

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.

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

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1844.

PUBLIC LAWS

OF THE

STATE OF MAINE,

1844.

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:

Jurymen 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.

SECT. 2. No cost shall be taxed against the state in any criminal case, for witnesses appearing before the grand jury in any case in which a bill shall not be found, nor in any case of complaint against any town or plantation for defect of road; unless such witnesses shall have been recognized so to attend, or summoned by order of the grand jury or of the prosecuting officer.

SECT. 3. The power of staying execution or granting super-sedeas, as described in the eighth section of the one hundred twenty-third chapter of the revised statutes, may be exercised in vacation as well as in term time of the court.

[Approved March 7, 1844.]

CHAP. 96.

Witnesses not paid by the state in certain cases.

The power of staying execution, &c., may be exercised in vacation of the court

Chapter 96.

AN ACT to alter the time for the annual assessment for repairs upon highways in unincorporated townships.

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

SECT. 1. The county commissioners, in their respective counties, on or before the fifteenth day of July, in each year, shall assess upon all unincorporated townships, or parts of such townships, a sum of money sufficient to keep in repair the county highways, which are, or may be, laid out and opened in such townships or parts of townships, and also all roads which have been, or may be, laid out and made therein by this state, and the Commonwealth of Massachusetts, or roads therein, the repairs and protection of which this state has assumed, or may assume: Provided, that in all cases the same notice shall be published of the time and place for the said assessment of taxes for the repair of roads in places not included within the limits of any incorporated city, town or plantation within this state, as is required for the location of such roads.

Co. commissioners to assess in their respective counties, on unincorporated lands, moneys for the repair of highways.

Proviso.

SECT. 2. All laws and parts of laws, inconsistent with the provisions of this law, are hereby repealed.

[Approved March 7, 1844.]

Chapter 97.

AN ACT relating to marine insurance companies.

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

Any marine insurance company, now incorporated, or that may

Profits, how appropriated.