

MAINE STATE LEGISLATURE

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Fifty-Seventh Legislature.

HOUSE.

No. 125.

STATE OF MAINE.

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

AN ACT to amend section thirty-nine of chapter eighteen
of the revised statutes.

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

SECTION 1. Section thirty-nine of chapter eighteen
2 of the revised statutes, is hereby amended, by striking
3 out after the word "appeal" in the fourth line, the
4 following words: "no petition praying for substantially
5 the same thing shall be entertained by them for two
6 years thereafter," and insert the following: "no road
7 over substantially the same ground shall be laid out or
8 accepted for five years thereafter," so that the section,
9 as amended, shall read as follows:

10 *Sect. 39.* If the judgment of the commissioners in
11 favor of laying out or altering a highway as prayed

12 for is wholly reversed on appeal, they shall proceed
13 no further; and in all cases when the judgment of the
14 commissioners shall be reversed on appeal, no road
15 over substantially the same ground, shall be laid out
16 or accepted for five years thereafter. If their judg-
17 ment is affirmed in whole or in part, they shall carry
18 into effect the judgment of the appellate court; and in
19 all cases they shall carry into full effect the judgment
20 of the appellate court in the same manner as if made
21 by themselves, and the party appealing or prosecuting
22 shall pay the costs incurred since the appeal, if so
23 adjudged by the appellate court, which may allow
24 costs in such cases to the prevailing party to be paid
25 out of the county treasury. The compensation of the
26 committee to be the same as commissioners would
27 have for like service to be allowed by the court. The
28 costs allowed the prevailing party, and the fees of the
29 committee, are to be collected as provided in section
30 three.

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

STATE OF MAINE.

IN HOUSE OF REPRESENTATIVES, }
February 7, 1878.

Reported from the Committee on Ways and Bridges, by Mr.
BROWNE of Bowdoinham, and ordered printed under the Joint
Rule.

ORAMANDAL SMITH, *Clerk.*