

MAINE STATE LEGISLATURE

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ACTS AND RESOLVES

PASSED BY THE

THIRTY-FOURTH LEGISLATURE

OF THE

STATE OF MAINE,

1855.

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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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1855.

PRIVATE AND SPECIAL LAWS ·

OF THE

STATE OF MAINE.

1855.

of the Androscoggin and Kennebec railroad; thence by said railroad CHAP. 527.
to a point where the line first described extended, would intersect
said road; thence in the course of said line till it intersects the
north line of Furber Libby's home farm; thence upon and in the
direction of said north line to the easterly side of the new county
road, leading from Wales to Monmouth, and thence southerly, in
the easterly line of said road, to the south line of Monmouth.

SECT. 2. The valuation of Monmouth is hereby reduced in the Monmouth,
valuation of,
reduced.
Wales, valuation
of, increased.
sum of ten thousand dollars, and the valuation of Wales is hereby
increased in the same amount.

SECT. 3. This act shall take effect upon its approval by the
governor.

[Approved March 16, 1855.]

Chapter 527.

An act in addition to an act to incorporate the city of Rockland.

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

SECT. 1. Whenever the city council of said city of Rockland
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 proportion as in their opinion such lots or parcels of land
are benefitted or made more valuable by such laying out, widening
or altering of such street or public way; *provided, however,* that Damages for
laying out or
altering streets,
how ascertained
and determined.
the whole assessment so made shall in no case exceed three-fourths
of the damage so allowed. And *provided, also,* that before such
assessment shall be made, notice shall be given to all persons inter-
ested to appear before said city council, at a time and place speci-
fied, if they see cause, then and there to be heard upon the subject,
which notice shall be published in some newspaper, printed in said
city, at least one week prior to said time of hearing. Proviso.
Notice to parties
interested to be
given.

SECT. 2. After said assessment shall have been made upon such
lots or parcels, and the amount fixed upon each, the same shall be Assessments to
be recorded, and
notice of, how
given.

CHAP. 527. 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 four weeks successively in some newspaper 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 the county of Lincoln, eastern district, shall be evidence of title so far as notice is concerned.

Evidence of
ownership.

Parties aggrieved
may appeal.

SECT. 3. 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 supreme judicial court then next to be holden in the county of Lincoln, 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 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 court 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 cost after such appeal, to be determined by the court, otherwise said city shall recover reasonable cost, to be determined as aforesaid, after such appeal, which shall be added to and become part of said assessment. And the clerk of said court,

Proceedings in
case of appeal.

Cost in case of
appeal.

Copy of judgment
to be furnished
to city clerk.

within thirty days after final judgment, as aforesaid, shall deliver CHAP. 527.
to said city clerk, a certified copy of such judgment.

SECT. 4. 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 committee on highways 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 sufficient to pay said assessment and all 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 four weeks successively, before said sale, in some newspaper printed in said city. And it shall be the duty of said committee on highways 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 one year 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.

Lots may be sold to pay assessments in certain cases.

Notice of sale, how given.

Proceedings in case of sale.

Lots sold subject to redemption.

Lien for payment of assessments, &c.

SECT. 5. In all cases of appeal to the supreme judicial court, 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.

Proceedings in case parties neglect to enter appeal.

Proceedings after final judgment.

SECT. 6. 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 cost of the individual owner or owners, by an action of money had and received in the name of said city, in any court of competent jurisdiction, instead

Assessments, cost, &c., may be recovered by an action in the name of the city.

CHAP. 528. of pursuing the mode pointed out in the foregoing provisions of this act.

Act, when to take effect.

SECT. 7. 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 parts of act.

[Approved March 16, 1855.]

Chapter 528.

An act for the amendment of the records of the Sullivan and Hancock Bridge Corporation.

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

Authorized to amend records.

SECT. 1. The secretary of the Sullivan and Hancock Bridge Corporation is hereby authorized under oath, before any justice of the peace, to amend in accordance with the facts, the records of said corporation both before and since its name was changed.

SECT. 2. This act shall take effect from and after its approval by the governor.

[Approved March 16, 1855.]

Chapter 529.

An act to incorporate the Trustees of the Maine State Seminary.

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

Corporators.

SECT. 1. Oren B. Cheney, Ebenezer Knowlton, Joseph Berry, Charles O. Libby, Leonard Hathaway, Theodore Stevens, junior, Francis Lyford, Ephraim H. Hart, Benjamin D. Peck, Stephen Williamson, Philip Weaver, Joseph Edgecomb, J. S. Burgess, Jason Mariner, Charles H. Smith, Nahum Brooks, Joseph D. Prescott, Tisdale D. Clements, George W. Bean, Alexander H. Morrill, William R. Frye, Joseph Symonds, Joshua Haskell, Abel Chad-