

# MAINE STATE LEGISLATURE

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THE LEGISLATURE,  
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OF THE

STATE OF MAINE,

DURING ITS SESSION

A. D. 1841.

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**Augusta:**  
SEVERANCE AND DORR, PRINTERS TO THE STATE.

1841.

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**TWENTY-FIRST LEGISLATURE.**

**NO. 23.**

**HOUSE.**

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**AN ADDITIONAL ACT**

**DIRECTING THE METHOD**

**OF**

**LAYING OUT HIGHWAYS.**

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**SEVERANCE & DORR,....Printers to the State.**



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## STATE OF MAINE.

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

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AN additional Act directing the method of laying out  
Highways.

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SEC. 1. *Be it enacted by the Senate and House  
2 of Representatives in Legislature assembled, That  
3 each town and city in this State, shall at their an-  
4 nual meeting in March or April, choose by ballot  
5 a Road Commissioner, who shall be sworn by the  
6 Town Clerk of said town, to the faithful and im-  
7 partial performance of such duties as may devolve  
8 upon him as Road Commissioner, and he shall  
9 hold his office for one year, and until another shall  
10 be chosen, and qualified in his stead, and it shall be  
11 the duty of the Town Clerk of such town to for-  
12 ward forthwith after such a choice a certified copy  
13 of the record of such election to the office of the  
14 Clerk of the Judicial Courts in the County in which  
15 such town or city may be situated.*

SEC. 2. *Be it further enacted, That whenever  
2 the County Commissioners of any County, shall*

3 upon any petition which has been, or may hereaf-  
4 ter be presented to them praying for the laying out,  
5 alteration or discontinuance of any highway, or  
6 common road, adjudge that the petitioners are re-  
7 sponsible, and ought to be heard, touching the mat-  
8 ter set forth in their petition, the said Court of  
9 County Commissioners shall designate and appoint  
10 a committee of three disinterested men to be select-  
11 ed from the list of Road Commissioners chosen as  
12 aforesaid in the several towns in said County, ex-  
13 cluding from such appointment the several Road  
14 Commissioners who may reside in any town direct-  
15 ly interested in the road in question referred to in  
16 such petition; and said Court shall designate one  
17 of those appointed to act as Chairman. Said  
18 Committee shall be notified by the Clerk of said  
19 Court of their appointment, and shall meet at such  
20 time and place as said Court shall at the time of  
21 their appointment designate. And said Court  
22 shall also cause the same notice to be given of the  
23 time and place and object of such meeting as is now  
24 required by law to be given previous to a view  
25 and adjudication by said County Commissioners.  
26 And said Committee shall at the time and place  
27 appointed, proceed to view the route for the high-  
28 way or common road mentioned in the petition,  
29 and proceed in all respects as the County Com-  
30 missioners now do, or may in relation to the view,

31 the adjudication upon the question of common con-  
32 venience and necessity; and if said Committee shall  
33 determine, after a view and hearing of all parties  
34 as aforesaid, that the prayer of the petition is rea-  
35 sonable, and that the public good requires that the  
36 same be granted, they, or a major part, may pro-  
37 ceed to lay out, alter, or discontinue such high-  
38 way or common road, and estimate damages to in-  
39 dividuals or corporations, as County Commission-  
40 ers may now do; and fix the time, that any owner  
41 of land over which said way be laid, may be al-  
42 lowed to take off wood, timber and trees. And  
43 said Committee shall make a correct return of their  
44 doings under their hands, with an accurate plan or  
45 description of said highway or common road, so  
46 laid out, altered or discontinued, to the regular ses-  
47 sion of said County Commissioners next after the  
48 same shall be completed. And if said Committee  
49 shall upon such view and hearing, adjudge that  
50 common convenience and necessity do not require  
51 the laying out, altering, or discontinuance of road  
52 or highway, as prayed for, and that the prayer of  
53 the petition ought not to be granted, they shall re-  
54 port at said next session to the County Commis-  
55 sioners, under their hands, and thereupon said pe-  
56 tition shall be dismissed and no further action had  
57 thereon.

SEC. 3. *Be it further enacted,* That when the

2 report of said Committee shall be in favor of the  
3 prayer of said petition as aforesaid, the said court  
4 of County Commissioners shall examine the same  
5 and hear all parties interested who may appear,  
6 their pleas, proofs, and allegations, and after con-  
7 sidering the same shall determine whether the said  
8 report shall be accepted, or not, and if the decis-  
9 ion is in favor thereof, they shall cause the same  
10 to be duly recorded, together with their said ad-  
11 judication, and every road so laid out, returned,  
12 and recorded, shall be known as a public highway.  
13 But no such highway wholly within any County  
14 shall be laid out, accepted and recorded, and  
15 known as such highway, until the adjudication in  
16 favor thereof of a majority of each of said boards  
17 acting as aforesaid.

SEC. 4. *Be it further enacted,* That in all oth-  
2 er respects, except as provided in this act, the  
3 County Commissioners in the several Counties shall  
4 have, exercise and enjoy all the rights, powers,  
5 and emoluments, and perform all the duties now  
6 imposed by law. And said Road Commissioners  
7 shall receive from the County Treasury of their  
8 Counties the same pay as is by law allowed to  
9 County Commissioners, and their bills for services  
10 shall be audited by the said County Commissioners.



**STATE OF MAINE.**

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HOUSE OF REPRESENTATIVES, }  
March 23, 1841. }

**ORDERED,** That the foregoing Bill be laid on the table,  
and 400 copies be printed for the use of the Legislature.

[Extract from the Journal.]

**ATTEST:**                   GEO. C. GETCHELL, *Clerk.*