

# MAINE STATE LEGISLATURE

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## ACTS AND RESOLVES

OF THE

## FIFTY-FIRST LEGISLATURE

OF THE

## STATE OF MAINE.

1872.

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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:

SPRAGUE, OWEN &amp; NASH, PRINTERS TO THE STATE.

1872.

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PUBLIC LAWS  
OF THE  
STATE OF MAINE.  
1872.

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CHAP. 24.**Chapter 24.**

An act to fix the compensation of the judges of the supreme judicial court.

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

Salary of the  
justices of the  
S. J. Court.

SECT. 1. Each of the justices of the supreme judicial court shall receive from the treasurer of state a salary of three thousand dollars in quarterly payments, on the first day of January, April, July and October each year, instead of the sums now allowed them by law for salaries, board and travelling expenses.

SECT. 2. This act shall take effect when approved.

Approved February 22, 1872.

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**Chapter 25.**

An act relative to railroads.

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

Prohibition  
against change of  
location of rail-  
road tracks or  
refusal to operate  
road.

No railroad having established its business upon a line shall substantially deviate from the track as originally built and used without the consent of the legislature, and no railroad having established its business as aforesaid shall cease to run its trains and operate its road, so long as said railroad company shall pay dividends to its stockholders from its earnings ; but this act shall not be construed as a permission to any railroad company to cease operating its road or running its trains.

Approved February 23, 1872.

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**Chapter 26.**

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 :*

How damages  
caused by laying  
out, altering or  
widening streets,  
may be appor-  
tioned.

SECT. 1. Whenever the city council of any city in this state shall lay out any new street or public way, or widen or otherwise alter or discontinue any street or way in such 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 now is or may be provided by law, it shall be lawful for said city council to apportion the damages so esti-

mated 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 benefited or made more valuable by such laying out or widening or otherwise altering or discontinuing of such street or way; *provided, however*, that the whole assessment so made shall not exceed the damages so allowed. And 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 shall see cause, to be heard upon the subject matter, which notice shall be published in some newspaper in said city at least one week before said time of hearing.

SECT. 2. After said assessment shall be 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 resident 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 three weeks successively in some newspaper published in said city, the first publication to be within said thirty days, and said city clerk within said thirty days shall deposit in the post office of said city, postage paid, a certified copy of such assessment directed to each of such owners or proprietors residing out of said city, whose place of residence may be known to said clerk, and the certificate of said clerk duly made shall be deemed and taken to be sufficient evidence of these facts, and the registry of deeds for each county in the state as the case may be, shall be the evidence of title in allowing or assessing damages and improvements under this act, so far as notice is concerned.

Form of notice to owners of lots assessed.

SECT. 3. Any owner or proprietor as aforesaid aggrieved by reason of the sum so assessed upon his lot or parcel of land, may at any time within six months after such assessment have the same assessed by a committee or jury as now provided by law for the estimate of damages for land taken for laying out, altering, widening or discontinuing any new street or public way in either of said cities; and if, upon appeal, such owner or proprietor shall fail to recover a larger sum than that assessed by the city council, then said city shall recover costs after such appeal, which shall be added to and become a part of said assessment. And if said owner or proprietor shall recover a larger sum than that assessed by the city council, then the appellant shall recover costs after said appeal, and the clerk of the courts for the county, as the case may be, within thirty days after final judgment in case of appeal, certify such judgment to the clerk of said city, as the case may be.

Owners aggrieved may have the assessment made by a committee or jury.

**CHAP. 27.**

Proceedings when there is no appeal and the assessment is not paid.

SECT. 4. In case the sums so assessed by said city council upon such lots or parcels of land shall not be paid to the city treasurer within six months after such assessment and no appeal is claimed, the mayor of said city, under the order of the city council, may issue his warrant directed to the city treasurer of said city, reciting substantially the proceedings had, and direct said treasurer to sell all such lots the assessment upon which has not been paid as aforesaid at public auction to the highest bidder, or so much of each of such lot or parcel as may be necessary to pay said assessment and all intervening charges and costs, first giving public notice of the time and place of sale by posting notices thereof in two public places in said city and publishing the same three weeks successively before said sale, in some newspaper published in said city. And it shall be the duty of said treasurer to obey said warrant and to execute and deliver to the purchaser of such lot or parcel or any part thereof, a deed of the same which shall convey a good and valid title of the same to the purchaser; and the owner or proprietor aforesaid may redeem the same at any time within two years after such sale, by paying or tendering to the purchaser or depositing with the city treasurer of said city the amount paid by such purchaser, with interest at the rate of twelve per cent. per annum: And a lien shall be created and 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 paid.

Recovery of assessment by action.

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

SECT. 6. This act shall take effect when approved.

Approved February 23, 1872.

## Chapter 27.

An act creating a lien on animals to secure payment for pasturing, feeding and sheltering.

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

Lien on animals to secure payment for pasturage, food and shelter.

SECT. 1. Any person who pastures, feeds or shelters animals by virtue of a contract with, or by consent of the owner, shall have a lien thereon for the amount due for such pasturing, feeding or sheltering, to secure payment thereof with costs, to be enforced