

# MAINE STATE LEGISLATURE

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EIGHTY-FOURTH LEGISLATURE

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House Document

No. 694

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House of Representatives, March 20, 1929.

Read and placed on file. Five hundred copies ordered printed in concurrence.

CLYDE R. CHAPMAN, Clerk.

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STATE OF MAINE

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IN THE YEAR OF OUR LORD ONE THOUSAND NINE  
HUNDRED AND TWENTY-NINE

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STATE OF MAINE

DEPARTMENT OF STATE AUDITOR

AUGUSTA

March 19, 1929.

To the Honorable House of Representatives:

I am in receipt of House Order dated March 18, 1929 as follows:

“ORDERED, That the State Auditor be requested to furnish the House with a report concerning the claim of J. M. Norris against the State of Maine.”

Voucher No. 27887 from the office of the State Highway Commission was duly manifested to this office for payment on or about February 21, 1929. This voucher was in favor of J. M. Norris, of Hampden, and was for the sum of \$10,000.00.

It enclosed in addition to the bill of J. M. Norris rendered to the State Highway Commission and approved by L. D. Barrows, Chief Engineer, being ordered by him charged to Project 84-F Hampden, a record from the proceedings of the State Highway Commission at its meeting held in Augusta on November 20 and 21, 1928 said extract from their records pertaining to this matter reading as follows:

“The Commission had a conference with Louis Stearns of Bangor and J. M. Norris. This conference was in regard to damage claimed by Mr. Norris on account of raising the grade adjacent to his property in Hampden on Federal Aid Project 84-F. Mr. Stearns stated that before the road was built Mr. Norris' property was about level with the grade of the highway and that the new grade of the road is much higher, making access to Mr. Norris' property difficult and causing water to drain under his land. Mr. Stearns stated that he considered that Mr. Norris' property had been damaged in the amount of \$15,000. The Commission stated that they could not agree to this amount and Chairman Smith suggested that a board of three disinterested men be named to appraise the damage and suggested that this board consist of Ned Merrill of Skowhegan, Herbert Wadsworth of Winthrop and Fred Gilbert of Hampden. The Commission stated that they would be willing to agree to the award of damage made by this board. Mr.

Stearns, in behalf of Mr. Norris, stated that the personnel of this board as named by Mr. Smith was satisfactory and stated that he would draw up a form of agreement.”

In pursuance to these proceedings the three referees were appointed, to wit, Fred A. Gilbert of Hampden, Herbert E. Wadsworth of Winthrop and Edward F. Merrill of Skowhegan and their report dated Bangor, December 28, 1928 is attached to and made a part of said voucher. The report of the referees is as follows:

“We, the undersigned, to whom was referred the assessment of damages to land of John M. Norris, in Hampden, Maine, occupied by him for a dwelling house, occasioned by the change of the grade of the State Highway passing the same in Hampden, Maine, met at the premises and viewed the same. Both Mr. Norris and the State Highway Commission having been notified of the time and place of hearing, Mr. Norris appeared in person with counsel and Mr. Charles Murray appeared representing the Commission. After hearing the parties and viewing the premises and considering the matter we determine that Mr. Norris has been damaged by the change of the grade of said highway in the sum of Ten Thousand Dollars (\$10,000.00), the same to be paid to him by the State of Maine in full for all damages to said property by the change of grade in said highway.”

This voucher I examined and being satisfied that the statute requirements as laid down in Section 13 of Chapter 25 of the Revised Statutes, which gives the State Highway Commission authority to alter, widen or change the grade of any State or State aid highway and to view such way and assess damages if any, that may have been occasioned thereby and to pay such damage accordingly, had been complied with I certified said voucher for payment on March 1, 1929.

I am informed that one of the member of the Executive Council, Honorable Lewis O. Barrows, of Newport, questioned the propriety of paying this amount to Mr. Norris with the result that the check was held up and the whole matter is now being held until a further investigation may be had of the facts.

The matter is now being considered by the Governor and Council and I respectfully refer you to them for further information.

Very respectfully,

ELBERT D. HAYFORD,

*State Auditor.*