

MAINE STATE LEGISLATURE

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ACTS AND RESOLVES

OF THE

FIFTY-SEVENTH LEGISLATURE

OF THE

STATE OF MAINE.

1878.

Published by the Secretary of State, agreeably to Resolves of June 28, 1820,
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1878.

PUBLIC LAWS
OF THE
STATE OF MAINE.
1878.

SECT. 2. A town way so re-established and laid out shall not be discontinued for five years thereafter.

SECT. 3. This act shall take effect when approved.

Approved February 19, 1878.

CHAP. 42.

Re-established way not to be discontinued for five years.

Chapter 42.

An act additional to chapter nineteen of the Public Laws of the year one thousand eight hundred and seventy-five, relating to the taxation of Railroad Companies.

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

SECT. 1. Any railroad company which has heretofore omitted to apply to the governor and council, under chapter nineteen of the public acts of the year one thousand eight hundred and seventy-five, for an abatement of valuation claimed to be excessive, and whose claim for such abatement is barred by the limitation contained in said chapter, is hereby permitted to apply in writing to the governor and council, at any time within sixty days from the approval of this act by the governor, for an abatement of the excess of valuation of said company for any previous year.

Railroad companies given further time to petition for abatement of valuation.

SECT. 2. Any abatement made by the governor and council under this act shall be of no effect, unless the railroad company shall pay the arrearages of taxes due into the state treasury within four months after the adjudication of the governor and council.

Abatement to be of no effect unless arrearages of taxes shall be paid.

Approved February 19, 1878.

Chapter 43.

An act to amend chapter two hundred and fourteen of the Public Laws of the year one thousand eight hundred and seventy-four, entitled "an act relating to Ways across Railroads."

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

Chapter two hundred and fourteen of the public laws of the year one thousand eight hundred and seventy-four, is hereby amended so as to read as follows :

Ch. 214, public laws 1874, amended.

CHAP. 43.

Town ways crossing railroads, how built and maintained.

—when not at grade, expense adjusted by railroad commissioners.

Either party may appeal.

—proceedings.

—costs.

Ways already laid out, how maintained.

‘SECT. 1. Townways and highways may be laid out across, over or under any railroad track, in the manner provided by law for laying out such ways; and when such way crosses such track at grade, the expense of building and maintaining so much of such way as is within the limits of such railroad, shall be borne by the railroad company whose track is so crossed; and when such way is laid out under or over such track, and not at grade, the expense of building and maintaining so much thereof as is within the limits of such railroad, shall be borne by such railroad company, or by the city or town in which such way is located, or be apportioned between such railroad company and such city or town, as may be determined by the railroad commissioners, upon petition, and after notice and hearing of the parties. Either party aggrieved by their decision thereon may appeal therefrom to the supreme judicial court, at any time after such decision has been made, in writing, and before the next term of said court within and for the county in which such way is located, at which term such appeal may be entered and prosecuted by the party appealing. If the party appealing fails to appear at that term to prosecute the appeal, the decision of the railroad commissioners shall be final and conclusive. If the appeal is then entered, not afterwards, the court may appoint a committee of three disinterested persons, not residents of the county in which such way is located, who shall be sworn, and if one of them dies, refuses to act, or becomes interested, the court may appoint another in his place; and they shall give such notice as the court has ordered, view the way in question, hear the parties, and make their report at that or the next term of the court after their appointment, whether the decision of the railroad commissioners should be in whole or in part affirmed or reversed, which being accepted, and judgment thereon entered, shall be final and conclusive in the case. Costs may be taxed and allowed to either party, at the discretion of the court.

SECT. 2. In case of such ways already so laid out, over or under any railroad track, and not at grade, the expense of building and maintaining so much of such way as is within the limits of such railroad, shall be borne as provided in section one of this act, the question to be determined upon application of any railroad company whose track is so crossed, made within sixty days after notice, in writing, hereafter

served on such railroad company by the municipal officers of any city or town in which such way is located, requesting such railroad company to build and maintain so much of such way as is within the limits of their road.' CHAP. 44.

SECT. 3. All provisions of any act inconsistent with this act are hereby repealed. Inconsistent acts repealed.

Approved February 19, 1878.

Chapter 44.

An act to establish an additional Normal School.

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

SECT. 1. There is hereby established another normal school, upon such plan as the board of trustees of normal schools may direct. Normal school established.

SECT. 2. Said normal school shall be located at Gorham, in the county of Cumberland, provided and upon condition that there be conveyed to the state by the proper authorities, for the use and purpose of such school, land and buildings thereon, situated in said town, such as shall be, in the judgment of the trustees of the normal schools, of sufficient capacity and in such condition as to meet fully the demands of said school. And said trustees, upon such conveyance, are authorized to procure teachers and put in operation such school, and cause the same to be conducted at a cost per year not greater than that of either of the present normal schools, such cost to be deducted and paid from the public school funds. Normal school located at Gorham.
—conditions.

Trustees authorized to put school in operation.
—expense.

Approved February 19, 1878.