

# MAINE STATE LEGISLATURE

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ACTS AND RESOLVES

115

OF THE

FORTY-NINTH LEGISLATURE

OF THE

STATE OF MAINE.

1870.

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Published by the Secretary of State, agreeably to Resolves of June 28, 1820,  
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AUGUSTA:  
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1870.

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PRIVATE AND SPECIAL LAWS

OF THE

STATE OF MAINE.

1870.

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SECT. 3. David Cowan is hereby authorized to call the first meeting of these incorporators by giving to each of the others a written notice of the same seven days before such meeting.

CHAP. 377.

First meeting,  
how called.

SECT. 4. This act shall take effect when approved.

Approved February 26, 1870.

### Chapter 377.

An act to incorporate the Damariscotta Village Cemetery Corporation.

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

SECT. 1. B. D. Metcalf, Joseph G. Barstow, Charles E. Metcalf, William Jones, Joshua Hilton, Alex. B. Weeks, David Plummer, E. H. Chapman, and such other persons as are owners of shares or proprietors of lots in the cemetery at Damariscotta village, in the county of Lincoln, are hereby created a corporation by the name of Damariscotta Village Cemetery Corporation.

Corporators.

SECT. 2. Said corporation may hold in fee simple the grounds of the cemetery 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 two thousand dollars, to be applied to purposes connected with and appropriated to the objects of said corporation.

Name.

May hold real and  
personal estate.

How applied.

SECT. 3. All persons who are or shall hereafter become proprietors of lots in said cemetery, shall become members of the corporation, and each member for each and every lot shall be entitled to one vote so long as he shall continue to own such lot or lots.

Members.

Right to vote.

SECT. 4. The officers of this corporation shall be a president, secretary, treasurer and executive committee of three persons, who shall be elected annually, by ballot, at the annual meeting, and shall hold their offices until others are chosen.

Officers, their  
election and ten-  
ure of office.

SECT. 5. 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.

Annual meetings,  
notice of.

SECT. 6. Any person who shall wilfully destroy, mutilate, deface, injure, or remove any tomb, monument, gravestone, or other structure placed in the cemetery aforesaid, or any railing or other work for the protection or ornament of any tomb, monument or gravestone, or other structure aforesaid, or any cemetery lot within the cemetery aforesaid, or shall wilfully destroy, remove, cut, break or injure any tree, shrub, plant or flowers not their own within the limits of said cemetery, or discharge any gun or other

Injury to prop-  
erty deemed a  
misdemeanor.

CHAP. 377.

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 Lincoln, be punished by a fine not exceeding five hundred dollars, and such offender shall 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.

Penalties.

Membership, how and by whom determined.

SECT. 7. Upon the death of any proprietor of any lot in the said cemetery, the devisee of such lot or 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 or 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, priority of age, having due regard, however, to sex and proximity of residence.

May hold property upon trust. Income, how applied.

SECT. 8. 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 any individual proprietor of a lot in the cemetery, or for the repair, preservation or renewal of any tomb, monument, gravestone, 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 power 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.

First meeting, how called.

SECT. 9. 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 county or by posting up notices in two or more public places in aforesaid village, seven days at least before the time of holding such meeting, and specify the time and place thereof, and at any such meeting or any adjournment thereof any election may be had or any business done which is 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 corpo-

Officers, their election and tenure of office.

ration next ensuing their choice and until others shall be chosen in their stead. CHAP. 378.

SECT. 10. Said corporation shall be exempt from all taxes and attachments on the lots in said cemetery and all improvements thereon. Lots exempted from taxation and attachment.

SECT. 11. 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. By-laws.

SECT. 12. This act shall take effect when approved.

Approved February 26, 1870.

### Chapter 378.

An act giving to the inhabitants of that part of Scarborough annexed to Gorham by act of eighteen hundred and sixty-four, chapter three hundred and forty-one, their portion of the money paid by the state to Scarborough, under act of eighteen hundred and sixty-eight, chapter two hundred and twenty-five.

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

SECT. 1. The inhabitants of that part of the town of Scarborough set off and annexed to the town of Gorham by act of eighteen hundred and sixty-four, chapter three hundred and forty-one, approved March four, eighteen hundred and sixty-four, liable to taxation, are entitled to have their proportion of the sum paid by the state to Scarborough under act of eighteen hundred and sixty-eight, chapter two hundred and twenty-five, approved March seven, eighteen hundred and sixty-eight, notwithstanding anything in said act to the contrary. Entitled to proportion of money paid by state.

SECT. 2. The sum to be received by said inhabitants shall be determined on the basis of the valuation of the polls and estates in Scarborough, for taxation in eighteen hundred and sixty-three, and shall be apportioned to said inhabitants so entitled by the assessors of Scarborough for eighteen hundred and seventy, and certified by them to the treasurer of said town, and by him paid over to the parties entitled thereto. How and by whom determined.

SECT. 3. If the town of Scarborough neglects or refuses to comply with the provisions of this act for six months after its approval, any one or more of said inhabitants may bring a bill in equity against said town, in the supreme judicial court for Cumberland county, as well for all said inhabitants interested as for himself, and the court shall determine the sums to which said parties are entitled, in accordance with the provisions of this act, and enter a decree therefor with costs. Refusal to comply, bill in equity may be brought after six months.

SECT. 4. This act shall take effect when approved.

Approved February 26, 1870.