

MAINE STATE LEGISLATURE

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FIFTY-EIGHTH LEGISLATURE.

HOUSE.

No. 38.

STATE OF MAINE.

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

AN ACT to authorize dams and embankments in the town of Byron, in Oxford county, to prevent the water of Swift river from injuring the public highway.

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

SECTION 1. The inhabitants of the town of Byron, 2 in the county of Oxford, are hereby authorized to 3 construct, maintain and keep in repair, dams and 4 embankments at such places in said town as may 5 be necessary to confine the water of Swift river in 6 its proper channel, and to keep said water from 7 injuring the public highway in said town, and for 8 said purpose may at all times enter upon and take 9 such land and material as may be required in con-

10 structing, maintaining and keeping in repair such
11 dams and embankments; *provided, however,* said
12 inhabitants of Byron shall pay the owner of such
13 land or material so taken such sum as the parties
14 may agree upon, and in case the parties fail to agree
15 upon the amount of damage or value of the prop-
16 erty so taken, said inhabitants of Byron shall pay
17 such damage as may be adjudged by the county
18 commissioners of the county of Oxford, to be ascer-
19 tained in the same manner and under the same con-
20 ditions and liabilities as are now or may hereafter
21 be provided by law in the case of damage by the
22 laying out of public highways, and for the purpose
23 of this act said inhabitants of Byron may raise and
24 appropriate money in the same manner as is pro-
25 vided by law for constructing or repairing high-
26 ways.

SECT. 2. The selectmen of said town of Byron
2 or their successors in said office, on request of five
3 or more citizens of said town to locate or construct
4 dams or embankments in said town for the purposes
5 aforesaid, shall forthwith appoint a time and place
6 when they will meet to view the premises, and shall
7 give not less than seven days' notice of the time
8 and place designated, to all parties interested; said
9 notice may be a written notice, to the owner of the

10 land on which said proposed dam or embankment
11 is to be constructed, or it may be by posting up
12 said notice in three public and conspicuous places
13 in the immediate vicinity where said proposed dam
14 is asked to be located. At the time appointed said
15 selectmen shall meet, view the premises, hear the
16 parties, and if a decision to locate is made shall give
17 the owner or owners of the land where said dam
18 or embankment is to be located (if the residence
19 of such owner or owners is known) written notice
20 of their said decision, either by mail or otherwise.
21 Said owner or owners shall have seven days from
22 the time they have notice of such decision in which
23 to enter with the clerk of said town of Byron notice
24 of an appeal from the decision of said selectmen,
25 and in case a notice of such an appeal is not so
26 lodged with the clerk, no appeal shall be taken.
27 Any land owner aggrieved at the decision of said
28 selectmen as to the aforesaid location, may appeal
29 as aforesaid to the county commissioners of Oxford
30 county, by entering his said appeal with the clerk of
31 said commissioners at Paris, in said county, within
32 ten days after receiving notice of the decision of
33 said selectmen; said clerk shall immediately notify
34 said board of commissioners of said appeal, and said
35 commissioners shall forthwith appoint a time and

36 place within thirty days, when they will view the
37 premises and hear all interested. The clerk afore-
38 said shall notify by letter the said selectmen, and
39 the parties taking the appeal, of the time and place
40 designated by the commissioners for hearing the
41 parties; he shall also cause a notice of said hearing
42 to be published one or more times in some news-
43 paper printed in said Oxford county, and shall mail
44 a copy of said paper with the notice printed therein
45 to the respective parties. At the time of said hear-
46 ing, said commissioners shall view the premises,
47 hear the parties, after which they may confirm the
48 decision of said selectmen in whole or in part, or
49 may make such new location or locations as is in
50 their judgment necessary, and assess all damages
51 caused by said locations. They shall also cause a
52 report of their doings to be recorded in the clerk's
53 office in said town of Byron, also in their own
54 office. Their said decision as to said location to be
55 final, but not as to damages.

SECT. 3. Said dams or embankments may be con-
2 structed before the question of damage is settled.

SECT. 4. The expense of the commissioners shall
2 be included in their regular bills against the county.

STATE OF MAINE.

IN HOUSE OF REPRESENTATIVES, }
January 31, 1879. }

Reported from the Committee on Interior Waters, by Mr.
DICKY of Fort Kent, and ordered printed under the Joint Rule.

B. L. STAPLES, *Clerk.*