

MAINE STATE LEGISLATURE

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DOCUMENTS

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THE LEGISLATURE

OF THE

STATE OF MAINE,

DURING ITS SESSION

A. D. 1848.

Augusta:

WILLIAM T. JOHNSON, PRINTER TO THE STATE.

1849.

TWENTY-EIGHTH LEGISLATURE.

No. 35.

HOUSE.

STATE OF MAINE.

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

AN ACT in addition to chapter twenty-fifth of the
Revised Statutes.

Be it enacted by the Senate and House of Representatives in Legislature assembled, as follows:—

SECTION 1. Whenever any person or persons shall
2 make application in writing to the county commis-
3 sioners of any county within this state, to locate any
4 highway, across or over any lands not situated within
5 the limits of any town or organized plantation, or to
6 make an assessment on such lands for the purpose of
7 making or repairing any such road, already or which

8 may be hereafter located, said commissioners, after
9 being satisfied, said applicants ought to be heard,
10 shall cause notice to be given of the pendency of said
11 application, and of the time and place for adjudication
12 thereon, causing an attested copy of said application,
13 and the order thereon, to be published three weeks
14 successively in the state paper, and in one other pa-
15 per, to be by them designated, (if such there be,)
16 published in the county where said lands lie; and
17 also by causing an attested copy of said application
18 and order thereon, to be served on the owner of said
19 lands, or his agent, if any such owner or agent is
20 known, and resides in the county in which such lands
21 lie. The last of said publications, and said personal
22 notice to be not less than fourteen days before the
23 time appointed for the adjudication.

SEC. 2. Whenever any town way shall have been
2 established by any town, such way shall be opened
3 and made by the town within two years from the time
4 it is so established.

SEC. 3. Whenever any town shall discontinue a
2 town way established therein, any person aggrieved
3 thereby may apply in writing to the county commis-

4 sioners at their next regular session after such dicon-
5 tinuance. And the commissioners, after due notice,
6 and hearing all parties interested, may determine that
7 such way shall not be discontinued. If they so de-
8 termine, the town shall not within two years thereafter
9 again discontinue the same. If the commissioners
10 determine such way shall not be discontinued, the
11 costs of the proceeding shall be paid by the town,
12 otherwise by the petitioners.

SEC. 4. The provisions of the twenty-first section
2 of said twenty-fifth chapter shall be extended to, and
3 made applicable to any highway laid out, altered, or
4 discontinued, extending into, or through two or more
5 counties.

SEC. 5. Whenever the county commissioners shall
2 be called on to act in the cases mentioned in the
3 thirty-second, thirty-fourth and fifty-ninth sections of
4 said twenty-fifth chapter, they may award the costs
5 incurred by the county for their services, against the
6 party failing in the appeal; and may issue their war-
7 rant for the collection of the same, and said costs,
8 when collected, shall be paid into the county treasury.

SEC. 6. The first section of an act entitled, "An

2 additional act relating to highways, and the powers
3 and duties of county commissioners," approved the
4 seventeenth day of April, A. D. 1841; and all other
5 acts and parts of acts inconsistent with the provisions
6 of this act, be and the same are hereby repealed.

STATE OF MAINE.

HOUSE OF REPRESENTATIVES, August 2, 1848.

ORDERED, That 350 copies of the foregoing bill, (reported by Mr. Leavitt of Skowhegan, from the committee on the judiciary,) be printed for the use of the Legislature.

SAMUEL BELCHER, *Clerk.*