

# MAINE STATE LEGISLATURE

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DOCUMENTS

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THE LEGISLATURE,

OF THE

STATE OF MAINE,

DURING ITS SESSION

**A. D. 1833.**

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**STATE OF MAINE.**

IN THE YEAR OF OUR LORD ONE THOUSAND EIGHT HUNDRED  
AND THIRTY-THREE.

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**AN ACT** prescribing the mode of making and re-  
pairing Highways.

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**NEW DRAFT.**

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**SEC. 1.** *Be it enacted by the Senate and*  
2 *House of Representatives, in Legislature as-*  
3 *sembled,* That all public highways, passing  
4 through or within any town or organized plant-  
5 ation, shall be made and kept in repair at the  
6 expense of the County in which they lie.

**SEC. 2.** *Be it further enacted,* That it shall  
2 be the duty of the County Commissioners of  
3 the respective Counties, before the first day of  
4 October next, to examine and determine what  
5 roads, already made and travelled, or what roads

6 established by lawful authority, but not yet made  
7 or opened, are of such general convenience and  
8 utility, that they ought in justice to be consider-  
9 ed and treated as public highways, to be made  
10 or kept in repair at the County expense; and  
11 they shall make a return thereof, describing the  
12 limits and extent of the same, which return shall  
13 be recorded in their Book of Records.

SEC. 3. *Be it further enacted,* That it shall  
2 be the duty of the Selectmen of towns and As-  
3 sessors of plantations to divide into sections, in  
4 such manner as they may judge to be for the  
5 best interest of the County, all the aforesaid  
6 roads, which shall have been adjudged by the  
7 County Commissioners to be of the public and  
8 general convenience and necessity above descri-  
9 bed, and all other roads which the said County  
10 Commissioners shall, from time to time adjudge  
11 to be of the like character; and they, the said  
12 Selectmen and Assessors shall advertise said  
13 several sections of said roads, to be made or  
14 kept in repair for the space of one year, by con-  
15 tracts at auction, having first posted up notifica-

16 tions of the time and place of said auction in  
17 three public places in each of the towns or plan-  
18 tations, in which said sections of road may lie,  
19 fifteen days before the time of said auction, and  
20 also in one public place in each adjoining town  
21 or organized plantation.

SEC. 4. *Be it further enacted,* That said  
2 County Commissioners shall prepare written  
3 contracts, specifying minutely the manner in  
4 which said sections of road are to be made.  
5 And the said Selectmen or Assessors shall, at  
6 the time and place of the auctions aforesaid, let  
7 out or sell to the lowest bidder, at public sale,  
8 the making of said several sections according to  
9 the description furnished by the County Com-  
10 missioners as aforesaid; said contractors to give  
11 good and satisfactory bond for the performance of  
12 their said agreements, which bond shall be made  
13 to the County, and approved by said Selectmen  
14 or Assessors. And said Selectmen or Assessors  
15 shall have power, and it shall be their duty, if  
16 [they] think the interest of the County requires it,  
17 to adjourn said auction to some subsequent day,

18 of which they shall post up notifications, as re-  
19 quired in the third section of this Act.

SEC. 5. *Be it further enacted,* That it shall  
2 be the duty of the County Commissioners, or  
3 some one of them, or some person by them ap-  
4 pointed, carefully to examine the work, when  
5 done by the contractors, and, if it be found a  
6 full compliance with the contract, a certificate  
7 thereof shall be given, and payment thereupon  
8 shall be made by an order of the County Com-  
9 missioners upon the Treasurer of the County.

SEC. 6. *Be it further enacted,* That the said  
2 Commissioners, if they think expedient, may ex-  
3 clude from any sectional contract the making or  
4 repairing of any necessary bridge or bridges, and  
5 cause the same to be made or repaired by con-  
6 tract at auction, public notifications of the time  
7 and place of said sale having been posted up  
8 and published in manner above provided. And  
9 when the work shall have been examined and  
10 approved as aforesaid, the payment therefor  
11 shall be made in manner above specified.

SEC. 7. *Be it further enacted,* That the  
2 Selectmen of towns and Assessors of plantations  
3 shall respectively transmit to the County Com-  
4 missioners an estimate of the sum necessary to  
5 make and keep in repair all the public highways  
6 within said towns and plantations, which esti-  
7 mate shall be transmitted as aforesaid in Novem-  
8 ber annually. And said Commissioners shall,  
9 in December in each year, transmit to the Sec-  
10 retary of State an estimate of all sums necessary  
11 to be expended, for the ensuing year, in making  
12 and repairing public highways in their county.

SEC. 8. *Be it further enacted,* That if any  
2 fine shall be imposed upon any town or planta-  
3 tion, before this Act is to take effect, for neglect  
4 to make or keep in repair any of its public high-  
5 ways or other public roads, the fine imposed as  
6 aforesaid shall be expended, under the direction  
7 of the court before which said fine is recovered,  
8 in making or repairing the said delinquent road  
9 or highway.

SEC. 9. *Be it further enacted,* That this  
2 Act shall not extend to the making or repairing,

3 at the county expense, any road or highway, ly-  
4 ing in any town or plantation, situated upon any  
5 island or islands; but said town or plantation  
6 shall be held to make the roads and highways  
7 therein, as now by law provided. And the  
8 County Commissioners shall be authorized to  
9 deduct from the county tax, which would other-  
10 wise be assessed upon said town or plantation,  
11 such sum as they may think would be that town  
12 or plantation's proportion of the county tax, as-  
13 sessed for making public highways and keeping  
14 them in repair.

SEC. 10. *Be it further enacted,* That this  
2 Act shall take effect from and after the first day  
3 of October next; but the County Commission-  
4 ers may, at any time after the passing of this  
5 Act, proceed to examine, adjudicate, define and  
6 make return of the public highways as author-  
7 ized and required by the second Section of this  
8 Act. And all Acts and parts of Acts, incon-  
9 sistent with the provisions of this Act, be and  
10 hereby are repealed.



STATE OF MAINE.

HOUSE OF REPRESENTATIVES, }  
January 31, 1893. }

ORDERED, That three hundred copies of the foregoing Bill  
be printed for the use of the Legislature.

[Extract from the Journal.]

Attest:

ASAPH R. NICHOLS, *Clerk.*

I. BERRY & CO., PRINTERS TO THE STATE.