

MAINE STATE LEGISLATURE

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PUBLIC ACTS

OF THE

STATE OF MAINE,

PASSED BY THE

EIGHTH LEGISLATURE,

AT ITS

SESSION HELD IN JANUARY, 1828.

Published agreeably to the Resolve of the 20th June, 1820.

PORTLAND.

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1828.

den to render under oath to the Inspector, as often as thereto required, a true account of the number of casks of lime by him so inspected.

[Approved by the Governor, February 23, 1828.]

CHAPTER CCCXCIX.

AN ACT additional to the several Acts respecting Highways.

SECT. 1. *Be it enacted by the Senate and House of Representatives, in Legislature assembled,* That whenever any public highway shall be hereafter located in any town by order of the Court of Session, it shall be the duty of the Committee, or persons locating the same, to place temporary monuments at every angle, on one of the exterior lines of said highway; and whenever any such highway shall be established, it shall be the duty of the Selectmen of the towns in which the same may be, within six months from the time it is so established, to procure, and set up at every angle aforesaid, stone posts, not less than three feet in length, marked with the letter R. and the Selectmen of the said towns for the time being, shall cause said posts to be kept up and maintained so long as said highway shall be continued as a public highway: *Provided, however,* That when any such highway shall pass over any ledge, so that posts cannot be erected, it shall be the duty of the said Selectmen to mark at every angle on said ledge, the letter R.

SECT. 2. *Be it further enacted,* That if the Selectmen of any town neglect to cause said posts to be set up, or to mark said angle on such ledge, for the period of twelve months aforesaid, they shall forfeit and pay the sum of five dollars; and for each and every month thereafter during which they so neglect, shall forfeit and pay the sum of one dollar; said forfeitures to be sued for and recovered in an action of debt by any

When a public highway shall hereafter be located, there shall be placed temporary monuments at every angle, on one of its exterior lines, and when established, Stone Posts, marked with the letter R. shall be placed at such angles.

Proviso.

Penalty for neglecting to put up said posts, &c.

how recovered.

person who may sue for the same; one half thereof to his own use, and the residue to the use of the town in which said highway is located.

SECT. 3. *Be it further enacted,* That if any person shall throw down, remove, or deface said posts, or shall erase or deface the angular marks aforesaid, or aid or assist in so doing, the person or persons so offending, shall be liable to all the penalties provided by law for injuries done to mile stones, to be prosecuted for and recovered in the same manner and to the same uses.

Penalty for defacing such posts, &c.

how recovered.

SECT. 4. *Be it further enacted,* That the several towns and plantations in this State may at their annual meetings in March or April, vote and raise money necessary for the purchase of materials for making or repairing any bridge or bridges in such town or plantation, not exceeding in any one year the amount of the State tax required of such towns and plantations respectively, to be assessed and collected as other town and plantation taxes are by law to be assessed and collected, and to be expended under the direction of the Selectmen of towns and Assessors of plantations respectively.

Towns and plantations may raise money for making and repairing bridges, not exceeding a certain amount.

SECT. 5. *Be it further enacted,* That all applications to the Courts of Sessions for an enquiry of damages in the laying out any town or private way by the Selectmen of towns, or Assessors of plantations, or their order, or by order of the Courts of Sessions on the neglect or refusal of such Selectmen or Assessors to lay out, or of towns or plantations to allow and approve the same, shall be made and filed in the office of the Clerk of said Court within twelve months, next after the allowance and establishing said ways, and otherwise, any such claim for damages shall be and remain forever barred: *Provided,* It shall appear by the return of the doings of the Selectmen, Assessors or Committee who laid out such way, that seasonable notice of the time and place of their meeting to lay out such way, was given

Applications for damages in laying out any town or private way, to be made within a certain time.

Proviso.

to the persons so applying for damage, or to the persons whom they legally represent: *or provided* it shall appear by such return, that a notification of their meeting for laying out such way was published in some public newspaper printed within the county, where such way was laid out, and, in want of any such paper so printed, in such newspaper printed within an adjoining county. And if no such notice or notification, as aforesaid, appears to have been given by the return under the hands of said Selectmen, Assessors or Committee, then such application, made and filed in said Clerk's office at any time after the expiration of said twelve months, shall be sustained. But if the Committee or Jury, as the case may be, shall find and determine that notice, or information of the laying out and establishing of such way came to the knowledge of the person or persons so applying for damages, twelve months at least before such application was made and filed, then such person or persons shall be barred of the recovery of any damage, and shall pay all costs of the enquiry to be taxed by the Court. And in any application for enquiry of damage aforesaid, the applicants may join, or sever, in the same manner, and the Committee or Jury shall consider and determine the right and interest of such applicant in the land and real estate alleged to be damaged, in the same manner as now provided by law in other cases.

SECT. 6. *Be it further enacted*, That in all cases where the damages for the laying out, or alteration of any highway or for the laying out any town, or private way have been finally determined and ascertained, the person or persons entitled to such damages may recover the same as well as all costs for him or them taxed in making inquiry thereof, in an action of debt: *Provided*, demand for the payment of the same has been made on the Treasurer of any town, or county,

Where damages have been ascertained the person entitled may recover the same in an action of debt.

Proviso.

liable to pay the same, thirty days at least before suit is brought.

[Approved by the Governor, February 23, 1828.]

CHAPTER CCCC.

AN ACT making further provisions concerning the Militia.

SECT. 1. *Be it enacted by the Senate and House of Representatives, in Legislature assembled,* That the Governor with the advice and consent of Council be, and he hereby is authorized, to appoint a Board, consisting of three persons, who shall have power to assemble in the recess of the Legislature, and devise, mature and report a code of rules and regulations, settling the rank of corps and officers, and to consider all subjects appertaining to the Militia, which may be submitted to them by the Commander in Chief, and report thereon to the next Legislature.

Military Board to be appointed with certain powers.

SECT. 2. *Be it further enacted,* That said Board be farther authorized to prepare and report a compendium of tactics for the use of the Militia of this State, to be compiled from the tactics which are or may be established by the Congress of the United States, to be submitted to the next Legislature.

Further powers.

[Approved by the Governor, February 23, 1828.]

CHAPTER CCCC.I.

AN ACT providing for the appointment of Public Administrators and enlarging the powers of Judges of Probate.

SECT. 1. *Be it enacted by the Senate and House of Representatives, in Legislature assembled,* That from and after the passage of this Act, it shall be the duty of the Governor and Council to appoint in each county in this State, some suitable and discreet person, as Public Administrator in such county, and it shall be the duty of

Public Administrator to be appointed, in each county, to administer upon intestate estates where there is no heir or kindred;