
FORTY-SEVENTH LEGISLATURE.

HOUSE.

No. 104.

STATE OF MAINE.

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

AN ACT additional to chapter eighteen of the revised statutes in relation to appeals from the decisions of municipal officers in certain cases.

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

SECTION 1. Section forty-nine of chapter eighteen of
2 the revised statutes is hereby amended by striking out
3 from the last line in said section the words “ and their
4 decision shall be final” ; so that said section as amend-
5 ed will read as follows : “ When a way or street is
6 raised or lowered by a surveyor or person duly author-
7 ized, to the injury of an owner of land adjoining, he
8 may within a year apply in writing to the municipal

9 officers, and they shall view such way or street, and
10 assess the damages, if any, occasioned thereby, to be
11 paid by the town.”

SECT. 2. Any person aggrieved by the decision of
2 the municipal officers may appeal therefrom at any
3 time within sixty days after the municipal officers shall
4 have made return of their doings, to the supreme judi-
5 cial court in the county where the land is situated, and
6 such appeal may be entered and prosecuted by him,
7 and all proceedings before the municipal officers shall
8 be stayed until a decision is made in the appellate
9 court.

SECT. 3. If no person appears at that term to pros-
2 ecute his appeal, the judgment of the selectmen may
3 be affirmed. If the appeal is then entered, not after-
4 wards, the court may appoint a committee of three
5 disinterested men, who shall be sworn ; and if one of
6 them dies, refuses to act, or becomes interested, the
7 court may appoint some suitable person in his place ;
8 and they shall give such notice as the court has or-
9 dered, view the premises, hear the parties, and make
10 their report at the next or second term after their ap-
11 pointment, whether the judgment and decision of the
12 municipal officers should be in whole or in part affirmed
13 or reversed, and shall assess the damages, which report

14 being accepted, and judgment thereon entered shall be
15 final. The compensation of the commissioners shall be
16 such as the court shall deem reasonable. If the com-
17 missioners shall assess greater damages than those
18 assessed by the municipal officers, the appealing party
19 shall recover costs ; if no greater damages are assessed,
20 the town or city wherein the land is situated shall re-
21 cover costs.

SECT. 4. This act shall take effect when approved.

STATE OF MAINE.

IN HOUSE OF REPRESENTATIVES, }
February 17, 1868. }

Reported from the Committee on the Judiciary, by Mr. FES-
SENDEN of Auburn.

S. J. CHADBOURNE, *Clerk.*