

# MAINE STATE LEGISLATURE

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# ACTS AND RESOLVES

PASSED BY THE

## THIRTY-NINTH LEGISLATURE

OF THE

## STATE OF MAINE.

1860.

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Published by the Secretary of State, agreeably to Resolves of June 23, 1820, February 26,  
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PUBLIC LAWS

OF THE

STATE OF MAINE.

1860.

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Chapter 177.

An act abating nuisances.

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

Dangerous buildings may be adjudged nuisances, proceedings.

Powers of aldermen and selectmen.

Owner to be served with copy of order. Return of service.

Nuisance may be abated. Owner to pay expense.

Payment enforced.

Owner aggrieved may apply to supreme court, or justice of, for a jury.

Jury, how empaneled.

Application, when to be made.

Verdict, what it may be.

—return of. —may be accepted or rejected.

Action, how entered. Exceptions taken, proceedings.

Verdict enforced.

Costs, how to be paid.

SECT. 1. Whenever the mayor and aldermen of any city, or the selectmen of any town, after due notice in writing to the owner of any burnt, dilapidated or dangerous building, and after a hearing of the matter, shall adjudge the same to be a nuisance to the neighborhood, or dangerous, they may make and record an order, prescribing what disposition or alteration shall be made thereof, or such other provisions as they shall deem necessary, and thereupon it shall be the duty of the city or town clerk to deliver a copy of such order to a constable, who shall serve such owner with an attested copy thereof, and make return of his doings thereon to said clerk forthwith. If no application shall be made to the supreme judicial court, or a justice thereof, as is hereinafter provided, the mayor and aldermen of such city, or selectmen of such town, shall cause said nuisance to be abated, removed or altered in compliance with their order, and all expenses thereof shall be repaid to the city or town by such owner; if not paid within thirty days after demand, they may be recovered of such person by an action for money paid for his use.

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

SECT. 3. The jury may find a verdict, either affirming or annulling the said order, or making alterations therein, as they may see fit, which verdict shall be returned forthwith to the justice issuing the warrant for acceptance. He may accept or reject the same, and may, if rejected, order a new warrant, if he thinks reasonable. If the court is not in session the action shall be entered on the docket of the court for the preceding term, exceptions taken by either party shall be allowed as of that term, execution may issue as of that term, and if the verdict is finally accepted, the justice may issue all proper process for enforcing the same.

SECT. 4. If the verdict shall affirm such order, costs shall be recovered by the city or town against such applicant. If the ver-

dict shall annul such order in whole, costs shall be recovered by the applicant against such city or town, and in case such verdict shall alter such order in part, the court may render such judgment as to costs as to justice shall appertain.

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

CHAP. 178.

Not applicable, unless by vote.

[Approved March 19, 1860.]

### Chapter 178.

An act further regulating banks.

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

No bank in this state shall directly or indirectly loan any money to any public officer on the official check of such officer, nor take the check of any such officer with any agreement or understanding to hold such check, under penalty of forfeiting its charter. It shall be the duty of the bank commissioners, when it shall come to their knowledge that the provisions of this act have been violated, to take measures to enforce the penalty.

Not to loan to public officers on official checks, nor hold same.

Penalty.

—how enforced.

[Approved March 19, 1860.]

### Chapter 179.

An act relating to grand juries.

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

SECT. 1. When a grand jury has been drawn to serve as now provided by law, and the number of jurors shall be reduced by death, disqualification or from any cause whatever, any justice of the supreme judicial court, in term time, or in vacation, may direct venuries to be issued for such additional number of jurors as he shall deem necessary, and such venuries shall be served at least four days before the time at which the juror drawn, shall be ordered to attend court; and the jurors thus drawn and notified, shall serve for the remainder of the year, for which the jury was drawn, with the same effect and powers as if they had been originally drawn, and shall be subject to the same liabilities.

Vacancies in grand jury, how to be filled.

Service of venuries.

Term of service, and powers of new jurymen.