

# MAINE STATE LEGISLATURE

The following document is provided by the  
**LAW AND LEGISLATIVE DIGITAL LIBRARY**  
at the Maine State Law and Legislative Reference Library  
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied  
(searchable text may contain some errors and/or omissions)

---

# FIFTY-FIRST LEGISLATURE.

---

HOUSE.

No. 64.

---

## STATE OF MAINE.

---

IN THE YEAR OF OUR LORD ONE THOUSAND EIGHT HUNDRED AND SEVENTY-TWO.

---

AN ACT relating to corporations and owners of real estate improved by laying out, altering or widening streets.

---

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

SECTION 1. Whenever the city council of the city of  
2 Lewiston or the city of Calais shall lay out any new  
3 street or public way, or widen or otherwise alter or  
4 discontinue any street or way in said city, and shall  
5 estimate and decide that any person or persons or cor-  
6 porations have, or will sustain any damage thereby,  
7 and the amount thereof to each in the manner that now  
8 is or may be provided by law, it shall be lawful for  
9 said city council to apportion the damages so estimated  
10 and allowed, or such part thereof as to them may seem  
11 just upon the lots or parcels of land adjacent to and

12 bounded on such street or way, and not those lots for  
13 which damages are allowed, in such proportions as in  
14 their opinion such lots or parcels of land are benefited  
15 or made more valuable by such laying out or widening  
16 or otherwise altering or discontinuing of such street or  
17 way ; *provided, however*, that the whole assessment so  
18 made shall not exceed the damages so allowed. And  
19 that before such assessment shall be made, notice shall  
20 be given to all persons interested to appear before said  
21 city council, at a time and place specified, if they shall  
22 see cause, to be heard upon the subject matter, which  
23 notice shall be published in some newspaper in said  
24 city at least one week before said time of hearing.

SECT. 2. After said assessment shall be made upon  
2 such lots or parcels and the amount fixed upon each,  
3 the same shall be recorded by the city clerk, and no-  
4 tice shall be given within thirty days after the assess-  
5 ment to each owner and proprietor of said lots and  
6 parcels, by delivering to each of such owners resident  
7 in said city, a certified copy of such recorded assess-  
8 ment, or by leaving such copy at his last and usual  
9 place of abode, and by publishing the same three  
10 weeks successively in some newspaper published in  
11 said city, the first publication to be within said thirty  
12 days, and said city clerk within said thirty days shall  
13 deposit in the post office of said city, postage paid, a

14 certified copy of such assessment directed to each of  
15 such owners or proprietors residing out of said city,  
16 whose place of residence may be known to said clerk,  
17 and the certificate of said clerk duly made, shall be  
18 deemed and taken to be sufficient evidence of these  
19 facts, and the registry of deeds for the county of An-  
20 droscoggin and the county of Washington, as the case  
21 may be, shall be the evidence of title in allowing or  
22 assessing damages and improvements under this act, so  
23 far as notice is concerned.

SECT. 3. Any owner or proprietor as aforesaid, ag-  
2 grieved by reason of the sum so assessed upon his lot  
3 or parcel of land, may at any time within six months  
4 after such assessment, have the same assessed by a  
5 committee or jury as now provided by law for the esti-  
6 mate of damages for land taken for laying out, altering,  
7 widening or discontinuing any new street or public  
8 way, in either of said cities; and if, upon appeal,  
9 such owner or proprietor shall fail to recover a larger  
10 sum than that assessed by the city council, then said  
11 city shall recover costs after such appeal, which shall  
12 be added to and become a part of said assessment.  
13 And if said owner or proprietor shall recover a larger  
14 sum than that assessed by the city council, then the  
15 appellant shall recover costs after said appeal, and the  
16 clerk of the courts for said county of Androscoggin or

17 county of Washington, as the case may be, within  
18 thirty days after final judgment in case of appeal, cer-  
19 tify such judgment to the clerk of said city of Lewis-  
20 ton or city of Calais, as the case may be.

SECT. 4. In case the sums so assessed by said city  
2 council upon such lots or parcels of land shall not be  
3 paid to the city treasurer within six months after such  
4 assessment and no appeal is claimed, the mayor of said  
5 city under the order of the city council, may issue his  
6 warrant directed to the city treasurer of said city,  
7 reciting substantially the proceedings had, and direct  
8 said treasurer to sell all such lots the assessment upon  
9 which has not been paid as aforesaid, at public auction  
10 to the highest bidder, or so much of each such lot or  
11 parcel as may be necessary to pay said assessment and  
12 all intervening charges and costs ; first giving public  
13 notice of the time and place of sale by posting notices  
14 thereof in two public places in said city, and publish-  
15 ing the same three weeks successively before said sale,  
16 in some newspaper published in said city. And it  
17 shall be the duty of said treasurer to obey said war-  
18 rant and to execute and deliver to the purchaser of  
19 such lot or parcel or any part thereof, a deed of the  
20 same which shall convey a good and valid title of the  
21 same to the purchaser ; and the owner or proprietor  
22 aforesaid may redeem the same at any time within two

23 years after such sale, by paying or tendering to the  
24 purchaser or depositing with the city treasurer of said  
25 city the amount paid by such purchaser, with interest  
26 at the rate of twelve per cent. per annum : And a lien  
27 shall be created and in force and exist upon each of  
28 said lots and parcels for the payment of said assess-  
29 ment and all costs and charges after said assessment is  
30 made and until the same is paid.

SECT. 5. In all cases after said assessment is due  
2 and payable, said city treasurer for said city, may re-  
3 cover the same, and all charges and costs of the owner  
4 or proprietor in an action of assumpsit for money due  
5 and owing said city in addition to the mode pointed  
6 out in the foregoing provisions of this act for collecting  
7 said assessment.

SECT. 6. The words "said city" in this act shall be  
2 construed to apply to the city of Calais or the city of  
3 Lewiston, as the case may be.

SECT. 7. This act shall take effect when approved.



## STATE OF MAINE.

---

IN HOUSE OF REPRESENTATIVES, }  
February 14, 1872. }

Reported from the Committee on the Judiciary, by Mr. PIKE of  
Calais, and printed under the Rule.

S. J. CHADBOURNE, *Clerk.*