

# MAINE STATE LEGISLATURE

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# SIXTY-FIRST LEGISLATURE.

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HOUSE.

No. 133.

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## STATE OF MAINE.

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

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AN ACT to amend chapter eighteen of the revised statutes, relating to the abolishment of sheriffs' juries in road cases.

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

SECTION 1. Section five of chapter eighteen of 2 the revised statutes, is hereby amended, by striking 3 out the words "present their petitions for 4 redress" and insert instead thereof the words 5 "file their notices of appeal," and by striking out 6 the word "petition" in the sixth line and inserting 7 instead thereof the words "notice of appeal," so 8 that said section as amended shall read as follows:

9 *Sect. 5.* Their return, made at their next regu-  
10 lar session after the hearing, is to be placed on file,

11 and to remain in the custody of their clerk for in-  
12 spection without record. The case is then to be  
13 continued to their next regular term, when, or  
14 before then, all persons aggrieved by their estimate  
15 of damages shall file their notice of appeal. If no  
16 such notice of appeal is then presented or pending,  
17 the proceedings shall be closed, recorded, and  
18 become effectual; and all claims for damages not  
19 allowed by them be forever barred; and all dam-  
20 ages awarded under the first seventeen sections  
21 shall be paid out of the county treasury.

SECT. 2. The sixth section of said chapter is  
2 hereby amended by striking out the word "petition"  
3 in the first line and inserting instead thereof the  
4 words "notice of appeal."

SECT. 3. The eighth, ninth, tenth, eleventh,  
2 twelfth and thirteenth sections of said chapter are  
3 hereby repealed.

SECT. 4. Any person aggrieved by the estimate  
2 of damages of the county commissioners, by the  
3 laying out or discontinuing of a way, may appeal  
4 therefrom, at any time before the third day of the  
5 regular term next after the term at which the re-  
6 turn of the commissioners is made, to the next  
7 term of the supreme judicial court, which shall be

8 first holden in the county where the land is situated,  
9 more than thirty days from and after the expiration  
10 of the time within which such appeal may be taken  
11 as above provided, excluding the day of the com-  
12 mencement of the session of said court, which court  
13 shall determine the same by a committee of refer-  
14 ence if the parties so agree, or by a verdict of its  
15 jury, and shall render judgment and issue execu-  
16 tion for the damages recovered with costs to the  
17 party prevailing in the appeal. The appellant shall  
18 file notice of his appeal with the county commis-  
19 sioners within the time above limited, and at the  
20 first term of the court shall file a complaint setting  
21 forth substantially the facts of the case, upon which  
22 the case shall be tried as other cases. The clerk  
23 shall certify the final judgment of the court to the  
24 county commissioners who shall enter the same of  
25 record. The party prevailing shall recover costs  
26 to be taxed and allowed by the court, except that  
27 the costs shall not be recovered by the party claim-  
28 ing damages, but by the other party, if upon appeal  
29 taken as provided in this chapter, by either party,  
30 said claimant shall fail to recover and have adjudged  
31 to him a greater sum as damages than was allowed  
32 to him by the commissioners.

STATE OF MAINE.

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In HOUSE OF REPRESENTATIVES, }  
February 26, 1883. }

Reported from the Committee on Legal Affairs, by Mr. MOORE  
of Thomaston, and ordered printed under the Joint Rule.

F. L. PATTEN, *Clerk pro tem.*