

MAINE STATE LEGISLATURE

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ACTS AND RESOLVES

PASSED BY THE

THIRTY-FIRST LEGISLATURE

OF THE

STATE OF MAINE,

A. D. 1852.

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Published by the Secretary of State, agreeably to resolves of June 28, 1820, February  
26, 1840, and March 16, 1842.  
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Augusta:
WILLIAM T. JOHNSON, PRINTER TO THE STATE.

1852.

PRIVATE AND SPECIAL LAWS

OF THE

STATE OF MAINE.

1852.

pany shall in their plea deny the petitioners title to said lands, mills, machinery or other water works, alledged to have been injured by means of said dam, or shall claim a right to flow for an agreed composition, the court, if issue be joined thereon, shall order a trial at the bar of the court, but when said company shall not show sufficient cause to the contrary, said court may appoint three or more disinterested freeholders to make true and faithful appraisement of the damages already sustained as well as of those to be yearly sustained, which report being duly returned to court, shall be conclusive between the parties, unless either party shall request that the question of damages may be tried by a jury, in which case the report of said commissioners may be used as evidence by either party, subject however to be impeached by other evidence, and judgment having been rendered upon such verdict, the same shall be a bar to any action brought for such damages.

Either party
may have trial
by jury.

SECT. 7. Unless said dam shall be completed and fit for use within five years from the passage of this act, all the powers herein granted to said company shall be rescinded and held void.

Dam, when to
be completed.

[Approved April 9, 1852.]

Chapter 580.

An act to incorporate the town of Holden.

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

SECT. 1. All that part of the town of Brewer lying easterly of the following described line, namely: beginning at the point of the northern portion of the first division line, at the corner of lots two and ten, and running southerly following said division line to the south point of said line to the southerly corner of lots twenty-four and ninety-one, together with all the persons having a legal settlement thereon, is hereby incorporated into a separate town by the name of Holden, and the inhabitants thereof are hereby invested with all the privileges and powers and subject to all the duties and liabilities incident to the inhabitants of other towns in this state.

Division line.

Rights and re-
strictions.

SECT. 2. The several inhabitants of the town of Holden shall be holden to pay all taxes which have been legally assessed upon them by the town of Brewer, and the several col-

Taxes to be
paid.

CHAP. 580. Collectors of taxes or collector of taxes for said town of Brewer are hereby authorized and required to collect and pay all taxes to them committed according to the respective warrant or 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.

Debts, taxes, &c., how apportioned.

SECT. 3. The said town of Holden shall be holden to pay its proportion of all debts due from said town of Brewer, 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 Brewer at the same time, and the proportions aforesaid shall be determined by the last annual valuation of the said towns.

School funds.

SECT. 4. The school funds belonging to the town of Brewer shall be divided between 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 the present year, and the trustees for the town of Holden, for said fund, shall be chosen by said town at their first annual town meeting, and shall give bonds satisfactory to the selectmen of Holden, and said trustees for the town of Holden, shall have the same powers and be subject to the same duties as are now the trustees of the town of Brewer.

Trustees of school funds, powers of.

Rights in common to public landings, &c.

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 Brewer in any and all public landings, cemeteries, gravel pits, flats and fisheries of every kind, within the limits of said towns.

Certain persons to elect resident town.

SECT. 6. All persons dwelling on lands now owned by them, which are cut by the boundary line herein described, shall 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 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, and in case no description as above is filed in the office of the secretary of state, the line described in the first section of this act shall be the boundary line of said towns.

Proceedings.

Town meeting.

SECT. 7. This act shall take effect on the first day of May next, but the meeting for the choice of officers for the town of Holden, 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 the first day of May next, to make out a list of voters in their respective towns, and to make such corrections after that time as are required by law. CHAP. 580.

SECT. 8. It shall be the duty of the selectmen of Brewer to make return to the secretary of state by the first day of August 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. Selectmen of Brewer to make returns to secretary of state.

SECT. 9. Upon application to the county commissioners of the county of Penobscot by the selectmen of either of said towns, within six 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 expenses attended said award shall be divided between said towns in the proportion of one third for the town of Holden, and two thirds for the town of Brewer, as the same shall be allowed by the county commissioners; said committee shall hear said parties within one month after their appointment; they shall estimate and determine the value of the town house and the interest in the land upon which it stands, now belonging to the town of Brewer, and the value of the town farm, now belonging to the town of Brewer, and the value of the town landings and any other property of said town of Brewer not heretofore in this act provided for, and the town against which there shall be a sum of money due, shall pay the other within such time as the committee shall determine; said committee having full power to settle any differences regarding the town property of Brewer which shall belong in proper proportion to the town of Holden, the amount of money to be paid, and the time when it shall be paid, and also determine all privileges and burdens, that justice may be done between said towns. Co. commissioners to appoint a committee.

Committee, powers and duties of.

[Approved April 13, 1852.]