

MAINE STATE LEGISLATURE

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NEW DRAFT.

Sixty-Seventh Legislature.

HOUSE

No. 297.

STATE OF MAINE.

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

AN ACT to Incorporate the City of South Portland.

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

SECTION 1. The inhabitants of the town of South Port-
2 land, in the county of Cumberland, shall, in case of the
3 acceptance of this act by the voters of said town, as here-
4 inafter provided, continue to be a body politic and corpo-
5 rate under the name of South Portland and as such shall
6 have, exercise and enjoy all the rights, immunities,
7 powers, privileges and franchises, and shall be subject to
8 all the duties and obligations now appertaining to, or
9 incumbent upon said town as a municipal corporation, or
10 appertaining to or incumbent upon, the inhabitants or
11 selectmen thereof; and may ordain and publish such by-

12 laws, ordinances and regulations, not inconsistent with the
13 constitution and laws of this state, as shall be needful to
14 the goodⁿ order of said body politic; and impose fines and
15 penalties for the breach thereof, not exceeding twenty
16 dollars for any offence, which may be recovered to the
17 use of the city, by action of debt, or on complaint before
18 the municipal court of said city.

SECT. 2. The administration of all fiscal, prudential
2 and municipal affairs of said city with the government
3 thereof shall be vested in an officer to be called the mayor,
4 and one council of seven to be denominated a board of
5 aldermen; all of whom shall be inhabitants of said city and
6 legal voters therein. Said mayor and aldermen shall con-
7 stitute the city council, and shall be sworn, or affirmed for
8 the faithful discharge of their duties.

SECT. 3. The mayor of said city shall be the chief
2 executive magistrate thereof. It shall be his duty to be
3 vigilant and active in causing the laws and regulations of
4 the city to be executed and enforced, to exercise a general
5 supervision over the conduct of all subordinate officers,
6 and to cause their violations or neglect of duty to be
7 punished. He may call special meetings of the city coun-
8 cil, when in his opinion, the interests of the city require
9 it, by causing a summons or notification to be given, in
10 hand, or left at the usual dwelling place of each member
11 thereof. He shall from time to time, communicate to the
12 city council, such information, and recommend such
13 measures as the business and interests of the city may, in
14 his opinion, require. He shall preside at the meetings
15 of the city council, but shall have only a casting vote.
16 The salary and compensation of the mayor shall be one

17 hundred dollars per year for the first five years, under
18 this charter. It may then be diminished or increased by
19 the council.

The mayor shall, in the month of February, annually,
21 prepare and lay before the city council an estimate of the
22 amount of money necessary to be raised for the ensuing
23 financial year, under the various heads of appropriation,
24 and the ways and means of raising the same; and shall
25 also, in the month of February, annually, prepare and lay
26 before the city council a statement of all the receipts and
27 expenditures of the preceding financial year, giving in
28 detail the amount of expenditures for each department;
29 and said statement shall be accompanied with a schedule
30 of the property, real and personal, belonging to the city,
31 and the value thereof, and amount of city debt.

SECT. 4. For the purpose of holding elections, the ter-
2 ritory of said city shall, as soon as may be after the first
3 election under this act, be divided by ordinance by the
4 city council into seven wards, to contain as nearly as may
5 be, consistently, within well defined limits, an equal num-
6 ber of legal voters; and it shall be the duty of the city
7 council once in ten years at most, and not oftener than
8 once in five years, to review, and, if in their opinion it be
9 needful, to alter such wards in such manner as to pre-
10 serve, as nearly as may be, an equal number of legal vot-
11 ers in each ward.

SECT. 5. The mayor shall be elected from the citizens
2 at large, by the legal voters of the city voting in their
3 respective wards. One alderman, a member of the school
4 committee, a warden, a ward clerk and one constable shall
5 be elected by each ward, being residents in the ward where

6 elected. All of said officers shall be elected by ballot as
7 hereinafter provided.

SECT. 6. The municipal elections after the first, shall
2 take place annually, on the first Monday in March. All
3 meetings of the citizens for municipal purposes shall be
4 notified and called in their respective wards, by the mayor
5 and aldermen, in the manner provided by the laws of this
6 state for notifying and calling town meetings by the select-
7 men of the several towns. The wardens shall preside at
8 all ward meetings, with the powers of moderators at town
9 meetings; and if at any ward meeting the warden shall
10 not be present, the clerk shall preside till a warden, pro
11 tempore, shall be chosen. If neither the warden or clerk
12 is present any legal voter in the ward shall preside until a
13 clerk, pro tempore, shall be chosen and qualified.

SECT. 7. The city council shall secure a prompt and
2 just accountability by requiring bonds with sufficient pen-
3 alty and surety or sureties, from all persons trusted with
4 the receipt, custody or disbursement of money; the city
5 council shall also have the care and superintendence of the
6 city buildings, and the custody and management of all city
7 property and trust funds for the benefit of schools, public
8 library, parks, cemeteries and for any other beneficial
9 purpose, whether acquired by purchase or legacy; with
10 power to let or sell what may be legally let or sold, and
11 to purchase and take, in the name of the city, real and
12 personal property for municipal purposes to an amount
13 not exceeding one hundred thousand dollars in addition
14 to that now held by the town, and shall, as often as once
15 a year, cause to be published for the information of the
16 inhabitants, a particular account of the receipts and expen-

17 ditures, and a schedule of the city property and the city
18 debt.

The city shall have the power to establish by ordinance
20 such officers as may be necessary for municipal govern-
21 ment not provided for by this act, and to elect such
22 subordinate officers as may be elected by towns under
23 general laws of the state for whose election or appoint-
24 ment other provision is not made; to define their duties
25 and fix their compensation; to act upon all matters in
26 which authority is now given to said town of South Port-
27 land, and to determine what streets, if any, shall be
28 lighted and upon what terms. The city council shall
29 appropriate annually the amount necessary to meet the
30 expenditures of the city for the current municipal year.
31 The city council shall have exclusive authority to lay out,
32 widen or otherwise alter or discontinue any and all streets
33 or public ways in said city, and as far as extreme low
34 water mark, and to estimate all damages sustained by
35 owners of land taken for such purpose. A committee of
36 the council shall be appointed whose duty shall be to lay
37 out, alter, widen or discontinue any street or way, first
38 giving notice of the time and place of their proceedings
39 to all parties interested, by an advertisement in two
40 newspapers printed in South Portland or Portland,
41 for three weeks at least, next previous to the time
42 appointed. The committee shall first hear all parties
43 interested, and then determine and adjudge whether
44 the public convenience requires such street or way
45 to be laid out, altered or discontinued, and shall make a
46 written return of their proceedings, signed by a majority
47 of them, containing the bounds and descriptions of the

48 street or way, if laid out or altered, and the names of the
49 owners of the land taken, when known, and the damages
50 allowed therefor; the return shall be filed in the city clerk's
51 office at least seven days previous to its acceptance by the
52 city council. The street or way shall not be altered or
53 established until the report is accepted by the city council.
54 And the report so filed shall not be altered or amended
55 before it comes up before the city council for action. A
56 street or way shall not be discontinued by the city council,
57 except upon the report of said committee. The committee
58 shall estimate and report the damages sustained by the
59 owners of the lands adjoining that portion of the street
60 or way which is so discontinued; their report shall be
61 filed with the city clerk seven days at least before its
62 acceptance. Any party aggrieved by their decision may
63 appeal therefrom as provided by law in the case of town
64 ways. If a street or way is discontinued before the
65 damages are paid or recovered for the land taken, the land
66 owners shall not be entitled to recover such damages, but
67 the committee in their report discontinuing the same shall
68 estimate and include all the damages sustained by the land
69 owner, including those caused by the original location of
70 the streets; and in such cases, if any appeal has been regular-
71 ly taken, the appellant shall recover his costs. The city shall
72 not be compelled to construct or open any street or way thus
73 hereafter established until, in the opinion of the city council,
74 the public good requires it to be done; nor shall the city in-
75 terfere with possession of the land so taken by removing
76 therefrom materials or otherwise, until they decide to
77 open said street. The city council may regulate the
78 height and width of the sidewalks in any public square,

79 places, streets, lanes or alleys in said city; and may
80 authorize hydrants, drinking fountains, posts and trees to
81 be placed along the edge of the sidewalks, and may locate
82 and construct culverts and reservoirs within the limits of
83 any street or way in said city whenever they deem it
84 needful.

Every law, act, ordinance, resolve or order of the city
86 council excepting rules and orders of a parliamentary
87 character, shall be presented to the mayor. If not ap-
88 proved by him he shall return it with his objections in
89 writing at the next stated session of the city council which
90 shall enter the objections at large on its journal and pro-
91 ceed to reconsider the same. If, upon reconsideration, it
92 shall be passed by vote of two-thirds of all the members
93 of the board, it shall have the same force as if approved
94 by the mayor. In case the vacancy in the mayor's office
95 this section shall not apply to any act of the council. In
96 case the mayor fails to either sign or return the bill at the
97 next session, then it becomes a law as though he had
98 signed it.

SECT. 8. The city clerk shall, before entering upon the
2 duties of his office, be sworn to the faithful discharge
3 thereof. He shall have care of all journals, records, papers
4 and documents, of the city; and shall deliver all journals,
5 records, papers and documents, and other things entrusted
6 to him as city clerk, to his successor in office. He shall be
7 clerk of the city council, and do such acts in said capacity as
8 the city council may lawfully and reasonably require of
9 him. He shall perform all the duties, and exercise all the
10 powers by law incumbent upon or vested in the town
11 clerk of the town of South Portland. He shall attend all

12 meetings of the city council, and keep a journal of its
13 acts, votes and proceedings. He shall engross all of the
14 ordinances passed by the city council in a book provided
15 for the purpose, and shall add proper indexes, which book
16 shall be deemed a public record of such ordinances; he
17 shall issue to every person who is appointed to any office
18 by the mayor, or elected to any office by the city council,
19 a certificate of such appointment or election. He shall
20 give notice of time and place of regular ward meetings.
21 In case of the temporary absence of the city clerk, the
22 city council may elect a clerk pro tempore, with all the
23 powers, duties and obligations of the city clerk, who shall
24 be duly qualified.

SECT. 9. The assessors, overseers of the poor and
2 health officers shall be elected by the city council on the
3 second Monday in March, or as soon thereafter as may be.
4 At the first election thereof under this act, three persons
5 shall be elected assessors, one of whom shall be
6 elected for one year, one for two years and one
7 for three years, and, at each subsequent election, one
8 assessor shall be elected for three years each of whom
9 shall continue in office until some other person shall have
10 been elected and qualified in his place. Three overseers
11 of the poor shall be elected in the same manner as are the
12 assessors, and shall hold office the same time, and all sub-
13 sequent elections of these officers shall be in the same man-
14 ner as all subsequent elections for assessors. The city
15 council may elect an assistant assessor in each ward, whose
16 duty it shall be to furnish the assessors with all necessary
17 information relative to persons and property taxable in his
18 ward. He shall be sworn, or affirmed, to the faithful per-

19 formance of his duty. All taxes shall be assessed, appor-
20 tioned, and collected in the manner prescribed by the laws
21 of this state relative to town taxes, except as herein modi-
22 fied, and the city council may establish further or addi-
23 tional provisions for the collection thereof and of interest
24 thereon. The city council shall also elect a city solicitor
25 and determine his salary.

SECT. 10. The city council shall, annually, as soon
2 after its organization as may be convenient, elect by ballot
3 a city clerk, a city treasurer and an auditor, who shall
4 hold their offices for the current municipal year following
5 their election and until their respective successors shall be
6 elected and qualified; provided, however, that either of
7 the officers named in this section may be removed at any
8 time by the city council for sufficient cause. Vacancies
9 in the above named offices may be filled by ballot of the
10 city council at any time. The compensation of the officers
11 named in this section shall be fixed by vote of the city
12 council, and the official fees by them received shall be
13 paid into the city treasury if so ordered by the council.
14 If it is deemed expedient by the city council, the offices
15 of city clerk and city treasurer may be held by the same
16 person.

The treasurer of the city shall also be the collector of
18 taxes for said city, with all the powers of collectors of
19 taxes under the laws of this state. He shall be styled
20 treasurer and collector, and shall give but one bond to be
21 approved by the city council for the faithful performance
22 of his duties; and may appoint assistants and deputies as
23 provided by law. All warrants directed to him by the
24 assessors and municipal officers shall run to him and his

25 successors in office, shall be in the form prescribed by
26 law, changing such parts only as by this act are required
27 to be changed. The method of keeping, vouching and set-
28 tling his accounts shall be subject to such rules and regula-
29 tions as the city council may establish. Said treasurer
30 and collector shall collect all such uncollected taxes and
31 assessments, in whatever year assessed, as may be col-
32 lected during his term of office; and, at the expiration of
33 said term, his power as collector shall wholly cease; all
34 sales, distresses, and all other acts and proceedings, law-
35 fully commenced by him as such treasurer and collector,
36 may be as effectually continued and completed by his
37 successor in office as though done by himself; and all
38 unreturned warrants, which would otherwise be returnable
39 to him, shall be returned to his successor in office.

SECT. 11. I. There shall be annually elected by the
2 city council a street commissioner, who shall give bonds
3 to the city in the sum of one thousand dollars, with such
4 sureties as the city council shall approve, for the faithful
5 performance of his duty, and shall receive such compensa-
6 tion as the city council shall establish, and he shall be
7 removable at their pleasure; and if said office shall
8 become vacant by death, resignation or otherwise, they
9 shall forthwith elect another person.

II. It shall be the duty of the street commissioner to
11 superintend the general state of the streets, roads,
12 bridges, (excepting such bridges as it is the duty of the
13 city of Portland and county of Cumberland to keep in
14 repair) sidewalks and lanes in the city; to attend to the
15 repairs of the same, and to remove sidewalks when they
16 are dangerous to travelers; and it shall be the duty of

17 the commissioner to cause permanent bounds, monuments
18 or land marks, to be erected at the termini and angles of
19 all highways and streets now located, or that may here-
20 after be located by the council, or altering or widening as
21 provided by statute, and shall cause plans thereof to be
22 made and filed with the city clerk, when required, after
23 the passage of an order by the council. He shall make
24 all contracts for labor and material, subject to approval of
25 the council, and give notice to the mayor, or to any police
26 officer, or constable, of any obstruction or encroachment
27 thereon; to superintend the building and repair of any
28 sewer, drain or reservoir, and to make contracts for
29 labor and material for the same, subject to approval of
30 the council.

III. He shall perform such duties in said office as the
32 city council may require, and shall at all times obey the
33 directions of the council, or its committees, in the per-
34 formance of his official duties.

IV. The street commissioner shall certify all accounts
36 contracted in the discharge of his official duties, to the
37 city council for their examination and allowance, at each
38 regular meeting of the council.

V. No person or corporation authorized by the city
40 council to dig up any public street or sidewalk in said city
41 shall begin such digging before furnishing to the street
42 commissioner security satisfactory to him to restore such
43 street or sidewalk to its former condition.

SECT. 12. The city council may, by the affirmative vote
2 of two-thirds of all its members, establish, by ordinance, a
3 police department, to consist of a chief of police and such
4 other officers and men as it may prescribe, and may make

5 regulations for the government of the department. Until
6 a department of police shall be established in accordance
7 with the provisions of this act, the mayor shall have the
8 appointment, control and direction of the police force of
9 the city.

SECT. 13. The city council may establish a fire depart-
2 ment for said city, to consist of such officers and men as it
3 may prescribe, and it may make regulations for the govern-
4 ment of the department.

SECT. 14. The city council shall establish, by ordi-
2 nance, the regular salaries or remuneration of the offices
3 established by this act, in case the same is not fixed herein,
4 and of such other offices as may be hereafter established,
5 and after the first municipal year no ordinance of the
6 council changing any such salary or remuneration shall
7 take effect until the municipal year succeeding that in
8 which the ordinance is passed.

SECT. 15. In case any ordinance, order, resolution or
2 vote involves the appropriation or expenditure of money
3 to an amount which may exceed three hundred dollars,
4 the laying of an assessment, or the granting to a person
5 or corporation of any right in, over or under any street or
6 other public ground of this city, the affirmative votes of a
7 majority of all the members of the city council shall be
8 necessary for its passage. Every such ordinance, order,
9 resolution or vote shall be read twice, with an interval of
10 at least three days between the two readings, before being
11 finally passed, and the vote upon its final passage shall be
12 taken by roll-call.

No sum appropriated for a specific purpose shall be
14 expended for any other purpose, and no expenditure shall

15 be made, nor liability incurred by or in behalf of the city,
16 until an appropriation has been duly voted by the city
17 council sufficient to meet such expenditure or liability,
18 together with all unpaid liabilities which are payable out
19 of such appropriation ; provided, however, that, after the
20 expiration of the financial year until the passage of the
21 regular annual appropriation, liabilities payable out of a
22 regular appropriation to be contained therein may be
23 incurred to an amount not exceeding one quarter of the
24 total of such appropriation for the preceding year.

No money shall be paid out of the city treasury, except
26 on orders signed by the mayor, designating the fund
27 or appropriation from which said orders are to be paid.

SECT. 16. For the purpose of organizing the system of
2 government hereby established, and putting the same in
3 operation in the first instance, the selectmen of the town
4 shall, at least seven days before the first Monday of March
5 after the acceptance of this charter, issue their warrant for
6 calling a meeting of the legal voters at such place and hour
7 of the day as they shall choose, for the purpose of choos-
8 ing a mayor, seven aldermen, a school committee of seven,
9 and seven constables to be taken from the city at large ;
10 said officers shall be elected by a plurality vote. The
11 town clerk shall notify the several officers elect, of their
12 election, in writing, within twenty-four hours. Their
13 powers and duties shall be as herein provided. After the
14 city has been divided into wards, ward meetings of the
15 legal voters thereof shall be called, which meetings shall
16 be presided over by some person appointed by the city
17 council, and the records of said first meetings in the several
18 wards shall be made by some person designated by the

19 city council, and at said first meetings lists of voters, cor-
20 rected by the aldermen, shall be delivered to the persons
21 designated to act as recording officers in the several wards,
22 to be used as provided by law, in town meetings. Said
23 recording officers shall perform the duties of ward clerks,
24 as before herein provided, relative to making a record of
25 the election and returning a copy of the records to the
26 city council.

On the first Monday in March, annually thereafter the
28 qualified voters of each ward shall vote on one ballot for
29 city and ward officers, as hereafter provided for, all of
30 which officers except the mayor shall be residents of the
31 ward or district where elected. And all officers shall be
32 elected by ballot, by a plurality of the votes given, and
33 shall hold their offices one year from the second Monday
34 in March, except members of the school committee who
35 shall be chosen for three years after the first election under
36 this charter, and until others shall be elected and qualified
37 in their places; all city and ward officers shall be held to
38 discharge the duties of the offices to which they have been
39 respectively elected, notwithstanding the removal after
40 their election, out of their respective wards, into any other
41 ward in the city; the ward clerk within twenty-four hours
42 after such election shall deliver to the ward officers elected,
43 certificates of their election, and shall forthwith deliver to
44 the clerk a certified copy of the record of such election,
45 a plain and intelligible abstract of which shall be entered
46 by the city clerk upon the city records. If the person elected
47 shall refuse to accept the office, the said board shall issue
48 their warrants for another election; and in case of a vacancy
49 in the office of mayor by death, resignation or otherwise, it

50 shall be filled for the remained of the term by a new elec-
51 tion, to be called as herein provided, and held within
52 twenty days after the vacancy occurs. The oath, or affir-
53 mation, prescribed by this act shall be administered to the
54 mayor by the city clerk, or any justice of the peace.
55 The aldermen elect shall meet on the second Monday of
56 March at seven o'clock in the evening when the oath, or
57 affirmation, required by the second section of this act
58 shall be administered to the members present by the
59 mayor, or any justice of the peace. The city council shall
60 be ordinance, determine the times of holding stated or
61 regular meetings of the board, and shall also in like man-
62 ner determine the manner of calling special meetings and
63 the persons by whom the same shall be called, but, until
64 otherwise provided by ordinance, special meetings shall
65 be called by the mayor by causing a notification to be
66 given in hand or left at the usual residence of each mem-
67 ber.

SECT. 17. After the organization of the city govern-
2 ment and the qualification of a mayor, and when a quorum
3 of the city council shall be present, said board, the mayor
4 presiding, shall proceed to choose a permanent chairman,
5 who, in the absence of the mayor, shall preside at all
6 meetings of the board, and, in case of any vacancy in the
7 office of mayor caused by death, resignation or otherwise,
8 he shall exercise all the powers and perform all the duties
9 of the office so long as such vacancy shall remain; he
10 shall continue to have a vote in the board, but shall not
11 have the veto power. The board of aldermen, in the
12 absence of the mayor and permanent chairman, shall
13 choose a president, pro tempore, who shall exercise the
14 power of a permanent chairman.

SECT. 18. Every officer of the city, except the mayor, 2 shall, at the request of the city council, appear before the 3 board and give such information as may be required, and 4 answer any questions that may be asked by the council in 5 relation to any matter, act, or thing connected with his 6 office or the discharge of the duties thereof.

SECT. 19. The aldermen shall be entitled to receive 2 any salary or other compensation during the year for 3 which they are elected, nor be eligible to any office of 4 profit or emolument, the salary of which is payable by the 5 city, during said term; and all departments, boards, 6 officers and committees, acting under the authority of the 7 city and instructed with the expenditure of public money, 8 shall expend the same for no other purpose than that for 9 which it is appropriated, and shall be accountable therefor 10 to the city in such manner as the city may direct.

SECT. 20. Neither the mayor, members of the board of 2 aldermen, or any officer of the city, shall be interested, 3 directly or indirectly, in any contract or agreement to 4 which the city is a party. This provision shall not apply 5 to local tradesmen furnishing supplies of any kind in their 6 line to the city.

SECT. 21. All officers of the police department shall be 2 appointed by nomination by the mayor and confirmed by 3 the city council, and may be removed by them for good 4 cause. All other subordinate officers shall be elected by 5 the city council, and may be removed by them for cause. 6 Except as otherwise specially provided in this act, all 7 subordinate officers shall be elected annually on the 8 second Monday of March, or as soon thereafter as may 9 be, and their term of office shall be for one year, and 0 until others are qualified in their place.

SECT. 22. No person shall be eligible for election or
2 appointment to any office established by this act, unless at
3 the time of election he shall have been a citizen of the
4 United States, and a resident of the city for at least three
5 months. Any office established by or under this act shall
6 become vacant if the incumbent thereof ceases to be a resi-
7 dent of the city.

SECT. 23. I. A municipal court is hereby established
2 to be demoninated the municipal court of Elizabeth city,
3 and to consist of one justice who shall be an inhabitant of
4 said town and a person of sobriety of manners. Said
5 judge shall be appointed as provided by law for the
6 appointment of judges of municipal and police courts and
7 shall be, ex-officio, a justice of the peace and of the quorum
8 for the state, and have and exercise concurrent jurisdiction
9 with trial justices of the county of Cumberland over all
10 matters and things within their jurisdiction, and such
11 authority and jurisdiction additional thereto as are con-
12 ferred upon him by this act.

II. Said court shall have exclusive original jurisdiction
14 of all offences against the ordinances and by-laws of said
15 city, and concurrent jurisdiction of all such criminal
16 offences and misdemeanors committed therein as are cog-
17 nizable by trial justics, and concurrent jurisdiction of all
18 civil actions in the county of Cumberland wherein the debt
19 or damages demanded do not exceed twenty dollars.

III. Nothing in this act shall be construed to give said
21 court jurisdiction of any civil action in which the title to
22 real estate, according to the pleadings or brief statement
23 filed therein by either party, is in question; and all such
24 actions brought therein shall be removed to the supreme

25 judicial court, or otherwise disposed of as in like cases
26 before a trial justice.

IV. Said court shall be held on the first and third
28 Saturday of each month, at nine o'clock in the forenoon,
29 for the transaction of civil business, at such place within
30 said city as said judge shall determine; but the council may
31 at any time, provide a court room in which case the
32 court shall be held therein, and all civil processes shall be
33 made returnable accordingly; and it may be adjourned
34 from time to time, by the judge at his discretion; but it
35 shall be considered in constant session for the cognizance
36 of criminal actions.

V. If said judge is prevented by any cause from attend-
38 ing at the time said court is to be held for civil business,
39 it may be adjourned from day to day by a constable of
40 said city, or any deputy sheriff residing therein, without
41 detriment to any action then returnable or pending, until
42 he can attend, when said action may be entered or dis-
43 posed of with the same effect as if it were the first day of
44 the term; and it may be so adjourned without day when
45 necessary in which event, pending actions shall be con-
46 sidered as continued, and actions then returnable may be
47 returned and entered at the next term with the same
48 effect as if originally made returnable at said term.

VI. Said judge may establish a seal for said court, or
50 use the seal in common use by trial justices; and in addi-
51 tion to the judicial duties imposed upon him by this act,
52 he shall keep the records of said court or cause them to
53 be made and kept; and perform all other duties required
54 of similar tribunals in this state; and copies of such
55 records duly certified by said judge shall be legal evidence

56 in all courts. All writs and processes issuing from said
57 court shall be in the usual form, bear the teste of the
58 judge, and be signed by him ; and shall be served as like
59 precepts are required to be served when issued by trial
60 justices. But warrants in criminal cases issuing from said
61 court shall be made returnable before the same ; and no
62 writ in a civil action shall be made returnable at a term
63 of said court to begin more than two calendar months
64 after the commencement of the action.

VII. Actions in said court shall be entered on the first
66 day of the term and not afterwards, except by special per-
67 mission. When a defendant, legally served, fails to enter
68 his appearance by himself or his attorney, on the first day
69 of the return term, he shall be defaulted ; but if he after-
70 wards appears during the term, the court may, for suffi-
71 cient cause, permit the default to be taken off. Pleas in
72 abatement must be filed on or before the day of the entry
73 of the action. The defendant may file his pleadings,
74 which shall be the general issue with a brief statement of
75 special matters of defence, on or before the return day of
76 the writ, and must file them on or before the first day of
77 the next term, or he shall be defaulted, unless the court
78 for good cause, enlarge the time, for which it may impose
79 reasonable terms. Actions in which the defendant files
80 his pleadings on the return day, and all actions of forcible
81 entry and detainer, seasonably answered to, shall be in
82 order for trial at the return term, and shall remain so until
83 tried or otherwise finally disposed of, unless continued by
84 consent or on motion of either party for good cause, in
85 which latter case, the court may impose such terms as it
86 deems reasonable ; but all other actions, unless defaulted

87 or finally disposed of, shall be continued as of course, and
88 be in order for trial at the next term.

VIII. The judge of said court may demand and receive
90 the same fees as are allowed to trial justices in similar
91 cases, except that he shall be entitled to fifty cents for a
92 complaint and warrant in criminal actions, twenty-five
93 cents for the entry in a civil action, and one dollar for the
94 trial of an issue, civil or criminal, and two dollars for
95 every day after the first, occupied in such trial, to be paid
96 by the plaintiff in civil actions and recovered by him as
97 costs, if he prevail in the suit; and the fees so received by
98 the said judge shall be payment in full for his services.

IX. The costs and fees allowed to parties, attorneys
100 and witnesses, in all actions in said court, shall be the
101 same as allowed by trial justices in actions before them;
102 except that the plaintiff, if he prevail, shall be allowed
103 one dollar for his writ, and the defendant, if he prevail,
104 one dollar for his pleadings.

X. Any party may appeal from a sentence or judg-
106 ment of said court to the then next term for civil or
107 criminal business, as the case may require, to the court
108 having jurisdiction within the county of Cumberland, by
109 appeal from trial justices; and such appeal shall be
110 taken and prosecuted in the same manner as from a
111 sentence or judgment of a trial justice.

XI. Trial justices are hereby restricted from exer-
113 cising any jurisdiction in said South Portland over any
114 matter or thing, civil or criminal, except such as are
115 within the jurisdiction of justices of the peace and of
116 the quorum, and except that they may issue warrants
117 on complaints for criminal offences returnable before

118 said court; or in case of the death, disability or long
119 continued absence from the state, of the judge, before
120 themselves or some other trial justice within and for
121 said county; provided that said restrictions shall be
122 suspended until the said judge shall be appointed and
123 enter upon the duties of his office.

SECT. 24. The members of the school committee first
2 elected under the provisions of this charter, at their first
3 meeting shall designate by lot, three of their number to
4 hold office for three years, three for two years, and one
5 for one year, and shall allot one member to represent each
6 of said seven wards. Each member elected thereafter to
7 fill the place of one whose term expires, shall hold office
8 three years. They shall fill all vacancies in their number
9 until the next annual election. A majority of the board
10 shall constitute a quorum for the transaction of business.
11 They shall have all the powers and perform all the duties
12 in regard to the care and management of the public schools
13 of said town which are now conferred upon superintending
14 school committees by the laws of this state, including the
15 employment of all teachers.

They may annually, and whenever there is a vacancy,
17 elect a superintendent of schools, who may be a member
18 of the committee, for the current municipal year, who shall
19 have the care and supervision of said public schools under
20 their direction, and act as secretary of their board; they
21 shall fix his salary at the time of his election, which shall
22 not be increased nor diminished during the year for which
23 he is elected, and may at any time dismiss him if they deem
24 it proper or expedient. A suitable and convenient room
25 shall be furnished by the city for the meetings of said

26 committee, wherein shall be kept their records open to
27 the inspection of the citizens.

The said committee shall annually, before the spring
29 election, furnish to the city council an estimate in detail
30 of the several sums required during the ensuing year for
31 the support of said public schools, and they shall not in-
32 crease the expenditures beyond the amount appropriated
33 therefor.

The mayor shall be, ex-officio, chairman of the school
35 committee but shall have no vote unless the members
36 present and voting be equally divided.

SECT. 25. The city council may lay out, maintain and
2 repair all main drains or common sewers in said city, in
3 manner and form prescribed by statute.

SECT. 26. General meetings of the citizens, qualified
2 to vote in the city affairs may, from time to time, be held
3 to consult upon the public good, to instruct their repre-
4 sentatives, and to take all lawful measures to obtain
5 redress of any grievances according to the rights secured
6 to the people by the constitution of this state; and such
7 meetings shall be duly warned by the mayor and alder-
8 men upon requisition of twenty qualified voters. The
9 city clerk shall act as clerk of such meetings and record
10 the proceedings upon the city records.

SECT. 27. A town meeting may be held at the usual
2 place of meeting, in said town, for the purpose of submit-
3 ting the question of the acceptance of this act to the legal
4 voters of said town at any time within five years after the
5 passage thereof, except in the months of September and
6 November. At such meeting the polls shall be open from
7 eight o'clock in the forenoon until five o'clock in the after-

8 noon and the vote shall be taken by written or printed
9 ballots in answer to the question, "Shall the act passed
10 by the legislature in the year of our Lord one thousand
11 eight hundred and ninety-five entitled an act to incor-
12 porate South Portland be accepted." The selectmen shall
13 preside at such election and use a check list. The affirm-
14 ative votes of a majority of the voters present and voting
15 thereon shall be required for its acceptance. If at any
16 meeting so held this act shall fail to be thus accepted, it
17 may, at the expiration of six months from any such previ-
18 ous meeting, be again thus submitted for acceptance, but
19 not after the period of five years from the passage thereof.
20 Such meetings shall be called as provided for by general
21 laws of the state for calling and holding meetings for the
22 transaction of town business.

SECT. 28. The passage of this act shall not effect any
2 right accruing or accrued, or any suit, prosecution or
3 other legal proceedings pending at the time when it
4 shall take effect by acceptance as herein provided for,
5 and no penalty or forfeiture previously incurred shall
6 be affected thereby. All persons holding office in said
7 town at the time this act shall be accepted as afore-
8 said, shall continue to hold such offices until the organ-
9 ization of the city government hereby authorized shall
10 be effected, and until their respective successors shall
11 be chosen and qualified.

SECT. 29. So much of this act as authorizes the
2 submission of the question of its acceptance to the legal
3 voters of the said town, shall take effect upon its pas-
4 sage, but it shall not take further effect unless accepted
5 by the legal voters of said town, as herein prescribed,

6 in which case all acts and parts of acts inconsistent
7 with this act are hereby repealed.

STATE OF MAINE.

HOUSE OF REPRESENTATIVES, }
March 6, 1895. }

Reported by Mr. HILL of Portland, from Committee on Legal Affairs,
and ordered printed under joint rules.

W. S. COTTON, *Clerk.*