

MAINE STATE LEGISLATURE

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DOCUMENTS

PRINTED BY ORDER OF

THE LEGISLATURE

OF THE

STATE OF MAINE,

A. D. 1859.



AUGUSTA:

STEVENS & SAYWARD, PRINTERS TO THE STATE.

1859.

THIRTY-EIGHTH LEGISLATURE.

SENATE.]

[No. 86.

STATE OF MAINE

IN THE YEAR OF OUR LORD ONE THOUSAND EIGHT HUNDRED AND
FIFTY-NINE.

AN ACT relating to drainage.

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

SECTION 1. Any person, persons or corporation having the ownership or possession of any lands, swamps, meadows, quarries or mines, that by reason of adjacent lands belonging to other person, persons or corporation or highway cannot be approached, drained or used in the ordinary manner, without crossing said land or highways, may be authorized to establish drains or ditches to said places in the manner hereinafter provided.

SECT. 2. The party desirous of making such improvements shall file a petition therefor with the

3 county commissioners for the county where the prem-
4 ises are situate setting forth in detail the proposed
5 work and the situation of the adjoining land and the
6 names of the parties interested, if known to the peti-
7 tioner, accompanied by a bond satisfactory to the
8 commissioners and payable to the county treasurer,
9 conditioned to pay all costs and damages.

SECT. 3. The county commissioners of the county
2 on filing of said petition and bond, shall order notice
3 to be given to all the parties named in said petition,
4 by serving on them an attested copy of the petition
5 with the order thereon, fourteen days at least before
6 the next regular session of said court, and also by
7 publishing an attested copy of the said petition in
8 some newspaper of general circulation published in
9 said county, or if no newspaper is published in said
10 county, then in some newspaper published in some
11 adjoining county; and after said order has been fully
12 complied with, the commissioners may, if they see
13 cause, appoint a committee of review and fix the com-
14 pensation per day, to be composed of not less than
15 three nor more than five judicious disinterested per-
16 sons, to meet on the premises on the day named, and
17 by examination and inspection determine whether the
18 proposed improvement is necessary to the ordinary
19 working occupation and beneficial use of said lands,

20 swamps, meadows, quarries or mines, and if so said
21 committee shall proceed to lay out and establish the
22 same and in such a manner as to do as little injury as
23 practicable, and shall furthermore fix and assess the
24 amount of damages which any proprietor of adjacent
25 lands will be likely to sustain, and report and return
26 the same with all their proceedings to the county com-
27 missioners, but before said committee shall proceed to
28 said examination they shall give ten days notice, set-
29 ting forth the hour and place of their meeting, by
30 posting up notifications in two public places in the
31 town or towns in which said lands lie.

SECT. 4. At the next meeting of the county com-
2 missioners after the return of the committee is receiv
3 ed, said commissioners shall proceed to consider the
4 subject, and if they shall be of opinion, taking into
5 view the public and as well the private interests, that
6 said improvements will be advantageous and desirable,
7 they shall accept said report.

SECT. 5. The party praying for said improvements
2 shall cause the final report and adjudication to be re
3 corded in the registry of deeds for the county, and
4 shall pay or tender in payment the full amount of
5 damage to the parties to whom the same is adjudged.

SECT. 6. Whenever it may become necessary to
2 repair such works, any one of the parties benefited

3 may enter and cause said repair to be made, and all
4 works constructed under this act shall be entitled to
5 the benefit of all laws for the protection of railroads
6 in the State.

SECT. 7. And the parties interested in making such
2 work may enter and take such property or material
3 as may be necessary to make them, provided they pay
4 the proprietor of such land so taken or used such
5 price as may be agreed upon or as said committee
6 may report; and provided said parties do not agree
7 and if said party owning said land or property taken
8 shall not receive the damage awarded by said commit-
9 tee, then the party taking said land or materials, shall
10 pay such sum as may be determined by a jury, and
11 the same proceedings shall be had for the purpose of
12 ascertaining such damages as are now provided in
13 estimating damages by a jury in case of laying out
14 public highways.

STATE OF MAINE.

IN SENATE, March 24, 1859.

ORDERED, That 350 copies of the foregoing Bill, be printed for the use of the Legislature.

ATTEST :

JOSEPH B. HALL, *Secretary.*