FIFTEENTH LEGISLATURE.

NO. 15. SENATE.

STATE OF MAINE.
IN THE YEAR OF OUR LORD ONE THOUSAND EIGHT HUNDRED AND THIRTY-FIVE.

AN ADDITIONAL ACT, relative to laying out and making highways.

SECTION 1. Be it enacted by the Senate and House of Representatives, in Legislature assembled, That whenever the County Commissioners in any County, shall upon petition therefor, have laid out or altered any highway or any town way, and shall order their return thereof to be recorded, they shall also cause to be entered of record, that the original petition upon which their proceedings are founded, is continued until
their next regular session, and all persons or corpora-
tions aggrieved by the decision of the County
Commissioners in estimating damages, shall pre-
sent their petitions for redress at the said next
regular session; and if no such petition be then
presented, the proceedings upon said original
petition shall be considered as closed and so
entered of record, and all claims for damages,
other than those awarded by the County Com-
missioners, shall be and remain forever barred:
but if any petition be presented as aforesaid, for
increase of damages by reason of laying out said
road, and a Committee be appointed or Jury
ordered thereon, it shall be the duty of the
County Commissioners still further to continue
the original petition upon their docket from term
to term, till the Committee or Jury shall make
their return of damages, and if the report of said
Committee or verdict of the Jury be accepted
by the County Commissioners, then the record
of the proceedings upon said original petition
shall be considered as completed, and not before;
and there shall be allowed to owners of lands,
over which the road was laid out, six months
from that day, on which all proceedings on the
original petition are closed, to take off their wood, timber and trees, also to the County or town, liable for the same, nine months, within which to pay all damages which may then appear of record to be due by reason of laying out such road, and to the town or towns through which the road is laid out, twelve months, within which to open and make the same; but if upon inspection of said report or verdict, the County Commissioners shall be of opinion that the road laid out by them ought not to be opened and made, subject to such high damages to be paid by the county or town liable for the same, as are awarded in said report or verdict, it shall be their duty not to accept and approve such report or verdict concerning damages, but instead thereof to enter under the original petition and as a part of the record thereon, that the said road is for the reason aforesaid discontinued; and the County or town, in such case, shall be liable for no damages, by reason of said original petition and the proceedings thereon; but the County or town liable therefor shall pay the reasonable expense of the Committee or Jury for estimating and returning said damages.
SEC. 2. Be it further enacted, That in all cases now pending in the several Courts of County Commissioners, upon petitions for increase of damages, the County Commissioners shall have the same power as is given them in the first section of this Act, not to accept the reports of Committees or verdicts of Juries and instead thereof to discontinue the roads, which had given occasion for such petitions: Provided, however, that in such cases, if any town shall have previously entered into contract or expended any money for opening and making such road, or any owner of land shall have taken off the trees or put up fences or in any other way been actually injured by reason of thus establishing said road, they shall be entitled to damages therefor in the same manner as is now by law provided in other cases of damage by the laying out of roads.

SEC. 3. Be it further enacted, That in all cases in which a warrant shall issue for summoning a Jury to estimate damages occasioned by laying out a road, the Jury shall consist of three disinterested men, to be drawn from the Jury box of some town adjoining that in which the road is located, instead of twelve as heretofore.
Sect. 4. Be it further enacted, That all 2 clauses and provisions in the several Acts, to 3 which this is in addition, which are inconsistent 4 with the provisions of this Act, be and the same 5 are hereby repealed.
STATE OF MAINE.

In Senate, February 9, 1885.

This Bill was read once and ordered to lie on the table, and four hundred copies be printed for the use of the Legislature.

[Extract from Journal.]

Attest, WILLIAM TRAFTON, Secretary.