

MAINE STATE LEGISLATURE

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ACTS AND RESOLVES

PASSED BY THE

TWENTY-FIFTH LEGISLATURE

OF THE

STATE OF MAINE,

A. D. 1845.

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

WM. T. JOHNSON, PRINTER TO THE STATE.

1845.

PRIVATE AND SPECIAL LAWS

OF THE

STATE OF MAINE,

1845.

Chapter 255.

CHAP. 255.

AN ACT additional to an act incorporating the Bangor Boom Company, approved March twenty-second, eighteen hundred and forty-three.

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

SECT. 1. Any person who may suffer damage as a land owner, by such use of the shores or banks of the Penobscot river, as is authorized by the second section of the act to which this is additional, may make his complaint for damages therefor to the district court, for the eastern district, at any term thereof, holden within and for the county of Penobscot, and a committee of three disinterested persons shall thereupon be appointed by said court, after due notice to the corporation, to ascertain the damages suffered by the complainant; and to estimate such other compensation as is herein provided. Such committee shall be required to be duly sworn, and to give notice of their proceedings, as provided in the case of commissioners appointed by the supreme court, to make partition of lands. They shall ascertain all the damages suffered by the complainant from the time his land was so taken, to the time of making their report; and shall also estimate the annual value to such complainant of his land aforesaid, for and during such time after the date of said report, as the same may be taken and used by the corporation. And said committee shall make return of their report of such damages and annual value to the district court aforesaid.

Damages to land owners for use of shores, how recovered.

Committee to be sworn.
Notice of proceedings.

Estimation of annual value.

Said committee to make report to the district court.

SECT. 2. If either party shall be dissatisfied with the report of the committee, and shall demand a trial by jury, the court shall allow and direct such trial, upon a proper issue, as in cases at common law. If the amount reported by the committee shall be increased by the verdict of the jury, the complainant shall recover costs of such trial; and if the amount be diminished, the corporation shall recover such costs; but costs on the complaint and report shall in all cases be paid by the corporation.

Remedy if either party are dissatisfied.

Costs, how adjusted.

SECT. 3. If a trial by jury is not demanded, the court shall render judgment on the report of the committee, or, in case of trial by jury, shall render judgment on the verdict, and no appeal shall be allowed from such judgment, and execution shall issue thereon for the amount of damages so ascertained, and for all taxable costs. If such execution shall not be satisfied within sixty days from the rendition of judgment, or if the corporation shall not, on or before the first day of August, in each year, pay to the complainant the sum ascertained by such judgment, as the annual value of his land aforesaid, then, in either case, the corporation shall have no benefit of any of the powers or privileges granted by this act, but the same shall be wholly vacated and annulled.

If trial by jury is not demanded, duty of court.

Execution to be satisfied in sixty days.

Pennalty for neglect.

CHAP. 256.

Two or more persons interested may make complaint.

Joint costs recoverable.

Separate executions may be issued on joint complaint.

Certain acts and parts of acts repealed.

SECT. 4. Any two or more persons entitled to the remedies and compensation provided by this act, may unite in making complaint, as herein provided, and upon such joint complaint, the proceedings shall have the same course as upon the complaint of one; but in such case, joint costs, and not several, shall be recoverable by or against such joint complainants, and if only one or a part of such joint complainants shall demand a trial by jury, judgment upon the report of the committee shall be rendered, as to the rest. And in all cases of joint complaint, as herein provided, the court may, in its discretion, issue separate executions thereon.

SECT. 5. The fifth section of the act to which this is additional, and all acts and parts of acts, inconsistent with the provisions of this act, are hereby repealed; and this act shall take effect from and after its approval by the governor.

[Approved March 21, 1845.]

Chapter 256.

AN ACT in addition to the act entitled "an act to incorporate the city of Bangor."

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

A legal meeting of the voters of the city to be called where improvements, &c. exceeding \$3,000 are to be made.

Inhabitants to vote yea or nay. Majority to determine the result.

Shall vote to raise sum desired.

City council may raise by loan or otherwise the amount on certificate of city clerk.

Proviso.

SECT. 1. Whenever the city council shall determine that it is necessary or expedient to erect a public building or buildings, or to make public improvements in said city, which towns and cities may lawfully erect and make, and which shall require an expenditure exceeding three thousand dollars, it shall be the duty of the mayor and aldermen to call a special meeting of the legal voters of said city, to be held in their respective wards, and to submit to them the question of such necessity or expediency; and the sum proposed to be raised therefor, shall be named in the warrant calling said meeting. And said inhabitants, so assembled, shall vote yea or nay on the questions proposed in said warrant. And if a majority of the legal voters in said city shall, by their votes aforesaid, determine the erection of such building or buildings, or the making of such improvements to be necessary or expedient, and shall also vote to raise the sum named in said warrant, the city council, on said vote being certified to them by the clerks of the several wards, shall have power to effect a loan of said sum, or of any part thereof, or may assess the polls and estates in said city to raise the same, or any part thereof, for the purposes aforesaid and not otherwise; *provided*, nothing herein shall prevent the city council from raising the necessary money and making the proper appropriations thereof