

MAINE STATE LEGISLATURE

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PUBLIC ACTS

OF THE

STATE OF MAINE,

PASSED BY THE

ELEVENTH LEGISLATURE,

AT ITS SESSION, HELD IN JANUARY, 1831.

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

TODD AND HOLDEN.....PRINTERS TO THE STATE.

1831.

CHAPTER D.

AN ADDITIONAL ACT directing the method of laying out and making provision for the repair and amendment of Highways, and providing for the appointment of County Commissioners.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in Legislature assembled,* That there shall be appointed and commissioned by the Governor, with the advice and consent of the Council, three suitable persons as County Commissioners, in each of the several Counties in this State, one of whom shall be designated as Chairman by his commission, and they shall be citizens of and resident in such County, and hold their offices for the term of four years, unless sooner removed by the Governor and Council.

Three persons to be appointed in each County as County Commissioners, one to be designated as Chairman.

SECT. 2. *Be it further enacted,* That the County Commissioners, shall meet in their respective Counties, for the discharge of the duties of their office, at such times and places as the several Courts of Sessions are now by law required to meet: *Provided,* That hereafter there shall be but two regular meetings in the County of Kennebec, annually, to wit, on the last Tuesday of April, and on the last Tuesday of December; and two regular meetings in the County of Waldo, annually, to wit, on the third Tuesday of August, and the third Tuesday of April; and the Clerks of the Judicial Courts, within the several Counties, shall be the Clerks of the County Commissioners.

Meetings of Commissioners.

SECT. 3. *Be it further enacted,* That, from and after the passing of this Act, the County Commissioners, in their respective Counties, shall have, exercise and perform, except so far as the same are modified or altered by the provisions of this Act, all the powers, authorities and duties, which by law are now exercised and performed by the Court of Sessions, for the several Counties.

Their powers.

SECT. 4. *Be it further enacted,* That all pe-

titions, recognizances, and warrants, orders, certificates, reports and processes, made to, pending in, taken for, or continued, or returnable to the Court of Sessions, in the several Counties, shall be returnable to, proceeded in, and determined by the respective County Commissioners, in the same County, in the same way and manner, as is now provided by law, except so far as a different course of procedure is herein provided.

Matters pending in Court of Sessions, how disposed of.

SECT. 5. *Be it further enacted,* That all and every petition for the laying out, alteration or discontinuance of any highway, or common road, leading from town to town, shall be presented to the County Commissioners, at one of their regular sessions, within and for the county wherein such road is prayed for, and said County Commissioners, or a majority of them, upon receiving satisfactory evidence that said petitioners are responsible, and that they ought to be heard touching the matter set forth in their petition, shall proceed to view the route for the highway, or common road mentioned in such petition; first giving all persons and corporations interested, thirty days notice of the time and place of such view, after posting up notices thereof in three public places in each town in which any part of such road may lie, or be prayed for, and by publishing notice thereof in some newspaper, if any there be, in the same county; and if, after such view and a hearing of the parties and their witnesses, which hearing shall be at the time and place of such view, or at some convenient place in the vicinity, immediately after such view, they shall judge the same to be of common convenience and necessity, they, or a majority of them, shall have the power to lay out, alter or discontinue such highway or common road, or any part thereof, and shall also estimate the damages, if any, which any person or corporation may sustain by reason of the laying out, alteration or discontinuance of such highway or common road, and shall make a correct

Mode of proceeding on petitions.

Notice on petitions.

Commissioners to view and hear the petitioners on or near the proposed road.

To make re-
turn of doings,
and estimate
damages.

Persons ag-
grieved may
apply within
one year to
Commission-
ers, at regular
session, and
have same re-
medy as in
Court of Ses-
sions.

Compensation
of Commis-
ioners.

Duty of Com.
relative to
laying out or
altering high-
ways.

return of their doings, under their hands, with an accurate plan or description of said highway or common road, so laid out, altered, or discontinued to the regular session of said County Commissioners, next after such view, and shall cause the same to be duly recorded; and every road so laid out, returned and recorded, shall be known as a public highway; and any person or persons, corporation or corporations, aggrieved by the decision of said County Commissioners in estimating damages, may have the same remedies and processes, upon application to the County Commissioners at any regular session, within one year next after such return shall have been recorded, and not afterwards, as they now may have upon application to the Court of Sessions for their respective counties.

SECT. 6. *Be it further enacted*, That for all services, done by virtue of this Act, said County Commissioners shall receive at the rate of three dollars per day to be paid out of the County Treasury; *Provided, however*, That when said County Commissioners shall decide against the prayer of any petition, the petitioners shall pay them, at the same rate, for all services rendered by them, or such part thereof as said Commissioners shall adjudge equitable, and said County Commissioners shall have a right of action against, and may recover of all or any one of such petitioners, the sums due to them respectively, in any Court of competent jurisdiction, if said petitioners shall neglect or refuse to pay the same.

SECT. 7. *Be it further enacted*, That it shall be the duty of said County Commissioners to perform all the duties by law required of Committees for laying out highways, and in the return, which they shall make of their proceedings in laying out or altering any highway, to give the owner of the land, over which said way may be laid out, a reasonable time to take off all the wood, timber and trees, except such as may be

wanted by the surveyors, or other persons, appointed to make such road, for the purpose of making the same; and also to fix the time not exceeding three years, within which such sum or sums of money, as shall be assessed in damages to the owners of land, over which any highway shall be laid out, shall be paid out of the County Treasury, and also to fix the time, not exceeding three years, within which the several towns, through which any highway may be laid out, shall open and make the same.

To fix time not exceeding three years, for payment of damages.

SECT. 8. *Be it further enacted,* That the County Commissioners of any County, shall have power and authority in all cases, when it shall appear that any petition pending before them, contemplates the laying out, alteration or discontinuance of any highway or common road extending into, or through, two or more counties in this State, to request a meeting of the Commissioners of such counties, at such time and place as they shall appoint, to view the route mentioned in such petition, by causing an attested copy of such petition, to be served upon the Chairman of said Commissioners, in each of the Counties aforesaid, and causing notice to be served upon all persons and corporations interested, by publishing said petition, in the paper published by the printer to the State, and also in one other paper printed in each County, through which the proposed road is to pass, (if any such paper there be) thirty days, at least, before the time of such meeting and view, and, at such meeting, a majority of the Commissioners present, may proceed to adjudicate on such petition, and if they shall adjudge such highway or road to be of common convenience and necessity, or any part thereof, the Commissioners shall proceed to lay out that part of such highway, which lies in their respective Counties, in the same way and manner, as is provided in the fifth section of this Act.

When petition contemplates road through two or more counties, mode of proceeding.

SECT. 9. *Be it further enacted,* That any road now laid out by the Court of Sessions, or which may hereafter be laid out by the County Commissioners, which shall not be opened within six years from the time allowed by said Court or County Commissioners, for opening the same, shall be taken and deemed to be discontinued.

Roads not opened within six years to be deemed discontinued.

SECT. 10. *Be it further enacted,* That the first section of an Act, entitled "An Act to repeal an Act to establish Courts of Sessions, and for establishing Courts of Sessions," passed the twenty-fifth day of February, in the year of our Lord one thousand eight hundred and twenty-five, and all Acts and parts of Acts inconsistent with the provisions of this Act, be, and the same are hereby repealed. This act shall take effect from and after the sixteenth day of May next; but the County Commissioners aforesaid, may be appointed and commissioned before that time.

Act of February 25, 1825, repealed.

This Act to take effect from and after May 16, 1831.

[*Approved by the Governor, March 10, 1831.*]

CHAPTER DL.

AN ADDITIONAL ACT concerning the assessment and collection of Taxes.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in Legislature assembled,* That when any real estate shall be sold by any Collector of taxes, by virtue of the Acts, to which this is additional, the owner or proprietor of any such real estate, or his heirs or assigns, shall have the right of redeeming the same at any time within five years from the time of such sale, on paying the sum, for which the same was sold, and all necessary intervening charges, and also all such sums as the purchaser, his heirs, or assigns may have paid for taxes assessed on said real estate after such sale, with interest on said

Owner or proprietor may redeem within five years.

To pay all charges and taxes, with twelve per ct. interest.