

MAINE STATE LEGISLATURE

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FIFTY-EIGHTH LEGISLATURE.

HOUSE.

No. 86.

STATE OF MAINE.

The Minority of the Committee on Towns, to which was referred the petition of Jeremiah Tolman and others, residents of that part of the city of Rockland known as the "Seventh Ward," praying that said Seventh Ward be set off and separated from said city, and that it be created into a town by itself, have had the same under consideration, and ask leave to report that the petitioners have leave to withdraw, and submit the following Minority Report and reasons for the same :

The petitioners on the one hand, and the remonstrants in answer to them, presented before the Committee testimony at some length, from which the following facts were established, and by means of which the minority of the Committee reached their conclusions.

It appeared that the whole city of Rockland comprises but 7,100 acres, or *less than one-third of a township*, and it also appeared that the territory known as the "Seventh Ward," contains 5,250 acres, or *more than five-sevenths of the whole city*. So that, if the request of these petitioners were granted, and Ward Seven incorporated into a separate town, then what remained as the city of Rockland (which is now small in extent) would contain *but two-sevenths of its present chartered limits*, and instead of having that room for expan-

sion and growth which its industries demand, it would be crowded into a mere corner of its original boundaries.

It also appeared that the debt now owed by the city of Rockland is, in round numbers, \$921,000, or *nearly one million of dollars*, some \$755,000 of which is the Knox and Lincoln Railroad debt, which debt is contingent in its nature, and may therefore become much larger than at present.

It was also shown that the city of Rockland owes its present growth and importance almost wholly to its large quarry interests, and in which the community are all interested. But it also appeared that *these extensive quarries are wholly located within the Seventh Ward*, and that while their whole value is estimated at some \$143,000, it was proved, that a *large majority of the capital invested in said quarries is wholly owned by residents of the other six wards of said city*. And it was shown that the city being largely dependent upon the manufacture of lime, that it must rely very largely upon the quarries situated in Ward Seven to free itself from its present heavy debt; so that the great basis of its business operations not only now is, but must continue to be, within this same ward.

It was also proved that Ward Seven pays but about one-ninth of the taxes of the city, though so large in extent compared with other wards, and that since the year 1869 fully *one-third part* of all the money expended by Rockland for school buildings was spent within said ward.

And it appeared that while the whole city has forty-one miles of highways, that fifteen miles of such ways are within this ward, or more than one-third of such ways, and must be maintained and kept in repair at the expense of the whole city.

It was in evidence that only thirty-one persons in Ward Seven owned land to the extent of thirty acres each and upwards, making it plain from all the testimony, that the general interests and business of the people therein are in connection with the quarries there located.

The petitioners offered testimony tending to show that the expenses of the city, of which this ward is required to bear its proportion, bear more heavily upon said ward than might be the case if it were separated by itself as a town, and the remonstrants produced evidence which went strongly to prove the contrary. But, so far as the city expenses are concerned, it was not shown that they were excessive or unreasonable; but it did appear that as to its police court, city physician, city solicitor, fire department, and other advantages not enjoyed by small towns, that these benefits enjoyed by the people of Ward Seven, taken in connection with the High Schools of the city, are advantages of so marked a character that they far over-balance and outweigh any expenses which it was attempted to show as an excess of what might be under other conditions.

A second reason assigned by the petitioners for a division was, that the schools in the Seventh Ward were not properly graded, but it was evident from the whole case, that this was owing mainly to the extent of the territory in said ward, and not from any cause which can be aided by a separation.

But it was shown to the satisfaction of the Committee, that the city of Rockland, exercising that vigilance in the cause of education, prominent among her people, has expended large sums of money for the purpose of giving them the benefits of High Schools, and where every child within her limits can obtain the benefits of a superior education without the burden and expense of being sent from home. Such a privilege as this cannot be obtained or enjoyed in small towns—and it is believed that this gain is far greater than any defect or difficulty resulting from the mere question of graded schools. If, therefore, it had been shown that there were some increase in the expenses of this Seventh Ward greater than might be if otherwise situated, we are satisfied that unless it proved very excessive—that it would be more than compensated by reason of the many benefits enjoyed from being a portion of the corporation of Rockland.

And the minority of the Committee having heard the testimony in this case, and with all the facts before them, cannot but conclude that it would not be consistent with public policy to permit the separation of this greater portion of the city from the other six wards as asked for in the petition, and so *leave the Seventh Ward, with all the quarries of Rockland in the newly created town, while the owners of a large portion of such quarries would be left in what remained of the city, and which would be a mere two-sevenths of its present chartered limits.*

If the division of Rockland which is asked for were granted, separating such large amount of real estate from the owners of it,—placing the owners in one city, and the property owned, in a new town,—it would create the unnatural state of things, which has always proved injurious, and would be forcing, *by legislative action*, the people who own the very property which has given Rockland its present business importance and created its wealth, to remain forever subject to the excessive taxations and exactions of a town in whose government these very persons so taxed could have no voice or part. Such a condition of things as this is unnatural, and has ever been a fruitful cause of discord and trial, whether it has been carried on as to towns, or whether it has existed under the infamous system of absenteeism abroad.

The large debt of nearly one million of dollars now existing was contracted by the city of Rockland, as a city, and was not contracted by its separate wards. It was entered into with it as a united corporation, and as such corporation it is legally liable. The attempt, therefore, to dismember and divide this city while such debts exist, is an experiment of a very questionable and doubtful character, and it cannot be entered into or carried out, if, in any way, it affects the rights of those to whom said city is now bound; and it would not be within the power of the Legislature to grant a right to separate and divide this city, if by so doing, it should in the slightest way affect the existing rights of contracting parties.

It was in proof that during the twenty-four years since the incorporation of Rockland there has been substantially, till recently, no complaint or desire for separation, and it might be fairly inferred that, but for the heavy debts existing, no complaint or petition for separation would now appear. Only one year ago this Legislature was asked by the people of Ward Seven to grant this same request, and their demand was rejected for good and sufficient reasons, and the plain inference must be that it was regarded by the law-making power that such a prayer ought not to be granted.

In conclusion, upon all the facts in this case, as shown before the Committee, and upon full consideration of all the issues raised, we do hereby report that in our opinion the prayer of the petitioners should not be granted, but that they be granted leave to withdraw.

All of which is respectfully submitted.

EDMUND MADIGAN,
HARDEN TAYLOR,
CHAS. E. SMITH.

STATE OF MAINE.

IN HOUSE OF REPRESENTATIVES, }
February 7, 1879. }

Reported from the Minority of the Committee on Towns, by
Mr. SMITH of Auburn, and ordered printed.

B. L. STAPLES, *Clerk*