

# MAINE STATE LEGISLATURE

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NEW DRAFT.

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SEVENTY-FIFTH LEGISLATURE

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HOUSE

NO. 53

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*House of Representatives, Jan. 26, 1911.*

*Reported by Mr. Peters from Committee on Legal Affairs  
and ordered printed under joint rules.*

*C. C. HARVEY, Clerk.*

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STATE OF MAINE

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IN THE YEAR OF OUR LORD ONE THOUSAND NINE  
HUNDRED AND ELEVEN.

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AN ACT granting Bradbury Smith the right to establish and  
maintain a ferry between Sullivan and Hancock.

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

Section 1. Bradbury Smith of Sullivan and his assigns are  
2 hereby authorized to establish and maintain a ferry for the  
3 space of ten years between the towns of Sullivan and Han-  
4 cock, in the county of Hancock, across Taunton Bay, or  
5 Sullivan river, so called, from the terminus of the road now  
6 existing on the Hancock shore; with the right to keep and  
7 maintain suitable boats to be propelled by oars, sails, cable,  
8 naphtha, gasoline, or similar motive power, for the prompt  
9 and safe conveyance and transportation of passengers, teams,

10 carriages and freight, and they are hereby authorized for this  
11 purpose to lay and maintain a cable across said Sullivan river,  
12 between the termini above mentioned but in such a way as  
13 not to obstruct navigation. Said Smith or his assigns are  
14 hereby authorized and empowered to erect and maintain at  
15 the terminal points of said ferry such wharves, slips, land-  
16 ings, toll houses, waiting rooms and other structures, includ-  
17 ing a proper and suitable walk from the Waukeag station  
18 of the Maine Central Railroad Company to the Hancock  
19 terminus of said ferry as may be necessary and proper for  
20 the convenient operation and maintenance of said ferry; and  
21 for that purpose to take and hold or purchase and lease real  
22 estate at the terminal points of said ferry. If the parties  
23 cannot agree as to the value of any land taken under this act,  
24 the value shall be fixed and the damages assessed in the man-  
25 ner provided by law in cases where real estate is taken by  
26 railroads.

It is provided that said Smith shall use row boats for the  
28 transportation of passengers only when unavoidable accident  
29 or casualty prevents the operation of the power boat.

Sect. 2. The following rates of toll are hereby established:  
2 for a single team and carriage not exceeding two persons,  
3 thirty-five cents; for a double team and carriage not exceed-  
4 ing two persons, fifty cents; for each person exceeding two,  
5 five cents; and for each additional horse, ten cents; for a  
6 foot passenger, ten cents; for a yoke of cattle and driver,  
7 thirty-five cents; for same with cart, fifty cents; for an ox

8 or horse not driven in harness, fifteen cents; and for each  
9 additional, ten cents; the driver paying as a foot passenger;  
10 and for sheep or swine, five cents per head; for a bicycle and  
11 rider, fifteen cents; touring cars, one dollar, and runabouts,  
12 fifty cents. Said Smith is hereby required to transport  
13 freight and baggage to and from said Waukeag station to  
14 the Sullivan terminus of said ferry for a proper and reason-  
15 able compensation, it being understood and agreed that the  
16 rate for the transportation of freight shall not exceed that  
17 as expressed in the freight bills of nineteen hundred ten  
18 and as tabulated on the nineteen hundred ten freight book  
19 of said Smith.

Sect. 3. Said ferry shall be operated, when the weather  
2 permits, from half past five o'clock in the forenoon until nine  
3 o'clock in the afternoon, between the dates of May fifteen  
4 and September fifteen of each year, and from sunrise until  
5 half past seven o'clock in the afternoon between the dates of  
6 September fifteen and May fifteen inclusive of each year.  
7 But transportation shall be provided for foot passengers to  
8 and from all trains stopping at said Waukeag station. For  
9 any unreasonable neglect or delay to transport either passen-  
10 gers or freight during the hours thus named, or when attend-  
11 ing all passenger trains which stop at said Waukeag station,  
12 the persons operating said ferry shall be liable in an action  
13 on the case to the person injured for his damages.

Sect. 4. Any person who keeps a ferry contrary to the  
2 provisions of this act, or who transports passengers, teams,

3 carriages or freight between said towns of Sullivan and Han-  
4 cock, across said Taunton bay or Sullivan river within three-  
5 fourths of a statute mile above or below the ferry established  
6 by this act for hire, or who furnishes for hire a boat or other  
7 craft for such purpose, forfeits four dollars for each day  
8 such ferry is kept or for each time of transportation, the  
9 same to be recovered by said Smith or his assigns, to their  
10 use, in an action on the case.

Sect. 5. Said Smith or his assigns, shall give a bond to the  
2 treasurer of the county of Hancock in such sum as the  
3 county commissioners of said county shall require, and with  
4 two sureties approved by said commissioners, for the faith-  
5 ful performance of the provisions of this act. Any one in-  
6 jured in person or property by the negligence or fault of the  
7 persons operating said ferry, or their employees, may com-  
8 mence a suit on such bond in which the proceedings shall be  
9 similar to those in actions on the bonds of sheriffs, or instead  
10 may sue the person operating said ferry in an action on the  
11 case.

Sect. 6. The county commissioners of Hancock county  
2 shall have supervision of all matters pertaining to all appa-  
3 ratus used in operating said ferry and service at the same,  
4 and, upon petition and hearing, may order the same to be  
5 improved, and if said order shall not be complied with to  
6 their satisfaction, and they shall so determine and decree,  
7 then and in such cases all the powers, rights and privileges  
8 hereby granted to said Smith shall cease and terminate, and

9 thereupon the said commissioners shall appraise the boats,  
10 apparatus and other property used in running and operating  
11 said ferry at its fair value, and all the powers, rights and  
12 privileges hereby granted and specified in this act shall inure  
13 to and become vested in such person or persons as said com-  
14 missioners shall then appoint and their assigns, provided said  
15 person or persons so appointed shall within such time as shall  
16 be specified by said commissioners pay to said Smith the  
17 value of said boats, apparatus and other personal property  
18 as appraised by said commissioners.

Said commissioners shall also have the power, at any time,  
20 during the continuance of this charter, after petition and  
21 hearing, when in their judgment the public interest demands  
22 it, to revoke all the powers and privileges granted by this  
23 act, and thereupon they shall appraise all the boats, appa-  
24 ratus, and all other property that may have been acquired  
25 under the provisions of section one of this act, used in run-  
26 ning and operating said ferry, at its fair value and any per-  
27 son who may be appointed to run said ferry by said com-  
28 missioners under the statutes of Maine shall purchase said  
29 property at said appraisal; provided, however, that if said  
30 Smith or his assigns shall, within a reasonable time, be able  
31 to dispose of said property at an advance over the value as  
32 appraised by the county commissioners, he or his assigns  
33 shall have the authority and right to do so.

When, at any hearing under the provisions of this section,  
35 the said commissioners shall find any person operating said

36 ferry to be at fault, the latter shall pay costs of hearing, not  
37 including counsel fees; otherwise said costs shall be paid by  
38 the petitioner.

Sect. 7. Said Smith or his assigns may transfer by assign-  
2 ment in writing the privileges granted by this act, and the  
3 person so transferring said rights shall be relieved from all  
4 obligations imposed by this act. The person or persons to  
5 whom said privileges are assigned shall be acceptable to the  
6 county commissioners.

Sect. 8. Chapter 29 of the private and special laws of 1905  
2 is hereby repealed.