

MAINE STATE LEGISLATURE

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ACTS AND RESOLVES

PASSED BY THE

THIRTY-SEVENTH LEGISLATURE

OF THE

STATE OF MAINE,

1858.

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

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1858.

PRIVATE AND SPECIAL LAWS

OF THE

STATE OF MAINE.

1858.

Chapter 167.

An act to incorporate Mount Hope Cemetery Corporation.

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

Corporators.

SECT. 1. Moses L. Appleton, Albert W. Paine, John E. Godfrey, James B. Fiske, Arad Thompson, John Bright, George W. Pickering, Messenger Fisher, Thomas A. Taylor, Albert Emerson, Phillip H. Coombs, Henry A. Head, John Wyman, Thomas Jenness, Amos M. Roberts and Waldo T. Peirce, together with such other persons as are owners of shares, or proprietors of lots in the cemetery of Mount Hope in Bangor, in the county of Penobscot, are hereby created a corporation, by the name of the Mount Hope Cemetery Corporation.

Corporate name.

May hold certain real estate, &c.

SECT. 2. Said corporation may take and hold in fee simple, the grounds of the cemetery of Mount Hope aforesaid, and any other lands that may be convenient for cemetery purposes in the neighborhood thereof, and may also take and hold any personal estate, not exceeding twenty-five thousand dollars, to be applied to purposes connected with and appropriate to the objects of said corporation.

May hold personal estate not exceeding \$25,000.

Mount Hope Cemetery Corporation, authorized to convey their property to new company.

SECT. 3. The corporation heretofore known as "Mount Hope Cemetery Corporation," at its annual meeting, or at any special meeting called for the purpose, shall have authority and are hereby empowered to authorize their treasurer, for such consideration as they shall think proper, to convey to the corporation hereby created, all the rights, title and interest that said Mount Hope Cemetery Corporation has in and to any real and personal estate, wherever situated or however described, and all moneys, demands and securities by them held; and such conveyance shall be effectual to pass the title to said corporation hereby created.

Membership.

SECT. 4. All persons who are or shall hereafter become proprietors of lots in said cemetery, shall become members of the corporation, and each member shall be entitled to one vote and no more, so long as he shall continue to own such lot.

Officers.

SECT. 5. The officers of this corporation shall be a president, secretary, treasurer, and an executive committee, of not less than three nor more than five persons, who shall be elected annually by ballot at the annual meeting, and shall hold their offices until others are chosen.

—how elected.

—term of office.

Meetings.

SECT. 6. The annual and special meetings of this corporation shall be holden at such time and place, and such notice thereof shall be given as the by-laws shall direct.

Liability for destroying,

SECT. 7. Any person who shall wilfully destroy, mutilate, deface, injure or remove any tomb, monument, grave-stone, or other

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structure, placed in the cemetery aforesaid, or any fence, railing or other work for the protection or ornament of any tomb, monument, grave-stone or other structure aforesaid, or of any cemetery lot within the cemetery aforesaid, or shall willfully destroy, remove, cut, break or injure any tree, shrub, plant or flowers, not their own within the limits of the said cemetery, or discharge any gun or other fire arms within said limits, shall be deemed guilty of a misdemeanor, and shall upon conviction thereof before any court of competent jurisdiction within the county of Penobscot, be punished by a fine not exceeding five hundred dollars, and such offender shall also be liable in an action of trespass, to be brought against him in the name of the corporation or lot owner, as the case may be, to treble damages for any injury which shall have been occasioned by his unlawful acts.

mutilating,
&c. monu-
ments, &c.

Penalty.

—damages.

SECT. 8. Upon the death of any proprietor of any lot in the said cemetery, the devisee of such lot, or the heir at law as the case may be, shall be entitled to all the privileges of membership as aforesaid, and if there be more than one devisee or heir, the executive committee for the time being, shall designate which of the said devisees or heirs at law, shall represent the said lot and vote in the meetings of the corporation; which designation shall continue in force, until by death, removal or other cause, another designation shall become necessary, and in making such designation, the executive committee shall, as far as they conveniently may, give the preference to proximity of blood and priority of age, having due regard however, to sex, and proximity of residence.

Membership,
upon death of
any proprietor.

—how desig-
nated in cer-
tain cases.

SECT. 9. Said corporation may take and hold any grant, donation or bequest of property, upon trust, to apply the income thereof, under the direction of the executive committee, for the improvement of said cemetery, or any lots therein, or of any buildings, structures or fences erected or being erected upon the lands of said corporation, or of any individual proprietor of a lot in the cemetery, or for the repair, preservation or renewal of any tomb, monument, grave-stone, fence or railing, or other erection in or around any cemetery lot, or for the planting and cultivation of trees, shrubs, flowers or plants, in or about any cemetery lot, according to the terms of such grant, donation or bequest; and the supreme judicial court shall have full powers and jurisdiction, to compel the due performance of said trusts, or any of them, upon a bill filed by a proprietor of any lot in the said cemetery, for that purpose.

May hold
property in
trust.
—income, how
applied.

S. J. court,
power and ju-
risdiction of.

SECT. 10. Any three or more of the persons named in this act shall have authority to call the first meeting of this corporation, by an advertisement in one or more newspapers, printed in the city of

First meeting,
how called.

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Election, same as annual meetings.

Officers.

—term of office.

Corporation property exempt from taxes.

Property of corporation, how devoted and applied.

By-laws.

Bangor, seven days at least, before the time of holding such meeting, and specifying the time and place thereof, and at any such meeting or any adjournment thereof, any elections may be had or any business done which are herein authorized to be had and done at an annual meeting, although the same may not be specified in the notice for said meeting; and the officers chosen at said meeting, shall continue in office until the annual meeting of said corporation next ensuing their choice, and until others shall be chosen in their stead.

SECT. 11. Said corporation shall be exempt from all taxes on all property held by them as aforesaid; and the lots and all improvements and erections thereon, shall be exempt from attachment and execution against the respective owners.

SECT. 12. All property held by this corporation at any time, and all money resulting from sales thereof, or of which said corporation may be otherwise possessed, shall be exclusively devoted and applied to the preservation, improvement, embellishment and enlargement of the said cemetery, and the incidental expenses thereof forever, and for no other purpose whatsoever; and no distribution, division or dividend thereof, or of any part thereof shall ever be made among the members or stockholders.

SECT. 13. Said corporation shall have power to make all needful by-laws for the protection, and regulation of their property and affairs, not inconsistent with the laws of this state.

[Approved February 27, 1858.]

Chapter 168.

An act to incorporate the town of Prentiss.

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

Town of Prentiss, incorporation of.

Powers, privileges, &c.

SECT. 1. Township numbered seven in the third range of townships north of Bingham's Penobscot Purchase, in the county of Penobscot, with the inhabitants thereon, is hereby incorporated into a town by the name of Prentiss, vested with all the powers, and subject to all the duties of other incorporated towns of this state.

SECT. 2. This act shall take effect when it is approved by the governor.

[Approved February 27, 1858.]