

# 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.**

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Published agreeably to a Resolve of June 28, 1820.

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1821.

## CHAPTER LXXVII.

AN ACT to prevent the destruction of Trout or Pickerel in Sebago Pond in the County of Cumberland.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in Legislature assembled,* That if any person or persons in the night time at any season of the year, shall spear or take with a spear, any Trout or Pickerel in Sebago Pond, or in any of the streams or rivers emptying into or issuing out of said pond, or in any of the waters connected with it; he or they shall forfeit and pay a fine of one dollar for each and every fish so taken or speared.

Penalty of 1 dollar for each trout or pickerel taken with a spear in the night time in the pond or streams.

SECT. 2. *Be it further enacted,* That if any person or persons shall set eel pots, fish pots or nets or erect any wears in said pond, or in any of the rivers, streams of waters connected with it as aforesaid, for the purpose of taking said fish, or obstructing their passage in said waters, he or they shall forfeit and pay the sum of five dollars for each and every offence.

Penalty of 5 dollars for setting eel pots, nets, &c.

SECT. 3. *Be it further enacted,* That it shall be lawful for any person or persons who shall find any of the obstructions mentioned in the foregoing section, placed or erected in said pond or its waters aforesaid, to take up, pull down, demolish and destroy the same and shall not be liable to an action of trespass for so doing. And all penalties and forfeitures arising by force and virtue of this act, shall be recovered by action of debt or information in any court proper to try the same; one moiety thereof for the use of the State, and the other moiety to him or them who shall inform or sue for the same.

Any person may destroy nets, &c.

Penalties to share one half to the state and one half to the informer.

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

## CHAPTER LXXVIII.

AN ACT to divide the town of North-Yarmouth, and incorporate the westerly part thereof into a town by the name of Cumberland.

SECT. 1. *BE it enacted by the Senate and House of Representatives in Legislature assembled,* That all that part of the town of North-Yarmouth, in the county of Cumberland, lying southwestwardly of the following line, viz: beginning at the sea shore on the dividing line between the farms of Alexander Barr and Reuben Loring; thence northwesterly to the easterly corner of the one hundred and twenty acre lot numbered one, in the one hundred and twenty acre division,

Bounds of the town of Cumberland.

on the west side of Royal's river ; thence north twenty-six degrees west to the north corner of lot numbered five ; thence south sixty-four degrees west on the dividing line between the lots numbered five and six, to the south corner of land now owned by Joseph Barstow, in lot numbered six ; thence north twenty-six degrees west, across said lot ; thence south sixty-four degrees west, between lots numbered six and seven, to the dividing line between the one hundred and the one hundred and twenty acre division on the west side of Royal's river ; thence north twenty-six degrees west on said line to the southeasterly side line of the two hundred and eighty acre squadron numbered one, thence south fifty four degrees west to the easterly corner of the four hundred and fifty acre squadron numbered two, so called ; thence northwest to Gray line, with all the flats lying westerly of a line drawn south, twelve degrees east from the bounds first mentioned, together with all the islands heretofore belonging to said town of North-Yarmouth, except Cousins' island, Littlejohn's island, Lane's island, and the two islands called Mosier's and Little Mosier's islands, with the inhabitants thereon, be, and the same are hereby incorporated into a separate town by the name of Cumberland ; and vested with all the powers, privileges and immunities, and subject to all the duties and requisitions of other corporate towns, agreeably to the Constitution and laws of this State.

SECT. 2. *Be it further enacted,* That the inhabitants of said town of Cumberland shall be holden to pay the arrears of all taxes which have been legally assessed on them, together with their proportion of all assessments which may have been voted by, and debts due from said town of North-Yarmouth, at the time this act may take effect, and their proportion of all State and County taxes ; said proportions to be ascertained by the last valuation of the respective towns ; and said inhabitants of Cumberland shall be holden to perform one third part of the labor which may be necessary to open a County road laid out in said North-Yarmouth, from New-Gloucester to Walnut hill meeting-house, so as to render the same passable : *Provided,* said road is not discontinued. And said inhabitants of Cumberland, shall be entitled to receive their proportion of all assessments voted by, and debts and taxes due to said town of North-Yarmouth at the time this act takes effect ; to be divided according to the valuation aforesaid, together with one third part of the principal and interest of the school fund, belonging to said town of North-Yarmouth.

Inhabitants of Cumberland to pay arrears of taxes, &c.

and their proportion of debts due from the town of North-Yarmouth, apportioned by the last valuation, and perform one third of the labor in making a new road laid out.

And to receive their proportion of taxes and debts,

and one third of the school fund.

SECT. 3. *Be it further enacted,* That all persons belonging to said town of North-Yarmouth, who shall be chargeable to said town as paupers when this Act takes effect, shall be distributed to said towns of North-Yarmouth and Cumberland,

Paupers to be divided one third to Cumberland and two thirds to North-Yarmouth.

Persons becoming paupers to be chargeable on the town where they have gained a settlement.

as equally as practicable in the proportion of one third to said town of Cumberland, and two thirds to said town of North-Yarmouth, regard being had to the expenses of such paupers support ; and each town supporting the paupers thus falling to its share in its own way and manner. And all persons who shall afterwards become chargeable shall be considered as having their settlement in said town of North-Yarmouth or Cumberland, respectively, according as their settlement may have been gained on the territory of the one or the other at the time this act may take effect, and in future shall be chargeable to such town only.

Military stores to be divided according to the number of militia.

SECT. 4. *Be it further enacted,* That the town stock of powder, balls, flints, guns and camp equipage, on hand at the time aforesaid, shall be divided between said towns in proportion to the number of men borne on the rolls of the Militia of the respective towns at that time.

Privilege of the burying grounds and muscle beds to remain common.

SECT. 5. *Be it further enacted,* That the privilege of using the several burying grounds in common, and the privilege of obtaining clams and muscle mud from the flats in said towns, which the inhabitants have been accustomed to use from time immemorial, shall continue in common as heretofore.

Selectmen of Cumberland to be trustees of the school fund.

SECT. 6. *Be it further enacted,* That the Selectmen and Treasurer of said town of Cumberland, for the time being, and their successors in office, shall be trustees of the school funds belonging to said town, and shall be entitled to demand and receive of the Trustees of the school funds in North-Yarmouth, such portion of said funds as may belong to said town of Cumberland, by virtue of this act ; and shall forthwith vest the same in public stock or sufficient personal security, and apply the interest annually, arising from the same, to the support of public schools in said town of Cumberland forever, unless said town shall, at a legal meeting thereof, order said interest to be added to the principal for the further increase of said fund ; which they are hereby authorized to do, as often as they may think expedient. And it shall be the duty of the Trustees of the fund for the support of public schools in said North-Yarmouth, forthwith to divide and apportion the principal and interest of said fund in the proportions aforesaid, so that the part thereof which may belong to said town of Cumberland, may be ready to be delivered to the Selectmen and Treasurer thereof, when elected and qualified to receive the same. And said town of Cumberland shall not be holden to receive nor support any of the persons chargeable as paupers at the time this act may take effect, until said school fund is divided as aforesaid, and the part thereof belonging to said town of Cumberland, shall be paid or tendered to the Selectmen and Treasurer of the same.

How to be vested,

and the interest appropriated.

Cumberland not to support paupers till the school fund is divided,

SECT. 7. *Be it further enacted,* That this act shall take effect on the second day of April next. And any Justice of the Peace for the county of Cumberland may issue his warrant, on the application of any five inhabitants of said town of Cumberland, directed to any one of such applicants, requiring him to notify and warn the inhabitants of said town qualified to vote in town affairs, to meet at such convenient time and place as shall be specified in said warrant, for the choice of such officers as towns are authorised by law to choose at their annual meetings.

Act to take effect April 2. First meeting.

SECT. 8. *Be it further enacted,* That all persons dwelling on lands adjoining the division line, described in the first section of this act, shall have liberty to belong, with their lands adjoining said line, to which of said towns they may elect: *Provided,* they make such election in writing, describing such lands, and file the same in the office of the Secretary of State within ninety days next after the passing of this act. And one half of the highway adjoining said division line, as the same shall be after such election made as aforesaid, shall belong to each of said towns.

Persons living on the division line may elect which town to belong to, if the election is made in 90 days.

SECT. 9. *Be it further enacted,* That Nathan Elden, Ebenezer D. Robinson and John Perley, Esquires, be, and they hereby are appointed and empowered to consider the terms and conditions mentioned in this act, and to determine what sum of money, if any, shall be paid by either of said towns to the other in order to do justice between them. And said committee, or the major part of them, shall make their award in writing within six months next after the passing of this act, and leave attested copies of the same with the Clerks of said towns, and shall also determine which of said towns shall pay the expenses of said committee. And if the town against which the award may be, shall not within six months after a copy thereof shall be left as aforesaid, pay the monies awarded according to the tenor of such award, the town in whose favor such money may be awarded, may have an action of the case therefor, in any court proper to try the same.

Committee appointed, to decide what shall be paid by either town to the other, who shall make their award in 6 months.

[*This Act passed March 19, 1821.*]

CHAPTER LXXIX.

AN ACT to alter the law establishing Bowdoin College.

SECT. 1. *BE it enacted by the Senate and House of Representatives in Legislature assembled,* That the number of trustees provided for in an act to establish a College in the town of Brunswick, including the President of said College, shall

Board of Trustees to consist of not more than 25 nor less than 20.