

## HOUSE....No. 160.

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### Commonwealth of Massachusetts.

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HOUSE OF REPRESENTATIVES, April 28, 1853.

The Committee on Public Lands, to whom was recommitted a bill reported by them on the tenth of March last, with sundry proposed amendments and other matters,

#### REPORT:

1. That the amendment proposed by Mr. Butler, of Lowell, granting to the State of Maine the power of taxation over all lands sold by the State of Massachusetts, whether a lien thereon be retained or not, ought not to be adopted.

2. That it is not expedient to make an appropriation for a commission of exploration, because the land agent and commissioners have ample authority, under existing laws, to obtain all the explorations required by the interest of the Commonwealth.

3. That it is not expedient to adopt the first amendment offered by Mr. Nayson, of Amesbury, which requires that no sale of timber or lands shall be deemed valid until the offer for the same shall be passed upon and approved by the governor and council, because the legislature has provided already for the appointment of commissioners, who are competent to manage the business, and, in the opinion of the committee, it is not expedient to restrict their powers.

4. That the second amendment proposed by Mr. Nayson, which relates to the application of the proceeds of the timber and lands to the school fund, ought not to be adopted, because the disposition of the money is a matter belonging more appropriately to the committee of finance.

5. That the communication of the land agent, made in response to a call of the House, and referred to this committee, requires no particular notice beyond a statement of the fact that the sale of timber to which that communication relates was made in accordance with existing laws, upon the official responsibility of duly authorized agents of the Commonwealth; and an expression of the opinion of the committee, that the sale was, under the circumstances, a judicious act. The intention to make the sale was not known to the committee, but after it had been consummated, and on the same day that the call was made by the House upon the land agent, that officer, with the commissioners, had appeared before the committee and stated the facts. Whether or not the land agent and commissioners should have forbore to make this sale, or any other sale of timber, under the authority vested in them by law, during the session of the legislature, without first submitting the matter to the Joint Standing Committee on Public Lands, is a question on which the committee do not deem it necessary to express an opinion.

6. That the amendments proposed by Mr. Boyd, of Boston, should not be adopted, because the effect of those amendments would be to restrict the powers of the land agent and commissioners in a greater degree than the interest of the Commonwealth demands.

7. Considering the competition there is among purchasers to obtain such townships and tracts as are well timbered, and the very limited demand there is for any other description, the committee are of opinion that it will be wise to clothe the land agent and commissioners, ultimately, with full powers to sell the whole or any part at such time and for such price or prices as they may deem expedient. But inasmuch as a sale of the whole to any one party (excepting the State of Maine) will, in the opinion of many persons, have a tendency to create a monopoly in lumber, the committee think that it may be well

to inhibit the sale of more than two townships to any one party, excepting the State of Maine, for a limited time, after which the whole, or any part exceeding two townships, may be sold to any purchaser or purchasers, at the discretion of the commissioners. The committee are of opinion, however, that in all cases where the timber on a township or tract of land has been already sold, it is proper to give to the purchasers of the timber a right to purchase the fee at such price and on such terms as the land agent and commissioners may deem reasonable, subject only to the preëmptive right of the State of Maine.

In accordance with these views, the committee now report a bill substantially the same as that heretofore reported and re-committed, with two additional sections.

By order of the Committee,

JOHN S. TYLER.

## Commonwealth of Massachusetts.

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In the Year One Thousand Eight Hundred and Fifty-  
Three.

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### AN ACT

For the Sale of the Public Lands in Maine.

*Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

1    SECT. 1. The land agent of this Commonwealth,  
2 with the concurrence of the commissioners appointed  
3 by the acts of 1850, chapter 307, and the acts of 1851,  
4 chapter 190, is hereby authorized to sell for such  
5 price and on such terms as they may deem for the in-  
6 terest of the Commonwealth, all the timber and lands  
7 now remaining unsold in the State of Maine, and be-  
8 longing to this Commonwealth: *provided, however,*  
9 that in case of the sale of said timber and lands, or of  
10 any part thereof, on credit, the security to be received  
11 for the payment of the purchase money shall be made  
12 entirely satisfactory to said land agent and com-

13 missionaries, wholly independent of any lien upon said  
14 timber or lands.

1     SECT. 2. Prior to the sale of the fee in any town-  
2 ship or tract of land to any other party excepting the  
3 State of Maine, it shall be the duty of the land agent  
4 to offer the same to such person or persons as have  
5 already become purchasers of the timber on such  
6 township or tract of land, at such prices and on such  
7 terms as the said land agent and the commissioners  
8 may deem reasonable, and such purchasers of the tim-  
9 ber shall have a reasonable time, not exceeding three  
10 months, to determine whether they will become the  
11 purchasers of the fee in such townships or tracts.

1     SECT. 3. The land agent shall give public notice  
2 that all the lands and timber now belonging to this  
3 Commonwealth in the State of Maine, are for sale, in  
4 parcels not exceeding two townships to any one pur-  
5 chaser or party; and it shall not be lawful to sell  
6 more than two townships to any one purchaser or  
7 party until after the first day of February of the year  
8 one thousand eight hundred and fifty-four: *provided*,  
9 *however*, that this limitation shall not apply to sales  
10 to the State of Maine, nor to sales to such parties as  
11 may have already become purchasers of the timber, to  
12 whom the fee is to be offered under the provisions of  
13 the second section of this act.

1     SECT. 4. Prior to making any sale of such lands,  
2 or of the timber thereon, as may now be held in sev-  
3 erally by Massachusetts or jointly with the State of  
4 Maine, the land agent and commissioners aforesaid

5 shall offer to the State of Maine, for such time and on  
6 such terms as they shall deem reasonable, the first  
7 right to become the purchaser thereof.

1     SECT. 5. After the first day of February of the  
2 year one thousand eight hundred and fifty-four, it  
3 shall be lawful for the land agent and commissioners  
4 to sell all the timber and lands in the State of Maine  
5 belonging to this Commonwealth, to any one or more  
6 purchaser or purchasers.

1     SECT. 6. So much of the third section of the act of  
2 1851, chapter 190, as forbids the sale of the fee in the  
3 public lands, is hereby repealed.

1     SECT. 7. This act shall take effect from and after  
2 its passage.