

MAINE STATE LEGISLATURE

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DOCUMENTS

PRINTED BY ORDER OF

THE LEGISLATURE,

OF THE

STATE OF MAINE,

DURING ITS SESSION

A. D. 1834.

FOURTEENTH LEGISLATURE.

NO. 44.

HOUSE.

STATE OF MAINE.

IN THE YEAR OF OUR LORD, ONE THOUSAND EIGHT
HUNDRED AND THIRTY FOUR.

AN ACT additional, directing the method of lay-
ing out and making provision for the repair and
amendment of Highways and providing for the
appointment of County Commissioners.

SECT. 1. *Be it enacted by the Senate and
2 House of Representatives in Legislature as-
3 sembled,* That from and after the passing of
4 this Act, if any Court of County Commission-
5 ers in this State shall lay out or alter any high-
6 way, or common road leading from town to
7 town, or through any town or towns, whereby

8 any town shall be aggrieved by the doings and
9 decision of said Court in laying out, or altering
10 any such highway or common road, any town
11 or towns thus aggrieved, shall have the right
12 and are hereby authorized, to appeal from the
13 decision of said County Commissioners, to the
14 Court of Common Pleas, to be holden within
15 and for the same County where such road or
16 highway lies. And it shall be the duty of said
17 Court of County Commissioners to order and
18 direct such appeal to be entered on record.
19 *Provided*, that said appeal shall be made and
20 claimed by any town or its authorized agent,
21 and shall be entered and prosecuted at the then
22 next Court of Common Pleas to be holden in
23 and for said County, after the decision of said
24 Court of County Commissioners shall have been
25 made.

SECT. 2. *Be it further enacted*, That it
2 shall be the duty of the Court of Common Pleas,
3 whenever an appeal as aforesaid shall have been
4 duly entered, and upon the application or peti-
5 tion of the appellant, to appoint three judicious
6 and disinterested men who shall be freeholders

7 in the same County, and to make out a war-
8 rant in due form of law, requiring said commit-
9 tee after having been duly sworn to the faithful
10 discharge of their duty, to pursue the same
11 course, in examining the road or highway, laid
12 out as aforesaid, in hearing of the parties and all
13 evidence which may be offered, as is prescribed
14 in the fifth section of the Act, to which this Act
15 is additional. And it shall be the duty of said
16 committee to make a return of their doings with
17 their said warrant, to the next Court of Com-
18 mon Pleas, after they shall have performed the
19 service required of them, and judgment shall be
20 rendered thereon. And if it shall be found,
21 upon the report of said committee that said road
22 or highway will not be of common convenience
23 and necessity, judgment shall be entered up in
24 conformity thereto, and the decision of the Court
25 of County Commissioners shall be reversed and
26 rendered void—and the party appealing shall be
27 allowed costs. But if the decision and pro-
28 ceedings of the Court of County Commissioners
29 shall by the report of said committee, be sus-
30 tained, judgment shall be entered thereupon ac-

31 cordingly and be affirmed, and the party appel-
32 lant amerced in costs : and in case any town or
33 towns which shall make the appeal as aforesaid,
34 and shall finally prevail in the same, the costs
35 recovered as aforesaid, shall be paid by the
36 County in which judgment shall be rendered,
37 and an execution or warrant of distress shall
38 issue from the Court of Common Pleas in said
39 County in form by law prescribed in favor of
40 such town or towns against the inhabitants of
41 the same County in its corporate capacity, and
42 the same proceedings shall be had thereon, as is
43 provided by law for "regulating judicial process
44 and proceedings" and directing "the issuing,
45 extending and serving of executions" or of war-
46 rants of distress. And in case the decision and
47 judgment of the Court of County Commission-
48 ers shall be affirmed as aforesaid, then an exe-
49 cution or warrant of distress shall issue in like
50 manner in the name of the County in favor of
51 which such judgment shall be rendered, against
52 the inhabitants of the town, thus appealing, in
53 its corporate capacity, and be served and re-
54 turned in the same manner as aforesaid.

SECT. 3. *Be it further enacted,* That all
2 acts or parts of acts so far as they are inconsis-
3 ent with the provisions of this act, be and the
4 same are hereby repealed.

STATE OF MAINE.

HOUSE OF REPRESENTATIVES, }
March 1, 1834. }

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

[Extract from the Journal.]

Attest, ASAPH R. NICHOLS, *Clerk.*