

MAINE STATE LEGISLATURE

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Sixty-Eighth Legislature.

SENATE.

No. 105.

STATE OF MAINE.

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

AN ACT relating to Appeals in case of Damages for Land
taken for Ways.

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

Section 1. Section eighteen of chapter eighteen of the
2 Revised Statutes, as amended by section five of chapter
3 three hundred and fifty-nine of the Public Laws of eighteen
4 hundred and eighty-five and by chapter two hundred and
5 ninety-seven of the Public Laws of eighteen hundred and
6 ninety-three, is hereby amended in the second sentence
7 thereof by striking out the words "laying out" and insert-
8 ing in place thereof the word 'establishment' and by add-
9 ing after the word "town" the words 'at its town meeting,'

10 so that said section eighteen as hereby amended shall read
11 as follows:

‘Section 18. The damages for a town way shall be paid
13 by the town; for a private way, by those for whose benefit
14 it is stated in the petition to be, or wholly or partly by the
15 town, if under an article in the warrant to that effect it so
16 votes at the meeting accepting such private way; or by
17 cities, if it is proposed in the return laying out such way.
18 Any person aggrieved by the estimate of such damages
19 may have them determined as provided in section eight,
20 by written complaint to the supreme judicial court, return-
21 able at the term thereof next to be held within the county
22 where the land lies, after sixty days from the date of the
23 establishment, alteration or discontinuance of such way by
24 the town at its town meeting. The complaint shall be
25 served at least thirty days before said term by delivering
26 in hand an attested copy to the clerk of the town where the
27 land lies, and by posting attested copies in two public and
28 conspicuous places within said town and in the vicinity of
29 the way. But the final judgment shall be recorded in said
30 court, and shall not be certified to the county commissioners.

When any person aggrieved by the estimate of damages
32 for his land taken for a town or private way, honestly
33 intended to appeal therefrom and has by accident or mis-
34 take omitted to take his appeal within the time provided by
35 law, he may at any time within six months after the expira-
36 tion of the time when said appeal might have been taken,

37 apply to any judge of the supreme judicial court in term
38 time or vacation, stating in his said application the facts of
39 his case and said judge after due notice and hearing may
40 grant to such petitioner permission to take his said appeal
41 to such term of said court as said judge shall direct, and
42 on such terms as said judge shall order; and the subsequent
43 proceedings thereon shall be the same and with the same
44 effect as if said appeal had been seasonably taken.'

STATE OF MAINE.

IN SENATE, February 24, 1897.

Reported by Mr. DRUMMOND, from Committee on the Judiciary, and
laid on table to be printed under joint rules.

KENDALL M. DUNBAR, *Secretary.*