

# 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

## THIRTY-FOURTH LEGISLATURE

OF THE

STATE OF MAINE,

1855.

---

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

---

**AUGUSTA:**  
STEVENS & BLAINE, PRINTERS TO THE STATE.

1855.

---

PUBLIC LAWS

OF THE

STATE OF MAINE.

1855.

---

**CHAP. 122.**

Votes to be rejected in case of neglect.

Secretary of state to forward copies of certain acts and blanks.

where it does not appear by returns and "list of persons who voted at said meeting," duly made to the authorities whose duty it may be to receive the same, that the provisions of this act have been complied with by any plantation and the officers thereof, the votes of said plantation shall be rejected.

SECT. 2. That the secretary of state be, and he hereby is directed, to procure a copy of the act to which this is additional, and of this act, also blank returns and blanks for copies of list of voters "who voted at said meeting," as provided in the act to which this is additional, to be printed and forwarded to each of said plantations, as soon as may be, and from time to time, as elections may occur.

SECT. 3. This act shall take effect from and after its approval by the governor.

[Approved February 12, 1855.]

### Chapter 122.

An act making further provision for the protection of public ways.

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

Persons making excavation near public ways, liable to damages, &c.

If any person, by making an excavation adjoining or near to any street or public way, actually opened and used for public travel, shall thereby cause any part of such street or way to cave in and fall, he shall be liable to pay to the city or town required by law to keep such street or way in repair, all such sums as may necessarily be expended to repair such injury, together with all the damages which such city or town may be required to pay to any person who shall suffer injury by reason of such defective condition of said street or way, which may be recovered by such city or town in an action of the case. But if any person, designing to make such excavation, shall first make application in writing to the mayor and aldermen of the city, or the selectmen of the town, setting forth the nature and extent of the excavation which he proposes to make, and requesting their direction thereon, it shall be the duty of the said officers of the city or town, respectively, to examine the premises, and to direct, in writing, the manner in which such excavation may be made and the method which shall be adopted in making the same, to prevent injury to the street or way, and if the person making such excavation shall duly observe such written directions, he shall incur no liability under this act.

Application to make excavation.

Persons making excavations not liable in certain cases.

[Approved February 12, 1855.]