

# MAINE STATE LEGISLATURE

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# PUBLIC ACTS

OF THE

# STATE OF MAINE,

PASSED BY THE

# FIFTH LEGISLATURE

AT ITS SESSION, HELD IN JANUARY, 1825.

PUBLISHED AGREEABLY TO THE RESOLVE OF THE 28TH OF JUNE, 1820.

Portland :

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1825.

## CHAPTER CCXCIX.

AN ACT to repeal certain provisions of "an additional Act respecting the Inspection of Beef, Pork, Butter and Lard, and for other purposes."

*Be it enacted by the Senate and House of Representatives, in Legislature assembled,* That so much of the first section of "an additional Act respecting the inspection of Beef, Pork, Butter and Lard, and for other purposes," as relates to pickled, dry, or smoked fish, Beef, Pork and other salted provisions (Butter and Lard excepted,) be, and the same is hereby repealed, from and after the twentieth day of June next, so far as the same is applicable to the Commonwealth of Massachusetts, unless the General Court of said Commonwealth, shall, before that time, pass a law, making similar provisions to those contained in said first section of the act aforesaid; in which case, the said act, with all the provisions thereof, shall remain in full force.

Part of former act repealed, in case Massachusetts do not pass a similar act.

[*This Act passed February 23, 1825.*]

## CHAPTER CCC.

AN ACT in addition to the several Acts now in force respecting Highways.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in Legislature assembled,* That the Justices of the Supreme Judicial Court shall have authority to discontinue any highway laid out or altered by authority of any Court of Sessions, when the same shall be rendered inexpedient by any highway laid out by authority of the Supreme Judicial Court; and whenever a petition shall be pending before the Supreme Judicial Court, for laying out a highway, by which the laying out, alteration, or opening of any highway, or estimation of damages therefor, by authority of any Court of Sessions, may be rendered inexpedient, the Justices of the Supreme Judicial Court, on application therefor, may suspend such laying out, alteration, opening, or estimation of damages, by authority of

S. J. Court shall have authority to discontinue highways laid out, &c. by Courts of Sessions. May suspend the laying out, &c. of highways.

such Court of Sessions, until the said Supreme Judicial Court shall have finally determined on such petition pending before them; and on such final determination, may revoke their order of suspension, or issue a perpetual injunction in the case, as the circumstances may require.

Surveyors of highways shall not expend in the repair, &c of roads, more than 15 pr. ct. beyond the sum committed.

SECT. 2. *Be it further enacted,* That no surveyor of highways shall hereafter be permitted, under the authority conferred by the fifteenth section of the act, passed the second day of March, in the year of our Lord one thousand eight hundred and twenty-one, entitled "an Act directing the method of laying out, and making provision for the repair and amendment of highways," to expend a greater amount in the repair of the roads in his limits, beyond the sum committed to him for the current year, than fifteen per centum on the amount of the highway tax so committed to him.

Damages to be single.

SECT. 3. *Be it further enacted,* That instead of double damages, given by the seventh section of the act aforesaid, the party recovering damages, in manner therein mentioned, shall be entitled to single damages only.

Clerks of Courts shall certify respecting fines to assessors of towns or plantations.

Duty of assessors.

SECT. 4. *Be it further enacted,* That whenever a fine shall be imposed on any town or plantation, by the Supreme Judicial Court, or Court of Common Pleas, for the repair of any highway, the Clerk of such Court shall forthwith certify the same to the Assessors of such town or plantation; and it shall be the duty of such Assessors, thereupon, to assess the same upon the polls and estates of such town, in the same manner as town taxes are assessed, and commit the same to the collector thereof, to be collected and paid to the Agent appointed by the Court to superintend the collection and appropriation of such fine, at such time as said Court shall appoint; and the Clerk shall be authorized, on application of such Agent, to issue a warrant or warrants, to enforce the collection of such fine, in the same manner as the Treasurer of the State is authorized to issue warrants, to enforce the collection of the State Tax.

SECT. 5. *Be it further enacted*, That if the Assessors of any such town or plantation, shall neglect to make such assessment, and to certify the same to the Clerk of said Court, and such town or plantation, shall not cause the highway to be repaired, to the acceptance of the Agent, and pay the costs of prosecution to the Clerk, within four months, a warrant of distress may then be issued, for such fine or costs, or both, as the case may be, in the same manner as though this Act had not passed.

If assessors shall not cause highways to be repaired, a warrant of distress may be issued.

SECT. 6. *Be it further enacted*, That the Agent appointed by such Court, shall, within three months after the same fine shall have been paid to him, make a return of his doings to the Clerk's office of said Court, specifying fully the manner in which the same has been expended, which return shall be put on file, for the inspection of all persons interested; and if any such Agent shall neglect to appropriate the monies thus paid him, according to the directions of the Court, he shall forfeit and pay double the amount of the sum so paid him, to be recovered by indictment, to the use of the town or plantation.

Agent shall make return to the Clerk's office, within three months.

[*This Act passed February 23, 1825.*]

## CHAPTER CCCL.

AN ACT authorizing the Governor and Council to settle accounts with Indian Agents, and for other purposes.

*BE it enacted by the Senate and House of Representatives, in Legislature assembled*, That, from and after the passing of this act, the Governor, with advice and consent of Council, shall have full power and authority, at any, and at all times, to draw his warrant on the Treasury of the State, for such sum or sums, as may, from time to time, be found necessary to carry into effect all treaties with the several tribes of Indians, within the limits of the same, now existing, or which may hereafter

Governor authorized to draw warrants for certain sums.