

# MAINE STATE LEGISLATURE

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# SIXTY-FIRST LEGISLATURE.

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HOUSE.

No. 95.

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## STATE OF MAINE.

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

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AN ACT to incorporate the town of Old Orchard.

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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 city of Saco  
2 lying within the following described lines and  
3 boundaries, namely, commencing at the easterly  
4 corner, between the said city of Saco and the town  
5 of Scarboro', at low water mark, thence by the line  
6 between said city of Saco and said town of Scar-  
7 boro', northwesterly to a stone in the sea wall,  
8 thence north forty-two degrees and fifty-five min-  
9 utes west, by said line, six hundred and ninety-  
10 three rods to a granite stone placed at a point  
11 where the line between said city of Saco and said  
12 town of Scarboro' intersects with a line in said

13 city of Saco known as the Granger line, thence  
14 south forty-seven degrees and twelve minutes west,  
15 eight hundred and sixty-three and one half rods to  
16 a granite stone on the bank of Goose Fair brook,  
17 in said city of Saco, thence southeasterly by said  
18 Goose Fair brook to the sea, thence by the sea to  
19 the boundary first above named, with all the sea  
20 shore and flats lying between said Goose Fair  
21 brook and said easterly corner of the city of Saco,  
22 is hereby incorporated into a separate town by the  
23 name of Old Orchard; and the inhabitants thereof  
24 are hereby invested with all the powers and privi-  
25 leges, and are made subject to all the duties and  
26 liabilities incident to other towns within this state.

SECT. 2. All taxes heretofore legally assessed  
2 upon property within the said limits of Old  
3 Orchard shall remain valid and shall be collected  
4 from the persons or corporations, against whom  
5 they are assessed, by the collector of the city of  
6 Saco, to whom they have been or may be com-  
7 mitted, and shall be applied to the several purposes  
8 for which they are raised. All existing provisions  
9 of law shall be applicable to said taxes and their  
10 collection, and all existing liens shall be preserved.

SECT. 3. Said town of Old Orchard shall have  
2 power to raise money and expend the same, to  
3 provide and maintain a police force, to purchase  
4 and maintain engine houses, reservoirs, engines  
5 and other apparatus for the extinguishment of  
6 fires, and to organize and equip fire companies in  
7 connection therewith, to establish and maintain  
8 drains and sewers and other proper means for the  
9 preservation of the public health, and to build and  
10 repair sidewalks; and for the purposes of such  
11 improvements said town shall have power to take  
12 private property, and the damages to be paid  
13 therefor shall be determined in the same manner  
14 as now provided by statute in the case of town  
15 ways.

SECT. 4. All monies raised by said town for the  
2 purposes named in the preceding section, and to be  
3 applied for the making of said improvements with-  
4 in the following described limits in the town of Old  
5 Orchard, namely, commencing at a point at low  
6 water mark on Old Orchard beach, on the division  
7 line between the town of Scarboro' and city of  
8 Saco, thence north forty-two degrees and fifty-five  
9 minutes west by said division line to a stake at  
10 mean high water mark placed one hundred and

11 ninety-two feet south easterly from the stone mon-  
12 ument placed by the municipal officers in said line,  
13 thence from said stake north forty-two degrees and  
14 fifty-five minutes west on said division line, thirteen  
15 hundred and eighty-four feet to an iron monument  
16 upon the north westerly property line of the Boston  
17 and Maine railroad, thence south forty-five degrees  
18 west by said property line fifty-five hundred and  
19 eighty-eight feet to an iron monument, thence  
20 north forty-five degrees west, forty-four hundred  
21 and eighty-three feet to an iron monument, thence  
22 south forty-five degrees west sixty-three hundred  
23 feet to an iron monument and post, upon the west-  
24 erly side of Union avenue so called, standing at the  
25 northerly corner of the homestead farm of John  
26 Jameson, thence south thirty-six degrees west, on  
27 the line known as the first division line of John  
28 Bony, thence seventy-six hundred and forty-four feet  
29 to an iron monument in the ditch bank at the edge  
30 of the salt marsh bordering on Goose Fair brook,  
31 thence on the same course to the center of Goose  
32 Fair brook, thence south easterly by said brook to  
33 low water mark on Old Orchard beach, thence  
34 north easterly by the low water line of said beach  
35 to the point of beginning, shall form separate taxes,

36 and shall be assessed upon the polls and estates  
37 within said limits, within which such money is to  
38 be expended.

SECT. 5. Whenever public drains or sewers  
2 shall be constructed within the limits named in  
3 section four of this act, it shall be the duty of the  
4 assessors after notice to the abutters thereon and  
5 hearing as provided by law in case of laying out  
6 of town ways, to determine whether it is reason-  
7 able and proper that any such abutter upon whose  
8 land any building shall have been erected shall en-  
9 ter such drain or sewer, and if in their judgment  
10 it shall be reasonable and proper for such abutter  
11 to enter his waste pipes or drains into such public  
12 drain or sewer, they shall determine the amount to  
13 be paid by him for the right so to do. They shall  
14 also determine the amount to be paid by any abut-  
15 ter, owning vacant land upon the line of said  
16 drain or sewer if in their opinion the same will be  
17 benefitted thereby. Any person aggrieved by any  
18 decision of such assessors may appeal to the  
19 county commissioners for the county of York  
20 within thirty days after he has been notified in  
21 writing thereof, by said assessors. Said appeal shall  
22 be in writing, and after notice stating the time and

23 place of the hearing thereof served upon said as-  
24 sessors at least seven days before the time fixed  
25 therefor, said commissioners shall proceed to hear  
26 the parties and their witnesses and determine said  
27 appeal. When the amount of such damages shall  
28 be finally determined, it shall be a lien upon the  
29 premises upon which it was assessed, and may be  
30 enforced by said town of Old Orchard in an action  
31. of debt, if the same is not paid within thirty days  
32 after such final determination. No abutter shall  
33 enter such public drain or sewer until the amount  
34 to be paid by him therefor shall have been so fixed  
35 and paid.

SECT. 6. The inhabitants of said city of Saco  
2 and said town of Old Orchard respectively, shall  
3 own and hold all school houses, town farm, halls,  
4 and other public property situated within their  
5 several limits after this act shall take effect. And  
6 the inhabitants of said town of Old Orchard shall  
7 assume and pay all existing and outstanding lia-  
8 bilities incurred for the erection of the school  
9 house at said Old Orchard, including a note of one  
10 thousand dollars dated January twenty-first,  
11 eighteen hundred and eighty-one, signed by Henry  
12 W. Staples and F. J. Cousens, committee, payable

13 to John C. Bradbury, treasurer, and all other  
 14 notes issued by said committee by virtue of the  
 15 authority conferred on them by the city council of  
 16 the city of Saco June seventh, eighteen hundred  
 17 and eighty, and said inhabitants of the city re-  
 18 maining after this act shall take effect shall assume  
 19 and pay all legal debts and liabilities now or here-  
 20 after outstanding against said city of Saco. Said  
 21 town of Old Orchard or any inhabitant may re-  
 22 cover of said city of Saco any money which he  
 23 shall be compelled to pay by reason of said debts  
 24 and liabilities, other than the taxes now legally as-  
 25 sessed as aforesaid and said school-house liabili-  
 26 ties.

SECT. 7. No person residing within said town  
 2 of Old Orchard at the time when this act shall  
 3 take effect, shall hereafter become chargeable as a  
 4 pauper or otherwise to said city of Saco unless  
 5 such person shall hereafter acquire a settlement  
 6 therein in some of the modes now provided by  
 7 law.

SECT. 8. The first meeting of the town of Old  
 2 Orchard may be called at Old Orchard by any  
 3 justice of the peace, by posting his warrant there-  
 4 for, stating the time, place and purposes of said



5 meeting, in three public and conspicuous places  
6 within said town, seven days at least before said  
7 meeting. All officers chosen at said meeting shall  
8 have all the powers of like officers as now provided  
9 by law.

SECT. 9. The number of polls set to the city of  
2 Saco shall be one thousand four hundred and  
3 thirty-three, the value of estates three million  
4 fifteen thousand three hundred and thirty-three  
5 dollars; and the number of polls set to the town of  
6 Old Orchard shall be one hundred and twenty-five,  
7 and the value of estates three hundred and ninety-  
8 three thousand two hundred dollars; and all state  
9 and county taxes hereafter shall be assessed ac-  
10 cordingly.

SECT. 10. This act shall take effect when ap-  
2 proved

STATE OF MAINE.

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IN HOUSE OF REPRESENTATIVES, }  
February 15, 1883. }

Reported by Mr. WILSON, from the Committee on Towns,  
and ordered printed on motion of Mr. EMERY of Saco.

ORAMANDAL SMITH, *Clerk.*