

---

---

# FORTY-SEVENTH LEGISLATURE.

---

SENATE.

No. 1.

---

---

## STATE OF MAINE.

---

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

---

---

AN ACT to amend section six of chapter eighteen of the revised statutes, to authorize county commissioners to reverse a part or all of their proceedings by reason of excessive damages assessed under a petition for increase of damages.

---

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

SECTION 1. The sixth section of the eighteenth chapter of the revised statutes is hereby amended by adding after the word "proceedings" in the fourth line and before the word "ought" in the same line, the words "or any part thereof" ; and by adding to the sixth line of said section, after the word "petitioners" and before the word "is" in said line, the words "or any part thereof, designating what part" ;

9 and by adding to the seventh line of said section, after  
10 the word "allowed," the words "for that part of the  
11 prayer of the petitioners not granted" ; and by adding  
12 to the end of the tenth line of said section the words,  
13 "or if of opinion that such increase of damages should  
14 prevent a confirmation of a part or parts only of their  
15 proceedings, they shall designate such part or parts,  
16 and enter judgment accordingly" ; so that said sec-  
17 tion, when amended, shall read as follows : When a  
18 petition for increase of damages is presented within  
19 the time allowed, the case is to be further continued  
20 until a final decision respecting damages is made. If  
21 they then are of opinion that their proceedings or any  
22 part thereof ought not to take effect, subject to such  
23 damages as have been assessed, they shall enter a  
24 judgment that the prayer of the petitioners or any part  
25 thereof, designating what part, is not granted for that  
26 reason. Upon such judgment no damages are to be  
27 allowed for that part of the prayer of the petitioners  
28 not granted, but the costs are to be paid by the county.  
29 If they are of opinion that the increase of damages  
30 should not prevent a confirmation of their proceedings,  
31 judgment is to be entered accordingly ; or if of opin-  
32 ion that such increase of damages should prevent a  
33 confirmation of a part or parts only of their proceed-

34 ings, they shall designate such part or parts, and enter  
35 judgment accordingly. And the whole proceedings  
36 are to be recorded and become effectual.

SECT. 2. This act shall take effect when approved.

STATE OF MAINE.

---

IN SENATE, January 15, 1868.

Reported by Mr. LUDDEN, from the Committee on the Judiciary, and printed under Joint Rule.

THOMAS P. CLEAVES, *Secretary.*