkeag, as there is a sufficient sum of money in the treasury received from the proceeds of the sales of lands appropriated for this purpose to warrant such commencement, and when said company shall have completed ten miles of it, the board named in the first section of this act shall then determine what is in their judgment a fair proportion of the whole appropriation for

— railroad from Milford to Mattawamkeag, when to be commenced, when to be completed.

— extension to boundary, and branch, when to be commenced.

— proportion to be paid when ten miles completed, how determined.

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ten miles, and said company shall be then entitled to that amount, and the governor is hereby authorized to draw his warrant for the same, in favor of said company, if there be so much of the funds hereby appropriated in the treasury, and if not, for so much of it as there may be on hand, and the balance as soon as it shall be received, as hereinbefore provided by the treasurer. And when an additional ten miles of said road shall have been constructed, the amount to be paid to said company shall be ascertained in like manner, and payment made from the treasury as aforesaid. And like proceedings shall be had as each succeeding ten miles shall have been completed until said roads are completed and the whole appropriation expended.

— further payments, how made.

Expenses to be paid from proceeds of sales.

SECT. 4. All expenditures by the land office relative to and on account of the lands, the proceeds of the sales of which are appropriated by this act, including salaries of officers, are to be paid annually out of the proceeds of the sales of said lands.

Acts inconsistent repealed.

SECT. 5. All acts and parts of acts inconsistent with the provisions of this act, are hereby repealed.

No aid to road to Mattawamkeag.

SECT. 6. No appropriation of the proceeds of the public lands shall be made to aid in building a railroad from Milford to a point at or near Mattawamkeag point.

Intent and purpose of act declared.

SECT. 7. It is hereby declared to be the true intent and purpose of this act to sell the public lands herein designated in the most judicious method that can be devised, to obtain for them their full value, to promote the settlement of such as are suitable therefor, and, after deducting expenses and other sums hereinbefore named, to grant the balance of the proceeds of sales to the use of said company upon the conditions hereinbefore specified; and to these ends and no other, the legislature reserves the power to change the provisions of this act relating to the mode of disposition and sales of the public lands, when it may be necessary to correct abuses, or otherwise to promote the declared intent and purpose of this act.

Power to change provisions reserved.

Meetings when to be held in cities and towns in relation to act.

SECT. 8. The aldermen of cities, selectmen of towns, and assessors of plantations, shall on or before the first Monday in June, in the year of our Lord eighteen hundred and fifty-nine, issue their warrants notifying the inhabitants of their respective cities, towns and plantations, qualified to vote for the choice of state officers, to assemble in ward, town and plantation meeting, on the second Monday of June, in the year of our Lord eighteen hundred and fifty-nine, to give in their votes in relation to the foregoing act.

Ballots, how to be given in.

SECT. 9. At such meetings, said qualified voters shall give in their ballots as follows: those in favor of said act shall give in their ballots with the words "for the act" written or printed thereon; and those opposed to the act shall give in their ballots with the

words, "against the act" written or printed thereon; said ballots shall be received, sorted, counted, and lists thereof made out and returned to the office of the secretary of state by the clerks of said cities, towns and plantations in the same manner as votes for senators, on or before the twelfth day of July, in the year of our Lord eighteen hundred and fifty-nine, and the governor and council shall immediately thereafter sort and count the same, and forthwith cause the state of the vote to be published by the printer of the state, and the governor shall issue his proclamation declaring the majority vote so returned.

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— lists of, how to be made out, returned and counted.

Proclamation of governor.

SECT. 10. The proceedings at the special election ordered by this act shall be in accordance with the provisions of chapter four of the revised statutes, so far as applicable thereto.

Proceedings at election.

SECT. 11. If it shall appear by the proclamation and return of the votes aforesaid, that upon a majority of the ballots so returned, the words "for the act" are written or printed, then this act shall take effect and be in force from and after the first day of August next, but if it shall appear by said proclamation and return, that upon a majority of the ballots so returned, the words "against the act" are written or printed, then this act shall be inoperative and void.

Effect of the vote and proclamation.

[Approved April 4, 1859.]

Chapter 120.

An act to amend section first of chapter seventy-four of the revised statutes, relating to the attestation of wills.

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

SECT. 1. The first section of the seventy-fourth chapter of the revised statutes, is hereby amended, by striking out the words "disinterested and," and adding thereto, the words "not beneficially interested under the provisions of the will;" so that the whole of said section shall read as follows:

Ch. 74, sec. 1,
R. S. repealed.

SECT. 1. A person of sound mind and of the age of twenty-one years, may dispose of his real and personal estate by will, in writing signed by him, or by some person for him at his request, and in his presence, and subscribed in his presence by three credible attesting witnesses, not beneficially interested under the provisions of the will.

Will, by whom made.

— how witnessed.