

MAINE STATE LEGISLATURE

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FIFTY-FIRST LEGISLATURE.

HOUSE.

No. 83.

STATE OF MAINE.

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

AN ACT to amend section six of chapter fifty-one of the revised statutes, relating to assessment of damages for location of highways and railroads.

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

Section six of chapter fifty-one of the revised statutes, 2 is hereby amended by inserting after the word " taken " 3 in the first line of said section the words ' and lands 4 or property injuriously affected by the location or con- 5 struction of any railroad,' so that said section shall 6 read when amended as follows :

7 *Sect. 6.* For real estate so taken and lands or 8 property injuriously affected by the location or con- 9 struction of any railroad, the owners are entitled to 10 damages, to be paid by the corporation and estimated

11 by the county commissioners on a written application
12 of either party, made within three years after filing
13 the location, or if proceedings thus commenced, fail
14 for causes not affecting the merits, new ones may be
15 commenced within one year thereafter. When no
16 estimate is made within such time, the owner may
17 maintain an action of trespass, or have any remedy
18 herein provided. When requested by the owner, the
19 commissioners are to require the corporation to give
20 security for the payment of damages and cost, by
21 despositing, at its risk, with the clerk, specie, notes or
22 obligations of a state or public corporation, or other
23 security satisfactory to the party requiring it. When
24 entitled to it so much of any specie so deposited is to
25 be paid to him, as will satisfy his judgment. Notes
26 or obligations so deposited are to be delivered to the
27 officer having a warrant of distress, to be by him sold
28 as personal property is sold on execution, to satisfy
29 the warrant and fees, and any balance, is to be paid
30 to the treasurer of the corporation. When the corpo-
31 ration neglects for more than thirty days to give the
32 security required, the owner is entitled to the remedies
33 by injunction herein provided.

STATE OF MAINE

IN HOUSE OF REPRESENTATIVES, }
February 16, 1872. }

Reported from Committee on Legal Reform, by Mr. HAMILTON,
and ordered printed.

S. J. CHADBOURNE, *Clerk.*