

MAINE STATE LEGISLATURE

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DOCUMENTS

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THE LEGISLATURE

OF THE

STATE OF MAINE.

1860.

SIEVENS & SAYWARD, PRINTERS TO THE STATE.

1860.

THIRTY-NINTH LEGISLATURE.

SENATE.

No. 13.

STATE OF MAINE.

IN THE YEAR OF OUR LORD ONE THOUSAND EIGHT HUNDRED
AND SIXTY.

AN ACT abating nuisances.

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

SECTION 1. Whenever the mayor and aldermen of
2 any city, or the selectmen of any town, after due
3 notice in writing, to the owner of any burnt, dilapi-
4 dated, or dangerous building and after a hearing of the
5 matter shall adjudge the same to be a nuisance to the
6 neighborhood, or dangerous, they may make and record
7 an order prescribing what disposition or alteration shall
8 be made thereof, or such other provisions as they shall
9 deem necessary; and thereupon it shall be the duty

10 of the city or town clerk, to deliver a copy of such
11 order to a constable, who shall serve such owner with
12 an attested copy thereof, and make return of his doings
13 thereon to said clerk forthwith. If no application shall
14 be made to the supreme judicial court or a justice
15 thereof, as is hereinafter provided, the mayor and al-
16 dermen of such city, or selectmen of such town shall
17 cause said nuisance to be abated, removed or altered
18 in compliance with their order, and all expenses thereof
19 shall be repaid to the city or town by such owner ; if
20 not paid within thirty days after demand, they may be
21 recovered of such person by an action for money paid
22 for his use.

SECT. 2. Any owner aggrieved by any order passed
2 under the provisions of the first section of this act, may
3 apply to the supreme judicial court, if in session in the
4 county in which such order is passed, or to any justice
5 thereof in vacation, for a jury, and such court or jus-
6 tice shall forthwith order a warrant for a jury to issue,
7 to be empannelled by the sheriff in the same manner
8 as is provided by section ten of the eighteenth chapter
9 of the revised statutes in regard to the laying out of
10 highways. Such application shall be made within
11 five days after such order is served on such owner,
12 and the jury shall be empannelled within seven days
13 from the issuing of the warrant.

SECT. 3. The jury may find a verdict either affirming
 2 or annulling the said order, or making alterations there-
 3 in as they may see fit, which verdict shall be returned
 4 forthwith, to the justice issuing the warrant, for accept-
 5 ance. He may accept or reject the same, and may if
 6 rejected order a new warrant if he thinks reasonable.
 7 If the court is not in session, the action shall be en-
 8 tered on the docket of the court for the preceding term ;
 9 exceptions taken by either party shall be allowed as
 10 of that term, execution may issue as of that term, and
 11 if the verdict is finally accepted the justice may issue
 12 all proper process for enforcing the same.

SECT. 4. If the verdict shall affirm such order, costs
 2 shall be recovered by the city or town against such
 3 applicant. If the verdict shall annul such order in
 4 whole, costs shall be recovered by the applicant against
 5 such city or town ; and in case such verdict shall alter
 6 such order in part, the court may order such judgment
 7 as to costs, as to justice shall appertain.

SECT. 5. This act shall not be in force in any town
 2 or city, unless the inhabitants of the town, or the city
 3 council of the city, shall adopt the same, at a legal
 4 meeting of said inhabitants or city council called for
 5 that purpose.

STATE OF MAINE.

IN SENATE, February 23, 1860.

This bill, reported from the Committee on the Judiciary, was laid on the table, and 350 copies ordered to be printed for the use of the Legislature.

JAMES M. LINCOLN, *Secretary.*