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SEVENTY-FIFTH LEGISLATURE

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SENATE

NO. 193

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*In Senate, March 10, 1911.*

*Introduced in House March 9 by Mr. Dresser and on motion of Mr. Boynton of Lincoln laid on table for printing pending reference.*

*W. C. HANSON, Secretary.*

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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 to provide for the erection of Portland Bridge.

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

Section 1. Immediately upon the going into effect of this  
2 act the county commissioners of Cumberland county shall  
3 proceed to procure plans and specifications for the recon-  
4 struction and extension of the present bridge across Port-  
5 land harbor in Cumberland county known as Portland bridge,  
6 according to the terms of this act, from such engineer or  
7 engineers as they may see fit to employ, and, subject to the  
8 limitations of this act, shall determine the location, character  
9 and material of the construction and extension of said bridge.

Sect. 2. As soon as such plans and specifications have  
2 been adopted and the location, character and material of the

3 construction and extension of said bridge has been deter-  
4 mined as provided in the preceding section, the said county  
5 commissioners, for and in behalf of said county of Cumber-  
6 land, are hereby authorized, empowered and directed to  
7 negotiate with the Boston and Maine Railroad, the Maine  
8 Central Railroad Company and the Portland Railroad Com-  
9 pany, all corporations existing by law and having an office  
10 at Portland in said county, or their respective successors,  
11 lessees or assigns, to the end that an agreement may be  
12 reached between the said county commissioners and the said  
13 railroad companies or their respective successors, lessees or  
14 assigns, to determine the proportions which shall be borne  
15 by the county of Cumberland and the said several railroad  
16 corporations or their respective successors, lessees or as-  
17 signs, respectively, of the cost of construction and mainte-  
18 nance of said bridge, and the removal of the present bridge,  
19 including all expenditures necessary for and incidental to  
20 the carrying out of the purposes of this act, and interest  
21 computed as provided in section        hereof. Should the  
22 said county commissioners, for and in behalf of said county  
23 of Cumberland, within the period of four months from the  
24 time this act goes into effect, arrive at a satisfactory agree-  
25 ment with all the said railroad corporations or their respect-  
26 ive successors, lessees or assigns, they are hereby authorized,  
27 empowered and directed to execute in behalf of the said  
28 county of Cumberland a written contract, setting forth and  
29 making definite the terms, conditions and stipulations of their

30 said agreement, with said railroad corporations or their  
31 respective successors, lessees or assigns.

Sect. 3. If, at the expiration of the said period of four  
2 months from the time this act goes into effect, a contract  
3 shall not have been executed between the said county com-  
4 missioners for and in behalf of the said county of Cumber-  
5 land and all the said railroad corporations, or their respective  
6 successors, lessees or assigns, as provided in section two  
7 hereof, then the proportions which the said several parties  
8 as aforesaid shall bear of said cost of construction and  
9 maintenance of said bridge, and the removal of the present  
10 bridge, including all expenditures necessary for and inci-  
11 dental to carrying out the purposes of this act, and interest  
12 as aforesaid, shall be determined in the following manner,  
13 namely:

The said County Commissioners, for and in behalf of said  
15 county of Cumberland, are hereby authorized, empowered  
16 and directed to file within fifteen days from the expiration of  
17 said four months a petition in the office of the Clerk of the  
18 Supreme Judicial Court, for the County of Cumberland, in  
19 term time or vacation, addressed to any Justice thereof, in  
20 which said petition each of said corporations or their respec-  
21 tive successors, lessees or assigns shall be made parties de-  
22 fendant, and in which the facts necessary for a proper un-  
23 derstanding of the case shall be set forth, which said Jus-  
24 tice shall order notice to be served upon each of said de-  
25 fendant corporations, their respective successors, lessees or

26 assigns, to appear and answer to said petition on a day cer-  
27 tain, not later than twenty days from the date of the filing  
28 of said petition, and if it desire a trial of the issues by a  
29 jury, to file with its said answer, notice to that effect; ser-  
30 vice of said petition shall be made by giving in hand to any  
31 officer of each of the said several corporations, upon whom  
32 service of process may legally be made, at least fourteen  
33 days before the return day thereof, a copy of said petition  
34 and order of Court thereon, attested by the Clerk or Deputy  
35 Clerk of said Court.

If any one of said defendant corporations files with its an-  
37 swer a notice that it desires a trial of the issues by jury, then  
38 such proceedings shall be had upon said petition and an-  
39 swers thereto, including the rights of exception and appeal  
40 and the making of all proper and necessary decrees, so far  
41 as the same are applicable, as is provided for the trial of  
42 equity causes before a jury. If any party defendant, upon  
43 which service of said petition and order has been made, as  
44 aforesaid, shall fail, neglect or refuse to answer to said peti-  
45 tion, upon the return day thereof, all proceedings upon said  
46 petition shall continue, ex parte, as to such defendant, in the  
47 same manner as herein provided for other defendants, and  
48 any defendant so failing, neglecting or refusing to answer  
49 shall nevertheless be deemed a party to said proceedings, so  
50 far as necessary for determining the proportional part which  
51 such defendant shall bear of the cost of construction and  
52 maintenance of the said bridge and the removal of the pres-

53 ent bridge, including all expenditures necessary for and in-  
54 cidental to the carrying out of the purposes of this act and  
55 interest as aforesaid, but such defendant shall not be entitled  
56 to be heard in defense. Such defendant so failing, neglect-  
57 ing or refusing to answer as aforesaid shall, however, be sub-  
58 ject to the jurisdiction of said court, and to all such orders,  
59 decrees and process as are herein provided for as to other  
60 defendants. If no one of said defendants answering files  
61 with its answer a notice that it desires a trial of the issues  
62 by jury, then said Justice shall, after hearing, and within  
63 thirty days after the filing of said petition, appoint a com-  
64 mission of three justices of the Supreme Judicial Court of  
65 the State of Maine, who shall determine the proportions  
66 which the said parties shall bear of the cost of construction  
67 and maintenance of the said bridge, the removal of the pres-  
68 ent bridge, including all expenditures necessary for and inci-  
69 dental to the carrying out of the purposes of this act, and  
70 interest as aforesaid. The time for so appointing said com-  
71 mission may be extended by the court, for good cause shown,  
72 an additional thirty days. Said petition shall not be dis-  
73 missed after filing, but may and shall be amended in any  
74 manner required to enable the court to join all necessary  
75 parties and to make all necessary orders and decrees thereon.  
76 At the hearing aforesaid such Justice upon motion of the  
77 petitioner, if the same are not voluntarily produced, may or-  
78 der under proper terms the production for inspection by the  
79 petition of all books and papers pertinent to the issue to be

80 heard by said commission. The said commission shall deter-  
81 mine the time and place of the hearings, and shall have the  
82 power of compelling the attendance of witnesses and the  
83 production of books and papers pertinent to the issue, and  
84 may administer oaths; and any witness or person in charge  
85 of such books or papers, refusing to attend or to produce  
86 the same, shall be subject to the same penalties and proceed-  
87 ings, so far as applicable, as witnesses summoned to attend  
88 the Supreme Judicial Court. Depositions may be taken as  
89 in civil actions.

The said commission may appoint a sufficient number of  
91 stenographers to enable a full report of the proceedings of  
92 each day, to be in readiness for use the following day, each  
93 of said commissioners to have one copy thereof, and the par-  
94 ties to receive such number of copies as the commissioners  
95 may deem necessary. The compensation and expenses of  
96 said stenographers shall be taxed and allowed by the com-  
97 missioners, and be paid and borne as hereinafter provided.  
98 Their reports, certified by said commissioners as correct,  
99 shall be filed with the report to be made by said commission,  
100 and shall be legal evidence of all proceedings so reported.  
101 They shall make full report as required in trials had in the  
102 Supreme Judicial Court. The commission so appointed  
103 shall after due notice and hearing determine the propor-  
104 tions which each of said parties shall bear of the cost of  
105 construction and maintenance of the said bridge and the  
106 removal of the present bridge, including all expenditures

107 necessary for and incidental to the carrying out of the pur-  
108 poses of this act and interest as aforesaid. The report of  
109 the said commission or a majority of the members thereof  
110 shall be filed in said Clerk's office within three months after  
111 their appointment, unless the time is extended by the court  
112 for cause.

Upon request of either party, said commission shall make  
114 in its report separate findings of law and fact. All such  
115 findings of fact shall be final, but any party aggrieved by  
116 any finding of law so made, may take exceptions thereto  
117 by claiming such exceptions upon the docket of said court  
118 within ten days after said report is filed, and all further  
119 proceedings upon said report shall be stayed until the ques-  
120 tions of law raised by such exceptions shall have been deter-  
121 mined by the Law Court; provided, however, that after said  
122 report is filed, and before said exceptions have been ar-  
123 gued before the Law Court, such single Justice so appoint-  
124 ing said commission, or in case of his decrease or inability  
125 to act, then any Justice of the Supreme Judicial Court des-  
126 igned for the purpose by the Chief Justice, may upon  
127 agreement of the parties, confirm, reject or recommit said  
128 report, or after notice and hearing, if he deems that justice  
129 and equity so require, reject or recommit said report and  
130 order a new hearing and new report thereon. When excep-  
131 tions to any finding of law by said commission in its said  
132 report have been claimed upon the docket as aforesaid, no-  
133 tice shall be given by the clerk of said court to all the par-

134 ties or their counsel, and said exceptions so claimed shall be  
135 made up, allowed and filed within said ten days, unless fur-  
136 ther time is granted by the court or by agreement of the  
137 parties. Unless said report has been confirmed, rejected  
138 or recommitted as hereinbefore provided, said exceptions  
139 shall be entered at the next term of the Law Court to be  
140 held after the filing of the same, accompanied only by such  
141 parts of the case as are necessary for a clear understanding  
142 of the questions raised thereby, and such exceptions shall  
143 there be heard unless otherwise agreed, or the Law Court  
144 shall for good cause order a further time for hearing  
145 thereon.

Upon such hearing the Law Court may overrule or sustain  
147 such exceptions or remand the cause for further proceed-  
148 ings, or both sustain and remand such cause for further  
149 proceedings, as seems proper. During the pendency of  
150 such exceptions, the cause shall remain on the docket of the  
151 court below, marked "Law," and decree shall be entered  
152 thereon by a single Justice in term time or in vacation, con-  
153 firming, rejecting or recommitting said report, and order-  
154 ing a new hearing and a new report thereon, in accordance  
155 with the certificate and opinion of the Law Court. The  
156 decision of the commission shall be conclusive as to propo-  
157 sitions, except in so far as the same may be based upon find-  
158 ings of law made in said report, and adjudged to be erron-  
159 eous by the Law Court.



Upon receipt by the Clerk of the Court of the certificate of  
161 decision of the Law Court upon said exceptions, he shall  
162 immediately notify the parties or their counsel, and within  
163 ten days of the filing of said certificate of decision, if any  
164 of said exceptions are sustained, said single Justice sitting  
165 in term time or in vacation shall reject or recommit said  
166 report and order a new hearing and new report thereon, in  
167 accordance with the opinion of the Law Court. If all of  
168 said exceptions are overruled by said Law Court, said single  
169 Justice sitting in term or in vacation shall, after notice and  
170 hearing, confirm, reject or recommit the report of said com-  
171 mission, if justice so require, and in case of such rejection  
172 or recommittal, such Justice may order a new hearing and  
173 a new report thereon. Upon the confirmation of the re-  
174 port of said commission, the court so sitting in term time  
175 or vacation shall thereupon, after hearing, make final decree  
176 upon the whole matter, jurisdiction over which is hereby  
177 expressly conferred, with the same power to enforce said  
178 decree as in equity cases. All of the costs and expenses  
179 arising under such petition and determination and adjudi-  
180 cation of the proportions which the said parties shall bear  
181 as aforesaid, shall be paid and borne as directed by the  
182 court in said final decree. The findings of such Justice  
183 as to costs and expenses and their apportionment shall be  
184 final. Upon entry of the final decree upon the determina-  
185 tion of the proportions which the said parties shall bear as  
186 aforesaid, all proceedings shall be closed, subject to the

187 right of said County of Cumberland to recover from the  
188 several corporations their proportional part of the total cost  
189 of construction and maintenance of said bridge, and the re-  
190 moval of the old bridge, including all expenditures and in-  
191 terest thereon, as provided in Section        of this act. If  
192 a vacancy occurs at any time in such Board of Commission-  
193 ers, from any cause, any Justice of the Supreme Judicial  
194 Court sitting in said County of Cumberland may, in term  
195 time or in vacation, after notice and hearing, appoint a new  
196 commissioner or commissioners, and make all such orders  
197 for hearing said cause by the commissioners, anew or for  
198 any extension of time, for making their decision or other-  
199 wise, as the circumstances of the case may require.

Sect. 4. Immediately upon the execution of a contract  
2 between the said County Commissioners, for and in behalf  
3 of said County of Cumberland, and the said several railroad  
4 corporations or their respective successors, lessees or as-  
5 signs, as provided in Section 2 of this act, or if a contract is  
6 not executed, then, upon the entering of the final decree in  
7 the proceedings provided for in Section 3 hereof, said Coun-  
8 ty Commissioners are hereby authorized and empowered,  
9 and shall proceed to reconstruct and extend said Portland  
10 Bridge, so-called, connecting the cities of South Portland  
11 and Portland in said county, across said Portland Harbor,  
12 and shall extend the same from a convenient point on Ocean  
13 Street in said South Portland to York Street in said Port-  
14 land, conforming substantially as to direction with the pres-

15 ent location of Portland Bridge, Cape Elizabeth Crossing,  
16 so-called, and Brackett Street in said Portland. Said bridge  
17 shall be of substantially uniform grade throughout its entire  
18 length, and shall cross the tracks of the Boston & Maine  
19 Railroad and the Maine Central Railroad Company at an  
20 elevation which shall meet the present grade of said York  
21 Street, the same to be forever thereafter considered and  
22 maintained as a county way.

Sect. 5. Said bridge shall be constructed of steel, masonry  
2 or concrete or from a combination of steel, masonry and con-  
3 crete, with filling wherever said County Commissioners may  
4 deem practicable, and shall have a road-way of not less than  
5 seventy (70) feet in width, including a sidewalk for pedes-  
6 trians on the westerly side. A draw in said bridge shall be  
7 constructed with a clear opening of not less than seventy  
8 (70) feet in width in such part and in such manner with suit-  
9 able dolphins and other necessary and appurtenant struc-  
10 tures for the operation of the same as shall meet the require-  
11 ments of the several acts of the Congress and the regula-  
12 tions of the War Department of the United States relating  
13 to draws and draw bridges over and across tide waters.  
14 Said bridge shall be of sufficient strength, in addition to the  
15 amount of travel which it will reasonably be required to ac-  
16 commodate, to allow its use by such railroads operated by  
17 electricity or other motive power as may obtain permission  
18 to use the same under the terms of this act. Said County  
19 Commissioners are hereby further authorized to construct ap-

20 proaches to each end of said bridge and at such other point  
21 or points in said bridge as they may deem necessary for the  
22 convenience of public travel. For the purpose of providing  
23 for the safety and convenience of public travel between said  
24 cities of South Portland and Portland during the construc-  
25 tion of said bridge, said County Commissioners are hereby  
26 further authorized and empowered to construct and maintain  
27 such temporary bridge or bridges as they may deem neces-  
28 sary.

Sect. 6. Said County Commissioners are hereby further  
2 authorized and empowered at their discretion to remove the  
3 present bridge known as Portland Bridge, or any part there-  
4 of, and make use of or dispose of the material therein con-  
5 tained in whatever manner they deem best for the interests  
6 of the County of Cumberland.

Sect. 7. Said County Commissioners are further author-  
2 ized and empowered from time to time to lay and construct  
3 ducts or conduits for wires and cables beneath the surface  
4 of the highways and approaches to said bridge and through  
5 the abutments, and beneath or along the sides of said bridge,  
6 and across the ship channel, under the draw of said bridge  
7 and beneath the bed, in such manner as not to obstruct nav-  
8 igation, and as shall be approved by the United States En-  
9 gineer for the District of Maine, and construct suitable man-  
10 holes or openings in said highways and approaches, to ad-  
11 mit of access to said ducts or conduits, and if said County  
12 Commissioners shall construct ducts or conduits of sufficient

13 capacity, all telephone, telegraph and electric lighting and  
14 power companies, and all other public or private corporations  
15 or individuals desiring to cross said railroad tracks of said  
16 Boston and Maine Railroad, the Maine Central Railroad  
17 Company and said harbor, with wires and cables, at the point  
18 where said bridge crosses, unless permission has been grant-  
19 ed them to construct ducts or conduits of their own, under  
20 this act, shall place their wires or cables within the said ducts  
21 or conduits; except that any electric railroad using said  
22 bridge may, upon permission being given by said County  
23 Commissioners, erect its poles along said bridge and ap-  
24 proaches and string its trolley wires thereon, the same to be  
25 done under the supervision of and in a manner satisfactory  
26 to said County Commissioners. Said County of Cumber-  
27 land shall thereafter maintain said ducts and conduits, and  
28 shall receive from the parties using them a reasonable com-  
29 pensation, as rental, based upon the cost of construction and  
30 expense of maintenance. In case said County Commission-  
31 ers do not construct such ducts or conduits, or fail to con-  
32 struct them of sufficient capacity to accommodate all persons  
33 or corporations desiring to cross said railroad tracks and said  
34 harbor at said point, with wires and cables, or the said Coun-  
35 ty Commissioners deem it inexpedient for any reason to lay  
36 and construct sufficient additional ducts and conduits, for  
37 such purposes, any person or corporation may in that event  
38 obtain permission from the said County Commissioners to  
39 lay and construct new or additional ducts and conduits in the

40 manner aforesaid, and lay their wires and cables therein,  
41 said permission to be obtained in the same manner and un-  
42 der the same restrictions as when permission is obtained of  
43 the municipal officers of cities and towns for constructing  
44 ducts and conduits, and laying wires and cables beneath the  
45 surface of highways, under the provisions of Chapter 55 of  
46 the Revised Statutes.

Sect. 8. The said County Commissioners for the purposes  
2 aforesaid are hereby authorized and empowered to acquire  
3 by purchase or to take by right of eminent domain, upon  
4 payment of just compensation therefor, any real estate or  
5 interest therein, rights of way or other rights, for and in be-  
6 half of said county, as may be necessary for the construc-  
7 tion and extension of said bridge and the approaches thereto  
8 the manner as aforesaid, or for the safe and proper main-  
9 tenance thereof, and for such purposes may also acquire by  
10 purchase or take by right of eminent domain, upon payment  
11 of just compensation therefor, land on either side of and ad-  
12 joining said highways, the said Cape Elizabeth Crossing,  
13 the said approaches and bridge, though covered with water  
14 or flowed by the tide, and fill the same, provided it can be  
15 done without obstructing navigation. In exercising any  
16 right of eminent domain conferred upon it by this act, said  
17 County of Cumberland, by and through its said County  
18 Commissioners, shall file in the Registry of Deeds in said  
19 county certified copies of the plans of the location of all lands  
20 or interests therein, rights of way, or any other rights so

21 taken, together with an appropriate description thereof, and  
22 the names of the owners, if known; and no entry shall be  
23 made on any land except to make surveys as aforesaid until  
24 the expiration of ten days from such filing, whereon posses-  
25 sion may be had of all said lands and interests therein, rights  
26 of way, or any other rights so taken, but title thereto shall  
27 not vest in said county until payment therefor. With such  
28 plan the county, through its said County Commissioners, may  
29 file a statement of the damages it is ready to pay to any per-  
30 son for any property so taken, and if the amount finally  
31 awarded does not exceed the same, the county shall recover  
32 costs against such person; otherwise, such person shall re-  
33 cover costs against the county. When for any reason the  
34 county fails to acquire the property authorized to be taken  
35 and which is described in such location, or the location re-  
36 corded is defective or uncertain, it may at any time correct  
37 and perfect such location, and file a new description thereof;  
38 and in such case the county shall be liable in damages only  
39 for the property for which the owner had not previously  
40 been paid, to be assessed as of the time of the original tak-  
41 ing, and the county shall not be liable for any acts which  
42 would have been justified if the original taking had been  
43 lawful.

Sect. 9. Said County of Cumberland shall be held liable  
2 to pay all damages that shall be assessed in favor of any per-  
3 son, partnership or corporation by the taking of any real es-  
4 tate or interest therein, rights of way or any other rights or

5 property as aforesaid, and if such person, partnership or  
6 corporation sustaining damages as aforesaid shall not agree  
7 with said county upon the sum to be paid therefor, either  
8 party on petition to a Justice of the Supreme Judicial Court  
9 within six months after said plans are filed, may have such  
10 damages assessed by a board of three appraisers to be ap-  
11 pointed by said Justice, and subsequent proceedings and  
12 rights of appeal thereon shall be had in the same manner  
13 and under the same restrictions, conditions and limitations  
14 as are by law prescribed in the case of damages by the laying  
15 out of highways.

Sect. 10. To procure funds for the construction and ex-  
2 tension of said bridge, including the approaches thereto, the  
3 taking of necessary lands and interests therein, rights of  
4 way or any other rights, the construction of the dolphins  
5 and other necessary and appurtenant structures for the op-  
6 eration of the draw and the convenience of navigation, the  
7 building of a temporary bridge or bridges, if necessary, and  
8 the removal of the present bridge, and such other expendi-  
9 tures as may be necessary for or incidental to carrying out  
10 the purposes of this act, said County of Cumberland, by and  
11 through its said County Commissioners, is authorized to bor-  
12 row money and to issue temporary notes or interest bearing  
13 bonds of said county, and the rate of interest on said bonds  
14 shall not exceed three and one-half percent ( $3\frac{1}{2}\%$ ) per  
15 annum. Said obligations shall be valid without first obtain-



16 ing the consent of said county, as provided in Sections 14  
17 and 16 of Chapter 80 of the Revised Statutes.

Sect. 11. Upon the completion of the construction and ex-  
2 tension of said bridge, said County Commissioners shall file  
3 with the clerk of each of said railroad corporations, their  
4 respective successors, lessees or assigns, liable to pay any  
5 proportion of the same, a detailed statement of the total  
6 amount of the cost of construction and extension of said  
7 bridge, including all expenditures necessary for and inci-  
8 dental to the carrying out of the purposes of this act, and  
9 interest upon the several amounts which may have been paid  
10 by the said County of Cumberland during the construction  
11 of said bridge, at the rate of four percent (4%) per annum  
12 from the time such payments were made to the date of the  
13 filing of said statement, together with a written demand for  
14 the payment of each such company's proportion of said total  
15 cost, expenditures and interest as aforesaid, as agreed upon  
16 under the provisions of Section 2 or as determined under the  
17 provisions of Section 3 of this act. Upon the neglect, re-  
18 fusal or failure of any of said railroad corporations, for the  
19 period of ten days after the filing of such statement and de-  
20 mand, to pay its proportional part as aforesaid, the same  
21 may be recovered of such company neglecting, refusing or  
22 failing so to pay, by the said County of Cumberland, in an  
23 action of debt commenced in any court of competent juris-  
24 diction in this state.

On or before the first day of April of each year, the said  
26 County Commissioners shall file with the Clerk of each of  
27 said railroad corporations, their respective successors, lessees  
28 or assigns, liable to pay any proportion of the same, a de-  
29 tailed statement of the total amount of the cost of the re-  
30 pairs and maintenance of said bridge during the preceding  
31 fiscal year, including interest upon the several amounts  
32 which may have been paid by the said County of Cumber-  
33 land during said preceding fiscal year for such repairs and  
34 maintenance at the rate of four percent (4%) per annum  
35 from the time such payments were made to the date of the  
36 filing of said statement, together with a written demand for  
37 the payment of each company's proportion of said total cost  
38 of repairs, maintenance and interest as aforesaid as agreed  
39 upon under the provisions of section two or as determined  
40 under the provisions of section three of this act. And upon  
41 the neglect, refusal of any of the said railroad corporations  
42 for the period of ten days after the filing of such statement  
43 and demand to pay its proportional part as aforesaid, the  
44 same may be recovered of such company neglecting, refusing  
45 or failing so to pay, by the said County of Cumberland in an  
46 action of debt, commenced in any court of competent juris-  
47 diction in this state.

Sect. 12. After the reconstruction and extension of said  
2 Portland Bridge, the County Commissioners of said Cumber-  
3 land County may at their discretion enter into an agreement  
4 with any railroad operated by electricity or other motor pow-

5 er to permit and allow the use and crossing of said bridge  
6 by such railroad or railroads for the purpose of public traffic  
7 under such terms and for such periods as they may agree.  
8 The amount paid by such railroad or railroads for the priv-  
9 ilege of using and crossing said bridge shall be used to de-  
10 fray the expenses of the reconstruction and maintenance of  
11 said bridge, the removal of the present bridge, including all  
12 expenses necessary for and incidental to carrying out the  
13 purposes of this act, or the payment of the annual interest on  
14 the bonds issued by said county under this act, or be placed  
15 in a sinking fund to be held and invested and the proceeds  
16 thereof applied in part payment of said bonds, or placed in  
17 the general fund of the said County of Cumberland to be  
18 used for the expenses of the said county at the discretion of  
19 the said commissioners. In case the County Commissioners  
20 fail to come to an agreement with such railroads as request  
21 permission to use and cross over said bridge after the con-  
22 struction thereof, the terms and conditions under which the  
23 same may be so used or crossed, shall be determined by the  
24 County Commissioners filing at any time in the office of the  
25 Supreme Judicial Court for the County of Cumberland a  
26 petition addressed to any Justice of said court, in which peti-  
27 tion the facts necessary for a proper understanding of the  
28 case may be set forth, whereupon the Justice shall order no-  
29 tice to be served as provided in Section 3 of this chapter,  
30 and all other proceedings for the determination of said mat-  
31 ter shall be in accordance with and in manner provided there-  
32 after in said Section 3.