

MAINE STATE LEGISLATURE

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PRIVATE ACTS

OF THE

STATE OF MAINE,

PASSED BY THE LEGISLATURE,

AT THEIR SESSIONS,

HELD IN

JUNE, 1820, AND JANUARY, 1821.

Published agreeably to a Resolve of June 28, 1820.

PORTLAND :

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1821.

SECT. 13. *Be it further enacted,* That any four of the First meeting. persons named in the first section of this act may call the first meeting of said corporation, to be holden at such time and place as they may judge proper, of which meeting they shall give notice by publishing the same in both of the Portland newspapers, the first publication to be at least fourteen days previous to said meeting. And at all meetings of said corporation, one vote shall be allowed to a share, and one vote for every additional two shares owned by the same proprietor: *Provided,* No one proprietor shall be allowed more than ten No proprietor to have more than 10 votes. votes; and absent proprietors may vote by proxy duly authorized in writing.

SECT. 14. *Be it further enacted,* That there shall be Court of Sessions to appoint committees to examine the canal. appointed by the Justices of the Court of Sessions, in each county through which said canal may pass, a committee or committees of three disinterested and discreet men, whose duty it shall be to examine, ascertain and report from time to time to said Courts when said canal or canals or any part thereof shall be completely navigable, and also to ascertain the number of miles in length, and the number of locks completed according to the intent of this act.

[*This Act passed March 15, 1821.*]

CHAPTER LXXV.

AN ACT to establish a corporation for the purpose of diking a certain tract of marsh in the towns of Cape Elizabeth and Scarborough.

SECT. 1. *BE it enacted by the Senate and House of Representatives in Legislature assembled,* That Nathaniel Dyer, Persons incorporated. William Dyer, Sylvanus Higgins, Nathaniel Jordan, 5th, Joshua Mitchell, Joseph Hasty, Edmund Higgins, Luther Libby, Morrell Jordan, William Maxwell, Israel Jordan, Ebenezer Delano, William Fickett, Nathaniel Dyer, jun. Woodbury Jordan, Elisha Jordan and Samuel Waterhouse, being the principal part of the owners of the said tract of marsh, together with their associates, and such others as may hereafter associate with them, and their successors, shall be a corporation by the name of the Proprietors for diking salt marsh in Cape Elizabeth and Scarborough, with all the powers and privileges incident to similar corporations for the purpose of making and keeping in repair a dike wall across Spurwink river, which flows through said marsh, and for building dams and water courses for the drawing off of fresh water, and excluding the salt water from the said marsh, lying partly in Cape-

Bounds of the marsh to be delineated.

Elizabeth, and partly in Scarborough, in the county of Cumberland, and bounded on the northeast by upland of Woodbury Jordan, Nathaniel Jordan, Robert Mitchell, Nath'l. Jordan, and land in the possession of Martin Wells, of Nathaniel Dyer and William Maxwell; on the east by upland of George Hannaford, John Collins; on the southwest by land of John Jordan, Timothy Jordan and Joshua Mitchell; on the west by land of Edmund Higgins, Nathaniel Hasty, Job Mitchell and Col. Larrabee.

Authorised to hold real estate of the value of 10,000 dollars.

And to levy taxes on the members of the corporation,

and on all the proprietors of said marsh.

On failure to levy the taxes.

Delinquent proprietors' shares of the marsh may be sold.

Public notice of such sale to be given.

SECT. 2. *Be it further enacted,* That the said Nathaniel Dyer and others, proprietors of the marsh aforesaid, their heirs and assigns be, and they are hereby authorized and empowered to purchase, take, and hold in fee, lands and tenements, to the value of ten thousand dollars; and they are hereby authorized to make such assignments and levy such taxes upon the members of said corporation, from time to time according to the proportion of interest they severally hold therein, as may be necessary for the accomplishment of this undertaking; and the proprietors of said marsh, their heirs and assigns are hereby authorized to raise by assessment a tax to be made and levied on all the proprietors of said marsh, bounded as aforesaid, according to the proportion of interest they severally hold therein, such sum or sums of money for defraying the charges of making, repairing and maintaining said dike, wall, dams and water courses, as aforesaid, as shall be agreed upon by the said proprietors, their heirs and assigns, or the major part of such of them as shall be assembled at any legal meeting, to be called for that purpose; and upon the failure or refusal of any of the proprietors of said marsh to pay in manner to be prescribed in the by-laws of the corporation, the sum or sums duly assessed on him therefor, for the space of three months after such money shall have been voted, and for the space of one month after his assessment shall have been shewn him, or a copy thereof left at his usual place of abode, then the said proprietors are hereby fully authorized and empowered, from time to time, to sell and convey at public vendue, to the highest bidder, so much of such delinquent proprietor's part of said marsh as will be sufficient to satisfy and pay the sum or sums assessed as aforesaid, and all reasonable and incidental charges attending such sale; notice of such sale, and of the time and place thereof being given, by posting an advertisement thereof in some public places in the towns aforesaid, and by advertising the same in one of the newspapers, printed in Portland, six weeks at least before the time of such sale; and the said proprietors may by their clerk, or a committee chosen for that purpose, execute a good deed or deeds of conveyance of the part of the marsh so sold unto the purchaser thereof to hold in fee simple; and the said propri-

etors are authorized and empowered to accept and hold and manage, for the purpose aforesaid, all monies and donations of goods, wares or merchandize which may be bestowed on them for the purposes aforesaid: *Provided*, That the same shall not exceed at any one time the amount of ten thousand dollars.

Proprietors au-
thorised to re-
ceive donations

to the amount of
10,000 dollars.

SECT. 3. *Be it further enacted*, That the first meeting of the said corporation shall be held at the house of Sylvanus Higgins, in said Cape-Elizabeth, on the ninth day of April next, at two o'clock in the afternoon, notice of which meeting shall be posted at two public places in said towns, seven days prior thereto for the purpose of choosing a clerk, and such other officers as may then and there be agreed upon by the said corporation, who shall be sworn to the faithful discharge of the duties of their respective offices; and the said corporation may at said meeting or any adjournment thereof, then and there establish such rules and regulations as shall be judged necessary for the better management of its affairs, for which purpose they shall be and hereby are invested with all the powers appertaining to proprietors of general or common fields, and the said corporation may then and there agree upon a method for calling future meetings.

First meeting.

Proprietors to
have all the
powers of pro-
prietors of com-
mon fields.

[*This Act passed March 15, 1821.*]

CHAPTER LXXVI.

AN ACT to set off a part of the town of Warsaw, and annex the same to the twenty-five mile pond Plantation.

SECT. 1. *BE it enacted by the Senate and House of Representatives in Legislature assembled*, That all that part of the town of Warsaw, in the county of Somerset, which lies south of the Sebestacook river, with the Inhabitants thereon, is hereby set off from said town of Warsaw, and annexed to the twenty-five mile pond Plantation, in the county of Kennebec; *Provided however*, That said Inhabitants shall be holden to pay to said town all arrears of taxes which may have been lawfully assessed on them.

Bound of the
part set off.

Inhabitants hold-
den to pay ar-
rears of taxes.

SECT. 2. *Be it further enacted*, That the dividing line between the town of Warsaw and twenty-five mile pond Plantation, as established by this act, shall be the county line between the counties of Somerset and Kennebec, any law to the contrary notwithstanding.

Division line be-
tween the coun-
ties of Kennebec
and Somerset.

[*This Act passed March 17, 1821.*]