

# MAINE STATE LEGISLATURE

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# PUBLIC ACTS

OF THE

# STATE OF MAINE,

PASSED BY THE

# FIFTEENTH LEGISLATURE,

AT ITS SESSION, HELD IN JANUARY, 1835.

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Published agreeably to the Resolve of June 28, 1820.

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AUGUSTA:

WILLIAM J. CONDON.....PRINTER TO THE STATE.

1835.

## Chapter 168.

AN ADDITIONAL ACT relative to laying out and making Highways.

SECT. 1. *Be it enacted by the Senate and House of Representatives, in Legislature assembled,* That whenever the County Commissioners in any County, shall, upon petition therefor, have laid out or altered any highway or any town way and shall order their return thereof to be recorded, they shall also cause to be entered of record, that the original petition upon which their proceedings are founded, is continued and to be continued until their second next regular session to be holden thereafter, and all persons or corporations aggrieved by the decision of the County Commissioners in estimating damages, shall present their petitions for redress, at the first or said second next regular session, and if no such petition be then presented, the proceedings upon said original petition shall be considered as closed, and so entered of record, and all claims for damages other than those awarded by the County Commissioners, shall be and remain forever barred; but if any petition be presented as aforesaid for increase of damages, by reason of laying out said road, and a Committee be appointed or Jury ordered thereon, it shall be the duty of the County Commissioners still further to continue the original petition upon their docket from term to term, till the Committee or Jury shall make their return of damages, and if the report of said Committee or verdict of the Jury be accepted by the County Commissioners, then the record of the proceedings upon said original petition shall be considered as completed and not before, and there shall be allowed to owners of lands, over which the road was laid out, twelve months from the day on which all proceedings on the original petition are closed, to take off their wood timber and trees, also to the County or Town liable for the same a time not exceeding two years, within

County Commissioners to enter on their records a continuance of original petition for laying out highways, &c. and persons aggrieved by the estimation of damages may present petition for redress.

One year allowed to owners of land to take off wood and timber and two years to county or town liable for damages to pay the same.

which to pay all damages which may then appear of record to be due by reason of laying out such road, and to the County, town or plantation through which the road is laid out a time not exceeding three years, within which to open and make the same; but if upon inspection of said report or verdict, the County Commissioners shall be of opinion that the road laid out by them ought not to be opened and made, subject to such high damages, to be paid by the County or town, liable for the same, as are awarded in said report or verdict, it shall be their duty not to accept and approve such report or verdict concerning damages, but instead thereof to enter under the original petition, and as a part of the record thereon, that the said road is for the reason aforesaid discontinued: and the County or town, in such case, shall be liable for no damages, by reason of said original petition and the proceedings thereon; but the County or town liable therefor, shall pay the reasonable expense of the Committee or Jury for estimating and returning said damages.

When verdict of damages is too high in the opinion of County Commissioners, road may be discontinued.

SECT. 2. *Be it further enacted*, That in all cases now pending in the several Courts of County Commissioners, upon petitions for increase of damages, the County Commissioners shall have the same power as is given them in the first section of this Act, not to accept the reports of Committees or verdicts of Juries, and instead thereof to discontinue the roads which had given occasion for such petitions: *Provided however*, that in such cases, if any town shall have previously entered into contract or expended any money for opening and making such road, or any owner of land shall have taken off the trees or put up fences or in any other way been actually injured by reason of thus establishing said road, they shall be entitled to such damages therefor, as shall be allowed them by the County Commissioners, or as shall be awarded them by a Jury or Committee to be appointed in the same manner, as

In all cases now pending County Commissioners may exercise the powers granted by this Act.

Proviso.

is now by law provided in other cases of damage by the laying out of roads.

Parts of former Acts repealed.

**SECT. 3.** *Be it further enacted,* That all clauses and provisions in the several Acts, to which this is in addition which are inconsistent with the provisions of this Act, be and the same are hereby repealed.

[*Approved by the Governor, March 17, 1835.*]

### Chapter 169.

AN ACT additional respecting Highways.

County Commissioners Penobscot authorized to establish a certain County road.

**SECT. 1.** *Be it enacted by the Senate and House of Representatives, in Legislature assembled,* That the County Commissioners of the county of Penobscot be, and they hereby are, authorized and empowered to lay out and establish as a county road, the road leading from the Military Road to Aroostook river, as laid out under the direction of the Land Agents of Maine and Massachusetts, from the southern extremity thereof to the north line of Number Seven in the Fifth Range, or such part or parts thereof as the public convenience and necessity may in their opinion require: also, a road from said Military Road, near Mattawankeag Point to the Forks of the east and west branches of the Penobscot River; notwithstanding said roads, or either of them may pass over State Lands.

Townships over which said road passes made liable to taxation.

**SECT. 2.** *Be it further enacted,* That any township or tract of land through which either of said roads may pass, which now is or hereafter may become, private property, shall be liable to taxation for making and repairing said roads in the same manner as if said roads did not pass over State Lands.

[*Approved by the Governor, March 17, 1835.*]