

MAINE STATE LEGISLATURE

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ACTS AND RESOLVES

OF THE

FIFTIETH LEGISLATURE,

OF THE

STATE OF MAINE.

1871.

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

AUGUSTA:
SPRAGUE, OWEN & NASH, PRINTERS TO THE STATE.
1871.

PRIVATE AND SPECIAL LAWS

OF THE

STATE OF MAINE.

1871.

hundred and sixty-three, chapter two hundred and twenty-six, approved February twenty-first, eighteen hundred and sixty-three, liable to taxation, are entitled to have their proportion of the sum paid by the state to Frankfort under act of eighteen hundred and sixty-eight, chapter two hundred and twenty-five, approved March seven, eighteen hundred and sixty-eight, notwithstanding anything in said act to the contrary.

CHAP. 628.

proportion of money paid under act of 1868.

SECT. 2. The sum to be received by said inhabitants shall be determined on the basis of the valuation of the polls and estates in Frankfort, for taxation in eighteen hundred and sixty-two, and shall be apportioned to said inhabitants so entitled by the assessors of Frankfort for eighteen hundred and seventy-one, and certified by them to the treasurer of said town, and by him paid over to the parties entitled thereto.

Amount, how determined and apportioned.

SECT. 3. If the town of Frankfort neglects or refuses to comply with the provisions of this act for six months after the approval, any one or more of said inhabitants may bring a bill in equity against said town, in the supreme judicial court for Waldo county, as well for all said inhabitants interested as for himself, and the court shall determine the sums to which said parties are entitled, in accordance with the provisions of this act, and enter a decree therefor with costs.

Remedy in case of neglect or refusal to comply with provisions of this act.

SECT. 4. This act shall take effect when approved.

Approved February 15, 1871.

Chapter 628.

An act to incorporate the town of Deering.

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

SECT. 1. All that part of the town of Westbrook lying southeasterly of the following described line, namely: commencing at the Presumpscot river at the line of the town of Falmouth; thence up said river to the westerly corner of the Hunt farm; thence along the westerly line of said farm to the Portland and Rochester Railroad; thence along the southeasterly line of the Larrabee farm to the Congin road; thence along the dividing line between the said Larrabee farm and the widow Lamb's farm to the land of the heirs of Moses Quimby; thence along the easterly and southerly line of the land of the heirs of said Moses Quimby to the Stroudwater road at the canal bridge; thence by the Cumberland and Oxford canal westerly about ten rods to the line between the farm of the heirs of the late Zebulon Trickey and the lands of

Westbrook, certain territory set off from.
Boundary.

CHAP. 628. George Johnson and Isaac Johnson; thence by said last described line southwesterly to the easterly line of the Slemmons' farm; thence by the said easterly line of the Slemmons' farm, being the dividing line between said Slemmons' farm and the land of George Johnson, southeasterly about twenty rods to the land of W. D. Boothby; thence southwesterly by the dividing line between said Boothby's land and the Slemmons' farm to the Cape Elizabeth town line, is hereby incorporated into a separate town by the name of Deering, and the inhabitants thereof are hereby invested with all the powers and privileges and subject to the duties and liabilities, incident to other towns in this state.

Deering, incorporation of.

Powers and liabilities.

Taxes, inhabitants liable for payment of.

Certain moneys, appropriation of.

SECT. 2. The several inhabitants of the town of Deering shall be holden to pay all taxes which have been legally assessed upon them by the town of Westbrook, and the several collectors of taxes for said town of Westbrook are hereby authorized and required to collect and pay all taxes to them already committed, according to their respective warrants. All moneys now in the treasury of said town, and all sums which shall hereafter be received from taxes heretofore assessed, shall be applied to the several purposes for which they were raised; and in case of any excess, either from the sale of bonds issued to the town of Westbrook by the state, under "an act providing for the equalization of municipal war debts and a limited assumption and reimbursement thereof by the state," approved March seven, eighteen hundred and sixty-eight, or otherwise, said excess shall be applied by the treasurer of Westbrook in payment of the indebtedness of said town of Westbrook.

Debts and liabilities of Westbrook, certain of them to be assumed by Deering.

SECT. 3. Said town of Deering shall be holden to pay the said town of Westbrook, two-thirds parts of all the debts and liabilities of said Westbrook now existing, upon contract or otherwise, or which may hereafter arise, in consequence of any and all suits at law pending against said town, or which may hereafter be commenced on any cause of action which may now exist against said town, the same to be paid to the town of Westbrook when said liabilities accrue.

Rights and privileges belonging to inhabitants of Westbrook.

SECT. 4. The inhabitants of said towns shall continue to hold and enjoy in common all rights and privileges hitherto belonging to the inhabitants of Westbrook, in any and all public landings, cemeteries, muscle-beds, flats, gravel-beds, and fisheries of every kind, within the limits of said towns.

School districts, law applicable to.

SECT. 5. The several schools districts divided by this act shall be subject to all of the provisions of law, applicable to school districts composed of parts of towns.

Paupers, where chargeable.

SECT. 6. All persons hereafter becoming chargeable as paupers shall be chargeable to that town on whose territory they last resided.

SECT. 7. The town of Westbrook shall at its next annual meeting, or at a special meeting to be held in the month of April next, elect by ballot two commissioners, and the town of Deering shall at its first meeting or at a special meeting to be held in the month of April next, elect by ballot two commissioners, and the four commissioners so elected shall constitute a board of commissioners, who shall as soon as may be practicable proceed to examine the roads and bridges belonging to the said towns, and all personal property, and the town-house and lot; and they shall ascertain the number of paupers supported in whole or in part by the town of Westbrook at the time this act takes effect; and said commissioners after hearing the parties shall unanimously in writing make an award in relation to any of the matters herein submitted to them, which award shall be deposited by said commissioners with the clerks of said towns, and be entered upon the records of said towns, and said awards shall determine the sum of money which shall be paid in gross or annually by either of said towns to the other in order to equalize the burdens of supporting the roads and bridges of the respective towns; and what division of the personal property shall be made and to which town each article shall be made, and to which town each article shall belong; and the value of the same; and the sum of money either town shall pay to the other in final adjustment of all questions relating to the division of personal property; and what sum of money the town of Deering shall pay to the town of Westbrook for the town-house and lot on which it stands; and what paupers chargeable and supported by the town of Westbrook at the time of the approval of this act shall be supported hereafter by each of said towns; and said commissioners may make an award upon either of said matters, and said awards shall be final, and shall be held to convey the property so awarded to each of said towns, and all sums of money so awarded shall be paid within six months from the date of said awards; in case said commissioners shall not unanimously agree upon an award in any of the matters herein submitted to them, they shall submit the matter of disagreement to the county commissioners of Cumberland county, who shall examine the matter in relation to which the disagreement arises, after notice to and hearing of both parties and shall make their award and return it to the town clerks of said towns, to be recorded in like manner and with like effect as an award of the commissioners; and said commissioners so elected shall constitute a board of commissioners for the purpose of selling the town farm, and said commissioners are hereby authorized and empowered to sell said farm for such sum of money, and upon such terms of payment, as they shall agree, and convey the same by deed, and in case of disagreement the county commissioners for Cumberland

Commissioners,
appointment of,
and their duties.

Award of commis-
sioners, deposits
of, &c.

Division of per-
sonal property
and adjustment of
questions relating
to same.

Town-house and
lot, relating to.

• Money awarded
by commissioners
shall be paid in
six months from
date of awards.

Disagreement of
commissioners, in
cases of, matter
may be referred
to county com-
missioners.

—their award and
its effect.

Town farm, sale
of.

CHAP. 629.

Proceeds of sale to be paid over to town treasurers.

Neglect or refusal to choose commissioners in case of vacancy, how filled.

Safes and records to be retained by Westbrook.

First meeting, how called.

county shall in like manner sell and convey by deed said farm ; and in either case the proceeds of said sale shall be divided and paid over to the treasurers of the respective towns in proportion of two-thirds to said town of Deering and one-third to said town of Westbrook. In case either town shall neglect or refuse to choose said commissioners at the time or in the manner provided in this act, or in case any of said commissioners shall refuse to act, or there shall be a vacancy by death or otherwise, in either case, said county commissioners shall fill the vacancy by the appointment of some proper person or persons residing in the town where the vacancy shall occur.

SECT. 8. The two safes and all the records of Westbrook shall be retained by the town of Westbrook, as the exclusive depository of the past records and papers of said town of Westbrook, to which each town shall have access.

SECT. 9. Any justice of the peace may call the first meeting of the town of Deering, by posting a warrant therefor, stating the objects of the meeting, in three public and conspicuous places in said town, at least seven days before the time of holding said meeting.

SECT. 10. This act shall take effect on the twenty-first day of March, eighteen hundred seventy-one.

Approved February 16, 1871.

Chapter 629.

An act to incorporate the Alfred and South Berwick Railroad Company.

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

Corporators.

SECT. 1. Edward Fox, A. W. H. Clapp, Winthrop G. Ray, Rufus E. Wood, John Lynch, Harrison J. Libby, A. K. Shurtleff, Frederick Robie, Henry P. Deane, Edward H. Davies, Frederic Fox, Joseph S. Ricker, John McDuffee, George W. Woodman, John A. Waterman, Charles Staples, D. W. Fessenden, B. D. Verrill, N. L. Woodbury, Caleb B. Lord, William H. Conant and William H. Stephenson, their associates, successors and assigns, are hereby made and constituted a body corporate and politic by the name of the Alfred and South Berwick Railroad Company, and by this name may sue and be sued, and shall have and enjoy all proper remedies at law and in equity to secure and protect them in the exercise of the rights and privileges hereinafter granted, and to prevent all invasion thereof or interruptions in the exercise and enjoyment of the same ; and the said corporation is hereby

Corporate name.

Rights and privileges.