

MAINE STATE LEGISLATURE

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PRIVATE AND SPECIAL ACTS

OF THE

STATE OF MAINE,

PASSED BY THE

FIFTEENTH LEGISLATURE,

AT ITS SESSION, HELD IN JANUARY, 1835.

Published agreeably to the Resolve of June 28, 1820.

AUGUSTA:

WILLIAM J. CONDON.....PRINTER TO THE STATE.

1835.

SECT. 4. *Be it further enacted*, That the officers of said Company shall consist of a President, Clerk, Treasurer, a board of three Directors, and such other officers, as shall be deemed necessary ; And that Aaron Capen and Phineas Pratt may call the first meeting of said Company, by publishing the time place and object of the meeting, in some newspaper printed in the county of Kennebec, and this Act shall take effect from the time the same may be approved.

Officers of said company.

First meeting—how called.

Act when to take effect.

SECT. 5. *Be it further enacted*, That if any person or persons, shall injure or destroy, any boom or side dam, erected by said Company or wilfully obstruct said Dead River, such offenders shall forfeit and pay a sum equal to double the amount of injury done, to be recovered in an action on the case in the name of the Company in any Court competent to try the same.

Penalty for injuring or destroying booms.

—how recovered.

CHAPTER 581.

AN ACT in addition to an Act to incorporate the City of Bangor.

Approved March 19, 1835.

SECT. 1. *Be it enacted by the Senate and House of Representatives, in Legislature assembled*, That whenever the City Council of said City of Bangor shall lay out and establish any new street or public way or widen or otherwise alter any street or public way in said City and shall estimate and decide that any person or persons or corporations have or will sustain any damage thereby and the amount thereof to each in the manner that is or may be provided by the existing law, it shall be lawful for said City Council to apportion the damages so estimated and allowed or such part thereof as to them may seem just upon the lots or parcels of land adjacent to and bounded on such street or way and not those lots for which damages are allowed, in such proportions as in their opinion such lots or parcels of land are benefitted or made more valuable by such laying out,

City Council may apportion damages from laying out, &c. streets on such lots as are benefitted.

Proviso.

widening or altering of such street or public way—*Provided however* that the whole assessment so made shall in no case exceed three fourths of the damages so allowed—and *provided also* that before such assessment shall be made notice shall be given to all persons interested to appear before said City Council at a time and place specified, if they see cause, then and there to be heard upon the subject—which notice shall be published in two newspapers printed in said City at least one week prior to said time of hearing.

Assessments to be recorded and notice to be given to proprietors.

SECT. 2. *Be it further enacted,* That after said assessment shall have been made upon such lots or parcels and the amount fixed upon each, the same shall be recorded by the City Clerk—and notice shall be given within thirty days after the assessment to each owner and proprietor of said lots and parcels by delivering to each of such owners who may reside in said City a certified copy of such recorded assessment—or by leaving such copy at his last and usual place of abode and by publishing the same six weeks successively in two newspapers published in said City—(the first publication to be within said thirty days) and it shall be the duty of said City Clerk within said thirty days to deposit in the Post Office in said City a certified copy of such assessment properly directed to each of such owners or proprietors who may reside out of said City and whose place of residence may be known to said City Clerk—and the certificate of said Clerk duly made shall be deemed and taken to be sufficient evidence of having deposited such copies in said Post Office—and of having delivered the same to such owner or owners living in said City—And in all cases of laying out, widening or altering any such street or public way and allowing or assessing damages as aforesaid the record of deeds for said County shall be evidence of title so far as notice is concerned.

City clerk to send notice to Proprietors residing out of the city.

County records to be evidence of title.

Proprietors aggrieved at such assessment may appeal.

SECT. 3. *Be it further enacted,* That any owner or proprietor as aforesaid who may feel aggrieved at the sum so assessed upon his lot or parcel of land may at any time within six months after such assessment shall have been

made, appeal therefrom to the Court of Common Pleas then next to be holden in the county of Penobscot, by leaving with said City Clerk a written notice of such intention—and the said party appealing shall enter his said appeal in said Court and produce certified copies of the proceedings of said City Council—which copies said City Clerk shall furnish upon demand, within a reasonable time, upon being paid or having tendered to him a reasonable compensation for making and certifying the same. And the said Court shall take cognizance of such case and if upon examination of said copies it shall appear that the proceedings of said City Council have been regular and according to the provisions of this Act, then said Courts shall proceed to try and determine by Jury or otherwise if the parties agree to any other mode, the question whether the said appellant or his said lot or parcel ought in justice to be assessed pursuant to this Act—and the spirit and intent thereof and if so in what sum. And if the final judgment of said Court, shall be for a less sum than that assessed by said City Council, then the appellant shall recover reasonable costs after such appeal—otherwise said city shall recover reasonable cost after such appeal—which shall be added to and become part of said assessment. And the Clerk of said Court within thirty days after final judgment as aforesaid shall deliver, to said City Clerk a certified copy of such judgment.

Proceedings
in such case.

Clerk to furnish
copies.

Court to take cog-
nizance of said
appeal and deter-
mine whether
said lot ought to
be assessed.

Costs, in what
cases to be recov-
ered.

Clerk of Court to
deliver copy of
judgment, &c.

SECT. 4. *Be it further enacted,* That in case the sum so assessed by said City Council upon such lots or parcels shall not be paid to the City Treasurer within six months after such assessment and no appeal shall have been claimed as aforesaid, the Mayor of said City under the direction and order of said City Council may issue his warrant directed to the Road or Street Commissioners for the time being, reciting substantially the proceedings before had and directing said officers to sell all such lots, the assessment upon which has not been paid as aforesaid at public auction to the highest bidder in said City (or so much of each as may be necessary to pay said assessment and all

Proceedings in
case sum assessed
is not paid within
six months.

Notice of time and place of sale.

intervening charges) first giving public notice of the time and place of sale by posting up a notice in some public place in said City and publishing the same six weeks successively before said sale in two newspapers printed in said City—And it shall be the duty of said Road or Street Commissioners to pursue and perform the directions of said warrant and to sell each and all such lots unless the said assessment and all charges shall be paid before the day of sale—and to execute and deliver to the purchaser a deed of the same—which deed shall convey a good title to the purchaser—*Provided however* that any owner or owners may redeem the lot or lots so sold by paying or tendering to the purchaser or depositing with said City Treasurer, within two years after said sale the amount paid by such purchaser and interest thereon at the rate of twelve per cent. per annum. And *provided also* that a lien shall be in force and exist upon each of said lots and parcels for the payment of said assessment and all costs and charges, after said assessment is made and until the same is fully paid.

Duty of Street Commissioners to sell

Proviso.

Additional Proviso.

When party neglects to enter his appeal same proceedings to be had, &c.

SECT. 5. *Be it further enacted*, That in all cases of appeal to the Court of Common Pleas, if the party appealing neglects to enter his appeal at said next term after such appeal—the same proceedings may be had as if no such appeal had been made and the same may be treated as a nullity—And in all cases after a final judgment in said Court the same proceedings may be had in the collection of said assessment and cost and charges as is provided in case of neglect to pay for six months after such assessment.

Assessment may be recovered in action for money had and received.

SECT. 6. *Be it further enacted*, That in all cases after such assessment shall have become due and payable, according to the provisions of this Act—the said City may recover the same and all legal costs of the individual owner or owners by an action for money had and received in the name of said City in any Court of competent jurisdiction, instead of pursuing the mode pointed out in the foregoing provisions of this Act.

Act not to be in force till accepted.

SECT. 7. *Be it further enacted*, That this Act shall not take effect or be in force until it is accepted by a majority

of the legal voters of said City voting thereon at a general meeting to be called in the usual manner that town meetings are called by the Mayor and Aldermen—the vote on its acceptance to be taken by ballot. And the Mayor of said City to preside at such meeting and the City Clerk to record the doings thereof. But said City may accept any sections or parts of this Act and reject the remainder, if the said citizens voting as aforesaid shall so decide.

City may accept or reject any parts of this Act.

SECT. 8. *Be it further enacted,* That all the members of Companies of Firemen, Hose men, Hook and Ladder men, organized and appointed by the Mayor and Aldermen of said City, under the ordinance of said City be exempted from military duty, in the same manner, and to the same extent, as Enginemen are now by law exempted.

Members of fire department to be exempt from military duty.

CHAPTER 582.

AN ACT to incorporate the town of Otis.

Approved March 19, 1835.

Be it enacted by the Senate and House of Representatives, in Legislature assembled, That the eastern part of Township No. Eight or Otis, in the County of Hancock, bounded as follows, beginning, at the southwesterly corner of Lot number one hundred and thirty three, on the Ellsworth Line, and running north to the northerly line of said number Eight or Otis, thence east on said northerly line four miles to the western line of the Bingham Purchase, thence south on said line about seven miles, to the north east corner of Ellsworth, thence west on the line of Ellsworth, to the first mentioned bounds, with the inhabitants thereof, be, and hereby is incorporated into a Town by the name of Otis—vested with all the powers and subject to all the duties of other incorporated towns of this State.

Boundaries.

Powers, privileges, &c.