

MAINE STATE LEGISLATURE

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ACTS AND RESOLVES

PASSED BY THE

TWENTY-NINTH LEGISLATURE

OF THE

STATE OF MAINE,

A. D. 1849.

Published by the Secretary of State, agreeably to Resolves of June 28, 1820, February 26, 1840,
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1849.

PRIVATE AND SPECIAL LAWS

OF THE

STATE OF MAINE,

1849.

Chapter 264.

CHAP. 264.

An act to incorporate the town of Yarmouth.

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

SECT. 1. All that part of the town of North Yarmouth lying southerly of the following described line, namely: beginning at the point on the Greely road, where the lands of Levi Blanchard and Reuben Blanchard meet on said road; thence by the west and north lines of Levi Blanchard's land to the land of Joseph Barstow; thence by the west and north lines of said Barstow's land to the New Gloucester road; thence by a straight course to the northwestern corner of Amos Corliss' farm; thence by the line between said Corliss' farm and the farm of Enoch F. Bearce to Royall's river; thence by said river and the northern line of Samuel Baker's land to the north road; thence by a straight course to the point on the Pownal road where the line between the lands of Samuel Parker and Samuel G. Russell crosses said road; thence by said road to the line of the town of Pownal; together with all the persons having a legal settlement thereon, is hereby incorporated into a separate town by the name of Yarmouth, and the inhabitants thereof are hereby invested with all the privileges and powers, and subjected to all the duties and liabilities incident to the inhabitants of other towns in this state.

Boundary line.

Corporate name.

Powers and privileges.

SECT. 2. The several inhabitants of the town of Yarmouth shall be holden to pay all taxes which have been legally assessed upon them by the town of North Yarmouth, and the several collectors of taxes for said town of North Yarmouth, are hereby authorized and required to collect and pay all taxes to them already committed, according to their respective warrants. All moneys now in the treasury of said town, and all sums which shall hereafter be received from taxes heretofore assessed, shall be applied to the several purposes for which they were raised.

Taxes which have been legally assessed to be paid, &c.

SECT. 3. The said town of Yarmouth shall be holden to pay its proportion of all debts due from said town of North Yarmouth, and of all state and county taxes, authorized, but not assessed, at the time this act shall take effect, and each of said towns shall be entitled to receive and hold its proportion of all debts due to said town of North Yarmouth at the same time, and the proportions aforesaid shall be determined by the last annual valuation of the said towns.

Debts and taxes, how paid.

Debts due, how divided.

SECT. 4. The school funds belonging to the town of North

School fund, how divided.

CHAP. 264. Yarmouth shall be divided between the said towns in proportion to the number of scholars belonging to them respectively, according to the returns made by the agents of the several school districts in the present year. The trustees of the school funds in the town of North Yarmouth, who shall be inhabitants of the territory hereby created into a new town at the time this act shall take effect, shall be trustees of the school fund of the town of Yarmouth, and after the division of said fund shall cease to be trustees of the school fund of North Yarmouth, and they shall have such powers and be subject to such duties in the care of the school funds of Yarmouth, and the application of the same to the use of schools in said town as are prescribed by law in respect to the school funds of North Yarmouth.

Trustees of school fund—powers and duties of.

Certain rights and duties to be held in common.

SECT. 5. The inhabitants of said towns shall continue to hold and enjoy in common all the rights and privileges hitherto belonging to the inhabitants of North Yarmouth, in any and all public landings, cemeteries, gravel-pits, muscle-beds, flats, and fisheries of every kind, within the limits of said towns.

Owners of lands divided by the town line may belong to either town they may elect.

Election, &c., how made.

SECT. 6. All persons dwelling on lands now owned by them, which are cut by the boundary line herein described, shall have liberty to belong, with their said lands, and their families, to which of said towns they may elect; but such election shall be made in writing with a particular description of the boundaries of such lands, and filed in the office of the secretary of state within sixty days after the passing of this act. And until the expiration of that time, the line described in the first section of this act, shall be the boundary line of said towns.

Boundary line being a highway, &c.

SECT. 7. In any case where the boundary line between said towns shall be by a highway or town way, the whole of said way, contiguous to such part of the line, shall be within the limits of the town of Yarmouth.

When to take effect.

SECT. 8. This act shall take effect on the twentieth day of August instant, but the meeting for the choice of officers for said new town may be called at any time before that date, after the passage of this act. And it shall be the duty of the selectmen of the said towns, after said twentieth day of August, to make out a list of voters in their respective towns, and to make such corrections of the same, after that time, as are required by law.

Selectmen to make out lists of votes.

Selectmen to make return of valuation, &c.

SECT. 9. It shall be the duty of the selectmen of North Yarmouth, to make return to the secretary of state, by the first

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day of February next, of the proportion of the state valuation of the town created by this act, and the polls therein, and all state and county taxes hereafter imposed shall be apportioned accordingly, until a new valuation shall be made.

State and county taxes apportioned.

SECT. 10. The first parish in North Yarmouth is hereby authorized to take the name of the first parish of Yarmouth, and the trustees of the ministerial fund of said parish may take the name of trustees of the ministerial funds of the first parish in Yarmouth, and all of said trustees shall be inhabitants of said parish.

Parish and trustees authorized to change their names.

SECT. 11. Upon application to the county commissioners of the county of Cumberland, by the selectmen of either of said towns, within three months after the passage of this act, it shall be the duty of said commissioners to appoint a committee of three disinterested persons; to hear and determine upon the several matters hereinafter enumerated. The county commissioners shall require notice of each application to be given to the other party, and the award of said committee shall be in writing, and shall be returned to said commissioners, and shall be by them recorded; and all the expenses attending such application and award, shall be paid by the said town of Yarmouth, as the same shall be allowed by the county commissioners. The said committee shall hear the parties after due notice, within one month after their appointment. They shall estimate and determine the value of the town house now belonging to the town of North Yarmouth, and the value of all the interest which the said town has in the lot of land on which said town house stands, and the town of Yarmouth shall, within sixty days from the date of said award, pay to the town of North Yarmouth, its proportion of the sum so awarded, according to the valuation hereinbefore provided, and shall take and hold the said town house and lot. Said committee shall also estimate and determine the value of the town farm now belonging to the town of North Yarmouth, together with its appurtenances, and all stock, materials and other property kept on said farm, and the town of North Yarmouth shall have its election to take and hold the said farm and appurtenances, stock and materials, and pay therefor to the town of Yarmouth its proportion of the sum so determined, according to the valuation aforesaid. If the town of North Yarmouth shall not, within three months from the date of said award, elect to take said farm and appurtenances, stock and materials, the town of Yarmouth shall take and hold the same, and pay to said town of

Committee to be appointed to determine upon the several matters herein enumerated.

Notice of application to be given.

Award how made, &c.

Committee, duties of, &c.
—to estimate the value of certain property.

Town house and lot.

Award to be paid in 60 days.

Town farm, how disposed of.

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Committee authorized to make a final adjustment of all matters pending between said towns.

North Yarmouth its proportion of the value so determined, according to the valuation aforesaid; and the payments for said farm, in either case, shall be made within six months from the time allowed for the election aforesaid. Until the expiration of said three months from the date of said award, the town property mentioned in this section, shall be in the care of the selectmen of North Yarmouth, for the use and benefit of the inhabitants of said towns as heretofore. The said committee shall also determine what sum, if any, ought to be paid by the town of Yarmouth to the town of North Yarmouth, for the purpose of making a just and final apportionment of the expense of putting in good repair and supporting the bridges north of the boundary line described in this act, also all privileges and burdens, that justice may be done between the towns; and the sum so awarded shall be a gross amount, in full discharge of all liability for each expense, and shall be paid within six months from the date of said award.

School district No. 10 to belong to Yarmouth.

SECT. 12. All that part of school district number ten, in North Yarmouth, which lies below the boundary line herein described, shall be and constitute a school district in Yarmouth, and said district, together with said district number ten, shall and may hold and use in common the school house and lot now belonging to said district number ten, until they shall otherwise dispose of the same.

Representative district.

SECT. 13. The said towns shall constitute a district for the choice of one representative to the legislature of the state, until otherwise provided by law.

[Approved August 8, 1849.]

Chapter 265.

An act respecting school district number six in Cherryfield.

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

Authorized to raise additional sum of money for support of public schools.

SECT. 1. The inhabitants of district number six in Cherryfield, are hereby authorized, at their annual district meeting, to raise such sum of money, in addition to their proportion of the school money raised by the town, as may be deemed necessary for the support of public schools within said district; but the amount so raised, by the district in any year, shall not exceed