

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

ACTS AND RESOLVES

PASSED BY THE

TWENTY-SIXTH LEGISLATURE

OF THE

STATE OF MAINE,

A. D. 1846.

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

Augusta:

WILLIAM T. JOHNSON,.....PRINTER TO THE STATE.

1846.

PUBLIC LAWS

OF THE

STATE OF MAINE,

1846.

Chapter 179.

CHAP. 179.

An Act establishing another regular session of the county commissioners for Kennebec county.

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

SECTION 1. A third regular session of the county commissioners for Kennebec county, shall be holden at Augusta, on the second Tuesday of August, in each year, in addition to the regular sessions before provided for by law.

Establishing another regular session of the county commissioners for Kennebec county.

SECT. 2. This act shall take effect from and after its approval by the governor.

[Approved June 8, 1846.]

Chapter 180.

An Act additional in relation to the state library.

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

SECTION 1. The chaplains of the two branches of the legislature, the secretary and assistant secretary of the senate, and the clerk and assistant clerk of the house, shall severally be allowed to take books from the state library, during the sessions of the legislature, under the rules and regulations of the library as established by law.

Certain officers allowed to take books from the state library.

SECT. 2. This act shall take effect from and after its approval by the governor.

[Approved June 11, 1846.]

Chapter 181.

An Act relating to the survey of the coast of Maine.

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

SECTION 1. Any person employed under and by virtue of an act of the congress of the United States, passed the tenth day of February, one thousand eight hundred and seven, and the supplements thereto, may enter upon lands within this state for the purpose of exploring, surveying, triangulating, leveling and doing any other act which may be necessary to effect the object of said act, and may erect any works, stations, buildings or appendages, requisite for that purpose, doing no unnecessary injury thereby.

Persons duly authorized, may enter upon lands in this state for the purpose of exploring, &c.

CHAP. 181.

How damages
may be ascertain-
ed if parties dis-
agree.

SECT. 2. If the parties interested cannot agree upon the amount to be paid for the damages caused by doing any of the acts aforesaid, either of them may petition the commissioners of the county in which the land entered upon is situated, to hear the parties and assess any damages, which in the opinion of the commissioners has accrued to the owner or possessor of the land so entered upon.

Same subject.

SECT. 3. The commissioners as soon as may be, shall hear the parties either with or without a view of the premises, as the commissioners shall determine, and before any hearing shall be had, shall order notice to be given to all persons interested, at least fourteen days before the time of hearing.

Same subject.

SECT. 4. The commissioners shall file in the office of the clerk of the district court for said county, a report of these doings, which report shall be conclusive upon the parties unless one of them shall file within thirty days after the term of said court, which shall be held next after said report shall be filed, a petition to the said court that a trial shall be had in the case in said court, and after notice to the opposite party a trial shall be had in said court in the same manner in which other civil cases are there tried.

Costs.

SECT. 5. The person so entering upon land as aforesaid, may tender to the party injured sufficient amends therefor, and if the damages finally assessed shall not exceed the amount so tendered, the person so entering shall recover his costs, and in all other cases the prevailing party shall recover his costs.

Same subject.

SECT. 6. In the taxation and allowance of costs in the district court upon a trial of the case, the proceedings of the said court shall hold the same relation to the report of the commissioners, as proceedings of the same court hold to judgments of justices of the peace, in cases of appeal from said judgments, and the costs shall be taxed accordingly.

Penalty for injur-
ing, defacing,
any signal, &c.

SECT. 7. If any person shall willfully injure, deface or remove any signal, monument, building, or any appendage thereto, used and constructed under and by virtue of the act of congress aforesaid, he shall forfeit a sum not exceeding fifty dollars for each offense, to be recovered by indictment for the use of the person prosecuting, and shall also be liable for all damages sustained by the United States of America, to be recovered in an action on the case in in any court of competent jurisdiction.

SECT. 8. This act shall take effect from and after its approval by the governor.

[Approved June 16, 1846.]