
FORTY-SEVENTH LEGISLATURE.

HOUSE.

No. 54.

STATE OF MAINE.

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

AN ACT relating to roads in unincorporated townships and tracts of land.

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

SECTION 1. The county commissioners, on petition 2 as provided in chapter eighteen, section one of the 3 revised statutes, observing the directions contained in 4 sections thirty-one and thirty-two of said chapter, may 5 lay out, alter or discontinue a highway on or over any 6 township or tract of land in their county not within 7 any town or plantation required by law to raise money 8 to make and repair highways ; and all expenses for 9 making and opening the same are to be paid by the 10 owners of such lands, excluding lands reserved for

11 public uses, in proportion to their interest in the lands
12 over any part of which it is laid, except as hereinafter
13 provided.

SECT. 2. Any party interested in such decision may
2 appeal therefrom to the supreme judicial court to be
3 entered at the term thereof held first after such decis-
4 ion ; the presiding judge, at that term, shall hear the
5 case and allow or disallow the location, alteration or
6 discontinuance in whole or in part in his discretion ;
7 and from his decision there shall be no appeal or ex-
8 ceptions. If the land owners appeal and the decision
9 is wholly against the prayer of the petition, the costs
10 shall be paid by the county ; otherwise by the party
11 appealing. If such appeal is not entered, or if, being
12 entered, no one appears and prosecutes the same at
13 said first term, the judge shall dismiss it and affirm
14 the decision of the commissioners ; and in either case,
15 the clerk shall immediately certify to the commission-
16 ers the action of the court.

SECT. 3. If the final decision of the commissioners
2 or the court is against the prayer of the petition, no
3 new petition for the same road shall be entertained by
4 the commissioners for one year thereafterwards.

SECT. 4. When a road is so laid out over such
2 lands, the commissioners shall immediately thereafter
3 assess thereon such an amount as they judge necessary

4 for making and opening it and paying the expenses
5 attending it ; and may make as many divisions as are
6 equitable, conforming as nearly as convenient to known
7 divisions and separate ownerships, and assess upon
8 each a sum proportionate to the value thereof and the
9 benefits likely to result to the same by the establish-
10 ment of the road ; *provided* that when it is made to
11 appear to them that such assessment will be unreason-
12 ably burdensome and oppressive to such owners, they
13 may assess an equitable sum on the county, and the
14 balance only on such lands. They shall at the same
15 time fix the time for making and opening such road
16 not exceeding two years, and appoint an agent or
17 agents, not members of their board, to superintend the
18 same, who shall give bond to the treasurer of the
19 county with sureties, to be approved by the county
20 commissioners, to expend the money faithfully and to
21 render account thereof on demand ; and they shall
22 publish a list of the townships and tracts of land so
23 assessed, with the sum assessed on each and the time
24 in which the road is to be made and opened, in the
25 state paper and in some paper, if any, printed in the
26 county where the lands lie, three weeks successively,
27 the last publication to be within three months from the
28 date of the assessment.

SECT. 5. If the owners of such lands shall make and

2 open such road to the acceptance of the commissioners,
3 after an actual examination by one or more of their
4 board, within said time, the assessment shall thereby
5 be discharged ; otherwise it shall be enforced as here-
6 inafter provided, and the agents shall proceed immedi-
7 ately to make and open such road.

SECT. 6. The county commissioners, in September
2 annually, by one or more of their board, shall make
3 an actual inspection of all county roads in the unin-
4 corporated townships and tracts of land in their coun-
5 ties ; and thereupon they shall make an estimate of
6 the amount needed to put them in repair so that they
7 shall be safe and convenient for public travel ; assess
8 such amount on said townships and tracts of land, and
9 cause so much thereof as they deem necessary for the
10 purpose aforesaid to be expended on said roads within
11 one year thereafter.

SECT. 7. They shall make such assessment by the
2 first day of January in each year, and at the same
3 time appoint an agent or agents, not members of their
4 board, to superintend the expenditure thereof, who
5 shall give bond with approved sureties, as aforesaid,
6 to expend the money faithfully and to render an ac-
7 count thereof on demand ; and they shall publish a list
8 of the townships and tracts of land so assessed with
9 the sum assessed on each, and the roads on which it is

10 to be expended, in the state paper, and in some paper,
11 if any, printed in the county where the lands lie, three
12 weeks successively, the last publication to be within
13 three months from the date of the assessment.

SECT. 8. If by the fifteenth of July following in
2 each year the owners of such lands shall repair such
3 roads to the acceptance of the commissioners, after an
4 actual examination by one or more of their board, the
5 assessment shall be thereby discharged ; otherwise it
6 shall be enforced as hereinafter provided, and the
7 agents shall proceed immediately to repair such roads.

SECT. 9. If any owner fails to pay the sum assessed
2 on his land as aforesaid within two months after the
3 time fixed for making and opening a new road as pro-
4 vided in section five of this act, or within two months
5 after the fifteenth of July for repairing roads as pro-
6 vided in section eight of this act, the county treasurer
7 shall proceed to sell the lands so assessed by advertis-
8 ing the lists of unpaid taxes, with the date of assess-
9 ment and the time and place of sale, in the state
10 paper and in some paper, if any, printed in the county
11 where the lands lie, three weeks successively, the last
12 publication to be at least thirty days before the time of
13 sale. No bid shall be received at such sale for less
14 than the amount due for the tax, costs and interest at
15* twenty per cent. per annum from the time prescribed for

16 the payment of said tax ; and the treasurer shall sell
17 so much of such land as is necessary to pay the unpaid
18 tax, costs and interest as aforesaid, and give a deed
19 thereof to the purchaser, if any; and if no one becomes
20 a purchaser at such sale, it shall be forfeited to the
21 county ; and such owner or part owner or tenant in
22 common may redeem his interest therein at any time
23 within two years from the sale or forfeiture by paying
24 to the purchaser or the county the sum for which it
25 was sold or forfeited, with interest at twenty per cent.
26 per annum, and any sums subsequently paid for state
27 and county taxes thereon.

SECT. 10. In any trial at law or in equity involving
2 the validity of any sale or forfeiture of such lands as
3 provided in the preceding section, it shall be prima
4 facie proof of title for the party claiming under it to
5 produce in evidence the county treasurer's deed duly
6 executed and recorded, the assessments signed by the
7 county commissioners and certified by them or their
8 clerk to the county treasurer, and to prove that the
9 county treasurer complied with the requirements of
10 law in advertising and selling such lands.

SECT. 11. Any owner of lands sold as hereinbefore
2 provided shall be entitled to his share in any overplus
3 of the proceeds of such sale on exhibiting to the treas-
4 urer satisfactory evidence of his title.

SECT. 12. Sections thirty-nine, forty and forty-one
2 of chapter six, and sections thirty and thirty-three of
3 chapter eighteen of the revised statutes, chapter twen-
4 ty-three of the public laws of eighteen hundred and
5 fifty-eight, chapter twenty-two of the public laws of
6 eighteen hundred and sixty-six, and all other acts and
7 parts of acts inconsistent with the provisions of this
8 act, are hereby repealed, and this act shall take effect
9 on its approval by the governor.

STATE OF MAINE.

IN HOUSE OF REPRESENTATIVES, }
February 6, 1868. }

Reported from the Committee on Legal Reform, by Mr. WALKER
of Machias.

S. J. CHADBOURNE, *Clerk.*