

# 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

OF THE

STATE OF MAINE

ENACTED BY THE

Seventy-Seventh Legislature

1915

---

Published by the Secretary of State.

---

AUGUSTA

KENNEBEC JOURNAL PRINT

1915

**PUBLIC LAWS**  
OF THE  
**STATE OF MAINE**

As Passed by the Seventy-Seventh Legislature

**1915**

[supplied from page 1 of volume]

CHAP. 62 consent of the other, before or after the death of the other, or to the legal representative of the survivor of such persons.'

Approved March 10, 1915.

**Chapter 62.**

An Act to Amend Sections Eight, Forty-six and Fifty-four of Chapter Twenty-three of the Revised Statutes, Relating to the Compensation of Committees in Highway Proceedings.

*Be it enacted by the People of the State of Maine, as follows :*

Ch. 23, Sec. 8, R. S., amended.

Last sentence changed.

May appeal from decision of county commissioners.

Court may render judgment for damages recovered. —notice of appeal.

County commissioners shall be notified of final judgment.

—failure to recover extra damages.

Section 1. Section eight of chapter twenty-three of the Revised Statutes is hereby amended by striking out the last sentence of said section and by inserting in place thereof the following sentence, 'The committee shall be allowed a reasonable compensation for their services, to be fixed by the court upon the presentation of their report and paid from the county treasury upon the certificate of the clerk of courts,' so that said section, as amended, shall read as follows :

'Section 8. Any person aggrieved by the estimate of damages by the county commissioners, on account of the laying out or discontinuing of a way, may appeal therefrom, at any time before the third day of the regular term succeeding that at which the commissioners' return is made, to the term of the Supreme Judicial court, first held in the county where the land is situated, more than thirty days after the expiration of the time within which such appeal may be taken, excluding the first day of its session, which court shall determine the same by a committee of reference if the parties so agree, or by a verdict of its jury, and shall render judgment for the damages recovered, and judgment for costs in favor of the party entitled thereto, and shall issue execution for the costs only. The appellant shall file notice of his appeal with the county commissioners within the time above limited, and at the first term of the court shall file a complaint setting forth substantially the facts, upon which the case shall be tried like other cases. The clerk shall certify the final judgment of the court to the county commissioners, who shall enter the same of record, and order the damages therein recovered to be paid as provided in section seven. The party prevailing recovers costs to be taxed and allowed by the court, except that they shall not be recovered by the party claiming damages, but by the other party, if on such appeal by either party, said claimant fails to recover a greater sum as damages than was allowed to him by the commissioners. The

committee shall be allowed a reasonable compensation for their services, to be fixed by the court upon the presentation of their report and paid from the county treasury upon the certificate of the clerk of courts.'

CHAP. 62

—compensation of committee.

Section 2. Section forty-six of chapter twenty-three of the Revised Statutes is hereby amended by striking out the next to the last sentence of said section and by inserting in place thereof the following sentence, 'The committee shall be allowed a reasonable compensation for their services, to be fixed by the court upon the presentation of their report and paid from the county treasury upon the certificate of the clerk of courts,' so that said section, as amended, shall read as follows:

Ch. 23, Sec. 46, R. S., amended.

'Section 46. Any party interested in such decision may appeal therefrom to the Supreme Judicial court, to be entered at the term thereof first held after such decision, in said county. And all further proceedings before the commissioners shall 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, declines or become interested, the court shall appoint another 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 for six successive weeks, the last publication to be fourteen days, at least, before the day of hearing, and personal notice to the appellant and to 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, grading or altering a way as prayed for, is wholly reversed on 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 treas-

—may appeal.

Judgment of commissioners may be affirmed.

Committee of three to be appointed.  
—notice of hearing.

—view route.

Relating to the effect of judgment upon commissioners.

—party to pay cost.

## CHAP. 62

—compensation of committee.

Costs and fees, how collected.

Ch. 23, Sec. 64, R. S., amended.

Last sentence changed.

Reversed judgment stops further procedure for two years.

Shall carry favorable judgment of appellate court into effect.

Costs, how paid.

Committee fees, how collected.

—proviso.

ury. The committee shall be allowed a reasonable compensation for their services, to be fixed by the court upon the presentation of their report and paid from the county treasury upon the certificate of the clerk of courts. The costs allowed to the prevailing party, and the fees of the committee shall be collected as provided in section three.'

Section 3. Section fifty-four of chapter twenty-three of the Revised Statutes is hereby amended by striking out the next to the last sentence in said section and by inserting in place thereof the following sentence, 'The committee shall be allowed a reasonable compensation for their services, to be fixed by the court upon the presentation of their report and paid from the county treasury upon the certificate of the clerk of courts,' so that said section, as amended, shall read as follows:

'Section 54. If the judgment of the commissioners in favor of laying out, grading or altering a way, as prayed for, is wholly reversed on appeal, they shall proceed no further; and in all cases when the judgment of the commissioners is reversed on appeal, no petition praying, substantially, for the same thing shall be entertained by them for two years thereafter. 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 committee shall be allowed a reasonable compensation for their services, to be fixed by the court upon the presentation of their report and paid from the county treasury upon the certificate of the clerk of courts. The costs allowed the prevailing party, and the fees of the committee, shall be collected as provided in section three; provided, however, that this section shall not apply to any case where the judgment has been reversed on account of informality in the proceedings.'

Approved March 11, 1915.