

MAINE STATE LEGISLATURE

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ACTS AND RESOLVES

OF THE

FORTY-EIGHTH LEGISLATURE

OF THE

STATE OF MAINE.

1869.

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

AUGUSTA:
SPRAGUE, OWEN & NASH, PRINTERS TO THE STATE.
1869.

PRIVATE AND SPECIAL LAWS

OF THE

STATE OF MAINE.

1869.

Chapter 28.

CHAP. 28.

An act to authorize Freeman S. Doyle to construct a fish weir in Indian river, in the town of Jonesport.

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

SECT. 1. Freeman S. Doyle shall have the privilege, and is hereby authorized to erect and maintain a fish weir in the tide waters of Indian river, in front of his own land, in the town of Jonesport; *provided* that such fish weir shall be erected within the limits of an extension of the side lines of his land, and that such weir shall not be so constructed as to obstruct the navigation of Indian river, or to interfere with the rights of riparian owners.

Erection of fish weirs, authorized.

Proviso.

SECT. 2. This act shall take effect when approved.

Approved February 8, 1860.

Chapter 29.

An act to incorporate the town of Ellsworth into a city.

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

SECT. 1. The inhabitants of the town of Ellsworth, in the county of Hancock, shall continue to be a body politic and corporate by the name of the city of Ellsworth ; and as such shall have, exercise and enjoy all the rights, immunities, powers, privileges and franchises, and be subject to all the duties and obligations now appertaining to or incumbent upon the inhabitants or selectmen thereof; and may ordain and publish such acts, laws and regulations, not inconsistent with the constitution and laws of this state, as shall be needful to the good order of said body politic ; and impose fines and penalties for the breach thereof, not exceeding twenty dollars, for any one offence, which may be recovered to the use of said city, by action of debt, or on complaint before the police court of said city.

Corporate name.

Rights, powers and privileges.

May ordain laws and regulations, &c.

SECT. 2. The administration of all the fiscal, prudential and municipal affairs of said city, with the government thereof, shall be vested in one principal magistrate, to be styled the mayor, and one council consisting of one from each ward, to be denominated the board of aldermen, and one council consisting of three from each ward, to be denominated the common council, all of whom shall be

Municipal affairs vested in mayor, aldermen and common council.

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Proviso.

Authority of officers or agents to borrow money, limited.

Mayor to be chief executive magistrate.

Duty of mayor.

May call special meetings of aldermen and common council.

Communications and recommendations of, to them.

Shall preside in board of aldermen, &c.

Salary.

Shall not receive other compensation.

Proviso.

Common council and aldermen not to receive compensation.

Powers vested in mayor and aldermen.

City marshal, powers and duties of.

inhabitants of said city, which boards shall constitute and be called the city council, all of whom shall be sworn to the faithful performance of all the duties of their respective offices; *provided* the city council shall not vote, assess or appropriate any money for any object or purpose for which the town of Ellsworth is not authorized to vote, assess or appropriate money, except for such purposes as are authorized by this act; *and provided further*, that neither the city council, nor any agent or officer of the city, shall borrow or hire any money for or on account of the city, or inhabitants thereof, except for the purposes for which the town of Ellsworth is now by law authorized to raise money; and all notes, bonds, obligations, scrip or orders given by the city council or any officer or agent thereof, for money or property obtained for any other purposes, shall be void.

SECT. 3. The mayor of said city shall be the chief executive magistrate thereof. It shall be his duty to be vigilant and active in causing the laws and regulations of the city to be executed and enforced, to exercise a general supervision over the conduct of all subordinate officers, and to cause their violations or neglect of duty to be punished. He may call special meetings of the board of aldermen and common council, or either of them, when in his opinion the interests of the city require it, by a notice in one or more of the papers printed in the city, or by causing a summons or notification to be given in hand or left at the usual dwelling place of each member of the board or boards to be convened. He shall from time to time communicate to both of them such information and recommend such measures as the business and interests of the city may in his opinion require. He shall preside in the board of aldermen and in the joint meetings of the two boards, but shall have only a casting vote. The salary and compensation of the mayor shall be one hundred and fifty dollars per year, which shall not be increased or diminished during his continuance in office, unless by the vote of the qualified electors in ward meetings called for the purpose. Nor shall he receive from the city any other compensation for any service by him rendered in any other capacity or agency; *provided, however*, the city council may elect the mayor to any city office, and allow him a reasonable compensation for such services; but the aldermen and common councilmen shall receive no compensation for their services as such.

SECT. 4. The executive powers of said city generally, and the administration of police with all the powers of the selectmen of the town of Ellsworth, shall be vested in the mayor and aldermen as fully as if the same had been herein particularly enumerated; and the mayor and aldermen shall appoint a city marshal, who shall have

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all the powers and exercise all the duties that now appertain to constables of towns, and who shall be chief of the city police, and as such may enforce such ordinances and regulations under the the direction of the mayor as may be adopted by the city council for the government of the city. All other powers now vested in the inhabitants of said town, and all powers granted by this act shall be vested in the mayor and aldermen, and common council of said city, to be exercised by concurrent vote, each board to have a negative upon the other; but all other elections of officers by the city council, shall be by joint ballot of the two boards in convention. The city council shall annually, on the last Monday of March, or as soon thereafter as conveniently may be, elect and appoint all the subordinate officers and agents for the city, for the ensuing year, including a chief engineer and other engineers for the fire department, which chief engineer, or in his absence, any two other engineers, shall have all the power and authority that fire wards now have; shall define their duties and fix their compensation, in cases where such duties and compensation shall not be defined and fixed by the laws of this state; and may by concurrent vote remove officers, when in their opinion sufficient cause for removal exists. All officers shall be chosen and vacancies supplied for the current year, except as hereinafter otherwise directed. All the said subordinate officers and agents shall hold their offices during the ensuing year, and until others shall be elected and qualified in their stead, unless sooner removed by the city council. All moneys received and collected for and on account of the city, by any agent or officer thereof, shall forthwith be paid into the city treasury. The city council shall take care that moneys shall not be paid from the treasury unless granted or appropriated; shall secure a prompt and just accountability, by requiring bonds with sufficient penalty and sureties from all persons trusted with the receipt, custody, or disbursement of money; shall have the care and superintendence of city buildings and the custody and management of all city property, with power to let or sell what may be legally let or sold; and to purchase and take in the name of the city such real or personal property, not exceeding the sum of fifteen thousand dollars, including the property now owned by the town, as they may think useful to public interest. And the city council shall as often as once a year, cause to be published, for the information of the inhabitants, a particular account of receipts and expenditures, and a schedule of the city property; and no money shall be paid from the treasury unless the same be appropriated by the city council, and upon a warrant signed by the mayor, which warrant shall state the appropriation under which the same was drawn.

Mayor, aldermen and common council, powers of.

Certain officers to be elected by joint ballot.

Election or appointment of subordinate officers, their duties and compensation.

May be removed for cause.

Term of office.

All moneys collected on account of city to be paid into city treasury. Payment of money from treasury, &c.

City building and property, custody and management of.

To publish annually an account of receipts and expenditures and schedule of city property. Mayor to sign warrants upon treasury for payment of money.

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Every law, &c., appropriating money to be signed by the mayor.

Proceedings in case of disapproval.

Assessors, their duties, powers and liabilities.

Proviso.

Taxes, assessment and collection of.

Proviso.

Streets, power of city council to lay out, &c.

Persons aggrieved, remedy of.

Co. commissioners authorized to lay out roads within the city.

Portions of streets reserved as side walks.

SECT. 5. Every law, act, ordinance or bill appropriating money having passed both branches of the city council, shall be presented to the mayor of the city, and if he approve the same he shall sign it, if not, he shall return it in seven days, with his objections, to that branch of the city council in which it originated, which branch shall enter the objections at large on its journals, and proceed to reconsider said law, act, ordinance or bill. If upon such reconsideration a majority of the whole number of that branch shall agree to pass it, it shall be sent, together with the objections, to the other branch, by which it shall be reconsidered, and if approved by a majority of the whole number of that branch, it shall have the same effect as if signed by the mayor.

SECT. 6. The city assessors, who shall be annually appointed by the city council, shall execute and be subject to the same powers, duties and liabilities that the assessors in the several towns in this state may exercise, and be subject to, under existing laws; *provided, however,* that the city council may appoint one person in each ward, whose duty it shall be to furnish the assessors with all necessary information relative to persons and property taxable in his ward, and who shall be sworn to the faithful performance of his duty. All taxes shall be assessed, apportioned and collected in the manner prescribed by the laws of this state relative to town taxes; *provided, however,* that it shall and may be lawful for the city council to establish further and additional provisions for the collection thereof.

SECT. 7. The city council shall have exclusive authority and power to lay out any new street or public way, or widen or otherwise alter or discontinue any street or public way in said city, and to estimate the damages any person may sustain thereby, and shall in all other respects be governed by and subject to the same rules and restrictions as are by law provided in this state for regulating and laying out of public highways and repairing streets. And any person aggrieved by the decision or judgment of said city council may, so far as relates to damages, have them assessed by a committee or jury, as now by law provided; and the county commissioners for Hancock county shall have power to lay out within said city any part of any new county road that shall by them be laid out in any adjoining town or towns, and shall pass thence into or through said city, according to the provisions of the law; and any highway or town way, or bridge, which has been, or may hereafter be located within said town or city, between high and low water mark, shall nevertheless be deemed to be legally located and established.

SECT. 8. It shall be lawful for the city council, by a committee by them appointed, or by instructions to the commissioner of streets, to appropriate, set off and reserve as sidewalks, such part

or portions of the several streets in said city now or hereafter to be established as to said city council may appear necessary for the safety, convenience and accommodation of foot passengers. It shall be lawful for the city council to permit or direct posts of wood or stone, or trees to be placed along the edge of said sidewalk, next to the travelled part of the street, in such number and manner as they may deem necessary to protect said sidewalks, and the persons travelling thereon, from damage or inconvenience from teams or carriages. So much of the several streets in said city as shall be appropriated and reserved as sidewalks, agreeable to the provisions of this act, shall be taken and deemed to be reserved exclusively for the accommodation, convenience and use of persons travelling on foot, and said city shall not be liable for damages for any injury done or occasioned in consequence of any cart, carriage, wagon, truck or other vehicle, or any team or animal striking against any of said sidewalks, or the posts or trees set or placed to defend the same. The several sidewalks on the streets in said city, as at present established and used, shall be taken and deemed to be the proper and lawful reservation for that purpose, until altered or otherwise established by the proper authority.

Stones, &c., may be placed along the edge of sidewalks.

Liability of city for damages for injury.

SECT. 9. The city council shall have power on such terms and conditions as they may think proper, to authorize and empower any person or corporation to place in any street, for such time as may be necessary, any materials for making or repairing any street, sidewalk, cross-walk, bridge, water-course or drain, or for erecting, repairing or finishing any building or fences; *provided*, that not more than one-third of the width of the street shall be so occupied; and such material so placed by virtue of any license obtained as aforesaid, shall not be considered an encumbrance or nuisance in such street, and the city or person or corporation so placing the same shall not be liable for any damages occasioned by such materials.

City council may authorize persons to place materials in any street for certain purposes.

Proviso.

Not liable for damages occasioned thereby.

SECT. 10. The city council shall have authority to establish and make regulations for the measurement and sale of wood and bark in said city, whether brought by land or water, and may affix suitable penalties for the violation thereof, anything in the public laws of the state to the contrary notwithstanding; and shall also have authority to make all needful regulations in relation to the harbor; may appoint a harbor master, prescribe his duties, and fix his compensation.

City council authorized to make regulations for sale of wood, &c., and affix penalties for violation thereof.

May appoint harbor master, and fix duties, &c.

SECT. 11. All the laws and regulations now in force in said town of Ellsworth shall, notwithstanding this act, be and remain in force until they expire by their own limitations, or be revised or repealed by the city council, and the prosecutions and suits may be commenced and proceeded thereon in the name of the

Laws and regulations now in force to remain, &c.

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city, by officers or other persons thereby empowered or directed to prosecute and sue, and the fines and penalties shall go to the uses in such laws or regulations named according to law.

Municipal court established to be known as police court.

Jurisdiction, &c.

SECT. 12. A municipal court shall be and hereby is established in and for the city, to be denominated the police court of the city of Ellsworth, to consist of one judge, who shall be appointed and commissioned in the manner provided by the constitution, who shall have concurrent jurisdiction with trial justices, in all matters civil and criminal, under twenty dollars, within the county of Hancock, and original and exclusive jurisdiction in all civil actions in which both parties interested, or in which the party, plaintiff, or the person or persons summoned as trustees shall be inhabitants of, or residents of said city of Ellsworth, excepting all actions in which said judge may be interested; and said court shall also have concurrent jurisdiction with trial justices in all cases of forcible entry and detainer arising in said county, and original and exclusive jurisdiction in all such cases arising in the city, and shall also have original and exclusive jurisdiction of all violations of the by-laws of said city; and any person aggrieved by any judgment awarded by said court may appeal therefrom, in like manner as if the same had been awarded by any trial justice.

Court records, how kept, &c.

SECT. 13. It shall be the duty of said court to make and keep its own records, which records shall be such as would be legal records in a court of trial justice; and copies of the records of said court, duly certified, shall be evidence in the other courts of the state. Said court shall be holden on the first and third Saturday of each month, at nine of the clock in the forenoon, at such place as the city shall provide for the purpose, for the transaction of civil business; and all civil processes shall be made returnable accordingly, and the fees in all cases, civil and criminal, shall be the same as are now taxable by trial justices; *provided*, that the price of blank writs signed by said judge, shall be two cents and no more, and all fines, penalties and costs, which may be awarded by said court, in the administration of its criminal jurisdiction, shall be accounted for, and paid over by said judge in the same manner as if the same had been awarded by the sentence of a trial justice; and said judge shall once in three months render an account to the treasurer of said city, of all sums of money by him received as fees of office, or for copies of papers, and shall be held to pay such sums into said treasury.

Court shall be holden on certain days, &c.

Proviso.

Fees, when and how accounted for.

Disability of judge to attend, court to stand adjourned.

SECT. 14. In case of death or sickness or disability of the said judge, to attend at the time and place as provided in the preceding section for the transaction of civil business, the said court shall stand adjourned until the next term of said court, and so from term to term, without costs to either party, until the judge is able to attend; and in case of disability as aforesaid, to per-

form the other duties of his office, the criminal jurisdiction of said court shall devolve upon the trial justices for the county of Hancock, during the continuance of said disability, and until such proceedings are instituted, during the continuance of said disability, shall have received the final adjudication of said justices.

SECT. 15. The city of Ellsworth shall have the power, and it shall be its duty, to raise money to provide a suitable room in which to hold said court, and to furnish the same in an appropriate manner. The judge of said police court shall receive from the city of Ellsworth, in quarter yearly payments, an annual salary of such amount as the city council of said city shall vote and determine, which shall be in full of all fees and emoluments pertaining to said office, and be received by trial justices for all similar services. And the said judge shall not act as counsel or attorney in any case within the jurisdiction of said court, nor in any suit, matter or thing which may depend on, or have relation to any case, matter or thing depending or cognizable in said court.

City to provide suitable room in which to hold said court.

Judge's salary to be determined by city council and paid quarterly.

Judge shall not act as counsel in said court.

SECT. 16. All actions, suits, matter and things which may be pending before trial justices in the town of Ellsworth, and all writs, executions, warrants, recognizances and processes, returnable to said justices when this act takes effect, shall be returnable to them in like manner as if it had not taken effect; and said justices shall have full power and authority to grant execution and to carry into effect any judgment rendered by them, and to complete all processes commenced by or before them, in the same manner as they might have done had not this act been passed.

All actions, &c., pending before trial justices, returnable to them.

Their power, &c.

SECT. 17. For the purpose of holding elections, said city shall be divided into not less than three nor more than five wards, to contain as near as conveniently may be, an equal number of legal voters; and it shall be the duty of the city council, once in ten years, and not oftner than five years, to review, and if it be needful, to alter said wards, in such a manner as to preserve as nearly as may be an equal number of legal voters in each. In each of said wards there shall annually, on the last Monday of March, be chosen by ballot, a warden and clerk, who shall hold their offices for one year and until others shall have been chosen and qualified in their places. Said warden and clerk shall be sworn to the faithful performance of their respective duties, by any trial justice of said city, or by the person presiding in said ward meeting, or by the clerk of said wards; and a certificate of such oaths having been administered shall be entered by the clerk on the records of the wards. The warden shall preside at all ward meetings, with the power of moderators of town meetings; and if at any meeting the warden should not be present, the clerk of such ward shall call the meeting to order and preside until a warden pro tem. shall be

Wards.

Warden and clerk, to be sworn.

Warden to preside at ward meeting.

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Exception.

Clerk to record proceedings, &c.

List of legal voters, how and by whom prepared.

Mayor, how elected.

Elections of aldermen and common councilmen.

Tenure of office.

Annual election.

Ward clerk to notify certain officers of their election.

Proviso.

Elections at subsequent meetings, how determined.

chosen. If neither of them should be present, any legal voter in the ward may preside until a clerk pro tem. shall be chosen and qualified. The clerk shall record all the proceedings and certify the votes given, and deliver over to his successor in office all such records and journals, together with all other documents and papers held by him in said capacity. The inhabitants of each ward may choose two persons to assist the warden in receiving, sorting and counting the votes. The list of the names of the legal voters in each ward shall be prepared by the assessors and board of aldermen, assisted by the wardens, in the same manner and under the same restrictions as are imposed by the laws of this state on the assessors and selectmen of towns; and all regular ward meetings shall be notified and called by the mayor and aldermen, in the manner prescribed by the laws of this state for notifying and calling town meetings by the selectmen of the several towns, excepting that ward meetings for the election of mayor after the second trial may be called within the time provided in such cases in this act.

SECT. 18. The mayor shall be elected from the citizens at large, by the inhabitants of the city, voting in their respective wards; one alderman and three common councilman shall be elected by each ward, being residents in the wards where elected; all said officers shall be elected by ballot, by a majority of the votes given, and shall hold their offices one year from the first Monday in April, and until others shall be elected in their places.

SECT. 19. On the last Monday of March, annually, immediately after a warden and clerk shall have been elected and sworn, the qualified electors of each ward shall ballot for a mayor, one alderman and the common councilmen; all the votes given for the said several officers, respectively, shall be sorted, counted, declared and registered in open ward meeting, by causing the names of the persons voted for, and the number of votes given to each, to be written on the ward record at length. The ward clerk within twenty-four hours after such election, shall deliver to the persons elected aldermen and common councilmen, certificates of their election, and shall forthwith deliver to the city clerk a certified copy of record of such election; *provided, however,* that if the choice of aldermen and common councilmen cannot conveniently be effected on that day, the meeting may be adjourned from day to day to complete such election. If on the second balloting for any aldermen, common councilmen, warden or clerk, a choice shall not be effected by a majority vote, then the person receiving the highest number of votes for any of those offices at the subsequent trial shall be declared elected; if no one shall then have such highest number, the balloting shall be continued from day to day, until a choice is thus effected. The board of aldermen

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shall as soon as conveniently may be, examine the copies of the records of the several wards, certified as aforesaid, and shall cause the person who shall have been elected mayor, by a majority of votes given in all the wards, to be notified in writing of his election, but if it shall appear that no person shall have been elected, or if the person elected shall refuse to accept the office, the said board shall issue their warrant for another election; and in case the citizens shall fail on a second ballot to elect a mayor, the said board shall again issue their warrant for a third election, to be held not less than three nor more than four days thereafter; at which election the candidate having the greatest number of votes shall be declared elected, and notified as aforesaid; if no one shall then have such number, further election shall in the same manner be ordered, till a choice shall be made, by some one having the highest number of votes; and in case of a vacancy in the office of mayor, by death, resignation or otherwise, it shall be filled for the remainder of the term by a new election, in the manner hereinbefore provided for the choice of said officer; and in the meantime the president *pro tempore* of the board of aldermen shall perform the duties of mayor. The oath prescribed by this act shall be administered to the mayor by the city clerk, or any justice of the peace in said city. The aldermen and common councilmen elect shall on the first Monday of April, at ten of the clock in the forenoon, meet in convention, when the oath required by the second section of this act shall be administered to the members of the two boards present, by the mayor or any justice of the peace, and thereupon the two boards shall separate, and the board of common council shall be organized by the election of a president and clerk.

SECT. 20. The city clerk shall be the clerk of the board of aldermen; he shall perform such duties as shall be prescribed by the board of aldermen or common council; and shall perform all duties, and exercise all the powers by law incumbent upon, or vested in the town clerk of the town of Ellsworth; he shall give notice in one or two of the papers printed in said city of the time and place of regular ward meetings; but the place of regular ward meetings, and also the day and hour, when not fixed by law, shall be determined by the board of aldermen. The board of aldermen may, in the absence of the mayor, choose a president *pro tempore*, who shall preside at joint meetings of the two boards. Each board shall keep a record of its proceedings, and judge of the election of its own members; and in case of failure of election, or vacancy by death, resignation or otherwise, may order new elections. A quorum for the transaction of business, shall in each board consist of a majority of the members thereof; all meetings of the aldermen and common council, and all meetings

Aldermen to cause the mayor to be notified of his election.

In case of no choice of mayor at first meeting, other meetings to be held until a choice shall be made.

Vacancy in office of mayor, how filled.

Oath, by whom administered.

Oaths to aldermen and common councilmen, when, where and by whom administered.

City clerk to be clerk of the board of aldermen; his duties.

Required to give notice of ward meetings.

A president *pro tem.* may be chosen in absence of mayor.

Each board shall keep a record of its proceedings, &c.

A majority to constitute a quorum to transact business.

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Presiding officer,
powers of.

Votes, when to
be taken by
yeas and nays.

General meetings,
how and for what
purpose to be
called.

Proceedings.

Division of town
into wards, &c.

Proceedings for
establishing and
organizing city
government.

Transcript of
records of votes
in each ward to
be returned to
selectmen.

New warrant to
issue in case
elections shall not
be completed.

First meeting,
who may pre-
side at.

List of voters to
be used in each
ward.

City council in
convention to

of the two boards in convention, shall be open and public, and the presiding officer of each of them shall have the power of moderators of town meetings. At either of said meetings when any two members shall request it, the vote shall be taken by yeas and nays, which shall be recorded by the clerk.

SECT. 21. General meetings of the citizens, qualified to vote in city affairs, may, from time to time, be held to consult upon the public good, to instruct their representatives, and to take all lawful measures to obtain redress of any grievances according to the right secured to the people by the constitution of this state; and such meetings may, and shall be duly warned by the mayor and aldermen upon the requisition of thirty qualified voters of said city.

SECT. 22. At the election as provided for in section twenty-four for the adoption or rejection of this act, there shall be a committee of five citizens chosen, whose duty it shall be to cause a division of said town to be made in five wards, in such manner as to include, as nearly as conveniently may be consistently with well defined limits to each ward, an equal number of voters in each ward.

SECT. 23. For the purpose of organizing the system of government hereby established, and putting the same in operation, in the first instance, the selectmen of the town for the time being, shall seasonably, before the second Monday of March, next after the acceptance of this charter, issue their warrants for calling meetings of the said citizens at such place and hour upon said day, as they shall think expedient, for the purpose of choosing a warden and clerk for each ward, and also give their votes for a mayor to be taken from the city at large, and one alderman and three common councilmen, and one constable from each ward; the transcript of the records of each ward specifying the votes given for mayor, one alderman and three common councilmen, and constable, certified by the warden and clerk of such ward, shall at first election, be returned to said selectmen of the town of Ellsworth, whose duty it shall be to examine and compare the same, and in case said elections shall not be completed at the first election, then to issue a new warrant until such election shall be completed according to the provisions of this act; and to give notice thereof in the manner hereinbefore directed, to the several persons elected. And at said first meeting, any inhabitant of said ward, being a legal voter, may call the citizens to order and preside until a warden shall have been chosen; and at said first meeting a list of voters in each ward, prepared and corrected by the selectmen of the town of Ellsworth, for the time being, shall be delivered to the clerk of each ward when elected, to be used as provided by law in town meetings; and it shall be the duty of the

city council in convention, immediately after their first organization, to elect by ballot a city clerk and all other necessary city officers, who shall hold their offices respectively until others are chosen and qualified in their places.

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elect necessary
city officers.
Tenure of office.

SECT. 24. This act shall take effect and be in full force when the same shall have been accepted by the inhabitants of said town qualified to vote in town affairs, at a legal town meeting called for that purpose, at any time after this act shall be approved by the governor; *provided* it shall be accepted within five years from the passage of this act, but not more than one meeting for that purpose shall be called in the same year; and at such meeting the inhabitants of said town shall vote by a written ballot; those in favor of accepting this act having on the ballot the word "yes," and those opposed having on the ballot the word "no"; and if a majority of all the ballots received are in favor of accepting the same, it shall then become a law and take effect. And it shall be the duty of the clerk of said town to file a copy of the record of the vote of said town, accepting the same, with the clerk of the city of Ellsworth, when elected, who shall transcribe such copy into the records of the city, and such records shall be conclusive evidence that this act has been accepted.

When to take
effect.

Proceedings at
meeting for
acceptance of
charter.

SECT. 25. All acts and parts of acts inconsistent with the provisions of this act, are hereby repealed, from and after the time when this act shall have been accepted as aforesaid, and the new system of government organized, as herein provided.

Acts inconsis-
tent herewith,
repealed.

Approved February 8, 1869.

Chapter 30.

An act authorizing the Kennebec Land and Lumber Company to construct and maintain booms in Kennebec river.

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

SECT. 1. That the Kennebec Land and Lumber Company, their associates, successors and assigns, be and they are hereby authorized and empowered to build, construct and maintain a boom, with piers and buoys for the holding and securing the logs, rafts and lumber of said company, from the south line of the mill lot of said company, in the town of Pittston, county of Kennebec, running northerly to the brook on the land of Washington Rawlins, in the town of Chelsea in said county.

Corporate name.

Privileges.

SECT. 2. And for that purpose said Kennebec Land and Lumber Company may take such lands as shall be found necessary, paying the owner or owners a reasonable compensation therefor.

May take land
for corporate
purposes.