

# MAINE STATE LEGISLATURE

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# FIFTY-EIGHTH LEGISLATURE.

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HOUSE

No 64.

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## STATE OF MAINE.

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

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AN ACT to amend chapter eighteen of the revised  
statutes, relating to ways in places not incorporated.

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

SECTION 1. Section thirty-five of chapter eighteen  
2 of the revised statutes is hereby amended, by strik-  
3 ing out all of said section after the word "decision"  
4 in the third line, and said section as amended shall  
5 read as follows:

6 *Sect. 35.* Any party interested in such decision  
7 may appeal therefrom to the supreme judicial court,  
8 to be entered at the term thereof held first after  
9 such decision in said county. And all further pro-  
10 ceedings before the commissioners are to be stayed  
11 until a decision is made in the appellate court. If

12 no person appears at that term to prosecute the  
13 appeal, the judgment of the commissioners shall be  
14 affirmed. If the appeal is then entered, not after-  
15 wards, the court may appoint a committee of three  
16 disinterested persons having their residence in said  
17 county, who shall be sworn, and if one of them  
18 dies, refuses to act, or becomes interested, the court  
19 shall appoint another like person in his place, and  
20 they shall cause notice to be given of the time and  
21 place of hearing before them, by publication thereof  
22 in the state paper six successive weeks, the last  
23 publication to be fourteen days at least before the  
24 day of hearing, and also personal notice to the  
25 appellant and the chairman of the county commis-  
26 sioners thirty days at least before the time set for  
27 hearing; they shall view the route, hear the parties  
28 and make their report at the next or second term  
29 of the court after their appointment, whether the  
30 judgment of the commissioners should be in whole  
31 or in part affirmed or reversed, which being ac-  
32 cepted and judgment thereon entered, shall forth-  
33 with be certified to the clerk of the commissioners.  
34 If the judgment of the commissioners in favor of  
35 laying out or altering a way as prayed for, is  
36 wholly reversed on an appeal, the commissioners  
37 shall proceed no further. If their judgment is

38 affirmed in whole or in part, they shall carry into  
39 effect the judgment of the appellate court; and in  
40 all cases they shall carry into full effect the judg-  
41 ment of the appellate court, in the same manner as  
42 if made by themselves; and the party appealing or  
43 prosecuting shall pay the costs incurred since the  
44 appeal, if so adjudged by the appellate court, which  
45 may allow costs in such cases to the prevailing  
46 party, to be paid out of the county treasury. The  
47 compensation of the committee to be the same as  
48 commissioners would have for like services, to be  
49 allowed by the court. The costs allowed the pre-  
50 vailing party and the fees of the committee, are to  
51 be collected as provided in section three of said  
52 chapter.

SECT. 2. If the final decision of the commis-  
2 sioners or the committee is against the prayer of  
3 the petitioner, no new petition for the same road  
4 shall be entertained by the commissioners for one  
5 year thereafter.

SECT. 3. Section thirty-six of said chapter eigh-  
2 teen, and all other acts and parts of acts inconsis-  
3 ent with this act are hereby repealed.

# STATE OF MAINE.

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IN HOUSE OF REPRESENTATIVES, }  
February 5, 1879. }

Reported from the Committee on the Judiciary, by Mr. BROWN  
of Bangor, and printed under Joint Rule.

B. L. STAPLES, *Clerk.*