

MAINE STATE LEGISLATURE

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ACTS AND RESOLVES

PASSED BY THE

TWENTY-SEVENTH LEGISLATURE

OF THE

STATE OF MAINE,

A. D. 1847.

Published by the Secretary of State, agreeably to Resolves of June 28, 1820, February 26, 1840,
and March 16, 1842.

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1847.

PRIVATE AND SPECIAL LAWS

OF THE

STATE OF MAINE,

1847.

CHAP. 36.

Chapter 36.

An act to change the name of the town of Fox Isle in the county of Waldo to that of North Haven.

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

Town of Fox Isle changed to North Haven.

SECT. 1. The town of Fox Isle in the county of Waldo shall hereafter be known and called by the name of North Haven.

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

[Approved July 13, 1847.]

Chapter 37.

An act authorizing the town of Eastport to maintain a bridge over tide waters from the town of Eastport to the town of Perry.

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

Town of Eastport authorized to erect and maintain a road and bridge.

Location.

SECT. 1. The inhabitants of the town of Eastport are hereby authorized to build, erect and maintain a bridge and road from highwater-mark, at the north-western part of said town, to highwater-mark on the opposite shore, in Perry, near the site of the old Eastport bridge, so however as not to interfere with the safety and permanency of said bridge.

First section of this act void in certain cases.

SECT. 2. If the proprietors of the Eastport bridge, or of the franchise or right of taking toll thereon, shall sell or offer to sell to the said town of Eastport the said bridge, or the franchise thereof, with all the rights, privileges and immunities thereof, at a sum to be mutually agreed on by said proprietors and said town, or any committee duly authorized at a legal meeting of said town for that purpose, or at a value at which the same may be appraised by three disinterested men, mutually agreed upon by the parties, or appointed at their request or the request of either party, by any judge of the supreme judicial court of the state, said offer, agreement or application to be made within sixty days from the day when this act shall be approved, and the sale shall thereupon be made and the rights of said proprietors transferred to said town in pursuance thereof, then the first section of this act shall be void, otherwise to remain in full force. And in case the price is fixed by appraisers, as aforesaid, the said appraisers shall have power to fix also the times at which the money to be paid by the town shall be paid.

CHAP. 37.

SECT. 3. In place of building said new bridge or of purchasing said Eastport bridge, the said town of Eastport may, if the inhabitants choose, contract with the proprietor or proprietors of the franchise of said Eastport bridge, to pay them a certain sum annually, for a period of not more than twenty years, in consideration of such reduction of the toll upon said bridge as shall be mutually agreed upon between them: *provided*, that in case of the purchase of the Eastport bridge, or of an arrangement for a reduction of the toll upon said bridge, the rates of toll shall not in either case exceed the rates established in the present bill. And any such contract by the said proprietors and the town or between them and a committee appointed for that purpose, at a legal meeting of the inhabitants of the town, and ratified by said inhabitants at a legal meeting, shall be binding on said town and upon said proprietors, their successors, assigns and legal representatives.

Said town may contract with the proprietors of Eastport bridge for a reduction of toll.

Proviso.

SECT. 4. In case said town of Eastport in the manner herein-after provided shall decide to build a bridge, as they are authorized to in the first section hereof, or shall purchase the franchise of the Eastport bridge in the manner provided in the second section hereof, they shall from the time said bridge is built or from one year after said franchise is purchased, be held to keep the bridge so built or bought, in good repair and open always for convenient passage as they are obliged to keep the highways within the limits of said town. And all the laws defining the liabilities and rights of towns in relation to highways shall be held to apply to the duties and liabilities of the town of Eastport in relation to the bridge so built or purchased. And three years from the approval of this act are allowed to the town of Eastport to build a bridge in pursuance of the first section hereof and one year from the first day of October next to put in good repair the old Eastport bridge, if purchased pursuant to the second section hereof.

Said town to keep the bridge so built or bought, in good repair and open for convenient passage.

Rights and liabilities of said town relative thereto.

Time allowed for building or purchasing.

SECT. 5. A toll is hereby granted to the town of Eastport on the bridge to be built or purchased under the authority of this act at the following rates, viz: for each vehicle drawn by one horse, or one pair of neat cattle, five cents; for each vehicle drawn by more than one beast or one pair of neat cattle, and not more than four, except as hereinafter provided, ten cents; for every additional beast or pair of neat cattle above four, five cents; for each vehicle used for carrying persons, drawn by two beasts, ten cents; for each additional beast in such vehicle, five cents; for neat cattle and horses, four cents each; for sheep and swine, one cent each; foot passengers, one cent each; and to each team one person and no more shall be allowed as a driver to pass free of toll; and each and every

Toll granted.

Rates.

CHAP. 37.

individual of the Passamaquoddy tribe of Indians on foot, and persons going into Eastport on the Lord's day to attend public worship shall be permitted to pass said bridge free of toll. And at all times when the toll-gatherer shall not attend to his duty at the said bridge, the gate or gates shall be left open. And the said toll shall commence on the day of the first opening of said bridge for passengers. And at the place where said toll shall be collected, there shall be erected by said town and constantly exposed to view, a board or sign upon which shall be written the rates of toll and all tollable articles, in large letters. The said town may commute their tolls by agreement with any person or persons, taking therefor a special sum for a given time.

Sign to be erected, on which rates of toll shall be inscribed.

The town may commute toll.

When said town may reduce the toll on said bridge or make it free of toll.

Once reduced, no authority to increase said toll.

Manner of proceeding relative to purchasing the franchise of Eastport bridge, or maintaining a new bridge.

SECT. 6. The inhabitants of Eastport at or before the time of commencing to take toll under the provisions of this act or at any annual meeting thereafter, when there is an article to that effect in the warrant, may by vote reduce the rates of toll on said bridge or make it free of toll, but having once reduced said toll or made said bridge free, they shall have no authority thereafterwards to increase the rates by such vote established or to impose a toll after they have voted to make it free, except by authority of the legislature.

SECT. 7. Within twenty days after the passage of this act the selectmen shall call a meeting of the inhabitants of the town of Eastport qualified to vote in town affairs, setting forth in the warrant the objects of the meeting. At this meeting this act shall be laid before the inhabitants and a vote of the meeting taken, whether the town will proceed to act under its provisions. If they shall decide this question in the affirmative they shall proceed to instruct the selectmen or such committee as they may choose for that purpose, to make a contract in behalf of the town, if it can be done, with the proprietors of the franchise of the Eastport bridge under the third section hereof; and they may give such instructions relative to the terms of such contract as they shall think proper. The selectmen or committee at an adjournment of that meeting or at a meeting legally called for the purpose, shall lay the contract, (if any,) so made before the town, and a vote shall be taken upon the question—"will the town ratify the contract?" If the vote shall be in the affirmative, the contract shall be binding upon the town and upon the proprietors of the franchise, their successors, assigns and legal representatives. But if no such contract shall be made or the town shall refuse to ratify it, the inhabitants shall vote upon the question "will the town maintain a bridge as provided in the act?" If a majority of the votes shall be in the affirmative of this question, the town shall thereby be held to have assumed the liabilities and

accepted all the provisions of this act ; and shall thereafter be held to all the duties and entitled to all the privileges herein contained.

SECT. 8. The town of Eastport is hereby authorized to borrow on the credit of the town, the whole or any part of the money necessary to carry into effect the provisions of this act ; and any tax for money raised for any of the purposes of this act or for repaying any money borrowed for those purposes and interest thereon, or for repairing, building or rebuilding said bridge, shall be legal, and money for any of these purposes may be raised by the town at any town meeting having an article in the warrant for that purpose and shall be assessed and collected as other town taxes are assessed and collected.

Authorized to borrow money to carry into effect the provisions of this act.

SECT. 9. For the purpose of keeping said bridge in repair or for building or rebuilding the same the town may commit these duties to the surveyors or commissioners of highways, the selectmen or any committee of the town duly appointed for that purpose, with such powers and instructions relating thereto, as the town may determine. In case the town shall make no provision on the subject, the duty shall devolve upon the surveyors or commissioners of highways for the year. The selectmen shall appoint the toll-gatherer and fix his compensation unless the town shall elect him and fix his compensation at the annual town meeting.

Of building and keeping said bridge in repair.

Toll-gatherer, how appointed. Compensation.

SECT. 10. The money received for tolls shall be applied, so far as is necessary, to the repairs of the bridge, and the compensation of the toll-gatherer ; and the surplus, if any, shall be invested under the direction of the town, or of the selectmen, in case the town give no direction, and be applied with its income to rebuilding said bridge when it shall become necessary, or to repairing it, when the repairs needed shall exceed the amount of the income for the year in which they are to be made ; and no part of the money received for toll or the income thereof, shall ever be applied to any other purposes except those immediately connected with maintaining said bridge in accordance with the true intent and meaning of this act.

Money received for tolls, how applied.

[Approved July 13, 1847.]