

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

SEVENTY-SECOND LEGISLATURE

HOUSE.

No. 114

STATE OF MAINE.

IN THE YEAR OF OUR LORD ONE THOUSAND NINE
HUNDRED AND FIVE.

AN ACT to incorporate the Kittery Village Corporation.

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

Section 1. That the territory embraced within the follow-
2 ing bounds, namely: Commencing on the south side of "Old
3 Ferry Lane," at the Piscataqua river, and extending north-
4 easterly by the southerly line of said lane, to the road called
5 "Government street," extending from the U. S. Navy Yard
6 bridge to the Portsmouth bridge; thence across Government
7 street to the southwesterly corner of the wall on the south
8 side of "Love Lane," so called; thence extending by the
9 southerly line of Love Lane to the intersection of the south
10 line of said lane with the center of the track of the York
11 Harbor and Beach Railroad; thence continuing in a direct
12 line about twenty rods to the southwest corner of the "Rice
13 pasture," on the north side of Love Lane, near a gate-way;

14 thence continuing northerly and northeasterly by the north-
15 erly boundary of said pasture, now owned by Elroy W.
16 Cottle, to the northeasterly corner thereof; thence continuing
17 in a northeasterly direction by the stone wall and lands of
18 divers persons, to the southwesterly corner of "Orchard
19 Grove Cemetery"; thence turning and extending northwest-
20 erly by the stone wall on the west side of said cemetery, to
21 the northwesterly corner thereof, thence turning and running
22 by the stone wall, northeasterly, on the north side of said
23 cemetery about twelve rods to a wall at right angles with the
24 last-named wall; thence turning and running northwesterly
25 by the stone wall and land of the heirs of Augustus O. Good-
26 soe, fifteen rods; thence turning and running in a direct line
27 by said heirs' land to the Rogers road at a point fifteen rods
28 north of the north line of Orchard Grove Cemetery; thence
29 crossing Rogers road at right angles, to the eastern side;
30 thence extending southerly by the east line of the Rogers
31 road to the land of Andrew R. Wentworth, surgeon, U. S.
32 N.; thence extending easterly by the wall on the north side
33 of said Wentworth's land to the easterly limit thereof; thence
34 turning and running southwesterly by the lands of said
35 Wentworth, Oliver B. Moody, and Jethro H. Swett, to the
36 easterly line of the homestead of Albert Manson; thence by
37 Manson's east line to "Rogers Lane"; thence running west-
38 erly by the north line of said lane to the southwesterly corner
39 of Manson's land; thence crossing said lane in a direct line
40 to the northeast corner of land of Warren Fernald; thence
41 extending southwesterly by the southerly boundary of said
42 Fernald's land to the southerly line of land of Daniel W.
43 Marden, Charles B. Pinkham, and Charles A. Bowden;
44 thence southerly by lands of William W. Locke, and Calvin
45 L. Hayes, to the York Harbor and Beach Railroad; thence
46 extending westerly by the northerly line of said railroad
47 about six rods to the highway leading from Portsmouth, N.

48 H., to Kittery Point, Me.; thence extending southerly by the
49 easterly line of said highway to the southwest corner of land
50 of Jacob Patch; thence crossing the road diagonally in a
51 direct line to the northeast corner of land of Milton M.
52 Cochrane; thence extending southerly by the western line of
53 the old passage-way leading from the highway to Traipe's
54 Cove on the north branch of the Piscataqua river; thence
55 continuing westerly and northerly by the Piscataqua river to
56 the point of beginning; together with the inhabitants thereon,
57 be, and the same is hereby created a body politic and corpo-
58 rate by the name of Kittery Village Corporation, with all
59 the rights and privileges granted by the laws of the State to
60 similar corporations.

Sect. 2. Said corporation is hereby authorized at any legal
2 meeting called for the purpose, to raise by assessment, as
3 hereinafter provided, such sums of money as may be deemed
4 necessary and sufficient for organizing and maintaining
5 within the limits of said corporation, an efficient fire depart-
6 ment; for building, renting, purchasing, repairing and main-
7 taining engine houses, hook and ladder carriage houses, and
8 lockups or police stations; for purchasing, repairing and
9 maintaining fire engines, hose, ladders, buckets, machines
10 and other apparatus for the extinguishment and prevention
11 of fire; for the location, construction and repair of reservoirs
12 and aqueducts; for the procuring, by purchase, lease, or
13 otherwise, of water, and pumps, hydrants and machinery for
14 handling and distributing the same, and fixing the rates for
15 using the same; for building, repairing and maintaining
16 roads, streets, ways, avenues, sidewalks, sewers, and other
17 sanitary works, including the collection and removal of offal
18 and garbage; for setting out, maintaining and caring for
19 shade trees; for maintaining and improving the common
20 lands or parks; for the purchasing and renting of real estate
21 for any of the above purposes; to pay for the services of one

22 or more police officers, night watchmen or any other officers
23 to whom the said corporation may vote a salary or other
24 compensation; for sprinkling and lighting its streets, and for
25 the purchase of all necessary materials and appliances for the
26 same, including the erection of posts; for school purposes;
27 for the purchase of land for a village cemetery or burying
28 ground, and for the improvement and proper management
29 of the same, with the power to sell and convey the same in
30 lots for burial purposes. Said corporation may receive, hold,
31 and manage devises, bequests and gifts for any of the above
32 purposes, and for the purpose of public improvements within
33 said territory.

Sect. 3. Money raised by said corporation for the purposes
2 aforesaid; also for any lawful purpose; shall be assessed upon
3 the property and polls, within the territory aforesaid, by its
4 assessors, in the same manner in which the town taxes are
5 assessed. The assessors may copy the last valuation of said
6 property made by the assessors of the town of Kittery, and
7 assess the tax thereon; or if the corporation shall so direct,
8 may correct said valuations, or make a new valuation thereof
9 according to the principles established by the last State tax,
10 and assess the tax on that valuation, and may make abate-
11 ments on taxes assessed in the same manner as assessors of
12 towns may do, provided the sum to be assessed for any one
13 year shall not exceed the sum of two thousand dollars.

Sect. 4. Upon a certificate being filed with the assessors of
2 the corporation by the clerk thereof, showing the amount of
3 money lawfully raised at any meeting, they shall proceed as
4 soon as may be to assess the same upon the polls and estates
5 of the persons residing, or embraced within the limits of the
6 territory aforesaid, and upon the estates therein of non-resi-
7 dent proprietors, and the assessment so made shall be certi-
8 fied and delivered to the collector of said corporation, who
9 shall collect the same as town taxes are collected, and pay the

10 same within such time as his warrant shall prescribe, to the
11 corporation treasurer; and said collector shall have the same
12 power and authority in collecting the taxes so assessed as a
13 constable, or town collector, has by law for collecting town
14 and county taxes, and shall enforce payment of the same in
15 the same manner as a town constable, or town collector, is
16 required to do by law, and the said corporation shall have the
17 same powers to direct the mode of collecting taxes as towns
18 have in the collection thereof.

Sect. 5. All moneys received by said corporation from tax-
2 ation, or from any other source, shall be paid to the treasurer,
3 and he shall receive the same and pay it out on the order of
4 the assessors, for legitimate expenses of the corporation and
5 other purposes for which it may be obtained, and shall keep
6 regular accounts of all his official transactions, and exhibit
7 the same to the assessors when requested, and make report to
8 each meeting of the corporation at which officers are chosen.

Sect. 6. Said corporation at any legal meeting may adopt
2 a code of by-laws, not repugnant to the laws of this State, nor
3 to its charter, for the efficient management of its affairs.

Sect. 7. The officers of said corporation shall consist of a
2 clerk, treasurer, collector, three assessors, and such other
3 officers as its by-laws may provide for, and said officers shall
4 hold office for one year from the date of their election, or
5 until their successors are chosen and qualified, and shall sev-
6 erally have all the powers and authority within the limits of
7 said corporation that similar officers chosen by towns now
8 have or may have; said officers shall be chosen by ballot,
9 except that in case of a vacancy in the office of collector, the
10 assessors may appoint, as town collectors are appointed, the
11 first election to be at the meeting of the legal voters of said
12 corporation at which this charter is accepted; and the annual
13 election of officers shall be in the month of April at a place
14 and time to be designated by the by-laws of said corporation.

15 Said officers shall be sworn to the faithful performance of
16 their respective duties.

Sect. 8. The clerk shall record all the doings and proceed-
2 ings at the meetings of the corporation.

Sect. 9. The collector and treasurer shall each give bond
2 with such sureties as the assessors of the corporation may
3 approve, in a sum not less than double the amount of the
4 taxes raised as aforesaid, to the inhabitants of the corpora-
5 tion, for the faithful performance of their duties, and said
6 bonds shall be approved in writing by the assessors, and
7 thereafter deposited and retained by the clerk.

Sect. 10. The assessors of said corporation are hereby
2 given the exclusive right to lay out ways, streets, and avenues,
3 and the exclusive supervision and control of maintaining and
4 repairing the highways, other ways, and bridges within the
5 limits of said corporation; and for that purpose the same
6 rights and powers are conferred upon said assessors as are
7 now, or may hereafter be, conferred by law upon road com-
8 missioners and selectmen of towns in relation to laying out,
9 maintaining, and repairing ways and bridges. The inhabi-
10 tants of said corporation shall be responsible for all damages
11 resulting from defects in the highways and bridges within
12 the limits of said corporation, and shall reimburse the town
13 of Kittery for any and all damages and costs recovered
14 against said town for or on account of defects in said high-
15 ways and bridges.

Sect. 11. The town treasurer of the town of Kittery shall
2 pay to the treasurer of said corporation one-half of such pro-
3 portion of all moneys voted for highways and bridges and for
4 the payment of unpaid highway bills, at any and all town
5 meetings of said town including that of nineteen hundred
6 and five by the first day of September, and the remaining one-
7 half of such proportion by the first day of the following Jan-
8 uary of each year, as the valuation of the property and

9 estates within said corporation, as fixed by the assessors of
10 said town for the purposes of taxation, bears to the valuation
11 of the property and estates within said town of Kittery,
12 including said corporation; and said money shall be expended
13 upon the highways and bridges within the limits of said cor-
14 poration by and under the supervision of said corporation
15 assessors. Said corporation may raise money for the main-
16 taining and repairing ways and bridges within the limits of
17 said corporation, in addition to the foregoing, and direct the
18 same to be assessed as other taxes are assessed in said cor-
19 poration, and the same shall be expended by and under the
20 supervision of the assessors of said corporation.

Sect. 12. This charter may be accepted at any time within
2 five years from its approval by the governor, and its rejection
3 in any calendar year shall not prevent its acceptance in any
4 later calendar year during the time aforesaid; but only one
5 meeting to vote thereon, shall be held in any one calendar
6 year. Moses A. Safford, Calvin L. Hayes, Jethro H. Swett,
7 Amos S. Rundlett, Joseph W. Hobbs, or any one of them,
8 may call all meetings of the inhabitants of said territory pre-
9 vious to the acceptance of this charter, by posting a notice,
10 stating the time, place and objects of said meeting, in at least
11 three public and conspicuous places in said territory, at least
12 seven days before the time of holding said meeting, and all
13 subsequent meetings shall be called and notified by the asses-
14 sors of said corporation as town meetings are called and
15 notified, unless said corporation shall otherwise define the
16 manner of calling and notifying its meetings in its by-laws.

Sect. 13. Every person residing within the limits of said
2 corporation, qualified to vote for governor, senators and rep-
3 resentatives, shall be a legal voter at any meeting of said
4 corporation, provided that at any meeting for the adoption of
5 this charter, any person twenty-one years of age, not an

6 alien, owning real estate within the limits of this corporation,
7 and residing therein, shall have the right to vote.

Sect. 14. At any meeting prescribed in section twelve of
2 this act, the legal voters shall elect a moderator and clerk,
3 both of whom shall be sworn by some justice of the peace, for
4 the faithful discharge of their duties, and thereupon said
5 meeting shall proceed by ballot to vote on the question of
6 accepting this charter, and if a majority of all the legal voters
7 present and voting at said meeting, shall vote in favor of its
8 acceptance, then it shall take effect, and said corporation may
9 immediately after said vote is declared, proceed to the adop-
10 tion of by-laws and the election of officers as provided in
11 sections six and seven of this act.

Sect. 15. This act shall take effect when approved by the
2 governor, but shall not bind the inhabitants of the territory
3 aforesaid until its acceptance by them as hereinbefore pro-
4 vided.

STATE OF MAINE.

HOUSE OF REPRESENTATIVES,

Augusta, February 10, 1905.

Tabled pending reference to a committee by Mr. STAPLES of Eliot
and ordered printed.

E. M. THOMPSON, *Clerk.*