

# MAINE STATE LEGISLATURE

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ACTS AND RESOLVES

OF THE

FIFTY-EIGHTH LEGISLATURE

OF THE

STATE OF MAINE.

1879.

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Published by the Secretary of State, agreeably to Resolves of June 28,  
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PUBLIC LAWS

OF THE

STATE OF MAINE.

1879.

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## CHAP. 106.

## Chapter 106.

An Act limiting the allowance for Travel and Attendance to parties recovering costs in the Courts of this State.

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

Travel and attendance limited to two terms of court. Judge may order allowance for more terms.

The allowance for travel and attendance to parties recovering costs in any court of this state, shall be limited to two terms of the court, except that the presiding judge may, for good and sufficient cause, order such allowance for additional terms.

Approved February 20, 1879.

## Chapter 107.

An Act to amend chapter eighteen of the Revised Statutes, relating to Ways in places not incorporated.

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

Sec. 35 of ch. 18, R. S., amended.

SECT. 1. Section thirty-five of chapter eighteen of the revised statutes, is hereby amended so as to read as follows :

Party interested in decision may appeal.

Further proceedings stayed till decision.

No person appearing to prosecute,—proceedings.

Court to appoint committee of three.

Notice to be given of time and place of hearing.

View the route, hear parties and report.

Report accepted.—proceedings.

Judgment of commissioners reversed, they

‘SECT. 35. Any party interested in such decision may appeal therefrom to the supreme judicial court, to be entered at the term thereof held first after such decision, in said county. And all further proceedings before the commissioners are to be stayed until a decision is made in the appellate court. If no person appears at that term to prosecute the appeal, the judgment of the commissioners shall be affirmed. If the appeal is then entered, not afterwards, the court may appoint a committee of three disinterested persons, who shall be sworn, and if one of them dies, refuses to act or becomes interested, the court shall appoint another like person in his place and they shall cause notice to be given of the time and place of hearing before them, by publication thereof in the state paper six successive weeks, the last publication to be fourteen days, at least, before the day of hearing, and also personal notice to the appellant, and the chairman of the county commissioners thirty days, at least, before the time set for hearing; they shall view the route, hear the parties, and make their report at the next or second term of the court after their appointment, whether the judgment of the commissioners should be in whole or in part affirmed, or reversed, which, being accepted and judgment thereon entered, shall forthwith be certified to the clerk of the commissioners.

If the judgment of the commissioners in favor of laying out or altering a way as prayed for, is wholly reversed on an appeal, the

commissioners shall proceed no further. If their judgment is affirmed in whole, or in part, they shall carry into effect the judgment of the appellate court; and in all cases, they shall carry into full effect the judgment of the appellate court, in the same manner as if made by themselves; and the party appealing or prosecuting, shall pay the costs incurred since the appeal, if so adjudged by the appellate court, which may allow costs in such cases to the prevailing party, to be paid out of the county treasury. The compensation of the committee to be the same as commissioners would have for like services, to be allowed by the court. The costs allowed the prevailing party, and the fees of the committee are to be collected as provided in section three of said chapter.'

SECT. 2. If the final decision of the commissioners or the committee is against the prayer of the petition, no new petition for the same road shall be entertained by the commissioners for one year thereafter.

SECT. 3. Section thirty-six of said chapter eighteen, and all other acts and parts of acts inconsistent with this act are hereby repealed.

Approved February 20, 1879.

CHAP. 108.

shall proceed no further. If their judgment affirmed,—proceedings. To carry into effect judgment of appellate court in all cases. Party appealing or prosecuting to pay costs when so adjudged. Compensation of committee. Costs and fees collected as provided in Sect 3.

Judgment against petition no new one entertained for one year.

Sec. 36, ch. 18, repealed.

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### Chapter 108.

An Act relating to the taking of Smelts in the Androscoggin river, above Merrymeeting Bay Bridge.

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

The provisions and penalties contained in section eleven of chapter seventy-five, of the public laws of eighteen hundred and seventy-eight, shall not apply to smelts taken in the Androscoggin river above the Merrymeeting Bay bridge, between the first day of October and the first day of November of each year.

Provisions in Sec. 11, ch. 75, laws 1878 not to apply to smelts,—where and when.

Approved February 20, 1879.