

# MAINE STATE LEGISLATURE

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# FORTY-NINTH LEGISLATURE.

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SENATE.

No. 27.

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## MINORITY REPORT.

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The undersigned, four members of the Committee on Division of Towns, (nine being present) to which was referred the petition of six hundred and fifty-four legal voters of the town of Westbrook, and resident in the eastern section of said town praying that a portion of the territory and population of said Westbrook may be incorporated into a new town, respectfully submit the following report: containing

1. A statement of the facts of this case.
2. The inference we deduce from those facts.

I. The town of Westbrook was incorporated in 1813, under the name of Stroudwater, and was a part of ancient Falmouth, which formerly embraced the territory now comprising the city of Portland, and the towns of Cape Elizabeth and Falmouth as well as Westbrook, and in the subsequent year its present name was adopted.

But the attraction of a valuable water power at Saccarappa soon caused a thrifty and prosperous village to spring up at that point; and later caused the development of another fine water power at Cumberland Mills, both in the western part of the town; and still later, stimulated by the growth and needs of Portland, grew up the village of Stevens' Plains in the eastern portion of the town.

The relative increase during the last ten years has been as follows, viz:

In the western section, Polls 31 per cent. Wealth 28 per cent.

In the eastern section, Polls 69 per cent. Wealth 72 per cent.

The area of the present town is 21,200 acres, about 11,700 of

which are in the western section, and 9,500 in the eastern section. The total valuation is \$2,732,000; and according to the proposed line of division, there would be two towns, one with an area of eighteen square miles, and a valuation of about \$1,000,000, and the other with an area of fifteen square miles and valuation of \$1,700,000. The total number of polls in the present town is about 1550; nearly 700 of them being west and the balance east of the proposed line of division. The population of the present town is about eight thousand, and there are twelve hundred inhabitants within a mile of Saccarappa bridge. The town has sixty-eight miles of road, thirty-five miles on the west side of the division line, fourteen miles of which are subject to heavy and twenty-one to light travel; and thirty-three miles on the east side with twenty-two miles of heavy and eleven of light travel.

Of the bridges there are more to be kept in repair in the western than in the eastern section, but upon the question of the comparative expenses of maintaining the roads and bridges in the two sections, there was difference of opinion among the witnesses before the committee. Mr. James Johnson, the civil engineer who made the map of the town, Mr. Samuel Jordan and Dr. Ebenezer Stone, stated that in their judgment, taking the roads and bridges together, there would be but very little difference in the expenditure required to keep both in repair in each section; while Mr. Leander Valentine, Mr. George Warren and Mr. Henry B. Walker, expressed the opinion that a greater expenditure would be necessary for the western than for the eastern section; and in this connection it was testified by Mr. Walker that without regard to the bridges, the amount required to keep the roads in repair in the eastern section was fifty-eight per cent. of the money raised, to forty-two per cent. required in the western section during the last ten years.

The proposed line of division adopts the Presumpscot river as a boundary for about one half the distance; and when leaving the river is so drawn as to divide no man's farm, and is through a sparsely populated country. Indeed, it has been admitted by the remonstrants who testified before the committee that if the town is to be divided no better or more natural line could be suggested.

There are seventeen school districts in the town, and two thousand ninety-one scholars. The proposed line divides but three; district No. 12, with twenty-nine scholars, eight falling east of the

line, district No. 13, one hundred forty-nine scholars, nine falling east of the line, district No. 7, ninety-eight scholars, fourteen falling east of the line. The three school houses in those districts being all west of the division line.

West of the proposed line the people are principally manufacturers of cotton cloth, paper, lumber, &c., at Saccarappa, Cumberland Mills and Duck Pond, with an annual product of more than \$2,000,000 in value; while the population east of the line is made up of agriculturists, mechanics and business men, the two last classes mainly transacting their business at Portland.

The town has no focal center, social or commercial. The business and society of the two sections are distinct; each having its churches, schools, society, charitable and reformatory institutions distinct from the other. The two sections have no other relations with each other than with adjoining towns, and neither as much with the other as each with Portland.

There are no common sympathies, interests or aims; and while their sources of wealth are different, so also their modes of improvement and progress are essentially different. The west is to improve by the development of its water power, the east is to build up by immigration. The west has unlimited wealth in its water powers to be developed by capital; the east must be improved by the laying out of streets and the introduction of a system of schools equal to those of Portland, in order to make that section attractive as a place of residence; thus their paths diverge.

The property of the town, according to the annual report of the selectmen for the A. D. 1869, was estimated by them as follows, viz:

Poor House and Farm .....	\$10,000
Personal property at same .....	2,600
Town House and Lot.....	1,600
Safe, &c., at office .....	150
Gravel banks .....	600
Total .....	<u>\$14,950</u>

In view of the facts proved, the undersigned make the following deductions which they offer as good and sufficient reasons for the opinion they have formed that the prayer of the petition should be granted.

The territorial extent, population and wealth of the town are such that its division will produce two convenient, wealthy and

prosperous towns, each containing its peculiar elements of a prosperous growth.

When so large a portion of the people as the present petitioners, residing in close proximity, with common associations, sympathies, aims, interests and pursuits, desire a municipal organization for their mutual benefit and progress, the Legislature should not disregard their request except for substantial public reasons.

The voting list of the present town is so large as to render the transaction of the public business inconvenient and difficult; and its sectional antagonisms growing out of adverse interests and past and present feuds are such that public measures of improvement are not carried upon their merits, but by a system of log-rolling, which is a constant check upon improvement and is as fatal to the progress of each section as it is to wise legislation in a law-making assembly.

The remonstrants have set forth that "the need of better streets and better schools in one which we all recognize, and for which as well as other improvements, we hope with our present and prospective increase of wealth and population more suitably to provide." We are of opinion that the acknowledged need of better streets and schools, will be more readily and successfully supplied by the division of the town. It is manifest from the character of the population; from its proximity to Portland, and from the nature of the causes which are to give it growth and progress, that the eastern section requires a system of graded schools and a High School which it would not be just to ask the western section to provide for them, and which never can be obtained, with the want of community of feelings and the diversified and clashing interests now existing in town.

It was admitted by Mr. Valentine, one of the principal remonstrants in the testimony, that the question of division was one of time only, though it was his judgment that the movement is premature; but past experience upon this subject has shown that it is wiser for the Legislature in such a contingency to grant the division when first asked for, than to protract the struggle at large expense to the contesting parties and to the State, to the disturbance of the public peace, by the perpetuation of strife and tumult among the people.

It is believed by the undersigned that the accompanying bill, which is respectfully submitted with this report, will secure a just

and equitable division of the town, and an impartial apportionment of the common property and the public burdens to be borne by each town.

W. S. PEAVEY,  
DANIEL WHITE,  
A. J. WESTON,  
I. G. KIMBALL, } *Committee.*

# STATE OF MAINE.

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

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AN ACT to incorporate the town of Oakland.

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

SECTION 1. All that part of the town of Westbrook  
2 lying southeasterly of the following described line,  
3 namely : commencing at the Presumpscot river at the  
4 line of the town of Falmouth ; thence up said river to  
5 the westerly corner of the Hunt farm ; thence along  
6 the westerly line of said farm to the Portland and  
7 Rochester railroad ; thence along the southeasterly  
8 line of the Larrabee farm to the Congin road ; thence  
9 along the dividing line between the said Larrabee farm  
10 and the widow Lamb's farm to the land of the heirs of  
11 Moses Quimby ; thence along the easterly and south-  
12 erly line of the land of the heirs of said Moses Quimby  
13 to the Stroudwater road at the canal bridge ; thence  
14 by the Cumberland and Oxford canal westerly about  
15 ten rods to the line between the farm of the heirs of

16 the late Zebulon Trickey and the lands of George  
17 Johnson and Isaac Johnson; thence by said last  
18 described line southwesterly to the easterly line of the  
19 Slemons' farm; thence by the said easterly line of  
20 the Slemons' farm, being the dividing line between  
21 said Slemons' farm and the land of George Johnson,  
22 southeasterly about twenty rods to the land of W. D.  
23 Boothby; thence southwesterly by the dividing line  
24 between said Boothby's land and the Slemons' farm to  
25 the Cape Elizabeth town line, is hereby incorporated  
26 into a separate town by the name of Oakland, and the  
27 inhabitants thereof are hereby invested with all the  
28 powers and privileges, and subject to the duties and  
29 liabilities, incident to other towns in this state.

SECT. 2. The several inhabitants of the town of  
2 Oakland shall be holden to pay all taxes which have  
3 been legally assessed upon them by the town of West-  
4 brook, and the several collectors of taxes for said town  
5 of Westbrook are hereby authorized and required to  
6 collect and pay all taxes to them already committed,  
7 according to their respective warrants. All moneys  
8 now in the treasury of said town, and all sums which  
9 shall hereafter be received from taxes heretofore  
10 assessed, shall be applied to the several purposes for  
11 which they were raised and in case of any excess,  
12 either from the sale of bonds issued to the town of



13 Westbrook by the state, under “ an act providing for  
14 the equalization of municipal war debts and a limited  
15 assumption and reimbursement thereof by the state,”  
16 approved March seven, eighteen hundred and sixty-  
17 eight, or otherwise, said excess shall be applied by  
18 the treasurer of Westbrook in payment of the indebt-  
19 edness of said town of Westbrook.

SECT. 3. Said town of Oakland shall be holden to  
2 pay the said town of Westbrook, such a proportion of  
3 all the debts and liabilities of said Westbrook now  
4 existing, upon contract or otherwise, or which may  
5 hereafter arise, in consequence of any and all suits at  
6 law pending against said town, or which may hereafter  
7 be commenced on any cause of action which may now  
8 exist against said town, as the valuation of that portion  
9 hereby set off bears to the whole valuation of said  
10 Westbrook for the year A. D. eighteen hundred and  
11 sixty-nine.

SECT. 4. The inhabitants of said towns shall con-  
2 tinue to hold and enjoy in common all rights and priv-  
3 ileges hitherto belonging to the inhabitants of West-  
4 brook, in any and all public landings, cemeteries,  
5 muscle-beds, flats, and fisheries of every kind, within  
6 the limits of said towns.

SECT. 5. The several school districts divided by this

2 act shall be subject to all of the provisions of law  
3 applicable to school districts composed of two towns.

SECT. 6. All persons hereafter becoming chargeable  
2 as paupers, shall be chargeable to that town on whose  
3 territory they shall then have their legal settlement.

SECT. 7. The town of Westbrook shall at its next  
2 annual meeting, or at a special meeting to be held in  
3 the month of April next, elect by ballot two commis-  
4 sioners, and the town of Oakland shall at its first  
5 meeting or at a special meeting to be held in the  
6 month of April next, elect by ballot two commission-  
7 ers, and the four commissioners so elected shall con-  
8 stitute a board of commissioners, who shall as soon as  
9 may be practicable proceed to examine the roads and  
10 bridges belonging to the said towns, and all personal  
11 property, gravel beds, and the town house and lot ;  
12 and they shall ascertain the number of paupers sup-  
13 ported in whole or in part by the town of Westbrook  
14 at the time of the approval of the act, and said com-  
15 missioners may in writing make and award in relation  
16 to any of the matters herein submitted to them, which  
17 award shall be deposited by said commissioners with  
18 the clerks of said towns, and be entered upon the  
19 records of said towns, and said awards may determine  
20 the sum of money which shall be paid by either of

21 said towns to the other in order to equalize the bur-  
22 dens of supporting the roads and bridges of the  
23 respective towns ; and what division of the personal  
24 property shall be made, and to which town each arti-  
25 cle shall be made, and to which town each article  
26 shall belong ; and the value of the same ; and the  
27 sum of money either town shall pay to the other in  
28 final adjustment of all questions relating to the division  
29 of personal property ; and what sum of money the  
30 town of Oakland shall pay to the town of Westbrook  
31 for the gravel beds located in the town of Oakland,  
32 and the town house and lot on which it stands ; and  
33 what paupers chargable and supported by the town of  
34 Westbrook at the time of the approval of this act shall  
35 be supported hereafter by each of said towns ; and  
36 said commissioners may make an award upon either of  
37 said matters, and said awards shall be final, and shall  
38 be held to convey the property so awarded to each of  
39 said towns, and all sums of money so awarded shall  
40 be paid within six months from the date of said  
41 awards ; in case said commissioners shall not agree  
42 upon an award in any of the matters herein submitted  
43 to them, they shall submit the matter of disagreement  
44 to the county commissioners of Cumberland county,  
45 who shall examine the matter in relation to which the  
46 disagreement arises, and shall make their award and

47 return it to the town clerks of said towns, to be re-  
48 corded in like manner and with like effect as an award  
49 of the commissioners ; and said commissioners so elect-  
50 ed shall constitute a board of commissioners for the  
51 purpose of selling the town farm, and said commission-  
52 ers are hereby authorized and empowered to sell said  
53 farm for such sum of money, and upon such terms of  
54 payment, as they shall agree, and convey the same by  
55 deed, and in case of disagreement the county commis-  
56 sioners for Cumberland county shall in like manner  
57 sell and convey by deed said farm ; and in either case  
58 the proceeds of said sale shall be divided and paid  
59 over to the treasurers of the respective towns in pro-  
60 portion to their valuations for the year A. D. 1869.  
61 In case either town shall neglect or refuse to choose  
62 said commissioners at the time or in the manner pro-  
63 vided in this act, or in case any of said commissioners  
64 shall refuse to act, or there shall be a vacancy by  
65 death or otherwise, in either case said county commis-  
66 sioners shall fill the vacancy by the appointment of  
67 some proper person or persons residing in the town  
68 when the vacancy shall occur.

SECT. 8. The two safes and all the records of West-  
2 brook shall belong to the town of Westbrook.

SECT. 9. The two towns shall constitute one repre-  
2 sentative district until otherwise provided by law.

SECT. 10. Any justice of the peace may call the  
2 first meeting of the town of Oakland, by posting a  
3 warrant therefor, stating the objects of the meeting, in  
4 three public and conspicuous places in said town, at  
5 least seven days before the time of holding said meet-  
6 ing.

SECT. 11. This act shall take effect when approved.

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## STATE OF MAINE.

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IN SENATE, February 19, 1870.

Presented by Mr. WEBB of Somerset, and on his motion laid  
on the table and ordered to be printed.

SAMUEL W. LANE, *Secretary.*