

# 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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An Act giving County Commissioners Jurisdiction over the Repairs of Ways.

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

Towns neglecting to keep ways in repair after five days actual notice, persons may petition county commissioners.

SECT. 1. When any town legally liable to maintain any way, unreasonably neglects to keep such way in repair, so that the same is safe and convenient for travellers with horses, teams and carriages, after the municipal officers, or one of them, have had five days actual notice or knowledge of the defective condition, any three or more responsible persons may petition the county commissioners for the county in which such town is situated, setting forth such facts, and if said commissioners are satisfied that such petitioners are responsible for the costs of the proceedings, they shall fix a time and place near such defective way, for a hearing on such petition, and cause such notice thereof to be given to the town and petitioners as they may prescribe. At the time appointed, the commissioners shall view the way, alleged to be out of repair, and hear the parties interested in the petition, and if they adjudge the way to be unsafe and inconvenient for travellers, horses, teams and carriages, they shall prescribe what repairs shall be made, fix the time in which the town shall make the same, and give notice thereof to the municipal officers of the town, and they shall award the costs of the proceedings against the town. If they adjudge the way to be safe and convenient, they shall dismiss the petition and award the costs of the proceedings against the petitioners. If they find the way was defective at the time of presentation of the petition, but has been repaired before the hearing, they may award the costs against the town, if in their judgment justice requires it.

Commissioners to fix time and place for hearing and give notice.

They shall view the way and hear parties.

Shall prescribe what repairs shall be made and fix time for making the same.

If they find way safe they shall dismiss petition and award costs against petitioners.

Way repaired since filing petition.

How and when petition shall be presented.

Commissioners to make full return of their proceedings.

Towns neglecting to make repairs prescribed.

Agent appointed by commissioners to do it.

Notice on his account.

SECT. 2. Such petition may be presented to said commissioners at any of their sessions, or in vacation to the chairman thereof, who shall procure the concurrence of his associates in fixing the time and place in the order of notice, and cause the petition to be entered at their next session. And they shall make full return of their proceedings on the petition, and cause the same to be duly recorded as of their next regular term after the proceedings are closed.

SECT. 3. If the town shall neglect to make the repairs prescribed by the commissioners, within the time fixed therefor in their notice to the town, the commissioners may cause it to be done by an agent, not one of themselves. The agent shall cause the repairs to be made forthwith, as prescribed by the commissioners, and render to them his account of his disbursements and services in making such repairs. His account not to be allowed without such notice, first given to the town, as the commissioners deem reasonable. When the account is allowed, the town be-

comes liable therefor, with the expenses of the agent in procuring the allowance of his account, with interest from the time of such allowance, and said commissioners shall render judgment therefor against the town in favor of the agent. If the town neglects to pay said judgment for thirty days after demand, a warrant of distress shall be issued by the commissioners to collect the same.

CHAP. 116.

Towns liable for his account when allowed.

Warrant of distress to issue,—when.

Approved February 24, 1879.

### Chapter 116.

An Act in relation to Hawkers and Pedlars.

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

Any person receiving a license under the provisions of section two, chapter forty-four of the revised statutes, shall, if he is not a resident of this state, or if he is acting as agent, clerk or servant of any person who is not a resident of this state, or corporation not located in this state, pay for such license, if he is to sell or offer to sell by retail, twenty-five dollars; if by wholesale, fifty dollars.

Sums to be paid by persons receiving license under sec. 2, ch. 44, R. S., when non-residents.

Approved February 24, 1879.

### Chapter 117.

An Act additional to chapter six of the Revised Statutes relating to suits for Lands sold for non-payment of Taxes.

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

No person shall be permitted to commence, maintain or defend any action, in law or equity, involving the validity of any sale of land for non-payment of taxes, until the amount of all taxes, interest and costs, arising under such sale, and of all taxes paid after such sale, and interest thereon, shall be deposited with the clerk of the court in which such action shall be commenced by the party contesting the validity of the sale, to be paid out by order of court to the party legally and equitably entitled thereto.

Action involving the validity of sale of land for taxes, not to be commenced till amount of taxes, etc., deposited with clerk of courts.

Approved February 24, 1879.