

MAINE STATE LEGISLATURE

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FIFTY-SECOND LEGISLATURE.

HOUSE.

No. 45.

STATE OF MAINE.

The Committee on Towns, to which was referred the petition of Samuel Appleton and others, praying for a division of the town of Waterville, have had the same under consideration, and ask leave to report that the petitioners have leave to withdraw.

Per order.

JOHN ROBBINS.

MAJORITY REPORT.

The Committee on Division of Towns to which was referred the petition of Samuel Appleton and others, for a division of said town, in connection with their report that the petitioners have leave to withdraw, submit the following statement of facts and reasons for their action.

The town of Waterville was incorporated in the year 1802, and for many years has been one of the largest, most influential and wealthy towns in the State, and at the present time stands first in point of population and wealth.

In territorial extent the town is about six miles from north to south and seven miles from east to west. It constitutes a representative district. Not far from the centre of the town is the village of West Waterville, with a school district containing 338 scholars and a valuation of \$412,700. On the eastern side of the town, on territory not exceeding three miles in length, and varying from one to two miles in width, is School District No. 1, including the village of East Waterville, with 502 polls, a valuation of \$1,221,900, and 1,015 scholars. Nearly all the petitioners reside on this territory, and the people of the other portion of the town, constituting nearly six-sevenths of its territory, almost unanimously remonstrate against division.

The town-house and poor-farm are in the eastern portion of the town, as are also three national banks and Colby University.

The annual town meetings are usually held at the east village, and it was the testimony from both sides that they were orderly, generally harmonious, that the business could be fairly and understandingly conducted, and that no public interest suffered or was neglected in consequence of sectional differences.

A good deal of feeling arose in town in 1870 in consequence of the action of the Legislature in requiring the town to bear a certain portion of the expense of building a free bridge across the Kennebec river where a toll bridge formerly was, and the western portion, and a majority of the town, objected to building this bridge, and litigation was resorted to to settle the rights of the

parties. It resulted in sustaining the action of the Legislature and County Commissioners, and the town has paid its portion of the cost of building the bridge, and the feeling caused by the bridge does not appear to affect the municipal action of the town in relation to any other of its interests. This bridge appears really to have been the only subject of local contention between the two sections of the town, and the law has settled this in favor of the eastern part.

For the maintenance of roads and bridges, and the support of schools and the poor, and for general municipal purposes, it appears to your Committee that neither section will suffer by remaining together, but that the affairs of the town can be quite as well and more economically administered as it is.

We think it would be unjust to the large body of citizens living in the western part of the town, against their protest, to reduce them from citizens of the old, wealthy and influential town of Waterville, in which they feel a commendable pride, to citizens of a new town, comparatively insignificant, whose history and political weight is yet to be made and determined.

Seeing no reasons that affect the public interest requiring a division of this town, and it fully appearing that all its municipal duties and obligations are performed without serious inconvenience to either section, we have felt constrained to report that the petitioners have leave to withdraw.

SAMUEL G. BUTMAN,
J. K. MARTIN,
JOHN ROBBINS,
HENRY C. COBURN,
D. N. MORTLAND.

MINORITY REPORT.

The minority of the Committee on Towns to which was referred the petition of Samuel Appleton and others, praying that the town of Waterville may be divided, and a new town incorporated by the name of West Waterville from a portion of said town, having acted with the Committee in hearing the parties thereon, and being unable to agree with the majority of said Committee, submit for the consideration of the Legislature the facts and reasons which have compelled us to differ from the majority.

Waterville is the largest town in the State. Its population in 1870 was 4,859. It now exceeds 5,000. It has about 1,050 polls, and its valuation for municipal taxation is \$2,020,000. It has two large, growing and enterprising villages, each having extensive water power, and the Maine Central Railroad passes through each. One is situated in the extreme eastern part of the town, on the Kennebec river; the other in the western part, on the Emerson stream. They are four and one-half to five miles apart, and they contain the mass of the voters in the town. Their business interests are entirely distinct, and no more connected with each other than with Augusta. West Waterville has an independent corporate organization for the management of its schools, under a special act of the Legislature. The east village has a village corporation for a fire department, supported entirely by it. There is a town hall in the east village, purchased many years ago, of capacity sufficient to hold about one-half of the voters. There is no town house in or near the centre of the town, and it was admitted that, with the state of feeling existing in the two sections, the town would be unable to agree upon a central location for one, and if they could do so it would cause the mass of the voters, who reside in the two villages, to travel two and one-half miles to their meetings. As it is, the town meetings alternate between the two villages, with no town hall in the west village, and no hall of sufficient capacity to hold the voters usually attending town meetings. The effect is that when the meeting is held in the west village about half of the voters in the town, who reside in the

east, have to travel about five miles, and when held in the east village half of the voters have to travel from five to eight miles, as it is about nine miles from the east to the extreme west line of the town.

It results from these facts, that when the meeting is held in one village, especially if the weather or travelling is bad, that part of the town has great advantage over the remote section, and that creates local hostility and jealousy.

When it is proposed to raise money for public improvements, made necessary and proper in the growth and expansion of the villages, for the development of the material interests of one or the other, it is quite sure to be opposed by the opposite section, and defeated unless a trade can be made by which an equivalent can be obtained. This results from the geographical situation of the town and local causes, which cannot be avoided, and must be expected to increase with the growth of the two villages.

The town farm is in the eastern part of the town, and that and the town hall and lot, and other property of the town on the farm, are valued at \$18,000. The debt of the town is about \$60,000. It is proposed to divide the property and debt of the town in proportion to the valuation of the two parts.

The proposed line of division is convenient and proper geographically considered. It is about mid way between the two villages. The inhabitants on the west side of the line, with few exceptions, get their mail, and do their marketing and trading at the west village, and those on the east of the line exclusively at the east village. It will leave Waterville a population of about 3,000, about 550 polls, and a valuation of \$1,400,000. The new town of West Waterville will have a population of about 2,000, about 450 polls, and a valuation of \$700,000. It will stand better in population and valuation than the average of the towns of Clinton, China, Vassalborough, Sidney, Readfield, and Litchfield, six of the best towns in the county.

Waterville will be chargeable with the support of most all of the paupers in the town, and having to bear four-fifths of the expense of maintaining the bridge across the Kennebec, its burdens for the support of ways and bridges will be as great, or greater, in proportion to its valuation, than those of the new town.

The local feeling between the two sections has existed to some extent for years, but it culminated in 1870, when it was proposed to build a free bridge across the river at the east village at the

expense of the town, resulting in protracted and expensive litigation, and an intense feeling of hostility, with a loss to the town resulting from the litigation of at least \$8,000. Five hundred and two of the legal voters of the town, embracing almost the entire eastern portion, petition for division. Nearly as large a number, almost exclusively of the west part, remonstrate. Two town meetings called to consider this subject have been recently held; one in the east village, voting in favor of division by a large majority, the other in the west village, voting unanimously against it; so on this question, as on most others, the division is local.

In the light of these facts and reasons, it appears to us that there is seldom so strong and clear a case for division presented to the Legislature, and we are forced to the conclusion that it will be for the best interests of both sections to have the town divided as proposed. That division will be had sooner or later, and the sooner the better; we therefore ask leave to report a bill, which is herewith submitted.

JOHN MAY,
E. E. RAND,
WILLIAM H. ROUNDS,
O. LEARNED.

STATE OF MAINE.

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

AN ACT to incorporate the town of West Waterville.

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

SECTION 1. All that part of the town of Waterville
2 lying westerly of the following described line, namely:
3 commencing in the north line of the town of Sidney,
4 about two miles west of Kennebec river, in the range
5 of the west line of the second mile rangeway in
6 Waterville ; thence northerly in said west line of said
7 rangeway to the centre of the cross road leading from
8 Emerson bridge to West Waterville village ; thence
9 northerly on the westerly line of said second mile
10 rangeway road to the south line of the McKecknie
11 road ; thence westerly in the south line of said Mc-
12 Kecknie road about forty rods to the east line of
13 Henry J. Morrill's land ; thence northerly in the east
14 line of said Morrill's land, and in the same course, to
15 the southerly line of the Marston road ; thence west-

16 erly in the southerly line of said Marston road to the
17 thread of the Emerson stream ; thence northerly down
18 the thread of said stream to the mouth of the Toby
19 brook , thence up said Toby brook to the south line
20 of the town of Fairfield, is hereby incorporated into a
21 separate town, by the name of West Waterville, and
22 the inhabitants thereof are hereby invested with all
23 the powers and privileges, and subject to the duties
24 and liabilities, incident to other towns in this state.

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

SECT. 3. Said town of West Waterville shall be
2 holden to pay the said town of Waterville one-third
3 part of all debts and liabilities of said Waterville 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 here-
7 after be commenced on any cause of action which may
8 now exist against said town of Waterville, the same
9 to be paid to the town of Waterville when said liabili-
10 ties occur.

SECT. 4. The inhabitants of said towns shall con-
2 tinue to hold and enjoy in common all rights and
3 privileges hitherto belonging to the inhabitants of
4 Waterville in any and all public cemeteries within
5 the limits of said towns.

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

SECT. 6. All persons hereafter becoming chargeable
2 as paupers shall be chargeable to that town on whose
3 territory they last resided, but past residence as a
4 pauper on the town farm of Waterville is hereby
5 excepted.

SECT. 7. The obligations imposed on the town of
2 Waterville by the special act of the legislature, ap-
3 proved January twenty-first A. D. eighteen hundred
4 and seventy, shall not be impaired by this act, but

5 said town of West Waterville shall in no way be sub-
6 ject to said obligations.

SECT. 8. The two towns shall form one representa-
2 tive district till otherwise provided by law. And the
3 state valuation of Waterville shall be reduced one-
4 third, and the state valuation of West Waterville
5 shall be one-third the state valuation of Waterville for
6 eighteen hundred and seventy.

SECT. 9. The justice of the supreme judicial court
2 who shall hold the term of said court at Augusta,
3 within and for the county of Kennebec, on the first
4 Tuesday of March, A. D. eighteen hundred and
5 seventy-three, after notice to both parties, shall ap-
6 point three disinterested persons a board of commis-
7 sioners, and fill any vacancy in the board occurring at
8 any time, who shall as soon as may be practicable
9 proceed to examine all the personal property, except
10 the books and records, the town-house and lot, the
11 town-farm and wood lot, and all other real estate
12 owned by the present town of Waterville, except the
13 public cemeteries, and appraise the same; and they
14 shall ascertain the number of paupers supported in
15 whole or in part by the town of Waterville at the time
16 this act takes effect; and said commissioners, after
17 hearing the parties, shall unanimously, in writing,
18 make an award in relation to any of the matters

19 herein submitted to them, which award shall be de-
20 posited by said commissioners with the clerks of said
21 towns, and be entered upon the records of said towns;
22 and said awards shall determine what division of the
23 personal property, and the real estate of the town,
24 except the public cemeteries, books and records shall
25 be made, and to which town each article and parcel of
26 real estate shall be made, and to which town each arti-
27 cle and parcel of real estate shall belong; for all arti-
28 cles and parcel of real estate awarded to the town of
29 Waterville, said town of Waterville shall pay to said
30 town of West Waterville one-third the value thereof,
31 as appraised by said commissioners; for each article
32 and parcel of real estate awarded to the town of West
33 Waterville, said town of West Waterville shall pay to
34 said town of Waterville two-thirds the value thereof,
35 as appraised by said commissioners; said awards shall
36 be held to convey the property so awarded to each of
37 said towns. In the division of paupers, said commis-
38 sioners shall award to each town to support those, as
39 near as may be, who resided on the territories of each
40 when they last became paupers, and in regard to those
41 whose residence cannot be ascertained they shall make
42 an equitable division. And said commissioners shall
43 make an award in regard to all matters and questions
44 arising by reason of the division of said town, not

45 herein specially provided for, and upon either and all
46 of said matters the said awards shall be final ; and all
47 sums of money so awarded by said commissioners shall
48 be paid within six months from the date of said
49 awards. In case said commissioners shall not unani-
50 mously agree upon an award in any of the matters
51 herein submitted to them, they shall submit the mat-
52 ter of disagreement to the county commissioners of
53 Kennebec county, who shall examine the matter in
54 relation to which the disagreement arises, after notice
55 to and hearing of both parties, and shall make their
56 award and return it to the town clerks of said towns,
57 to be recorded in like manner and with like effect as
58 an award of the commissioners first named.

SECT. 10. The records and papers of the town of
2 Waterville shall be hereafter retained by said town,
3 and each town have access to the same.

SECT. 11. Any justice of the peace may call the
2 first meeting of the town of West Waterville by post-
3 ing a warrant therefor, stating the objects of said
4 meeting, in three public and conspicuous places in
5 said town at least seven days before the time of hold-
6 ing said meeting.

SECT. 12. This act shall take effect when approved.

STATE OF MAINE.

IN HOUSE OF REPRESENTATIVES, }
February 13, 1873. }

Ordered printed with the minority report.

S. J. CHADBOURNE, *Clerk.*