

MAINE STATE LEGISLATURE

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ACTS AND RESOLVES

331

OF THE

FIFTY-SECOND LEGISLATURE

OF THE

STATE OF MAINE.

1873.

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1873.

PRIVATE AND SPECIAL LAWS

OF THE

STATE OF MAINE.

1873.

CHAP. 367. therein in the same manner as money raised for municipal and other purposes by the laws of this state.

SECT. 4. This act shall take effect when approved.

Approved February 26, 1873.

Chapter 367.

An act additional to "an act to incorporate the Penobscot Bay and River Railroad Company."

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

Location and construction, time of.

SECT. 1. The Penobscot Bay and River Railroad Company is hereby granted and allowed two years from the passage of this act in which to file the location of its survey and to complete the construction of its road, and the charter of said railroad, with all its amendments and provisions, are hereby enacted to continue in force for the above term of two years.

Bonds.

SECT. 2. To secure the purposes of its charter said company is hereby authorized and empowered to issue its bonds on such time or times and at such rate per cent. of interest as the directors may determine. And said bonds may be secured by mortgage of its railroad, franchise and property ; and may be applied to the building of said railroad or to the payment of its debts, through trustees or otherwise, as the directors may determine.

—how secured and applied.

Approved February 26, 1873.

Chapter 368.

An act relating to drains and sewers in the city of Portland.

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

Public drains and sewers, construction of, notice to be given.

SECT. 1. It shall be the duty of the municipal officers of the city of Portland, before commencing the construction of any public drain or common sewer, to give notice of their intention to construct said drain or sewer, to appoint a time and place for a hearing in regard to the same, and give notice thereof, by publishing the same for three successive weeks in some daily newspaper, published in said Portland. When said drain or sewer is completed, they shall adjudge what parcels of land are benefited by such drain or sewer, and estimate and assess upon such lots and parcels of land, and against the owner thereof, if known, such

—expense of, how assessed.

sum, not exceeding such benefit, as they may deem just and equitable, towards defraying the expenses of constructing and completing such drain or sewer, the whole of said assessments not to exceed two-thirds of the cost of such drain or sewer, and such drain or sewer shall forever thereafter be maintained and kept in repair by said city; such municipal officers shall file with the clerk of said city the location of such drain or sewer, with a profile description of the same, with the amount assessed upon each lot or parcel of land so assessed, and the name of the owner of each lot or parcel of land, if known, and the clerk of said city shall record the same in a book kept for that purpose, and within ten days after filing such notice, each person so assessed shall be notified of such assessment, by having an authentic copy of said assessment with an order of notice signed by the clerk, stating a time and place for a hearing on the subject matter of said assessments, given to each person so assessed, or left at his usual place of abode in said city; if he has no place of abode in said city, then such notice shall be given to or left at the abode of his tenant or lessee if he has one in said city; if he has no such tenant or lessee in the said city, then by posting the same in some conspicuous place in the vicinity of the lot or parcel of land so assessed, at least thirty days before said hearing, or such notice may be given by publishing the same three weeks successively in any newspaper published in said city, the first publication to be at least thirty days before said hearing, a return made by a copy of such notice by any constable in said city, or the production of the paper containing such notice shall be conclusive evidence that said notice has been given, and upon such hearing the municipal officers shall have power to revise, increase or diminish any of such assessments, and all such revision, increase or diminution shall be in writing and recorded by such clerk.

Drains, how maintained.

—location of, to be filed with city clerk.

Assessments, notice of, how given.

SECT. 2. Any person who is aggrieved by the doings of said municipal officers in laying out and constructing said sewer or in making said assessments, may appeal therefrom to the next term of the supreme judicial court which shall be holden in the county of Cumberland, more than thirty days from and after the day when the hearing last mentioned is concluded, excluding the day of the commencement of the session of said court; the appellants shall serve written notice of such appeal upon the mayor or city clerk, fourteen days at least before the session of the court, and shall at the first term file a complaint setting forth substantially the facts in the case; either party shall be entitled to a trial by jury, or the matter in dispute may, if the parties so agree, be decided by a committee of reference, and the court shall render such judgment and decree in the premises as the nature of the case may require;

Persons aggrieved, may appeal.

Notice of appeal, how given.

Matter in dispute, how adjusted.

CHAP. 368. at the trial exceptions may be taken to the ruling of the judge, as in other cases.

Private drains, connection with public sewers, how regulated.

SECT. 3. Any person may enter his private drain into any such public drain or common sewer while the same is under construction and before the same is completed, and before the assessments are made, on obtaining a permit in writing from the municipal officers or the committee having the construction of the same in charge; but after the same is completed and the assessments made, no person shall enter his private drain into the same until he has paid his assessment and obtained a permit in writing from the municipal officers. All permits given to enter any such drain or sewer shall be recorded by the city clerk of said city before the same is issued.

Permits to be recorded.

Lien created.

SECT. 4. All assessments made under the provisions of this act shall create a lien upon each and every lot or parcel of land so assessed, which lien shall continue one year after said assessments are payable, and within ten days after they are made the clerk of said city shall make out a list of all such assessments, the amount of each assessment and the name of the person, if known, against whom the same is assessed, to be by him certified; and he shall deliver the same to the treasurer of said city, and if said assessments are not paid within three months from the date of said assessments, then the treasurer shall proceed and sell such of said lots or parcels of land upon which such assessments remain unpaid, or so much thereof, at public auction, as is necessary to pay such assessments and all costs and incidental charges in the same way and manner that real estate is advertised and sold for taxes under chapter six of the revised statutes, which sale shall be made within one year from the time said assessments are made; and upon such sale the treasurer shall make, execute and deliver his deed to the purchaser thereof, which shall be good and effectual to pass the title to such real estate.

Assessments, notice and collection of.

—non-payment of, treasurer may sell lots.

Sale, when made.

Deed, how given.

Right of redemption.

SECT. 5. Any person to whom the right by law belongs may at any time within one year from the date of said sale redeem such real estate by paying to the purchaser or his assigns the sum for which the same was sold with interest thereon at the rate of twenty per cent. per annum with costs for reconveyance.

Non-payment of assessments, city may sue party in certain cases.

SECT. 6. If said assessments are not paid and said city does not proceed to collect said assessments by a sale of the lots or parcels of land upon which said assessments are made or does not collect or is in any manner delayed or defeated in collecting such assessments by a sale of the real estate so assessed, then the said city, in the name of the inhabitants of said city or in the name of such city, may sue for and maintain an action against the party so assessed for the amount of said assessment as for money paid, laid

out and expended in any court competent to try the same, and in such suit may recover the amount of such assessment, with twelve per cent. interest on the same from the date of said assessment and costs; *provided however*, that if any lot when sold in the manner before provided shall not sell for enough to pay the amount of said assessment with interest and cost, the owner thereof shall be under no personal liability for the same.

CHAP. 369.

Proviso.

SECT. 7. All acts and parts of acts inconsistent with this act are hereby repealed. This act and repeal shall not apply to or affect any drain or common sewer constructed or assessment made prior to the approval of this act.

Certain acts repealed.

Approved February 26, 1873.

Chapter 369.

An act to incorporate the Wilton Cheese Company.

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

SECT. 1. Otis Hathaway, J. B. Palmer, E. M. Bridges, James Averill, W. W. Wilkins, J. P. Chandler, A. R. Savage and W. F. Savage, their associates, successors and assigns, are hereby created a body politic and corporate by the name of the Wilton Cheese Company, with all the powers and privileges and subject to all the duties and liabilities provided by the laws of this state concerning manufacturing corporations.

Corporators.

Corporate name.

Duties and liabilities.

SECT. 2. Said corporation is authorized to manufacture cheese, and to transact any other business usually carried on by cheese factories or corporations for the purposes of associated dairying. The capital stock of said corporation shall not exceed the sum of five thousand dollars, to be divided into such number of shares as the company may determine; and said corporation may hold real and personal estate to the amount of said capital stock, with full power to manage and dispose of the same.

Purpose.

Capital stock and shares.

SECT. 3. The first meeting of said corporation shall be held in the town of Wilton, and shall be called by a notice thereof seven days prior to said meeting, signed by one of the persons named in the first section of this act, a copy of which shall be given to each of the other corporators.

First meeting, where held and how called.

SECT. 4. This act shall take effect when approved.

Approved February 26, 1873.