

# MAINE STATE LEGISLATURE

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# DOCUMENTS

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## THE LEGISLATURE,

OF THE

## STATE OF MAINE,

DURING ITS SESSION

**A. D. 1835.**

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*AUGUSTA:*  
WILLIAM J. CONDON,.....PRINTER.

1835.

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FIFTEENTH LEGISLATURE.

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NO. 15.

SENATE.

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STATE OF MAINE.

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

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

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SECTION 1. *Be it enacted by the Senate and*  
*2 House of Representatives, in Legislature as-*  
*3 ssembled,* That whenever the County Commis-  
*4 sioners in any County, shall upon petition there-*  
*5 for, have laid out or altered any highway or any*  
*6 town way, and shall order their return thereof*  
*7 to be recorded, they shall also cause to be entered*  
*8 of record, that the original petition upon which*  
*9 their proceedings are founded, is continued until*

10 their next regular session, and all persons or cor-  
11 porations aggrieved by the decision of the County  
12 Commissioners in estimating damages, shall pre-  
13 sent their petitions for redress at the said next  
14 regular session; and if no such petition be then  
15 presented, the proceedings upon said original  
16 petition shall be considered as closed and so  
17 entered of record, and all claims for damages,  
18 other than those awarded by the County Com-  
19 missioners, shall be and remain forever barred:  
20 but if any petition be presented as aforesaid, for  
21 increase of damages by reason of laying out said  
22 road, and a Committee be appointed or Jury  
23 ordered thereon, it shall be the duty of the  
24 County Commissioners still further to continue  
25 the original petition upon their docket from term  
26 to term, till the Committee or Jury shall make  
27 their return of damages, and if the report of said  
28 Committee or verdict of the Jury be accepted  
29 by the County Commissioners, then the record  
30 of the proceedings upon said original petition  
31 shall be considered as completed, and not before;  
32 and there shall be allowed to owners of lands,  
33 over which the road was laid out, six months  
34 from that day, on which all proceedings on the

35 original petition are closed, to take off their wood,  
36 timber and trees, also to the County or town,  
37 liable for the same, nine months, within which  
38 to pay all damages which may then appear of  
39 record to be due by reason of laying out such  
40 road, and to the town or towns through which  
41 the road is laid out, twelve months, within which  
42 to open and make the same; but if upon inspec-  
43 tion of said report or verdict, the County Com-  
44 missioners shall be of opinion that the road laid  
45 out by them ought not to be opened and made,  
46 subject to such high damages to be paid by the  
47 county or town liable for the same, as are award-  
48 ed in said report or verdict, it shall be their duty  
49 not to accept and approve such report or verdict  
50 concerning damages, but instead thereof to enter  
51 under the original petition and as a part of the  
52 record thereon, that the said road is for the rea-  
53 son aforesaid discontinued; and the County or  
54 town, in such case, shall be liable for no damages,  
55 by reason of said original petition and the pro-  
56 ceedings thereon; but the County or town liable  
57 therefor shall pay the reasonable expense of the  
58 Committee or Jury for estimating and returning  
59 said damages.

SECT. 2. *Be it further enacted,* That in all  
2 cases now pending in the several Courts of Coun-  
3 ty Commissioners, upon petitions for increase of  
4 damages, the County Commissioners shall have  
5 the same power as is given them in the first sec-  
6 tion of this Act, not to accept the reports of  
7 Committees or verdicts of Juries and instead  
8 thereof to discontinue the roads, which had given  
9 occasion for such petitions: *Provided, however,*  
10 that in such cases, if any town shall have pre-  
11 viously entered into contract or expended any  
12 money for opening and making such road, or any  
13 owner of land shall have taken off the trees or  
14 put up fences or in any other way been actually  
15 injured by reason of thus establishing said road,  
16 they shall be entitled to damages therefor in the  
17 same manner as is now by law provided in other  
18 cases of damage by the laying out of roads.

SECT. 3. *Be it further enacted,* That in all  
2 cases in which a warrant shall issue for summon-  
3 ing a Jury to estimate damages occasioned by  
4 laying out a road, the Jury shall consist of three  
5 disinterested men, to be drawn from the Jury  
6 box of some town adjoining that in which the  
7 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.**