

# MAINE STATE LEGISLATURE

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DOCUMENTS

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THE LEGISLATURE

OF THE

STATE OF MAINE.

1861.



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1861.

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# FORTIETH LEGISLATURE.

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HOUSE.

No 8.

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## STATE OF MAINE.

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

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AN ACT repealing an act granting an appeal from the  
court of county commissioners to the supreme judicial  
court.

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

SECTION 1. Section thirty-four, thirty-five and  
2 thirty-six, chapter eighteen of the Revised Statutes,  
3 granting an appeal from the court of county commis-  
4 sioners to the supreme judicial court, be and are here-  
5 by repealed. This act shall not affect appeals now  
6 pending.

SECT. 2. This act shall take effect and be in force  
2 from and after its approval by the governor.

## REVISED STATUTES, CHAPTER 18.

SECTION 34. Parties interested may appear jointly or severally at the time of hearing before the commissioners, on a petition for laying out, altering, or discontinuing any highway; and any such party may appeal from their decision thereon, at any time after it has been entered of record, and before the next term of the supreme judicial court in said county, at which term such appeal may be entered and prosecuted by him, or by any other party who so appeared. And all further proceedings before the commissioners are to be stayed until a decision is made in the appellate court.

SECT. 35. If no person appears at that term to prosecute the appeal, the judgment of the commissioners may 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 may appoint some suitable person in his place, and they shall give such notice as the court has ordered, 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.

SECT. 36. If the judgment of the commissioners is wholly reversed, they shall proceed no further; and no petition praying for substantially the same matter 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, as if made by them; 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 is to be the same as commissioners would have for like services, to be allowed by the court. The costs are to be collected as provided in section three.

## STATE OF MAINE.

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HOUSE OF REPRESENTATIVES, }  
January 24, 1861. }

Reported by Joint Select Committee, read twice, and on motion of Mr. McCRILLIS of Bangor, laid on the table and ordered to be printed, together with sections 34, 35 and 36, chapter 18 of Revised Statutes, for the use of the Legislature.

CHARLES A. MILLER, *Clerk.*