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1848

## An Act in Relation to Lands Reserved for Public Uses

Maine State Legislature

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## STATE OF MAINE.

IN THE YEAR OF OUR LORD ONE THOUSAND EIGHT HUNDRED AND  
FORTY-EIGHT.

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AN ACT in relation to lands reserved for public uses.

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

SECTION 1. In all unincorporated townships or  
2 tracts of land sold or granted, or which may be here-  
3 after sold or granted by the state, or the common-  
4 wealth of Massachusetts, or by both jointly, in which  
5 lands have been, or may be reserved for public uses,  
6 the land agent of the state shall have the care and  
7 custody of such lands, and protect them from strip or  
8 waste, until such township or tract shall be incorpo-  
9 rated.

SEC. 2. When there is valuable timber or grass  
2 on a township, or tract containing such reserva-  
3 tions, whether the same be located or not, which is  
4 being taken off, or liable to be taken off by trespass-

5 ers or others, the land agent shall sell at public auc-  
6 tion, the right to cut timber and grass upon said re-  
7 served lands, until said township or tract shall be  
8 incorporated, he giving notice of the time and place  
9 of sale, in the state paper, and also in one newspaper,  
10 if any there be, in the county where said lands are  
11 situated, three weeks successively, the last publica-  
12 tion to be at least twenty days before such sale.

SEC. 3. Where such reservations have not been  
2 located, and the timber and grass upon them are sold  
3 as before mentioned, the purchaser may apply by  
4 petition to the district court in the county where such  
5 lands are situated, requesting that such reservations  
6 be located in severalty, and on such petition the same  
7 proceedings shall be had as are provided in chapter  
8 one hundred and twenty-two of the revised statutes,  
9 on application of the assessors of any town or planta-  
10 tion, except as is hereinafter provided.

SEC. 4. In all cases of petition hereinafter filed  
2 for the location of public lots, public notice of the  
3 pendency of such petition shall be given before the  
4 appointment of the committee, by publication in the  
5 state paper, three weeks successively, thirty days be-

6 fore such appointment, and in such other manner, as  
7 the court may direct, and the committee shall give  
8 similar notice of their appointment and time and place  
9 of meeting to execute the same, and no other notice  
10 shall be required ; and in any such petition, different  
11 townships or tracts of land may be embraced and  
12 proceedings had to final judgment, in the same man-  
13 ner, in relation to each parcel, as would be proper, if  
14 each parcel was contained in a separate petition.

SEC. 5. Whenever any township or tract belong-  
2 ing to Maine or Massachusetts, or to both jointly,  
3 shall be sold, in which lands have been reserved for  
4 public uses, it shall be the right and privilege of the  
5 purchaser of such township or tract, to purchase the  
6 right to cut timber and grass upon such reserved  
7 lands, until such township or tract shall be incorpo-  
8 rated, whether the same be located or not, upon the  
9 same terms and price, per acre, at which the pur-  
10 chase was made of the residue of said township or  
11 tract, and in case such purchaser shall decline and  
12 refuse to make such purchase, then it shall be the  
13 duty of the land agent to make sale of said right to  
14 cut timber and grass on said reserved lands, under



15 the same terms as are prescribed in the second sec-  
16 tion of this act.

SEC. 6. All moneys or securities in the possession  
2 of the treasurer or county commissioners of any  
3 county, received from the sales of timber and grass  
4 cut upon said reservations, or collected from trespass-  
5 ers upon the same, shall be delivered and paid over to  
6 the land agent, accompanied by a statement, describ-  
7 ing the amount belonging to each particular reserva-  
8 tion, and the expenses incurred upon the same, and  
9 the land agent shall keep an accurate account of all  
10 moneys and securities received by him, describing  
11 the particular reservations from whence received.

SEC. 7. All expenses heretofore incurred by any  
2 county in the location, protection, or management of  
3 said reserved lands, shall be reimbursed to such county  
4 whenever such amount shall be received from the  
5 sales of timber and grass from said reservations in  
6 such county, and the account of such expenses shall  
7 be audited by the land agent, and when approved by  
8 the governor and council, shall be paid by the land  
9 agent to the treasurer of the county aforesaid.

SEC. 8. All balances of money in the hands of the

2 land agent, received from the sales of timber and  
3 grass from said reservation, and from trespassers on  
4 the same, or from county commissioners and county  
5 treasurers as before mentioned, shall be paid over to  
6 the state treasurer, who shall keep a just account  
7 thereof, and pay the same to treasurers of towns, the  
8 rightful owners, whenever applied for.

SEC. 9. Whenever the inhabitants of any such  
2 township or tract, in which lands have been reserved  
3 for public uses, shall have become organized into a  
4 plantation for election purposes or otherwise, and  
5 shall have organized one or more school districts ac-  
6 cording to law, the state treasurer shall cause the  
7 annual interest arising from such funds as may have  
8 been paid to him by the land agent, arising from the  
9 sales of timber and grass on the reserved lands in such  
10 township or tract, to be paid yearly to the clerks of  
11 such plantations, and the same shall be applied to the  
12 support of schools in said district, to be distributed  
13 according to the number of scholars in each district:  
14 *Provided*, that if any district or plantation shall be  
15 composed of parts of two or more townships, the in-  
16 terest aforesaid shall be distributed as nearly as may

17 be, according to the proportion of the funds arising  
18 from the reserved lands in each township, for the sup-  
19 port of schools in such township.

SEC. 10. In all cases, where proceedings have been  
2 commenced under the present law, by county com-  
3 missioners, in relation to the location of said public  
4 lots, the same may be prosecuted to final judgment  
5 notwithstanding the passage of this act.

SEC. 11. All acts and parts of acts inconsistent  
2 with this act, are hereby repealed.

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## STATE OF MAINE.

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HOUSE OF REPRESENTATIVES, July 26, 1848.

ORDERED, That 350 copies of the foregoing report and ac-  
companying bill, be printed for the use of the Legislature.

SAMUEL BELCHER, *Clerk.*