

# MAINE STATE LEGISLATURE

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# ACTS AND RESOLVES

PASSED BY THE

## TWENTY-FOURTH LEGISLATURE

OF THE

# S T A T E O F M A I N E ,

A. D. 1844.

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Published by the Secretary of State, agreeably to Resolves of June 28, 1820, February 26, 1840, and March 16, 1842.

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PUBLIC LAWS

OF THE

STATE OF MAINE,

1844.

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may stand, and utensils ; and also for erecting and removing out CHAP. 94.  
buildings connected therewith ; and to sell and dispose of any such  
property as may be necessary and proper ; and to determine where  
such school houses may be erected or located in said district.

[Approved March 6, 1844.]

### Chapter 94.

AN ACT additional to chapter twenty-four of the revised statutes.

*Be it enacted by the Senate and House of Representatives in  
Legislature assembled, as follows :*

SECT. 1. The selectmen of any town and the mayor and aldermen of any city in this state, are hereby authorized and required on the written application of any two or more citizens residing in such town or city, stating therein that it will be for the public convenience, health or necessity that a drain or common sewer shall be made along, by or across any street or land in such town or city, to repair to the place designated and to examine the same, and if such application shall state that the health of the inhabitants requires the construction of such drain or sewer, then the selectmen shall notify the board of health to attend with them, and the question of the necessity of such drain or sewer shall be determined by a majority of the members of the two boards who may be present, and if they, after notifying all persons through or over whose land the said drain or sewer is to be placed, shall judge it expedient that such drain or sewer should be made, they shall in that case cause said application with their determination thereon to be recorded by the town or city clerk. But whenever in such written application the health of the town is not alleged to be concerned, the said selectmen shall have power to proceed without the concurrence of said board of health.

On application from two or more citizens of any city, or town, duty of selectmen, mayor and aldermen in regard to drains and sewers.

SECT. 2. The said selectmen or mayor and aldermen shall cause the said drain, thus located, to be made in a substantial manner, to be constructed of stone, brick or cedar, at the cost of the town or city in which it is made.

Drains, how made and constructed.

SECT. 3. Said drain may be extended through the land of any person or along or across any public street, so far as may be necessary to make and lay the same. But such drain shall be so constructed as not to interfere with the subsequent erection of buildings on said land, and with as little injury to the owners of the land on which it may be built, as is practicable.

Not to interfere with subsequent erection of buildings, &c.

**CHAP. 95.****Damages.**

**SECT. 4.** If any person shall claim damages for the location of such drain or sewer beyond what he is benefited, said selectmen or mayor and aldermen may determine upon the same, and may allow such sum (if any) as the claimant may be entitled to, deducting the benefit he may receive; and the damages awarded for any such location shall be paid by the said town or city.

**How paid.****Remedy for person aggrieved.**

**SECT. 5.** Any persons aggrieved by said location or by the damages awarded, may appeal from the decision of the selectmen or mayor and aldermen, to the court of county commissioners, then next to be holden in said county, whose judgment affirming or disaffirming the whole or any part of said proceedings, shall be final; the cost, after such appeal is claimed, to be paid by the party against whom the final judgment may be. If the party so appealing shall, before the construction of said drain or sewer, file with the said selectmen or mayor and aldermen, a written notice of his said appeal, no further proceedings shall be had in such construction, until after the appeal is determined; and if, after any construction or partial construction of such drain or sewer, the proceedings thereon shall be disaffirmed by the county commissioners, on appeal, the party, in whose favor said judgment shall be rendered, shall recover his damages caused by the opening and making of such drain, as well as the costs of appeal, and no appeal shall be allowed, unless notice thereof is filed as aforesaid, within ten days from the time the party interested shall have due notice of the action of the selectmen or mayor and aldermen.

If appeal is filed previous to construction of such drain, &c. further proceedings to be stayed, &c.

If, on appeal, proceedings are not sustained by county commissioners, damages to be recovered, &c.

No appeal allowed, unless notice be filed ten days previous.

Decision of Co. commissioners to be certified.

**SECT. 6.** The county commissioners shall cause their decision to be certified to said selectmen or mayor and aldermen.

[Approved March 6, 1844.]

**Chapter 95.**

AN ACT to lessen expenses and further to regulate proceedings in the supreme judicial court and district court.

*Be it enacted by the Senate and House of Representatives in Legislature assembled, as follows:*

Jury men shall attend upon the first day of the term for which they are drawn. Provision.

**SECT. 1.** The grand and traverse jurors of said courts shall attend upon the first day of the term for which they shall be drawn and summoned; unless the court at a previous term shall have designated a different day for that purpose; in which case, the venire shall specify the day on which the jurors are required to attend.