

MAINE STATE LEGISLATURE

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ACTS AND RESOLVES

OF THE

FIFTY-SEVENTH LEGISLATURE

OF THE

STATE OF MAINE.

1878.

Published by the Secretary of State, agreeably to Resolves of June 28, 1820,
February 18, 1840, and March 16, 1842.

AUGUSTA:

SPRAGUE, OWEN & NASH, PRINTERS TO THE STATE.

1878.

PUBLIC LAWS
OF THE
STATE OF MAINE.
1878.

SECT. 6. Section sixteen of said act is amended by adding thereto the following words: 'Whenever the justice of said superior court shall be disqualified by relationship, or other lawful cause, from trying any criminal case pending in said court, said case shall thereupon be certified and transmitted to the supreme judicial court for said county, and disposed of in said court according to law.'

CHAP. 49.

Sec. 16 amended.

When justice shall be disqualified from trying criminal case, it shall be transmitted to S. J. court.

SECT. 7. Section two of the act abolishing the August term of the supreme judicial court for Kennebec county, approved February six, Anno Domini eighteen hundred and seventy-eight, is hereby modified so as to conform to the provisions of this act.

Sec. 2 of act abolishing August term of S. J. C., modified to conform to this act.

SECT. 8. This act shall take effect March first, eighteen hundred and seventy-eight.

To take effect Mar. 1, 1878.

Approved February 19, 1878.

Chapter 49.

An act to more fully carry out the proviso of section ten of the act of Congress, chapter one hundred and seventy-seven, of the acts of eighteen hundred and sixty-eight, making compensation for the lands assigned by Maine to settlers.

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

SECT. 1. In all cases where the person certified in the return of Noah Barker, to the land office, under commission dated September one, eighteen hundred and sixty-eight, as entitled to deeds of the lots assigned under the Treaty of Washington, have not received such deeds, the land agent shall forthwith make and deliver such deeds, according to said report, to the person named, or to his legal assignee where such assignment is by deed, or to the legal heirs of such person.

Land agent to convey lands to certain parties.

SECT. 2. Whenever any settler to whom a lot of land was assigned under the Treaty of Washington, by the commissioners appointed under resolve of February twenty-one, in the year of our Lord eighteen hundred and forty-three, or by the commissioners appointed under resolve of April twenty-one, in the year of our Lord eighteen hundred and fifty-four, or any person lawfully claiming under such settler,

Settlers evicted from lot assigned under treaty of Washington, may claim compensation.

CHAP. 49. shall have been lawfully evicted from such lot by any person lawfully claiming by, through, or under any grant of the same lot from the state, such person so evicted may apply in writing to the governor and council within two years from the approval of this act, or from the time of such eviction, stating the facts and claiming compensation.

Certain reports,
prima facie
evidence.

SECT. 3. The reports of the commissions of eighteen hundred and forty-three, and eighteen hundred and fifty-four, aforesaid, and the report of Noah Barker aforesaid, shall be taken to be sufficient prima facie evidence of the facts therein stated. Other evidence shall be under oath, except such as is documentary. The governor and council may fix the form of the application, and affidavits, and of the attestation of documents, and also establish rules of procedure not inconsistent with this act or the laws of the state.

—other evidence.

Form of applica-
tion and rules of
procedure.

When compensa-
tion shall be
awarded.

SECT. 4. When the governor and council find sufficient facts clearly proved, to bring the application within section two of this act, they shall award such claimant compensation to the amount of one dollar and twenty-five cents per acre of the lot from which he was evicted, not exceeding the number of acres named in the reports of the said commissions of eighteen hundred and forty-three, and eighteen hundred and fifty-four, and shall also award such further sum as they shall find was expense, necessarily and actually incurred in proper defense of the title of the claimant.

—amount.

—expense.

Award, how
payable.

SECT. 5. The governor and council shall draw their warrant in favor of the claimant upon the treasurer for the whole amount so awarded, payable out of any moneys appropriated for such purpose.

Approved February 19, 1878.