

# MAINE STATE LEGISLATURE

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# DOCUMENTS

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# THE LEGISLATURE

OF THE

STATE OF MAINE,

DURING ITS SESSION

A. D. 1849.



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WM. T. JOHNSON;.....PRINTER TO THE STATE.

1850.

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# TWENTY-NINTH LEGISLATURE.

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No. 26.]

[SENATE.

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## REPORT

*Of a minority of the Committee on Division of Towns, on petition of Ammi Storer and als., for division of North Yarmouth.*

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The undersigned, a minority of the committee to which was referred the petition of Ammi Storer and others, praying for a division of the town of North Yarmouth, being utterly unable to agree with the majority of said committee in their conclusions, beg leave to submit the following

### REPORT.

The petitioners, being residents of the town of North Yarmouth, and all of them with only a single exception residing within the limits of the proposed new town, ask that said town may be severed, and its several parts separated by a line drawn from east to west across said town, as set forth in said petition.

The undersigned have failed to find in the evidence adduced before the committee, any reasons sufficient to require or justify the severance of this ancient town—one of the earliest settled, and most venerable in the State for its history and associations; while upon the other hand the evidence fully satisfies them that this good old town should be spared the knife, and still suffered to remain entire—and they beg leave to suggest the following considerations.

The whole number of polls in said town in February, 1839, was 675.

The number of petitioners is 255; all, save one, residents of that portion proposed to be made into a new town.

The number of remonstrants is 377—126 of whom reside within the limits of said contemplated town. From this it appears that all but 43 of the polls of the present town are represented, and that a very large majority of said inhabitants do not wish for, but remonstrate against such change—and that one third part of those whom the present bill proposes to incorporate, are among the remonstrants—from which fact we also believe that less “peace and harmony” would be likely to exist in the new town, (if made,) than has always existed and still exists in the present town.

It fully appeared also, that at two town meetings, called since the orders of notice upon the several petitions, for the special purpose of considering the question, it was voted by a very large majority to remonstrate against and oppose such division, and to annul the powers delegated to an agent at a previous, thinly attended meeting, and before the order of notice from the legislature.

We could not therefore avoid the conclusion that the petitioners, though purporting to act in behalf of the town, were not the representatives of the wishes of the great majority, but that the full, fair and honest expression of said inhabitants is to be found at their late meetings, and is decidedly opposed to the division.

The ground assumed by the petitioners as a reason for the granting of their prayer,—that the different sections of the town had conflicting interests,—was in our view but feebly sustained by the facts; and we venture to assert that there is no town in the State where the different sections have not as great or greater conflicting interests. It appeared that for a long series of years, no difficulties, no conflicts, no local dissensions had disturbed the quietude or good feeling of the various portions of the town—that no dissatisfaction had existed, and no division been suggested or thought of, until at the annual meeting on the 30th day of April last, when the subject of the purchase of fire engines was brought before the inhabitants, and they voted not to make such purchase. With this result the minority were dissatisfied, and from this small beginning, we think,

from the evidence in the case, is to be attributed the present aspect of affairs. We cannot find in this good and sufficient reasons for adopting the course recommended by the majority of the committee. We do see, however, that legislation, founded upon such causes, granted hastily to minorities while under excitement, cannot fail to produce injurious tendencies through the State and to increase the number of cases, already too numerous, where similar acts will be sought of the legislature upon every trivial ground of dissension.

The area of the town of North Yarmouth is already less than that of the majority of towns in the state, and we could find no reason for the division from the size or form of the territory; nor did it appear that any complaint had ever been made, or dissatisfaction expressed by those who reside farthest from the business centre of the town where all the town meetings have been held.

In addition to these facts, we were compelled to the conclusion, that a great injustice would be done to the residents north of the division line, by granting the prayer of the petitioners.

The statistics presented to the committee shew that the valuation of the town for the year 1849, is about \$1,055,000, (at a two-thirds valuation.) That south of the proposed line, \$727,000; while north of the line it is but \$328,000—giving to the southern portion a very considerable amount more than double the valuation of the northern portion.

The whole number of acres is about 20,000. South of the line, about 8,000; and north of the same, about 12,000.

The present population is estimated at about 3,700. South of the line, about 2,500; north of the line, about 1,200.

From these statistics it appeared that the division would give to the new town, more than twice the amount of property left to the old—would take more than double the amount of population—while it would leave the old town with nearly double the amount of territory to sustain. The roads and bridges in the old town would be much more expensive to maintain than in the new—the number of miles of road being much greater, and the bridges being generally older and needing much more repairs than those in the

other section ; and, indeed, so manifest was this injustice that the majority of the committee required some provision in the bill to remedy this in some degree—but it will be seen that the provision is but a temporary one and will not meet the wants of the future.

It also appeared, that all the water privileges, mills, factories, railroad depots, (one of inconsiderable size in the extreme part of the town excepted,) and other sources of future progress and wealth, are located within the small compass of the proposed new town—so that prospectively the inequalities and injustice thus created are even greater than at the present.

In 1828 a division was asked—and refused by the legislature—the present petitioners, or those residing in their section of the town, being then remonstrants—and after a full investigation at that time, the legislature rejected the request ;—and during the whole interval until an excitement was gotten up less than three months since, both parties have remained in good fellowship and harmony—both satisfied that that decision was just and the best for the interests of the whole. We have found no good reason, transpiring since that time, which should call for such division, and for overruling the decision of the legislature of 1828 ; and we believe that were the present excitement on the part of the minority,—the petitioners,—suffered to subside, the true interests of the town would be differently viewed by them.

The brief history of this excitement and the proceedings of the town is this : The annual meeting took place April 30th, at which meeting the town concluded not to purchase fire engines at that time. A special meeting was called May 14th, at which time the same vote was passed. On the 28th of May, another meeting was called in relation to a division. This meeting was not attended by those residing north of the proposed line. Being principally farmers, they were, as was represented, busily engaged in planting—had lately attended two meetings—and were satisfied that at all events, if the disaffected were really serious in their purposes of asking for a division, they would ultimately be obliged to act in the premises after hearing from the legislature. They therefore concluded not

to spend the day at that busy season, where they could avail nothing. They were also well aware that if the town voted against such division, still petitions would be presented, and the same measures have to be taken to meet them. They also hoped the excitement would soon subside, as all their interests were entire. Such were the reasons given for the action of the town at the meeting of May 14th—at which time it appears but 127 votes were cast. After the orders of notice, the full expression of the town was twice given,—in opposition to any such change.

The taxes of the town have been light, and no more jealousy or complaints seem to us to have existed in relation to the same, than always exist in towns upon this subject; and it seems no more than right that the northern section, which has ever contributed her portion to the advantages and benefits of the southern part, should continue her present connexion and not be cast off, with increased burdens, in order to lighten the burdens of the south, and in opposition also to the expressed wishes of the northern, and to those of one third part of the southern section.

It was stated that some sixty or more voters were absent, most of whom the petitioners thought would favor the division. Of this, however, they did not pretend to know. We think that in regard to this, it would be no more than fair to consider the absentees as represented in fair proportions by those at home, in which case the majority of the remonstrants would be still greater than now appears.

For these and other reasons, the undersigned have been compelled to differ from the majority of the committee, and to come to the conclusion that neither public policy, nor the interests of said town—nor justice to either section requires that the prayer of the petitioners should be granted.

JAMES WALKER,  
DANIEL PUTNAM,  
DANIEL DAM.

**SOME OF THE REASONS** set forth in the Remonstrance of Uriel Whitney and others, citizens of North Yarmouth,—*that part now asking to be divided*,—against a petition for division in the year of our Lord eighteen hundred and twenty-nine.

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The said inhabitants consider the question submitted to the legislature by the above named petition, as a question of great importance, and as involving consequences of the highest moment to the town. They therefore conceive that the legislature will require reasons uncommonly strong, and proof incontestible, before it will grant the prayer of the petition, while they believe that the bare statement of the case by the remonstrants will fully convince your honorable body of the policy of things remaining as they are, and of the danger and impolicy of such change as contemplated.

It is argued, in the first place, that the geographical situation of the town affords every facility for such division. But admitting this for a moment, geographical situation must be regarded under certain restrictions; and the question, how will a measure like that prayed for operate as to the distribution of the burdens of the town, must precede and govern any question upon such geographical situation. And it is denied that the communication between the upper and lower parts of the town is not direct and continual. It can be proved that it is so. Again, it is said that in the last May meeting, consent was given to such division by a vote of a considerable proportion of the inhabitants, a few only voting in the negative. This assertion can be met with fact; and the statement of the fact is sufficient. At that meeting, fully attended by those who were in favor of this measure, a vote for consent to such division passed by a majority of four only; and that too, at a moment when the question was affected by an unnatural excitement upon some other town affairs, and when, of course, the strength of parties on this subject could not fairly be tested.

Having thus briefly noticed the few reasons offered by the peti-



tioners for this division, we beg leave to state a few objections that seem to flow directly from the *real merits* of the case.

The town of North Yarmouth contains about 19,000 acres upon the main. According to the division as prayed for, 12,000 acres would be set off to the petitioners, and 7,000 would fall within the limits of, and constitute the old town. The islands contain less than 1,000 acres. The average length of the town on the main, is hardly eight miles, and the average width is four. Already it contains *considerable less* territory than a township six miles square, which would embrace 23,000 acres—and such would by no means constitute a large town.

It cannot certainly be necessary to urge upon the legislature the evil consequences of *cutting up towns* in the manner contemplated in this petition. The evil is deep and sometimes without remedy. The disposition to division has often spoiled the harmony as well as the best interests of the towns that have indulged it on the one side, or opposed it on the other; and if such division has been effected, it has ended, in some warning instances, in *continual cost* and vexation. It would be naturally supposed that the same town had had *sufficient experience* in the fatal tendency of this system of division to prevent all other applications for similar objects. The erection of Cumberland into a separate town was opposed by many of your petitioners; and the consequences of that measure have eminently proved how well founded were their oppositions and their fears,—and would seem to speak *loudly* and *impressively* of the danger attending such *feverish* measures. Expense began with the division of the town in that case in 1821—expense has attended unsuccessful attempts to arrange matters satisfactorily between the two towns for every succeeding year—and expense is at this moment fast accumulating under the burden of a wearisome and inveterate lawsuit. With these things staring them in the face; already laboring under an expense that every once cries out against as oppressive and endless, your petitioners now seek for another division, with the certainty of finding no advantage equal to those which they now enjoy, and at the hazard of inducing expenditures

that will weigh equally with those under which they are already suffering. It is a case indeed that calls loudly for the overruling interposition of the legislature. But your remonstrants deem it unnecessary to occupy time upon the subject. When it is seen that the division prayed for would be so utterly useless as well as so unrighteous ; when the legislature is told that so far from the existence of any general wish that this division should be effected, it can be proved, and does appear by the records of the town, that in the public meeting held in November last, 142 votes were given against any division, and 48 votes only in favor ; when it is remembered that as a town we are still, as we have been year after year, smarting under the evil of the incorporation of Cumberland, your remonstrants cannot for a moment believe that the legislature will listen to a petition founded on such premises.

To divide is not the wish of the town. Its most earnest desire is to remain steadfast in harmony and good fellowship ; and while your remonstrants are not disposed to attribute any wrong motives to any who may maturely consider the subject, they cannot but believe that the idea of division is the idea of a few only who would seek for a change, without considering at all the certain evil that would attend it on the one hand, or on the other any possible, partial advantage that can result from the measure.

Dated at North Yarmouth, January 5, 1829.



## STATE OF MAINE.

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IN SENATE, July 20, 1849.

ORDERED, That 350 copies of the foregoing Report, be printed for the use of the Legislature.

ATTEST: DANIEL T. PIKE, *Secretary*.

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IN SENATE, July 21, 1849.

ORDERED, That the reasons set forth in the remonstrance of Edward Russell and als., against the division of the town of North Yarmouth, in 1829, be printed with the minority report of the Committee on Division of Towns in the case of North Yarmouth.

DANIEL T. PIKE, *Secretary*.