

# MAINE STATE LEGISLATURE

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# **PUBLIC ACTS**

OF THE

## **STATE OF MAINE,**

PASSED BY THE

**TWELFTH LEGISLATURE,**

AT ITS SESSION, HELD IN JANUARY, 1832.

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PUBLISHED AGREEABLY TO THE RESOLVE OF JUNE 28, 1820.

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**AUGUSTA:**

I. BERRY & CO., PRINTERS TO THE STATE.

1832.

nobscoth river to Mattanawcook road, passed the fourth day of March one thousand eight hundred and thirty one, be and the same hereby is repealed.

[Approved by the Governor, March 5, 1832.]

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### Chapter 26.

AN ACT additional to an Act entitled an Act to alter the time of holding the Court of Sessions in the County of Lincoln.

*Be it enacted by the Senate and House of Representatives, in Legislature assembled,* That the regular meeting of the County Commissioners, for the county of Lincoln, shall be holden at Topsham, within said county, on the first Monday of September annually, instead of the second Tuesday of October, as is provided in said Act—and all matters and things returnable to, or pending in said Court, and returnable at said October term, after the second Tuesday of May next; shall be returned to and be heard, at said Court, to be held at Topsham, on the first Tuesday of September next.

[Approved by the Governor, March 5, 1832.]

Meeting of County Commissioners for County of Lincoln, shall be held at Topsham on the 1st Monday of September, annually, instead of &c.

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### Chapter 27.

AN ACT in addition to the several Acts directing the method of laying out and making provision for the repair and amendment of Highways.

**SECT. 1.** *Be it enacted by the Senate and House of Representatives, in Legislature assembled,* That when any town, at its annual meeting for the choice of town officers, shall determine by vote, to choose Road Commissioners in lieu of Surveyors of highways, they are hereby empowered, at said meeting, to elect by ballot, any number of road commissioners not exceeding five, whose term

Towns empowered to choose road Commissioners, in lieu of Surveyors of highways, when &c.

of office shall extend to the next annual meeting for the choice of officers; and who shall be sworn to the faithful discharge of their trust. And all vacancies in the board of commissioners may be supplied on an election by ballot, at any town meeting called for the purpose. And such commissioners shall have all the rights and powers; and be subject to all the liabilities, duties and penalties conferred or enjoined upon surveyors of highways, except, as may otherwise be provided by this act. Instead of having limits assigned by the Selectmen, the commissioners, or the major part of them, may at any time assign the care, charge and oversight of any of the public roads in the town to any of their own number. And the town may make reasonable compensation to the commissioners for their services, or may authorize their Selectmen to ascertain and fix the same.

Their term of office—shall be sworn.

Vacancies how supplied.

Rights, powers, liabilities, duties and penalties &c. of said Commissioners.

Towns may compensate Commissioners for their services, or &c.

SECT. 2. *Be it further enacted,* That when Commissioners shall have been chosen and sworn as aforesaid in any town, the Assessors shall, on request, deliver to them a list or rate-bill of all the highway taxes by them assessed, payable in labor and materials on the highways and public roads, with a statement of the rates and prices affixed to the same by the town. And if there be more than one Commissioner, they or the major part of them may distribute the taxes contained in said list, or rate-bill or any part of the same, as they may judge expedient, to any one or more of their number, to be worked out, or otherwise collected under his or their charge; and may likewise delegate to any one or more of their number the power to appoint the times and places for any person taxed in said rate-bills, who shall be designated on a distributive list under the hands of said commissioners or a major part of them to furnish labor and materials for paying said taxes. And the commissioner or commissioners, so delegated, shall have power to give notice to such persons of the times and places by him

Assessors shall on request deliver to them a list of all highway taxes &c.

Duty of said Commissioners

or them appointed for providing labor and materials; and his or their certified return, showing, that he or they had given to any such person or their agents, the term of notice which the law requires; and that such persons have neglected to pay and discharge their said taxes or the part or portion thereof so distributed, shall be conclusive evidence of such refusal or neglect, to the amount thereof specified in such return.

SECT. 3. *Be it further enacted,* That, in all cases of non-resident proprietors or of non-resident owners of real estate who have not lodged or entered with the town clerk, the name of their attorney or agent resident in said town, and in all cases of persons contained in the list or rate-bill aforesaid, and who are absent from the town, having no agent therein, known to the commissioners, the commissioners or the major part of them, may post up a list by them certified of such non-resident proprietors, owners, and absent persons, with the amount of the taxes aforesaid, assessed on each, committed to the road commissioners, of such town and remaining unpaid, together with a notice that such commissioners are ready to proceed to appoint the times and places for providing materials, and for labor to pay and discharge such taxes, and if no person shall appear to pay and discharge such taxes by labor materials or otherwise, as authorized by law; within twenty days after such lists and notice have been posted up in two public places in the town, the said commissioners may certify and return to the Assessors the times and places of their posting the lists and notices aforesaid, and that the same remain unpaid; and the proceedings aforesaid shall be considered sufficient notice to such proprietors, owners and absent persons of their opportunity to discharge such taxes, by providing materials and labor at the rates and prices fixed by the town, and the same shall be conclusive evidence of their refusal or neglect so to discharge such taxes.

Commissioners may post up a list of non-resident proprietors of real estate, with the amount of the taxes assessed on each &c. in certain cases.

SECT. 4. *Be it further enacted,* That said road commissioners or the major part of them shall, from time to time, certify and return to the Assessors a list of all the persons, resident and non-resident proprietors and owners of estates, together with the amount of highway taxes contained in the list committed to them, for which each such person, proprietor or owner is delinquent, and it shall be the duty of the Assessors, on request of said commissioners, to certify said list of delinquent taxes, with the proceedings thereon, as certified and returned to them by the road commissioners, and to commit the same, together with their warrant authorizing the collection thereof, to such collector of taxes of said town, as said commissioners may designate, to be collected in the same manner as other taxes assessed by towns are collected.

Commissioners shall from time to time, certify and return to Assessors, a list of all resident and non-resident proprietors and owners of estates, &c.

Duty of Assessors.

SECT. 5. *Be it further enacted,* That said road commissioners or the major part of them be and hereby are authorized to appoint one of their number, or any other inhabitant of said town, a collector of delinquent highway taxes for such town, and such collector, having accepted the trust, by taking a like oath similar to that required to be taken by other collectors of taxes chosen by towns, shall have and be vested with all the powers of collectors of other town taxes, and shall give such bonds and security to, and for the use of, the town, for the faithful performance of his trust as said commissioners shall direct and approve; and receive and be entitled to such compensation as shall be allowed by the town or be fixed and agreed upon by said road commissioners. The collector, to whom shall be committed the delinquent highway taxes as aforesaid, shall from time to time when requested, be held to render an account of, and pay over to said road commissioners all the money by him collected for any delinquent highway taxes committed to him as aforesaid. And in case such collector shall not close the collection of said delinquent taxes, account for, and pay over the same to the road commissioners before

Commissioners authorized to appoint a collector of highway taxes &c.

Duty of said Collector.

the next annual meeting after the commitment to him of the same for collection as aforesaid, he shall be held to render an account of his tax bills and to pay over all money by him collected to the Treasurer of the town, in the same manner as collectors of other taxes, assessed on towns, are held to render their account; and said Treasurer may have and take like remedies to enforce the rendering of such account as he may have and take against the collectors of other town taxes.

Towns may determine what sum of money shall be deemed an equivalent to one dollar of any sum which may be assessed in such towns payable in labor, &c.

Said Commissioners may receive money in payment of any tax to them committed, &c.

When a tender has been made by any person liable, said Commissioners shall not make return of any tax, as delinquent, unless, &c.

Penalty for so doing.

SECT. 6. *Be it further enacted,* That any town choosing road commissioners as aforesaid, may at their annual meeting in March or April, by vote, determine what sum of money shall be deemed an equivalent to one dollar of any sum which may be voted raised and assessed in such town payable in labor and materials at the prices and rates affixed by the town. And the road commissioners of such town are hereby authorized and directed to receive money in payment of any tax to them committed, at the rate of such equivalent, at any time, before they have returned the same as delinquent to the Assessors. And when any person, liable to pay any such tax, shall tender to such commissioners or either of them the amount of such tax as contained in the list or rate bill committed to them, at the rate of such equivalent, such commissioner or commissioners shall not make return of such tax to the Assessors, as delinquent, unless there has been a new and subsequent demand of the payment of such tax, and a neglect or refusal to pay the same. And any commissioner or commissioners aforesaid, who shall return as delinquent, to the Assessors, any tax so tendered to him or them, shall be liable to pay to any person aggrieved thereby three times the assessed amount of such tax, and to make good all damage arising from such false return.

SECT. 7. *Be it further enacted,* That when more than one road commissioner shall have been elected by any town and accepted the trust, the Selectmen of the town shall designate one of said com-

missioners to be the chairman of the board of commissioners, who shall have and keep the lists or rate-bills committed to said commissioners for the use of the board, shall make and keep the records and accounts of the board, and shall be entitled to receive all money paid to the commissioners, on account of such lists or rate bills, to be expended in the making, repair and amendment of the public roads under the direction of the commissioners, and to be paid out as they shall order. And said chairman shall give bond to the town for the payment of all money which may come into his hands belonging to the town, and for the faithful performance of all the duties of said office, in such penal sum, and with such sureties, as the Selectmen of said town shall approve. And whenever payment shall be made to said chairman of any money, for discharging any tax, he shall give his receipt therefor, showing on what account the same was paid; and for unreasonably refusing to give such receipt at the time of such payment, if the same be requested, he shall forfeit to the person or party aggrieved a sum not exceeding ten dollars.

Selectmen shall select a Chairman of the board of Commissioners.

—his duty.

Said Chairman shall give bond to the town, &c.

He shall give his receipt for any money paid him, to discharge any tax, &c.

Penalty for refusing,

[Approved by the Governor, March 7, 1832.]

## Chapter 28.

AN ACT relative to the State Prison.

SECT. 1. *Be it enacted by the Senate and House of Representatives, in Legislature assembled,* That whenever any person, authorized for the purpose, shall be conveying from a County jail to the State Prison, at Thomaston, any convict or convicts, sentenced by competent authority to be confined in the State Prison; if on account of the sickness of the person so employed, or by reason of the approach of night, or any other cause; it become necessary or convenient that said convicts should be lodged for safe keeping, in any County jail, till the

Keepers shall receive convicts into County jails in certain cases.