

MAINE STATE LEGISLATURE

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ACTS AND RESOLVES

PASSED BY THE

TWENTY-EIGHTH LEGISLATURE

OF THE

STATE OF MAINE,

A. D. 1848.

Published by the Secretary of State, agreeably to Resolves of June 28, 1820, February 26, 1840,
and March 16, 1842.

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1848.

PRIVATE AND SPECIAL LAWS

OF THE

STATE OF MAINE,

1848.

ERRATA:

**The following leaf is
inserted because one or more pages
in this chapter have errors
noticed and corrected here.**

STATE OF MAINE.

SECRETARY'S OFFICE, AUGUSTA, December 1, 1848.

I hereby certify, that the acts and resolves contained in this pamphlet have been compared with the originals deposited in this office, and appear to be correctly printed, with the exceptions mentioned in the *errata* hereunto annexed.

EZRA B. FRENCH, *Secretary of State.*

E R R A T A .

PUBLIC LAWS.

- Chapter 64, sec. 2, twentieth line, for "person" read "persons".
67, in the title for "seventeenth" read "seventh".
81, sec. 2, sixth line, for "and" read "or".

PRIVATE AND SPECIAL LAWS.

- Chapter 124, sec. 9, fourth line, for "insure" read "enure".
131, sec. 9, thirteenth line, for "requested" read "required".
132, sec. 3, second line, for "five" read "four".

follows, to wit: beginning on Crooked river, at the northerly side of lot number ten; thence by said line and the northerly side line of lot number nine, to the most northerly corner of said lot; thence following the line between lots numbered nine and eight; two and three; three, one hundred seventy-four and one hundred seventy-three, and between lots numbered one hundred seventy-five and one hundred seventy-two, to the line between Casco and Otisfield; thence following said last named line until it strikes Crooked river; thence up said river to the point of beginning, with the inhabitants thereon, is hereby set off from said town of Otisfield and annexed to the town of Naples.

SECT. 2. This act shall take effect and be in force on and after the first day of March, one thousand eight hundred and forty-nine.

[Approved July 27, 1848.]

Chapter 131.

An act to incorporate the towns of East Thomaston and South Thomaston.

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

SECT. 1. All that part of the town of Thomaston lying northerly and easterly of a line commencing at the line of the town of Warren at the westerly corner of the company lots so called; thence on the line of said company lots south fifty-eight degrees and thirty minutes east, and continuing the same course to the west branch of Mill River stream; thence south-westerly down said branch to the northerly line of Aruna Robbins' land; thence southeasterly by said Robbins' northeasterly line to the meadow brook so called; thence down said meadow brook to the middle of the town road crossing the meadow; thence southeasterly on said road and continuing the course thereof to a point twenty rods southeasterly of the highway; thence northeasterly to a point in the easterly line of said highway intersected by the centre line of the town road leading from near the dwelling-house of Ephraim Ulmer to East Thomaston village; thence southeasterly by the middle of said town road to the easterly line of the Blackinton farm so called; thence by said line southerly to the easterly angle of said Blackinton farm; thence in a direct line southerly to a point

Boundaries of
East Thomaston.

CHAP. 131. in the marsh brook intersected by the north line of the road near William Butler's house; thence down said brook to a point therein intersected by the north line of the Job Ingraham lot so called, extended; thence north seventy-nine degrees east by said north line of the Ingraham lot extended, to the shore of Owl's Head bay, reference being had to the survey and plan made by Edwin Rose for said town, with the inhabitants thereon, is hereby set off from the town of Thomaston and incorporated into a separate town of the name of East Thomaston. And all that part of the town of Thomaston lying southerly of Owl's Head bay and of a line commencing at the bay of George's river at the north line of Washington Robbins' land; thence south eighty-eight degrees east by said Robbins' north line, extended to the marsh brook; thence up said marsh brook to a point intersected by the north line of the Job Ingraham lot so called, extended; thence south eighty-eight degrees east by said north line of the Job Ingraham lot to the shore of Owl's Head bay, together with all that part of Thomaston lying southerly of said Owl's Head bay and the adjacent islands now constituting a part of said town, with the inhabitants thereon, is hereby set off from said town and incorporated into a separate town by the name of South Thomaston, and said towns shall be vested with all the powers, privileges and immunities and subject to all the duties and liabilities of other incorporated towns agreeably to the laws of this state.

Boundaries of
South Thomaston.

Said towns holden to pay their proportion of the debts and liabilities of Thomaston.

SECT. 2. Said towns of East Thomaston and South Thomaston shall be respectively holden to pay to said town of Thomaston their respective proportions according to the last town valuation of the debts and liabilities of said town beyond its resources existing on the twentieth day of August next, and of those which may arise thereafter in consequence of any and all suits at law then pending in favor or against said town or which may thereafter be commenced on any cause of action then existing, or of any committee or commissioners acting under the authority of said town, or of this act; and they shall also support such of the existing paupers as may be designated by the commissioners hereinafter named, having reference in such designation to the local residence of such paupers prior to their removal to the poorhouse, to the valuation of the town, and to all other equitable considerations.

Paupers.

Residence of persons having a settlement in Thomaston.

SECT. 3. All persons residing in Thomaston at the passage of this act having a settlement therein shall hereafter be deemed to have their settlement in said three towns respectively on the

territory constituting which they so reside and have their home, except paupers supported at the poor house, and they shall be deemed to have their settlement in said towns respectively, in the territory of which they resided and had their home next previous to their removal to the poor-house; and all persons residing in other places having their legal settlement in Thomaston, shall be deemed to have their settlement in said towns respectively on the territory constituting which they, or those from whom they have a derivative settlement resided at the time of acquiring such settlement, and said towns shall be respectively liable to support all such as have their settlement therein until they shall have acquired a settlement elsewhere.

SECT. 4. Each of said towns shall be liable and holden to pay the expense of such highways and town ways as may hereafter be established within its territory; and all moneys raised at the last annual town meeting in Thomaston for the repairs of highways and town ways not apportioned to the several districts at the passage of this act, shall be apportioned and applied to the repair of roads in each of the said three towns in proportion to their valuation respectively.

Highways and town ways.

Moneys raised for the repairs of highways, how appropriated.

SECT. 5. Samuel W. Jackson of Jefferson in the county of Lincoln, Samuel G. Adams of Camden in the county of Waldo, and Benjamin F. Buxton of Warren in the county of Lincoln, shall be commissioners whose duty it shall be to run out the lines of separation described in the first section, and place suitable monuments at proper intervals on said lines; they shall also assign the paupers as aforesaid, and shall settle and determine the amount (if any) to be paid by or to said towns so set off on settlement of the debts and liabilities of said town of Thomaston, making a full settlement and adjustment of all matters between said towns contemplated by this act. They shall make sale of the poor-house and farm attached thereto, and all other public property belonging to said Thomaston, except books of record and unsettled claims, reserving however the burying grounds and public or town landings to the towns respectively in which they are situated; and any balance which may exist after payment of all debts and liabilities, shall be divided between the said three towns according to the last town valuation of said Thomaston; and said commissioners shall make report of their doings to said towns as soon as may be, and their determination shall be final. And they are hereby authorized to make all such deeds of conveyance as may be necessary in the full discharge of the duties herein prescribed.

Commissioners to run the line of separation.

—assign the paupers, and make a full adjustment of all matters between said towns.

Town property to be sold.

Balance, after payment of debts, how divided.

Reports of said commissioners.

Authorized to make deeds of conveyance.

CHAP. 131.

State and county taxes.

SECT. 6. The said towns of East Thomaston and South Thomaston shall pay their respective proportions of such state and county taxes as are already or may hereafter be assessed and apportioned on the inhabitants of Thomaston, until the legislature shall make a separate apportionment to said towns.

Return to be made by selectmen of Thomaston.

SECT. 7. It shall be the duty of the selectmen of Thomaston to make returns to the secretary of state by the first day of February next, of the proportion of the state valuation of said town set off by this act and incorporated into the towns of East Thomaston and South Thomaston respectively. And all state and county taxes hereafter imposed shall be apportioned by the state treasurer accordingly until a new valuation shall be made.

Representative district.

SECT. 8. The towns of Thomaston, East Thomaston and South Thomaston, shall after the twentieth day of August next constitute a district for the choice of two representatives to the legislature of this state, until otherwise provided by law.

Duties of certain officers, residing on territory set off to cease, after Aug. 20.

SECT. 9. The duties of the existing selectmen, assessors, town clerk, overseers of the poor, fence viewers, and superintending school committee of Thomaston, residing in the portions of the town hereby set off shall cease from and after the twentieth day of August next when this act shall take effect.

Meeting for the choice of certain town officers.

And it shall be the duty of the said towns hereby incorporated respectively as soon thereafter as may be, at town meetings to be called for that purpose, to choose selectmen, assessors, town clerk, treasurer, overseers of the poor, fence viewers and superintending school committees for said towns respectively to hold their offices until others shall be chosen in their stead in the month of March or April next. And said several officers are hereby empowered and requested to perform the same duties in their respective towns and under the same liabilities as other similar officers are required and empowered to perform under the constitution and general laws of this state; and all other town officers residing in said towns shall continue to exercise therein the duties of their several offices until others shall be chosen or appointed in their stead; and said town of Thomaston shall, as soon as may be after this act goes into effect, proceed as the law provides, to fill all vacancies in the town offices created by this act and meetings for the purposes aforesaid, may be called and notified prior to said twentieth day of August.

Tenure of office.

Powers and duties.

Other officers to continue to exercise the duties of their several offices.

Vacancies created in Thomaston.

Assessors of the three towns to constitute a board, with power to abate taxes already assessed.

SECT. 10. The said assessors of the said three towns shall constitute a board with the same power to abate taxes already assessed on the inhabitants of said towns, as the assessors of

the town of Thomaston would have by law, had this act not been passed. The taxes already assessed on the inhabitants of the town of Thomaston shall be collected and paid into the treasury of said town to be appropriated to the several purposes for which they were assessed.

CHAP. 132.

Taxes already assessed, how paid.

[Approved July 28, 1848.]

Chapter 132.

An act to establish the Belfast and Waterville Rail Road Company.

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

SECT. 1. Hiram O. Alden, Hugh J. Anderson, Joseph Williamson, Paul R. Hazeltine, James P. White, Nathaniel M. Lowney, Alfred Johnson, Solyman Heath, William H. Burrill, William G. Crosby, Benjamin Hazeltine, James White, Daniel Merrill, Asa Faunce, Daniel Haraden, Timothy Chase and Sherburn Sleeper, their associates, successors and assigns, are hereby made and constituted a body politic and corporate, by the name of the Belfast and Waterville Rail Road Company, and by that name may sue and be sued, plead and be impleaded, and shall have and enjoy all proper remedies at law and in equity, to secure and protect them in the exercise and use of the rights and privileges and in the performance of the duties hereinafter granted and enjoined; and to prevent all invasion thereof, or interruption in exercising and performing the same. And the said corporation are hereby authorized and empowered to locate and construct and finally complete, alter, amend and keep in repair, a rail road with one or more sets of rails or tracks, with all suitable bridges, tunnels, viaducts, turnouts, culverts, drains, and all other necessary appendages, from some point at or near tide waters, in said town of Belfast running westwardly and northwardly, through the towns of Waldo, Swanville, Brooks, Knox, Thorndike, Unity, Seabastcook and Winslow to Waterville. Said rail road to be located and constructed on such route, as the directors of said corporation, in the exercise of their best judgment and discretion, shall judge most favorable, and best calculated to promote the public convenience and carry into effect the intentions and purposes of this act; and the said corporation shall be and hereby are invested with all the powers, privileges and immunities, which

Corporators.

Corporate name.

Authorized to locate, construct and keep in repair a rail road.

Course and direction of route.