

MAINE STATE LEGISLATURE

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ACTS AND RESOLVES

OF THE

SIXTY-THIRD LEGISLATURE

OF THE

STATE OF MAINE.

1887.

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PRIVATE AND SPECIAL LAWS

OF THE

STATE OF MAINE.

1887.

factorily complete such course, the collegiate honors and degrees that are generally granted by female colleges.

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

Approved February 10, 1887.

CHAP. 78

Chapter 78.

An Act authorizing the city of Portland to condemn and take a lot of land for the erection of a Soldiers' and Sailors' Monument.

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

SECT. 1. The city of Portland is hereby authorized and empowered to condemn and take, in the manner herein set forth, the parcel of land situated in said Portland, upon which the building known as the old city hall now stands, and known as Market Square, and bounded and described as follows, to wit: Northerly by the curbstone of the southerly side of the passage-way between the United States hotel and said old city hall; easterly by the westerly curbstone of that part of Middle street commonly called and known as Market Square; southerly by the curbstones at the junction of those parts of Congress and Middle streets, commonly called and known as Market Square, and westerly by the easterly curbstone of that part of Congress street commonly called and known as Market Square, as and for a site, location and place for the erection and maintenance forever of a monument in memory of the soldiers and sailors who sacrificed their lives in defence of their country in the recent war.

City of Portland authorized to condemn and take land for a soldiers' and sailors' monument.

SECT. 2. The qualified voters of said city shall be called upon to give in their votes upon the question of such condemnation and taking, at meetings in the several wards thereof, duly warned by the mayor and aldermen, to be held on the day of the next municipal election. Such question shall be determined in the following manner, that is to say: each voter in favor of such condemnation and taking, shall express such preference by a ballot bearing the word "yes," and each voter opposed thereto by a ballot bearing the word "no;" all such ballots to be deposited in separate ballot boxes, in the manner provided by law for the submission of a constitutional amendment. And, thereupon, the same proceedings shall be had

Qualified voters shall be called upon to give in their votes upon question of condemnation.

—votes, how counted.

CHAP. 78

respecting the sorting, counting, declaring and recording the returns of said votes, as is provided by law at the election of a mayor of said city. And the board of mayor and aldermen shall, within three days after such meeting, meet together and compare the returns of the ward officers, and, if it appears that a majority of all the votes given on the question of such condemnation and taking, bear the word "yes," and are in favor thereof, the mayor shall, forthwith, make proclamation of the fact, and cause the same to be published in three daily newspapers published in said city, and, thereupon, by force of such vote and proclamation, the said lot of land shall be condemned and taken for the purpose and use aforesaid, and the mayor shall, within six months after such vote, cause the building upon said land to be removed at the expense of said city.

Mayor shall make proclamation, if majority of votes are in favor of condemnation.

Damages, how estimated.

SECT. 3. Within thirty days after such vote, the board of mayor and aldermen of said city shall appoint a time and place to hear all parties, other than said city of Portland, claiming to have sustained any damage, by reason of such condemnation and taking, and give public notice thereof to all parties interested, by an advertisement in two daily papers, published in said Portland, for one week at least, previous to the time appointed. The said board shall meet at the time and place appointed, hear the parties interested, and estimate the damages, if any, sustained by such parties, by such condemnation and taking, and, within ten days after the close of such hearing, make a written return of their proceedings to the treasurer of said city, who shall place the same on file in his office, and, within ten days thereafter, pay, from the funds of said city, the damages so estimated to the parties entitled thereto.

Proceedings in case party is aggrieved by such estimate of damage.

SECT. 4. Any party aggrieved by the estimate of such damages may appeal from such estimate to the supreme judicial court, which court shall determine the same by a committee, or reference under a rule of court, if the parties so agree, or by a verdict of its jury, and shall render judgment against said city for the damages recovered with costs to the party prevailing, and issue execution therefor. Such appeal shall be made to and entered at the term of the said court which shall first be holden in the county of Cumberland, more than thirty days from and after the return of said board to

said treasurer. The appellants shall serve written notice of such appeal upon the clerk of said city, which shall be considered the adverse party, fourteen days, at least, before the session of said court, and shall, at the first term thereof, file a complaint, setting forth, substantially, the facts of the case. On the trial, exceptions may be taken to the rulings of the court, as in other cases.

SECT. 5. The Portland Soldiers' and Sailors' Monument Association are hereby authorized and empowered to erect a monument upon said lot of land, after such condemnation and taking, and, thereafter, said lot of land, and any monument erected thereon, shall be forever under the control of said city.

Association authorized to erect a monument.

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

Approved February 10, 1887.

Chapter 79.

An Act to amend the charter of the Little Wilson Falls and Dam Company.

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

The charter of the Little Wilson Falls and Dam Company, granted by the legislature and approved February fourteen, eighteen hundred and eighty-three, is amended by striking out from sections four and five, the words "excepting logs fitted or suitable for clapboard cuts," so that said sections shall read as follows :

Charter of Little Wilson Falls and Dam Co., amended.

'SECT. 4. Said corporation may demand and receive a toll of fifty cents per thousand feet, board measure, woods scale, for all logs or lumber that may be driven down and over said falls and dams connected therewith.'

Tolls established.

'SECT. 5. Said corporation shall have a lien on all logs and lumber that shall be driven over said falls and dams, and may enforce the same by sale at auction, giving twenty day's notice thereof to the owner or manager of the logs and lumber, at any time after thirty days after their arrival at Penobscot boom or other place of sale, or said lien may be enforced by libel, in rem, or other fit process of law when the thirty days after arrival shall be out, upon demand and refusal to pay the same.'

Lien on logs and lumber.

Approved February 11, 1887.