

MAINE STATE LEGISLATURE

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FORTY-NINTH LEGISLATURE.

HOUSE.

No. 50.

STATE OF MAINE.

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

AN ACT to amend chapter one hundred and one of the laws of eighteen hundred and fifty-nine, relating to drainage.

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

SECTION 1. Any person, persons or corporation having the ownership, possession or right to drain any lands, swamps, meadows, quarries or mines, by virtue of the act entitled "an act relating to drainage," approved April second, eighteen hundred and fifty-nine, or by their charter, or other act of the legislature, and having a drain or ditch already constructed for that purpose, shall have the power to improve, deepen and repair from time to time such drain or

10 ditch in such a manner as shall be necessary to make
11 it effective, and shall have the right to remove and
12 use any rock, earth or other material which shall be
13 necessary in making such improvements, and to enter
14 upon the lands through which such drain or ditch
15 passes for that purpose.

SECT. 2. All damages sustained by any person by
2 reason of such improvement, the value of the royalty
3 or stumpage on the rock, and of the other material
4 removed and used, may be recovered against the per-
5 son, persons or corporation taking said rock, earth or
6 other material, in an action on the case, or upon appli-
7 cation to the county commissioners at the election of
8 the party injured, and in case he shall elect the latter,
9 the same proceedings shall be had for the purpose of
10 ascertaining such damage, and to recover the same,
11 as are now provided in estimating damages by a jury
12 in case of laying out public highways.

SECT. 3. This act shall take effect when approved.

STATE OF MAINE.

IN HOUSE OF REPRESENTATIVES, }
February 17, 1870. }

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

S. J. CHADBOURNE, *Clerk.*