

MAINE STATE LEGISLATURE

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DOCUMENTS

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THE LEGISLATURE

OF THE

STATE OF MAINE,

DURING ITS SESSION

A. D. 1836.

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1836.

SIXTEENTH LEGISLATURE.

No. 7.

HOUSE.

STATE OF MAINE.

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

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

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

SECT. 2. *Be it further enacted, That it*
2 *shall be the duty of the County Commissioners*
3 *of the respective Counties before the first day*
4 *of 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 and kept in repair at the expense of the County,
11 and they shall make a return thereof describing
12 the limits and extent of the same, which return
13 shall be recorded in their book of records.

SECT. 3. *Be it further enacted,* That it
2 shall be the duty of the selectmen of towns,
3 and assessors of plantations, to divide into sec-
4 tions, in such manner as they may judge to be
5 for the best interest of the County all the afore-
6 said roads, which shall have been adjudged by
7 the County Commissioners to be of the public
8 and general convenience and necessity above
9 described, and all other roads, which the said
10 County Commissioners shall from time to time
11 adjudge to be of the like character, and they,
12 the said selectmen and assessors, shall adver-
13 tise on or before the tenth day of May, annually,
14 said several sections of said roads to be made
15 or kept in repair for the space of one year, by
16 contracts at auction, having first posted up noti-

17 fications of the time and place of said auction in
18 three public places in each of the towns or plant-
19 ations in which said sections of roads may lie,
20 fifteen days before the time of said auction, and
21 also in one public place in each adjoining town
22 or organized plantation.

SECT. 4. *Be it further enacted,* That said
2 County Commissioners shall prepare written or
3 printed contracts, specifying minutely the man-
4 ner in which said sections of roads are to be
5 made, and forward them to the selectmen of
6 towns and assessors of plantations, in their re-
7 spective counties, in the month of April annual-
8 ly; and the said selectmen or assessors shall at
9 the time and place of the auction aforesaid, let
10 out or sell to the lowest bidder at public sale,
11 the making of said several sections, according to
12 the descriptions furnished by the County Com-
13 missioners as aforesaid. Said contractors to give
14 good and satisfactory bond for the performance
15 of their said agreements which bond shall be
16 made to the County and approved by said select-
17 men or assessors. And said selectmen or as-
18 sessors shall have power, and it shall be their
19 duty, if they think the interests of the County

20 require it, to adjourn said auction to some sub-
21 sequent day, of which they shall post up notifi-
22 cations, as required in the third section of this
23 act.

SECT. 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 in the
5 month of October annually, and if the contracts
6 are fully complied with, up to the time of ex-
7 amination, a certificate shall be given, and pay-
8 ment hereupon be made by an order of the
9 County Commissioners upon the Treasurer of
10 the County.

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

SECT. 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 High-
 6 ways within said towns and plantations, which
 7 estimate shall be transmitted as aforesaid in
 8 November annually. And said Commissioners
 9 shall in December in each year transmit to the
 10 Secretary of State an estimate of all sums nec-
 11 essary to be expended for the ensuing year in
 12 making and repairing public Highways in their
 13 County.

SECT. 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 and keep in repair any of its public
 5 Highways or other public roads, the fine impos-
 6 ed as aforesaid shall be expended under the di-
 7 rection of the court before which said fine is
 8 recovered, in making or repairing the said de-
 9 linquent Road or Highway.

SECT. 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

4 lying in any town or plantation situated upon
5 any Island or Islands, unless said Island is con-
6 nected with the main land by a bridge and has
7 some public Road passing over it, of the descrip-
8 tion named in the second section of this Act.
9 But said town or plantation shall be held to
10 make the Roads and Highways thereon as now
11 by law provided. And the County Commis-
12 sioners shall be authorized to deduct from the
13 County tax, which would otherwise be assessed
14 upon said town or plantation, such sum as
15 would be that town or plantation's proportion
16 of the County tax assessed for making public
17 Highways and keeping them in repair.

SECT. 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 and make
6 returns of the public Highways as authorized
7 and required by the second section of this Act.

SECT. 11. *Be it further enacted,* That all
2 Acts and parts of Acts inconsistent with the
3 provisions of this Act be and hereby are repealed.

STATE OF MAINE.

HOUSE OF REPRESENTATIVES, }
January 18, 1836. }

This Bill, laid on the table by Mr. Wilson of Bingham, was read twice and ordered to lie on the table until Monday next, and four hundred copies of the same be printed for the use of this House.

(Extract from Journal.)

JAMES L. CHILD, CLERK.