

MAINE STATE LEGISLATURE

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FIFTY-SIXTH LEGISLATURE.

HOUSE.

No. 45.

STATE OF MAINE.

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

AN ACT giving county commissioners jurisdiction over
the repair of ways.

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

SECTION 1. When any town legally liable to main-
2 tain any way, unreasonably neglects to keep such way
3 in repair, so that the same is safe and convenient for
4 travellers with horses, teams and carriages, any three
5 or more persons may petition the county commission-
6 ers for the county in which such town is situated, set-
7 ting forth such facts, and if said commissioners are
8 satisfied that such petitioners are responsible for the
9 costs of the proceedings, they shall fix a time and
10 place near such defective way, for a hearing on such
11 petition, and cause such notice thereof to be given to

12 the town and the petitioners as they may prescribe.
13 At the time appointed the commissioners shall view
14 the way alleged to be out of repair, and hear the par-
15 ties interested in the petition, and if they adjudge the
16 way to be unsafe and inconvenient for travellers with
17 horses, teams and carriages, they shall prescribe what
18 repairs shall be made, fix the time in which the town
19 shall make the same, and give notice thereof to the
20 municipal officers of the town, and they shall award
21 the costs of the proceedings against the town. If they
22 adjudge the way to be safe and convenient they shall
23 dismiss the petition and award the costs of the pro-
24 ceedings against the petitioners.

SECT. 2. Such petition may be presented to said
2 commissioners at any of their sessions, or in vacation
3 to the chairman thereof, who shall procure the concur-
4 rence of his associates in fixing the time and place in
5 the order of notice, and cause the petition to be
6 entered at their next session; and they shall make
7 full return of their proceedings on the petition, and
8 cause the same to be duly recorded as of their next
9 regular term after the proceedings are closed.

SECT. 3. If the town shall neglect to make the re-
2 pairs prescribed by the commissioners, within the term
3 fixed therefor, on application to the commissioners
4 they may, after notice to the town, cause it to be done

5 by an agent, not one of themselves. The agent shall
6 cause the repairs to be made forthwith, as prescribed
7 by the commissioners, and render to them his account
8 of his disbursements and services in making such re-
9 pairs. His account is not to be allowed without notice
10 first given to the town ; when the account is allowed
11 the town becomes liable therefor with the expenses of
12 the agent in procuring the allowance of his account,
13 with interest from the time of such allowance, and said
14 commissioners shall render judgment against the town
15 in favor of the agent therefore. If the town neglects
16 to pay for ten days, a warrant of distress shall be
17 issued by the commissioners to collect the same.

STATE OF MAINE.

IN HOUSE OF REPRESENTATIVES, }
January 25, 1877. }

Reported from the Committee on the Judiciary, by Mr. PIKE of Calais, and ordered
printed under the Joint Rule.

ORAMANDAL SMITH, *Clerk.*