

# 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.

## Chapter 41.

AN ACT to repeal "An Act to authorize the Court of Sessions in the County of Lincoln to lay out a road across Friendship river," and for other purposes.

SECT. 1. *Be it enacted by the Senate and House of Representatives, in Legislature assembled,* That the Act aforesaid, passed the fifth day of February one thousand eight hundred and twenty nine, be and the same is hereby repealed.

Act passed on the 5th day of February, 1829, repealed.

SECT. 2. *Be it further enacted,* That the County Commissioners of the County of Lincoln be and hereby are authorized to discontinue the public road or highway, laid out by the Court of Sessions of said County in virtue of the Act aforesaid, across the tide waters of the Friendship river, between the towns of Friendship and Cushing.

County Commissioners authorized to discontinue a Public Road, &c.

[Approved by the Governor, March 9, 1832.]

## Chapter 42.

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 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 lies or is prayed for. And said 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 said petition; first giving all persons and corpora-

Petitions for the laying out or alteration of any highway, must be presented to the County Commissioners at one of their regular Sessions.

Duty of the County Commissioners on receiving satisfactory evidence that petitioners ought to be heard.

Notice must be given 30 days previous of the time and place of meeting, &c.

tions interested thirty days notice of the time and place of their meeting for that purpose, by causing copies of such petition with their order thereon to be posted up in three public places in each town, in which any part of such road may lie or be prayed for, and to be served upon the Town Clerks of such towns, and to be published in some newspaper, if any there be, in the same County, which notices having been given shall be taken and deemed to be sufficient actual notice to the owners of the land, over which such highway may pass or be located, and to all persons interested in the laying out, alteration or discontinuance of such highway; 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 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 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 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 Court, held next after such proceedings shall have been had and finished 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 the Commissioners in estimating damages, may have the same remedies and processes upon application to said Commissioners, at any regular term of their Court within one year after such return shall have been recorded, and not afterwards, as they might have had on application to the Courts of Sessions of their respective Counties prior to the pass-

Return to be made—where, and in what manner.

Proceedings shall be recorded.

Persons aggrieved by the decision of the County Commissioners, may have remedies if application be made, within one year.

ing of the Act for the appointment of County Commissioners on the tenth day of March one thousand eight hundred and thirty one.

SECT. 2. *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 together with a copy of the order of the Court appointing the time and place of said meeting, and they shall notify all persons and corporations interested, by causing copies of said petition and order to be published by the printer to the State in the public newspaper by him issued, and also in one other paper printed in each County, through which the proposed road is to pass, if any such paper there be, and also to be posted up in three public places in each town in which any part of said road may lie or be prayed for, and served upon the Clerks of said towns 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 public 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 first section of this Act.

Mode of proceeding when any petition presented, contemplates the laying out, &c. of any highway or road, extending into, or through, two or more Counties in this State.

SECT. 3. *Be it further enacted,* That whenever any highway shall be discontinued before the payment of the damages awarded to the owners of the land over which such highway passes, the County Commissioners are hereby empowered to

Commissioners may revoke their orders for

the payment of damages in certain cases.

Proviso.

revoke their order for the payment of said damages, and to estimate and order payment of the damages actually sustained : *Provided*, That the person or persons, corporation or corporations, aggrieved by such order shall have the right to have their damages estimated by a jury or committee on application within one year in like manner as is provided in the first section of this Act.

When a majority of said Commissioners shall not be present, one or more of these, may adjourn.

SECT. 4. *Be it further enacted*, That whenever it shall happen, that there is not a majority of said commissioners assembled at the time of a regular session or at the time appointed for any meeting as aforesaid, any one or more of said commissioners shall have power to adjourn said session or meeting until a quorum shall be assembled.

When said Commissioners decide against the prayer of any petition, all expenses must be paid within a reasonable time, or they shall issue their warrant of distress, &c.

SECT. 5. *Be it further enacted*, That whenever the County Commissioners shall decide against the prayer of any petition, they shall order the petitioners to pay into the County Treasury all expenses incurred by the County by reason of said petition and the proceedings had thereon; and unless the same be paid within a reasonable time shall issue their warrant of distress against said petitioners.

All accounts in favor of any County Commissioner, shall be examined by the County Attorney.

SECT. 6. *Be it further enacted*, That all accounts in favor of any County Commissioner, against his County, for services or other charges, shall be audited and examined by the County Attorney of said County, who, after such examination, shall certify on said account the amount, which in his opinion ought to be allowed, for which amount an order may be issued in usual form. And no further or other sum shall be allowed or paid by the County on any such account.

Parts of former Acts repealed.

SECT. 7. *Be it further enacted*, That the fifth and eighth sections, and the proviso contained in the sixth section of the Act, to which this is additional, passed the tenth day of March one thousand and eight hundred and thirty one, be and they hereby are repealed.

[Approved by the Governor, March 9, 1832.]