

# MAINE STATE LEGISLATURE

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ACTS AND RESOLVES

PASSED BY THE

TWENTY-FIFTH LEGISLATURE

OF THE

STATE OF MAINE,

A. D. 1845.

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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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*AUGUSTA:*

WM. T. JOHNSON, PRINTER TO THE STATE.

1845.

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PUBLIC LAWS

OF THE

STATE OF MAINE,

1845.

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**Chapter 169.**

AN ACT additional in relation to the survey of lumber in the county of Penobscot:

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

That the act entitled an act to regulate the survey of lumber in the county of Penobscot, passed March second, in the year of our Lord eighteen hundred and thirty-three, be and the same is hereby so far altered and amended, that it shall be lawful for surveyors chosen by the town of Orrington to survey in the same manner as practiced before the passage of said act, all lumber which may be transported to that town by land, all lumber manufactured within the limits thereof, and all lumber bought or sold by the inhabitants of said town of Orrington.

Relative to the survey of lumber in the town of Orrington.

[*Approved April 7, 1845.*]

**Chapter 170.**

AN ACT relating to appeals from county commissioners.

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

SECT. 1. In all appeals from the judgment of the county commissioners now pending before the supreme judicial court in any county in this state, it shall be lawful for said court or any justice thereof to appoint three disinterested persons, whose duty it shall be, after giving such notice as the court shall order, to view the route prayed for in the original petition, and afterwards to give a hearing to the parties and their witnesses, and thereupon, at the next term of the court held in said county, to report whether in their opinion the judgment of the county commissioners should be affirmed or reversed in the whole or for any part, which report, when accepted by the supreme judicial court, shall be final and conclusive upon the subject matter of said petition.

Relative to appeals from the judgment of county commissioners.

SECT. 2. When the report is accepted as aforesaid, the proceedings shall be remanded to the court of county commissioners, and there recorded at the term held next after the acceptance by the supreme judicial court, and all persons aggrieved by said decision in estimating damages, shall present their petition for redress as now provided by law upon decisions of county commissioners at that term and not afterwards, and the county commissioners shall proceed upon said decision of the supreme judicial court in the same manner and in all other respects as upon a return of the doings of county commissioners.

When report is accepted by S. J. C., course of procedure, &c.

## CHAP. 171.

Pay of committee.

If judgment of county commissioners is confirmed, appellants to pay costs, &c.

If respondents shall be defaulted, duty of court in regard to prayer of petitioners.

Compensation to surveyor.

Power of justice of S. J. C. to remove default.

SECT. 3. The said committee shall be paid for their travel and attendance the same as is allowed to county commissioners for similar services, out of the county treasury; and if the original judgment of the county commissioners shall be affirmed in whole or in part, the appellants shall pay all costs that have arisen since the appeal, and the county commissioners shall issue their warrant therefor in the same manner as is now provided for the collection of costs awarded against petitioners.

SECT. 4. If in any such case now pending in the supreme judicial court the respondents have been or shall be defaulted, the court shall thereupon adjudge that the prayer of the petition be granted, and shall appoint a surveyor to make the location, alteration or discontinuance as prayed for, who shall make a return thereof to the court, and judgment shall be entered accordingly. And the compensation of such surveyor shall be two dollars per day without travel.

SECT. 5. The said justices of the supreme judicial court shall have power to take off the default in any of said cases prior to the appointment of commissioners or of a surveyor, if the justice of the case shall require it.

SECT. 6. This act shall take effect at its approval.

[Approved April 7, 1845.]

### Chapter 171.

AN ACT in addition to chapter one hundred and twenty-one of the revised statutes.

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

Additional to ch. 121 R. S., relative to co-tenants.

When the co-tenants are not known, or reside out of the state, the petition for partition mentioned in chapter one hundred and twenty-one of the revised statutes may be presented to the district court in any county within the district, but the order of notice shall be made returnable in the county where the lands lie. And this act shall take effect at its approval.

[Approved April 7, 1845.]