

# MAINE STATE LEGISLATURE

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FOURTH REVISION.

THE  
REVISED STATUTES

OF THE

STATE OF MAINE,

PASSED AUGUST 29, 1883, AND TAKING EFFECT JANUARY 1, 1884.

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BY THE AUTHORITY OF THE LEGISLATURE.



PORTLAND:  
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**ERRATA:**

**The following two leaves are  
inserted because one or more pages  
in this chapter have errors  
noticed and corrected here.**

# ERRORS.

## ERROR IN THE TEXT OF THE REVISED STATUTES.

Page 63, § 3, line one.—Erase the last word “may.”

## ERROR IN THE TEXT OF THE REPEALING ACT.

Page 999.—Transfer “Chapter 48, Section 6, of an act to facilitate the prompt administration of justice by establishing a superior court in Kennebec County,” from the year 1879 to 1878.

## ERROR IN THE COMMISSIONER’S NOTES.

Pages 177, 178.—Erase the last two lines of page 177, and the first three lines of page 178.

## ERRORS IN THE MARGINAL REFERENCES.

- Page 59, § 6, ¶ xx.—Erase “*R. S.*, c. 1, ¶ xx”, and supply, at the bottom of the page, “*R. S.*, c. 1, § 4”
- “ 66, § 24.—Erase “*Resolve of 1837, c. 52.*”
- “ 69, § 44.—Supply “*Resolve of 1840, c. 107.*”
- “ 72, § 68.—Erase “*See c. 6, §§ 40-67.*”
- “ “ § 70.—Erase “*R. S.*, c. 2, § 66.”
- “ 79, § 12, (note b).—“*See c. 18, § 73*” should read “*See c. 18, § 75.*”  
“*See c. 30, § 15*” should read “*See c. 30, § 16.*”
- “ “ § 14.—Supply “*See c. 18, § 75.*”
- “ 83, § 40.—“*R. S.*, c. 3, § 34” should read “*R. S.*, c. 3, § 33.”
- “ 84, § 46.—“*See c. 18, § 67*” should read “*See c. 18, § 59.*”
- “ 86, § 59, ¶ i, (note b).—“*See c. 17, §§ 25-29*” should read “*See c. 17, §§ 27, 28.*”
- “ “ “ ¶ vi, (note e).—“*See c. 18, § 15*” should read “*See c. 18, § 17.*”
- “ 92, note.—“*c. 18, §§ 39, 103*” should read “*c. 18, §§ 39, 97.*”
- “ 97, § 16.—Erase “*R. S.*, c. 4, § 16.”
- “ 108, § 86.—“*Art. ii, § 2*” should read “*Art. ii, § 1, ¶ 2.*”
- “ 117, § 28.—Erase the first reference to “1878, c. 31, § 1.” Also erase “*R. S.*, c. 5, § 26.”
- “ 176, § 27.—“*Resolve of 1883, c. 20*” should read “*Resolve of 1883, c. 86.*”
- “ 183, § 5.—“*See § 93, ¶ 6*” should read “*See § 93, ¶ v.*”
- “ 202, § 102.—“1883, c. 229” should read “*See c. 115, § 1.*”
- “ 209, § 1.—Supply “1880, c. 215.”
- “ 210, § 7.—Supply “1880, c. 215.”
- “ 249, § 44.—“1875, c. 25, § 6” should read “1875, c. 25, § 6.”
- “ 270, § 16.—Supply “1880, c. 215.”
- “ 330, § 26.—“*See c. 40, § 77*” should read “*See c. 40, § 74.*”
- “ “ § 28.—“*See c. 40, § 38*” should read “*See c. 40, §§ 33, 40.*”
- “ 374, § 23.—“*See § 17*” should read “1880, c. 234, § 1.”
- “ 384, § 74.—Add “1883, c. 138, § 3.”  
“1883, c. 144, § 4.”
- “ 506, § 1.—Supply “*See 1880, c. 215.*”
- “ 642, § 80, bottom of the page.—Supply “1878, c. 48, § 6.”
- “ 709, § 105.—“*See c. 134, § 13*” should read “*See c. 134, § 19.*”
- “ 773, § 42.—Supply “1883, c. 198, § 2.”
- “ 804, § 35.—“*See c. 134, § 26*” should read “*c. 134, § 26.*”
- “ 861, § 1.—“*R. S.*, c. 2, § 20.” } should read “1883, c. 221.”  
“*R. S.*, c. 115, § 1.” }
- “ 862, § 4.—“*See c. 63, §§ 32 to 39*” should read “*See c. 63, § 35.*”

## ERRORS IN CITATIONS OF CASES.

- Page 10, § 8, ¶ iii, (note c).—"14 *Pet.*, 504" should read "14 *Pet.*, 540."  
 " 16, § 1, (note b).—"10 *Me.*, 483" should read "10 *Me.*, 283."  
 " 78, § 5, (note a).—"13 *Me.*, 472, 489" should read "13 *Me.*, 472."  
 " " § 7, (note b).—"12 *Me.*, 589" should read "12 *Me.*, 489."  
 " 147, § 97.—"58 *Me.*, 528" should read "58 *Me.*, 532."  
 " 166, § 1.—"64 *Me.*, 549" should read "64 *Me.*, 599."  
 " 200, § 93, ¶ iv.—Erase "20 *Me.*, 545."  
 " 211, § 19.—"3 *Me.*, 347" should read "3 *Me.*, 249."  
 " 241, § 5, (note b).—"68 *Me.*, 28" should read "63 *Me.*, 28."  
 " 257, § 80, (note a), Construction of ways.—"26 *Me.*, 340" should read "26 *Me.*, 240."  
 " 397, § 1, (note a).—Erase "66 *Me.*, 526."  
 " 521, § 2, (note a).—Erase "60 *Me.*, 377."  
 " " § 9.—Erase "60 *Me.*, 533."  
 " 563, § 10.—"31 *Me.*, 286" should read "31 *Me.*, 254."  
 " 597, § 23.—"4 *Me.*, 19" should read "4 *Me.*, 8."  
 " 705, § 78.—"43 *Me.*, 438" should read "48 *Me.*, 438."  
 " 728, § 12.—Erase "68 *Me.*, 30."  
 " 750, § 5.—Erase "20 *Me.*, 325."  
 " 765, § 1, (note a).—Erase "73 *Me.*, 228."  
 " 814, § 19, (note c).—Erase "71 *Me.*, 543."  
 " 817, § 8, (note b).—"27 *Me.*, 363" should read "27 *Me.*, 362."  
 " 885, § 1.—Erase "62 *Me.*, 285."  
 " 886, § 8.—"36 *Me.*, 225" should read "36 *Me.*, 227."  
 " 933, § 4.—"34 *Me.*, 478" should read "39 *Me.*, 478."

## OMISSION IN REFERENCE INDEX TABLE, PART I.

Page 1060.—Supply "1878, c. 48, § 6," with a reference to "R. S., c. 77, § 80."

CHAP. 5.

## CHAPTER 5.

## LANDS. THEIR SALE AND SETTLEMENT. LAND AGENT. LOCATION AND CARE OF LOTS FOR PUBLIC USES.

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 3. To receive money and securities for lands sold, and account to state treasurer. His appointees to be sworn. Number and pay of clerks, how determined.  
 4. To execute deeds, and collect principal and interest on notes, and pay into state treasury monthly.  
 5. Certified copies of records of deeds in land office may be recorded by register of deeds, and copies thereof are legal evidence.  
 6. Governor, council and land agent, constituted a board for managing public lands. Plans or maps of surveys to be returned to land office. What the field notes are to contain. Plans and field books to be kept at Augusta open for inspection.  
 7. Land agent may sell lands, islands, and rights to cut timber belonging to state; also forfeited rights. Proviso in behalf of settlers.  
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 9. What surveyors are to note. Field notes to be deposited in land office.  
 10. Prosecution of trespassers. Measure of damages.  
 11. Rule of damages for trespass, when prosecuted for benefit of an individual.

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 15. Land agent to have care of reserved lands until towns are incorporated or organized into plantations. May sell timber and grass. Proprietors have option to purchase right to cut timber or grass.  
 16. To keep an account of receipts and expenditures for reserved lands, and pay balance to treasurer of state.  
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 23. Return, acceptance and record.  
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 28. Payment may be made in road labor within two years.  
 29. To be performed under direction of land agent.  
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 32. Agent appointed to superintend location, and payment of labor.  
 33. When land agent shall cause roads to be located.  
 34. Settling duties to be performed before deed is given. Evidence required. Deed to be absolute.

- SEC. 35. All deeds made absolute. Sale of certain state lands to be made at option of land agent. CHAP. 5.
36. Land certificates, powers granted to holders of.
37. Settlers on state lands allowed to cut timber, &c., for certain purposes.
38. Settler's lot, not exceeding \$1,000, exempt from attachment.
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PERMITS TO CUT AND HAUL TIMBER.

- SEC. 40. Land agent may grant permits to cut and haul timber.
41. Bond to be given for stumpage.
42. Timber held for payment of stumpage.
43. Advance payment.
44. Surveyors, appointment, oath and duties of.

SALE OF TIMBER LANDS.

- SEC. 45. Townships for sale, to be set apart, and notice published. Time and mode of sale. Manner of proceeding, and mode of payments.
46. Land agent may sell tracts in incorporated towns and on islands.
47. To report to governor and council once in three months, and to settle his accounts with them, once a year, at least.
48. Form and particulars of his report.
49. To keep notes and make schedules, and to return same to treasurer.
50. Annual report to be made of suits commenced and of costs incurred.

LAND AGENCY.

SEC. 1. The land agent shall give bond to the State in the sum of fifty thousand dollars, with sufficient sureties satisfactory to the governor and council, for the faithful performance of the duties of his office. He shall superintend and manage the sale and settlement of the public lands. He shall not, when appointed or while in office, be directly or indirectly concerned in the lumber business on the state lands, or in the purchase thereof, or of any timber or grass growing or cut thereon.

Land agent's bond, duties and restrictions.  
R. S., c. 5, § 1.

SEC. 2. Said agent shall be appointed by the governor, with the advice and consent of council, and shall hold his office during their pleasure; he shall under their direction, as speedily as the public good allows, bring to a termination all unsettled business connected with the land office, and relating to the public lands; that the office may be discontinued at the earliest practicable moment.

Executive to appoint.  
1876, c. 119.  
—land agency to be discontinued as soon as may be.

SEC. 3. He shall receive all moneys and securities accruing to the State from the sale of lands, timber, and grass, or in payment for timber or grass cut by trespassers, and shall pay to the treasurer of state all moneys so received and found due from him on settlement. All securities shall be made payable to said treasurer. He shall personally attend to the duties of his office, so far as practicable; no commission shall be allowed him for his disbursements or collections, and nothing shall be allowed him for travelling expenses from his home to the land office, unless on official business, nor for transportation of the official records, unless money is paid out specifically therefor. All persons employed by him shall be sworn to the faithful discharge of their duties, and they shall not be concerned directly or indirectly, in the purchase of lands, or of timber or grass on lands belonging to the State. The number of his clerks shall be determined by the governor and council, who shall fix their compensation.

To receive moneys arising from land and attend personally to the duties of his office.  
R. S., c. 5, § 2.

—no commission allowed.

—travelling expenses to be paid.

—number of his clerks and their pay.

SEC. 4. He shall execute deeds in behalf of the State, conveying

Land agent to execute

**CHAP. 5.** lands which have been granted by the legislature or sold by lawful deeds, collect notes, &c., and account monthly with state treasurer. 1872, c. 76, § 1. 69 Me., 78.

authority, as soon as the grantees have complied with the conditions of their respective grants; collect all sums due the State by note or from any source mentioned in this chapter; collect the interest on all notes at least annually, and pay at the expiration of every month into the state treasury all moneys so collected or received by him, after deducting all such payments as devolve upon him to make.

Certified copies of records of deeds in land office recorded by registry of deeds, legal evidence. 1883, c. 125.

**SEC. 5.** A copy from the records now in the land office of a deed from the State of the land of the State, or of a deed from the State and from the Commonwealth of Massachusetts of the undivided lands of the State and of said Commonwealth, or a deed from said Commonwealth of the lands of said Commonwealth in Maine, certified by the land agent or other legal custodian of such records as a true copy thereof, may be filed and recorded in the registry of deeds in the county where the land lies, with the same effect as if the deed itself had been recorded, and certified copies thereof from such registry shall be evidence when the original would be.

Board for surveys of lauds. 1875, c. 26, § 2. —plans of surveys to be made and entered on books of land office.

**SEC. 6.** The governor and council and land agent constitute a board under whose direction all surveys of land shall be made. An accurate plan or map of all lands surveyed shall be returned to the land office and entered upon the plan-books within three months after the survey is completed, on which shall be laid down all lakes, ponds, rivers, streams, falls, mill-sites and roads. The field notes of such surveys shall be deposited in the land office within three months and shall contain a description of the growth, soil and general character of the township, and of every lot, if surveyed into lots. Said plans and field notes shall be kept at the office in Augusta, open for inspection at all times when the land agent or his assistant is there; he shall aid in furnishing information about the public lands to all who seek for it at his office.

—field notes.

—plans and field notes to be kept at Augusta.

**SEC. 7.** The land agent, under direction of the governor and council, shall sell at public or private sale and convey any lots or parcels of land and islands and rights to cut timber belonging to the State, on such terms as they direct, including lots set apart or surveyed for settlement, and at the time of sale not taken up by settlers; also all lands and rights that become forfeited for non-performance of settling duties or other conditions; also the right to cut timber and grass on lots reserved for public uses in any township or tract of land until the same is incorporated or organized into a plantation. *Provided*, that until the lots set apart for settlement are sold as aforesaid, they may be taken up by settlers as now provided by law.

Land agent authorized to sell lands, islands, and rights to cut timber belonging to the state. 1878, c. 51.

—also forfeited lands and rights.

—proviso in behalf of settlers.

**SEC. 8.** All lands given by the State to institutions or individuals, shall be located under the advice and approval of the governor and council, which approval shall be certified to the land office by the secretary of state and there recorded.

Unlocated grants to be located by executive. R. S., c. 5, § 5.

Surveyors to explore, and to deposit field notes, in land office.

**SEC. 9.** Every surveyor, in surveying the public lands, shall explore each lot carefully, and enter in his field notes, the quantity and quality of pine, spruce, and other valuable timber thereon, and all other useful



information within his knowledge relating to the value of the land. He shall deposit duplicate plans of his surveys and his field notes in the land office, within sixty days after the completion of his surveys. CHAP. 5.  
R. S., c. 5, § 6.

SEC. 10. If any person unlawfully enters and trespasses upon the public lands, or upon any lands reserved for public uses, while under care of the agent, and cuts, takes, or carries away, any trees or grass upon said lands, he and all persons who furnish teams, implements, apparatus, or supplies of provisions, or of other articles, used in committing and carrying on such trespasses, are trespassers, jointly and severally liable in damages for such trespasses, and they may be sued therefor in any county. The measure of damages is the highest price which such timber, logs, or other lumber, or hay, would bring at the usual place of sale thereof. Nothing in this section affects the right of the State to seize and sell any timber, logs, lumber, or hay, cut as aforesaid. At such sale no person, who was in any way concerned in committing such trespass, or in supplying or aiding those who committed it, shall become a purchaser directly or indirectly. Trespasses, prosecutions for them.  
R. S., c. 5, § 7.  
45 Me., 69.  
49 Me., 390.

SEC. 11. When an action for such trespass is prosecuted in the name of the State for the benefit of an individual, the principles of decision and the measure of damages shall be the same as in like actions between individuals. —measure of damages.  
Damages, if suit is for benefit of an individual.  
R. S., c. 5, § 8.

#### LANDS RESERVED FOR PUBLIC USES.

SEC. 12. In every township there shall be reserved, as the legislature may direct, one thousand acres of land, and at the same rate in all tracts less than a township, for the exclusive benefit of such town or tract, to average in quality, situation, and value as to timber, with the other lands therein. In townships or tracts sold and not incorporated, the lands reserved for public uses may be selected and located by the land agent and the proprietors, by a written agreement, describing the reserved lands by metes and bounds, signed by said parties, and recorded in the land office. The plan or outline of the lands so selected shall be entered on the plan of the township or tract in the land office, which shall be a sufficient location thereof. Reservation of 1,000 acres for public uses; may be located by agreement. 1883, c. 182. [See Articles of separation, condition 7.] See c. 12, §§ 51-54. 26 Me., 205. 30 Me., 377.

SEC. 13. When the land agent and proprietors of such township or tract cannot agree on such location, if the right to cut the timber and grass thereon until the town is incorporated or organized as a plantation has not been sold, the land agent may petition the supreme judicial court for the appointment of commissioners to make the location as hereinafter provided. The petition may be filed, and the proceedings under it had in any county. Location without agreement.  
R. S., c. 5, § 10.

SEC. 14. In every township or tract sold or located for settlement, the land agent, before the same is offered for sale or settlement, shall cause the reserved lands to be located so as to embrace one or more tracts of the requisite quantity, quality, situation, and value, and to be properly described and recorded in the land office, and the plan or outline thereof to be entered on the plan of the township or tract in the land office, all of which shall be a sufficient location thereof. Location to be made before land is offered for sale.  
R. S., c. 5, § 11.

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Land agent to have care of lots located.  
R.S., c. 5, § 12.  
See c. 12,  
§§ 40-50.

—may sell timber and grass.

30 Me., 381.  
45 Me., 69.  
49 Me., 390.  
61 Me., 446.

—shall give proprietors the option.

Land agent to keep an account with lots.  
R.S., c. 5, § 13.  
61 Me., 447,  
448.

Treasurer also to keep an account.  
R.S., c. 5, § 14.

—disposal of the money.  
61 Me., 447,  
448.

Money to constitute school fund.  
R.S., c. 5, § 15.  
61 Me., 447,  
448.

Money, when and how to be paid over.  
1883, c. 109.  
61 Me., 447.

—interest to be cast annually.

Location of lands where portions are reserved

SEC. 15. The land agent shall have the care of the reserved lands in all townships or tracts, until they are incorporated, and the fee becomes vested in the town. He may, from time to time, sell for cash for such sum as he thinks just and reasonable, the timber and grass thereon, or the right to cut the same, until incorporated into a town, except the grass growing on improvements made by an actual settler. When so sold, he shall give the purchaser a permit under his hand and seal, setting forth the terms of the contract, which permit shall be recorded in the office. The proprietors of the township or tract shall have the option to become purchasers thereof at the same rate an acre as that for which the township or tract was sold.

SEC. 16. The land agent shall keep an account with each such township and tract, in which shall be entered all expenditures made on account thereof, and all sums received therefrom. He shall settle his account of such receipts and expenditures annually with the governor and council, and pay to the treasurer of state the balance in his hands, specifying each township and tract from which it was received.

SEC. 17. The treasurer shall keep a separate account with the reserved land in each such township, in which account he shall enter all sums by him received and paid on account thereof; and the balance shall remain in the treasury until such township or tract is by law authorized to receive it; and thereupon it shall be paid to the proper officers thereof.

SEC. 18. The money arising from the sale of timber and grass or from trespasses on reserved lands, paid into the treasury of the county in which the township is situated, or into the state treasury, constitutes funds for school purposes, of which the income only shall be expended and applied as is by law provided.

SEC. 19. The interest shall be added to the principal of such fund, until the inhabitants of such township or tract are incorporated into a town, or organized as a plantation, and establish in such plantation one or more school districts. When any such township is incorporated as a town, said funds belonging to it shall be paid by the treasurer of state to the treasurer of the trustees of the ministerial and school funds therein, to be added to the funds of that corporation, and held and managed as other school funds of that town are required to be held and managed. If such township or tract is organized as a plantation, the interest of said fund shall be paid annually by the treasurer of state to the treasurer of such plantation, to be applied toward the support of schools according to the number of scholars in each district. Said interest shall be cast up to the first day of each January, and shall be paid to such treasurer by the treasurer of state, on producing satisfactory evidence that such plantation is organized, and that school districts have been established therein according to law, that assessors are sworn and qualified, and that the treasurer of such plantation has given bond as required by law.

SEC. 20. When in the grant of townships or parts thereof, certain portions of them are reserved for such townships, or for public uses, and they have not been lawfully located in severalty by the grantee for

the purposes expressed in the grant, the supreme judicial court in the county where the land lies, on application of the land agent, may appoint three disinterested persons, and issue to them a warrant, under the seal of the court, requiring them, as soon as may be, to locate in separate lots, the portions reserved for such purposes, and to designate the use for which each lot is so reserved and located, such lots to be of average quality with the residue of lands therein.

SEC. 21. Said committee, before acting, shall be sworn before a justice of the peace; and a certificate thereof shall be indorsed on the warrant.

SEC. 22. They shall also give notice of their appointment, and of the time and place of their meeting to execute it, by publishing it in some newspaper in the state, to be designated by the court, and by posting written notifications in two or more public places in the same plantation or town, if so ordered by the court, at least thirty days next prior to their meeting.

SEC. 23. They shall make return of said warrant and their doings thereon, under their hands, to the next supreme judicial court in the county after having completed the service; which, being accepted by the court, and recorded in the registry of deeds therein within six months, shall be a legal assignment and location of such reserved portions for the uses designated.

SEC. 24. When the grantee of any such lands severs and locates such reserved portions thereof for the purposes mentioned in the grant, designating the use for which each lot is located, and presents it to said court, the court may confirm it; and such location shall then be legal and conclusive, being recorded as before mentioned.

SEC. 25. Such severance and location may also be made and completed in the manner prescribed in section twenty-nine of chapter eighty-eight.

SEC. 26. Any person aggrieved by the opinion, direction, or judgment of said court in matter of law, in a proceeding for the location of such public lots, may allege exceptions thereto as in other actions.

#### THE SALE OF LANDS FOR SETTLEMENT.

SEC. 27. The land agent, under direction of the governor and council or any person thereto authorized, shall convey any lots which have been surveyed according to law, at the price of thirty-five cents an acre, to actual settlers, and no more than one lot, not exceeding two hundred acres, shall be sold to any one person.

SEC. 28. The purchaser shall give for such lands two notes, payable in one and two years in labor on the roads in the township where the land lies, and shall establish his residence on his lot, within two years from the date of his certificate; and a certificate shall be given, stating that he has become a purchaser of the lot therein described, and that he will be entitled to a deed when he complies with the requirements of law.

SEC. 29. All road labor to be performed under this chapter, shall be done under direction of the persons named in section twenty-seven.

#### CHAP. 5.

on grant,  
how made.  
R.S., c. 5, § 17.  
See c. 88, § 29.  
17 Me., 426.  
26 Me., 205.  
29 Me., 42.  
30 Me., 219.  
33 Me., 304.

Committee to  
be sworn.  
R.S., c. 5, § 18.

Notice of ap-  
pointment  
and place of  
meeting, to  
be published.  
R.S., c. 5, § 19.  
8 Me., 135.  
26 Me., 205.

Return, ac-  
ceptance and  
record.  
R.S., c. 5, § 20.

Location by  
grantee, how  
made.  
R.S., c. 5, § 21.

Location on  
partition.  
R.S., c. 5, § 22.

Exceptions  
may be filed.  
R.S., c. 5, § 23.

Price of land  
to actual  
settlers.  
1872, c. 76, § 3.  
1876, c. 141, § 1.  
See § 29.

Payment,  
how made.  
1876, c. 141, § 2.  
1878, c. 31, § 1.  
—conditions.  
R.S., c. 5, § 26.  
—certificate  
to purchaser.  
1878, c. 31, § 1.  
—deed.

Road labor,  
how done.  
1876, c. 141, § 3.

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Actual settlers entitled to deeds. 1876, c. 141, § 4. —certificates, negotiable. 1878, c. 31, §§ 1, 2.

Forfeiture for failure to perform. R.S., c. 5, § 27. Agents to locate settlers, &c. R.S., c. 5, § 28.

Roads to be located by land agent. R.S., c. 5, § 29. 60 Me., 289.

Settling duties to be done before deed is given. R.S., c. 5, § 30.

—evidence required.

—deed to be absolute.

—when land agent may give release deeds. 1883, c. 128.

All deeds made absolute. R.S., c. 5, § 31.

—state lands to be sold at option of land agent in No. 4, R. 4, W. E. L. S., and in No. 14, R. 4, W. E. L. S. 1876, c. 94.

Land certificates, powers granted to holders of. R.S., c. 5, § 32.

Settlers may cut timber, &c., for certain purposes. R.S., c. 5, § 33.

Settler's lot

SEC. 30. All actual settlers now holding certificates are entitled to deeds upon the conditions and requirements provided in section twenty-eight, and all certificates are assignable, and within the provisions of sections thirty-six, thirty-seven, thirty-eight and thirty-nine.

SEC. 31. If the purchaser fails to perform any duties required of him, or to pay his notes, he forfeits all right to the land; and the land agent may dispose of it to another.

SEC. 32. The land agent shall appoint some suitable person or persons in the vicinity to superintend the location of settlers, the payment of their road labor and the performance of their several duties.

SEC. 33. In townships so selected, in which suitable roads have not been located, the land agent shall cause such roads to be located as public interest and the accommodation of the future settlement require.

SEC. 34. The land agent, before giving a deed under section twenty-eight, shall ascertain whether all requirements of law have been complied with by such purchaser, and for this purpose, the certificate of the person appointed by the land agent to superintend the labor on the roads, under such regulations and mode of proof as the land agent prescribes, shall be evidence; and when such conditions have been complied with, each purchaser shall receive an absolute deed. The land agent may give release deeds in behalf of the State where conditional deeds have been given, and the records in the land offices show that the conditions have been fully complied with.

SEC. 35. All deeds given by the land agent, under section twenty-eight, providing in substance, "that if the grantee has failed to perform all the duties required of a settler, in conformity to chapter five of the revised statutes, approved April seventeen, eighteen hundred and fifty-seven, and all other acts, additional or amendatory thereto, the deed shall be void," convey as absolute and complete a title as if such condition or reservation was not contained in said deed. Lots or sections of land in township number four, range four, W. E. L. S., and lots of land in township number fourteen, range four, W. E. L. S., exceeding the quantity allowed to be sold to settlers, may be sold upon the terms prescribed in the preceding sections, if, in the judgment of the land agent, such lots or sections are not valuable for lumber growth, but are found to be better adapted for settlement than for other purposes.

SEC. 36. Any lawful holder of the land agent's certificate, given under section twenty-eight, of land purchased of the State, may commence and maintain in his own name, any action relating to the same, against any party except the State or a person claiming under the State by a subsequent title, as if he held a deed conveying to him the State's title in the land described in the certificate at the date thereof.

SEC. 37. The actual settler who has purchased land of the State under section twenty-eight, may cut thereon any timber or lumber which he needs for building and fencing thereon, and any cedar, for the immediate support of himself and family.

SEC. 38. Whoever purchases a lot of wild land of the State as afore-

said for settlement, and complies with the condition of purchase, may hold it with the improvements thereon, free from attachment and levy on execution, while he remains in actual possession thereof. The value so exempted, shall not exceed one thousand dollars, to be set off to the owner in such portions of the lot as he directs, by the appraisers appointed to levy an execution, as real estate is set off and appraised on execution.

SEC. 39. On the death of such purchaser, such lot and the improvements shall descend to his children, subject to dower, and are not liable for payment of his debts, unless his other property is insufficient therefor; and, in that case, his children shall have the occupancy and improvement thereof, subject to dower, until the youngest surviving child attains the age of eighteen years. The remainder, after the life estate of the widow, and after the youngest surviving child attains said age, may be sold as other estates of deceased persons for payment of such debts, if the other estate of the deceased is not sufficient. If he dies without issue, such lot shall descend and be disposed of like other property.

#### PERMITS TO CUT AND HAUL TIMBER.

SEC. 40. The land agent may grant permits to individuals, to cut and haul timber of all kinds upon lands owned by the State, on such terms and conditions as he thinks proper.

SEC. 41. Persons obtaining such permits, shall give bond to the land agent, with satisfactory sureties for payment of stumpage and the performance of all conditions of the permit.

SEC. 42. All timber cut under permits, is the property of the State until the stumpage is paid in full.

SEC. 43. On each team employed under such permits, except those granted to cut timber on settling lots, there shall be paid in advance to the land agent, fifty dollars, which shall be the property of the State if such permits are not improved; otherwise it shall be allowed in payment of the stumpage.

SEC. 44. Surveyors or scalers shall be appointed by the land agent, and sworn; they shall scale all timber cut under permits, superintend the cutting thereof, 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 timber is cut clean and without strip or waste.

#### SALE OF TIMBER LANDS.

SEC. 45. The land agent, under direction of the governor and council may annually in February set apart for sale not exceeding ten townships of lands not suitable for settlement, and record them in a book kept for that purpose in the land office, and cause a list of them to be published in the state paper six months successively before the day of sale. The tracts so set apart may be offered for sale in townships, or parts of townships, as is most for the interest of the State. Three months at least before the day of sale, he shall fix a minimum price on each tract or parcel, and enter it in said book, and cause the list, with such minimum price, to be published in one paper in each county in which a paper is pub-

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to the value  
of \$1,000, ex-  
empt from  
attachment.  
1872, c. 76, § 4.

Descends to  
children free  
from debts of  
deceased, un-  
til youngest is  
18 years old.  
R.S., c. 5, § 36.

Agent may  
grant per-  
mits.  
1872, c. 76, § 5.

Bond for  
stumpage.  
R.S., c. 5, § 41.  
47 Me., 23.

Timber held  
for payment.  
R.S., c. 5, § 42.

Advance pay-  
ment.  
1872, c. 76, § 6.

Surveyors,  
their appoint-  
ment, oath  
and duty.  
R.S., c. 5, § 44.

Townships of  
timbered  
land for sale,  
to be set  
apart and  
published.  
R. S., c. 5, § 46.  
1872, c. 76, § 7.

—mode of  
sale.

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lished, once a week at least, for three months successively before the day of sale. The sale shall be on the first day of September, at the land office, by sealed proposals, which may be received at any time after the list, with the minimum price, is published. No proposals shall be received unless ten per cent. of the minimum price is therewith paid into the land office. All proposals shall be numbered and entered in a book in the order in which they are received and filed in the land office, and none shall be received after noon, on the day of sale, nor unless entered in said book. No proposal so entered and filed, shall ever be withdrawn from the office. Immediately after noon of the day of sale, the proposals so entered shall be publicly opened by the land agent, and declared in the order in which they are entered and numbered. The person making the highest bid above the minimum price shall be declared the purchaser, and on payment of one third of the purchase money in cash, including the ten per cent. of the minimum price deposited, the land agent shall make and deliver to him a conditional deed, in the usual form of state deeds, of the tract by him purchased, taking for the remainder of the purchase money three notes for equal sums, payable in one, two, and three years, with interest, and a bond with sufficient surety for payment of a fair stumpage of all timber to be cut thereon, to be applied to the payment of the notes. If any person so declared a purchaser does not within two hours there after pay, or give satisfactory security for the cash payment so required, the land agent shall offer it to the next highest bidder in the list of proposals, on his bid or offer, on the same terms and conditions, and so on until some such bidder complies with the conditions of the sale. The person so declared the purchaser, and neglecting or refusing for twenty days to comply with said conditions, forfeits the ten per cent. of the minimum price by him deposited. The sum deposited by any other bidder, who does not become a purchaser, may be withdrawn by him at any time after the bids are declared and recorded. A list shall be made of the lands so offered and not taken by any bidder, in a suitable book, and they may, at any time thereafter, be sold by the land agent at private sale for not less than the minimum price, the terms and conditions of the sale, and security for payment of the stumpage, being the same as in case of a public sale.

—manner of payment.

—bond.

—purchaser to comply with condition of sale within two hours.

—in neglect thereof, he forfeits the deposit of ten per cent.

—bids may be withdrawn before sale.

—list of lands not taken, to be made, and such lands sold at private sale.

Agent may sell tracts in towns or on islands R.S., c. 5, § 47.

To report to governor and council, who shall settle his accounts. R.S., c. 5, § 48. 1880, c. 239, § 15.

Form and contents of his report. R.S., c. 5, § 49.

SEC. 46. The land agent may sell at public or private sale, for such price as he considers fair and for the interest of the State, all tracts of land owned by the State on islands or in incorporated towns.

SEC. 47. The land agent shall report to the governor and council once in three months, and oftener if required, a particular account of all doings in his office, and the names of his agents; and they may audit and settle his accounts at the close of each year, and at such other times as may be designated.

SEC. 48. He shall, in his reports, particularly describe all the lands surveyed for sale and settlement, and exhibit plans of them with the field notes of the surveyor; and when any land has been sold, he shall describe it, and report the sum received therefor, the names of the purchasers, and their sureties, the names of the trespassers, the amount of

the timber cut, and the place where cut, whether on settling or timber land, and the sum received per thousand feet where he has settled with trespassers; and the sums that he receives, on the demands due, or which may become due; distinguishing the sums paid for principal and for interest, the names of the persons from whom received, and all other particulars required by the governor and council; also an abstract of all notes, bonds, obligations, and other securities, with the names of debtors and sureties, and the collateral security taken to insure payment.

SEC. 49. Money paid out of the treasury under this chapter shall be by warrant from the governor and council, and all notes taken by the land agent on account of the State, shall be safely kept by him, and he shall annually make a schedule of said notes, also quarterly trial balances and balance sheets of the land office ledger, and return them to the state treasurer, who shall enter them in a suitable book.

SEC. 50. He shall, on the first secular day of December, make his annual report to the governor and council, including a written statement of the number of suits instituted on notes given for lands sold, and for timber and grass cut by trespassers, or otherwise, and the amount of costs in each of said suits, for the year preceding.

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Money to be paid on warrant.  
—land agent to keep notes.  
—schedule returned to treasurer.  
R.S., c. 5, § 50.

Land agent's annual report.  
R.S., c. 5, § 51.

## CHAPTER 6.

### THE ASSESSMENT AND COLLECTION OF TAXES.

#### GENERAL PROVISIONS RESPECTING TAXATION.

- SEC. 1. Poll tax, on whom assessed.
2. Real and personal property taxable.
3. Construction of term "real estate."
4. Buildings, fixtures, &c., of railroad corporations subject to municipal taxation as non-resident lands. Track of road exempted.
5. Construction of term "personal estate."
6. What property and polls are exempt from taxation.
7. Dogs more than six months old liable to taxation, if towns so vote.
8. Poll tax, where assessed.
9. Taxes on real estate, where and how assessed.
10. Standing wood, bark and timber, to whom assessed.
11. Lien on wood, bark and timber, how enforced.
12. Taxes, how divided between landlord and tenant.
13. Taxes on personal estate, how and where assessed.
14. Exceptions to the rule of the preceding section.
15. Stock of toll bridges, how taxed.
16. Stock of corporations for supplying water or gas, how taxed.
17. Duty of assessors, collectors, treasurers and cashiers relating to same.
18. Clerk failing to make return, property deemed corporate.
19. Taxes how assessed and collected. Franchise may be sold in certain cases.
20. Blood animals, how assessed.
- 21, 22. Stock of companies invested in banks, how taxed.
23. Personal property mortgaged, and money secured by land, how taxed. May be distrained.
24. Real estate of deceased persons, how taxed.
25. Partners, how taxed. Exception. When jointly and severally liable.
26. Lands may be taxed to tenants or owners, in the town where situated. Part owners, may be taxed separately on furnishing a description of their separate interest.