

MAINE STATE LEGISLATURE

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FIFTY-FOURTH LEGISLATURE.

HOUSE.

No. 43.

STATE OF MAINE.

The Committee on Ways and Bridges, to which was referred the bill entitled "An Act to repeal an act to authorize the town of Bethel to collect toll on bridge over the Androscoggin river at Barker's Ferry," approved January 29th, 1868, have had the same under consideration, and ask leave to report the same in a new draft, and that it ought to pass.

Per order Committee.

L. S. JUDD.

STATEMENT OF FACTS.

Statement of Facts accompanying the Act for the repeal of the Act authorizing the town of Bethel to collect toll upon the bridge across the Androscoggin river at Barker's Ferry, so called, in Bethel.

June, 1855, John M. Wilson and fifty-two others, citizens of Oxford County, petitioned the County Commissioners of said county to view a route from Ithiel Smith's in Newry to Bethel Hill, asking that certain alterations, new locations and discontinuances be made upon said route as public necessity and convenience required. That the said Commissioners gave a hearing to the parties and proceeded to make alterations and new locations, one of which was across the Androscoggin river at Barker's Ferry, which report was made at the September term of said Commissioners, A. D. 1856, and continued from term to term to the September term, A. D. 1857, being the second regular session thereafter, when the proceedings were closed and the locations established and known as a public highway. September term, A. D. 1859, the inhabitants of Bethel petitioned for a discontinuance of said location across said Androscoggin river. The County Commissioners, after an examination and hearing, reported that common convenience and necessity did not require the alterations and discontinuances prayed for, denied the prayer of the petitioners, and taxed the costs to the town of Bethel.

May term, 1866. The Selectmen of Bethel again petition the County Commissioners to discontinue the road across the Androscoggin river, and this time with better success, as one of the commissioners is a citizen of the town. They discontinue the road from the northerly to the southerly bank of said river, and establish a ferry. Report made September term, 1866. The friends of the road appeal from the decision of the Commissioners to S J. Court, and Phineas Barnes, Nathaniel S. Littlefield and Jacob

Thompson were appointed a committee by said Court, who heard the parties and wholly reversed the action of the Commissioners, thus establishing a highway across said river at Barker's Ferry, after a resistance by the town for thirteen years. The report of the Committee was signed January 17, 1868, and the Act authorizing a toll was approved January 29, 1868, twelve days afterwards. December 18, 1867, the town of Bethel held a meeting and voted to raise \$15,000 to build a bridge across the river at Barker's Ferry, and chose a Committee to appear before the Legislature to procure an Act authorizing them to collect a toll. They published a notice of their intentions in the Oxford Democrat, a newspaper published at Paris in said County, the 13th, 20th and 27th of December, 1867, the last publication being four days before the convening of the Legislature, instead of fourteen as required by statute. The petitioners did not appear before the Legislature to oppose the town, as they were instructed by counsel that the Legislature would take no notice of the petitioners, as they had not complied with the statutes, and if they did grant a toll it would be void, as the Legislature had not the authority to grant special privileges, and the right to discriminate between its inhabitants. The Act was obtained, the bridge was built, and toll has been collected since January, 1869, although the town has failed to comply with the requirements of statute requiring a covered bridge upon which toll is demanded, to be lighted where it is more than seventy-five feet in length—this bridge being covered a length of some three hundred and fifty feet.

It appears that Bethel Hill is a smart business village, supplying the great lake country with merchandize. The petitioners before us are, first, the citizens of Bethel, living the north side of this river, all of whose business relations, schools, meetings, post-office, physicians, mills and mechanic shops are the south side of the river. They constitute about one-eighth of the number of inhabitants, and one-eighth of the valuation of Bethel. Next come the merchant, mechanics, doctors and hotel-keepers, and some enterprising farmers and day laborers. Then the inhabitants of Newry, Grafton, Upton, Hanover, Gilead and Andover, all saying that the toll is an onerous burden, and detrimental to the business interests of the community. It does not appear that Bethel is burdened with roads and bridges, or that her citizens are burdened with taxation above other towns. The town received more than \$11,000 from the State on equalization of bounties, which liquidated the

war debt. For the six years they have taken toll upon this bridge they realized only \$643 a year above the cost of collection. It is a great thoroughfare to the great northern lakes, and an official Post road.

STATE OF MAINE.

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

AN ACT to repeal an act to authorize the town of Bethel
to collect toll on bridge over the Androscoggin river at
Barker's ferry.

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

That the act approved January twenty-ninth, in the
2 year of our Lord one thousand eight hundred and sixty-
3 eight, authorizing the town of Bethel to collect toll on
4 the bridge across the Androscoggin river at Barker's
5 ferry, so called, in Bethel, for the term of twenty
6 years from the first day of January, eighteen hundred
7 and sixty-nine, is hereby repealed.

*Report of the Minority of the Committee of Ways and Bridges on
on petition of Alpheus Twitchell and others, for the repeal of an
act granting the right to collect toll on the Bethel Bridge a limited
time.*

The Minority of the Committee ask leave to report as follows :
The Bethel bridge is constructed across the Androscoggin at a
place where it is very difficult to maintain a bridge ; the rises of
water are frequent, the quantities of ice large and destructive in ice
freshets. A bridge was built on this site in 1838 at an expense of
some \$6,000, and was carried away by an ice freshet within three
months of its completion, becoming a total loss to the proprietors ;
the piers thrown down and the superstructure broken up. In
1855 a county road was located from shore to shore on the present
site of the bridge. In 1868 the location across the river was dis-
continued from lapse of time. Notwithstanding this a petition
was presented to the county commissioners of Oxford to discon-
tinue the location across the river ; they decided to discontinue.
An appeal was taken and a committee appointed by the Supreme
Judicial Court to act upon the appeal. The committee gave a
hearing, but before they made their report to court, the parties
opposed to and in favor of the bridge, agreed in open town meet-
ing upon a compromise. They agreed unanimously that a bridge
should be built and that it should be a toll bridge, provided the
Legislature would grant the necessary authority. The town voted
to raise the sum of \$15,000. A committee was chosen, one from
one party and two from the other, to go to Augusta and procure
the grant. The Legislature upon their application, passed chapter
427, page 378 of the special laws of 1868. The preamble to the
act is as follows :

“ WHEREAS, The town of Bethel in the County of Oxford, on the
18th day of December, 1867, raised and appropriated \$15,000 for
the purpose of building a bridge across the Androscoggin river at
or near Barker’s Ferry, so-called, in Bethel aforesaid, and

WHEREAS, Said river is liable to great and frequent rises of
water in the fall, winter and spring seasons of the year, bringing
down said river large masses of ice, logs and drift-wood, thereby

greatly endangering the safety of any bridge as may be built across said river, therefore be it enacted, &c."

The town constructed the bridge and bought the toll house and lot at an expense of \$19,100. The State valuation of Bethel in 1870, was \$712,871. The debt of the town by bond and note is \$32,402.

The petitioners ask a repeal of the act; the town resist it. First, because the act is the result of a compromise with the petitioners. Second, because it would be a violation of the good faith of the State. Third, because they contend that the act was a contract with the State, and as such the Legislature has neither the right nor power to repeal it.

The minority, concurring with the inhabitants of Bethel in these views and positions, report that the petitioners have leave to withdraw.

J. N. HARMON,
S. A. HOLBROOK,
J. W. PALMER.

STATE OF MAINE..

IN HOUSE OF REPRESENTATIVES, }
February 10, 1875. }

Ordered printed.

S. J. CHADBOURNE, *Clerk.*