

MAINE STATE LEGISLATURE

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DOCUMENTS

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THE LEGISLATURE,

OF THE

STATE OF MAINE,

DURING ITS SESSION

A. D. 1834.

FOURTEENTH LEGISLATURE.

NO. 3.

HOUSE.

AN ACT to incorporate the City of Bangor.

SECT. 1. *Be it enacted by the Senate and House of Representatives in Legislature assembled.* That the inhabitants of the town of Bangor shall continue to be a body politic and corporate by the name of the City of Bangor, and, as such, shall have, exercise and enjoy all the rights, immunities, powers, privileges and franchises, and shall be subject to all the duties and obligations now appertaining to, or incumbent on said town, as a municipal corporation, or appertaining to, or incumbent upon the inhabitants or officers thereof; and may ordain and establish 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 fifty dollars for any offence, to be recovered by action of debt, in the name of the City Treasurer, or upon complaint of the police officer, as for a criminal offence.

SECT. 2. *Be it further enacted,* That 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 of seven, to be denominated the board of Aldermen, and one council of twenty-one, to be denominated the Common Council, all of whom shall be inhabitants of said city; which boards shall constitute and be called the City Council, and shall be sworn to the faithful performance of the duties of their respective offices.

SECT. 3. *Be it further enacted,* That 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 of law 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 interest of the city requires it, by a notice in two or more of the newspapers printed in the city, or by causing a summons or notification to be 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 interest of the city may in his opinion require. He shall preside in the Board of Aldermen, and in joint meetings of the

19 two boards, but shall have only a casting vote. He
 20 shall receive for his services a salary to be fixed by the
 21 city Council, payable at stated periods, and shall receive
 22 therefor no other compensation; and the same shall
 23 not be increased nor diminished during the period for
 24 which he is elected: Provided however, that the city
 25 Council may appoint the Mayor, Commissioner of
 26 streets, and allow him a suitable compensation for such
 27 service; but the Aldermen and Common Council shall
 28 receive no compensation for their services.

SECT. 4. *Be it further enacted,* That the executive
 2 power of the said city and the administration of Police,
 3 with all the powers of Selectmen of Bangor, except as
 4 is provided in the eighteenth section of this act, shall
 5 be vested in the Mayor and Aldermen, as fully as if the
 6 same had been particularly enumerated herein. And
 7 all other powers now vested in the inhabitants of said
 8 town, and all powers granted by this Act shall be vest-
 9 ed in the Mayor, Aldermen and Common Council of
 10 said city, to be exercised by a concurrent vote, each
 11 board to have a negative upon the other. But all elec-
 12 tions of officers by the city Council shall be by joint
 13 ballot of the two boards in convention. The city Coun-
 14 cil, annually, on the fourth Monday of March, shall
 15 elect all subordinate officers for the ensuing year, de-
 16 fine their duties and fix their compensation, in cases
 17 where such duties and compensation shall not be defined
 18 and fixed by the laws of the State, and may remove
 19 such subordinate officers, when, in their opinion, suffi-

20 cient cause exists, two thirds of each board concurring
21 therein. All officers shall be chosen and vacancies sup-
22 plied for the current year, except as is herein other-
23 wise directed. The city Council shall take care that
24 money shall not be paid from the Treasury unless grant-
25 ed or appropriated, and shall secure a prompt and just
26 accountability, by requiring bonds with sufficient pe-
27 nalty and surety or sureties from all persons entrusted
28 with the receipt, custody or disbursement of money,
29 and shall have the care and superintendence of city
30 buildings, and the custody and mangement of all city
31 property, with power to let or sell, what may be legal-
32 ly let or sold, and to purchase and take, in the name of
33 the city, such real or personal property, not exceeding
34 the sum of one hundred thousand dollars, as they may
35 think useful to the public interest. And the city Coun-
36 cil, as often as once in each year, shall cause to be pub-
37 lished, for the use of the citizens, a particular account
38 of receipts and expenditures and a schedule of city pro-
39 perty.

SECT. 5. *Be it further enacted*, That the city Assessors,
2 who shall be annually appointed by the city Council,
3 shall exercise the same powers and be subject to the
4 same duties and liabilities, as the assessors of the seve-
5 ral towns in the State may exercise and are subject to
6 under the existing laws; *Provided, however*, that the
7 city Council shall appoint one person in each ward,
8 whose duty it shall be to furnish the assessors with all
9 necessary information relative to persons and property

10 taxable in his ward, who shall be sworn or affirmed to
 11 the faithful performance of his duty. All taxes shall
 12 be assessed and apportioned and attested in the manner
 13 prescribed by the laws of this State relative to town
 14 taxes ; provided however, that it shall and may be
 15 lawful for the city Council to establish further and addi-
 16 tional provisions for the collection thereof.

SECT. 6. *Be it further enacted,* That the city Council
 2 shall have exclusive authority and power to lay out and
 3 establish any new street or public way, or widen or
 4 otherwise alter any street or public way in said city of
 5 Bangor, and to estimate the damage any individual may
 6 sustain thereby. And in all other respects the city
 7 Council shall be governed by and subject to the same
 8 rules and restrictions as are provided by the laws of
 9 this State, regulating the laying out and repairing streets
 10 and public highways. And any person aggrieved by
 11 the decision of the city Council, may so far as relates
 12 to damages appeal therefrom to any Court of Com-
 13 mon Pleas within the county of Penobscot, which may
 14 be held within six months from and after such decision,
 15 which court is hereby empowered to hear and deter-
 16 mine the same by a committee, if the parties agree
 17 thereto, or by a jury, and to render judgment and is-
 18 sue execution upon the report of such committee, or
 19 verdict of the jury, with costs to the prevailing party.

SECT. 7. *Be it further enacted,* That all the laws and
 2 regulations now in force in said town shall be and re-
 3 main in force notwithstanding this Act, until they expire

4 by their own limitation, or be revised or repealed by
5 the city Council. And prosecutions and suits may be
6 commenced and proceeded thereon, in the name of the
7 city, by officers or other persons thereby empowered
8 or directed to prosecute and sue; and the fines and
9 penalties shall go to the uses in such laws or regulations
10 named, or such as are by law provided.

SECT. 8. *Be it further enacted,* That for the purpose
2 of holding elections for city officers, said city shall be
3 divided into seven wards, to contain as near as conve-
4 niently may be an equal number of voters. And it
5 shall be the duty of the city Council once in ten years
6 or oftener, to revise, and if needful to alter said wards
7 in such manner, as to preserve as nearly as may be, an
8 equal number of voters in each. In each of said wards,
9 there shall be chosen by ballot, annually, on the second
10 Monday of March, a Warden and Clerk, who shall hold
11 their offices for one year, and until others shall have
12 been chosen and sworn to supply their places. Said
13 Warden and Clerk shall be sworn or affirmed to the faith-
14 ful performance of their respective duties, by any Jus-
15 tice of the Peace of said city; and a certificate of such
16 oaths or affirmations having been administered shall be
17 entered on the records of said ward. The Warden shall
18 preside at all ward meetings, with the powers of a mod-
19 erator of town meetings. And if at any meeting the
20 Warden shall be absent, the Clerk of such ward shall
21 call the meeting to order, and preside until a Warden,
22 *pro tempore*, shall be chosen. The Clerk shall record

23 all the proceedings and certify the votes given, and de-
 24 liver over to his successor in office all such records
 25 and journals, together with all other documents and
 26 papers held by him in said capacity. The inhabi-
 27 tants of each ward may choose two persons to assist
 28 the Warden in receiving, sorting and counting the votes.
 29 A list of the names of the legal voters in each ward shall
 30 be prepared by the assessors and Board of Aldermen,
 31 assisted by the Wardens, in the same manner and under
 32 the same restrictions as are imposed by the laws of this
 33 State on the Assessors and Selectmen of towns. And
 34 all regular ward meetings shall be called and notified by
 35 a warrant from the Mayor and Aldermen in the manner
 36 prescribed by the laws of the State for calling and no-
 37 tifying town meetings by the Selectmen of the several
 38 towns.

SECT. 9. *Be it further enacted,* That the Mayor shall
 2 be elected from the citizens at large, by the inhabitants
 3 of the city voting in their respective wards ; one Alder-
 4 man and three Common Council men shall be elected by
 5 each ward, being resident in the wards where they are
 6 elected ; all said officers shall be elected by ballot, by
 7 a majority of the votes given in, and shall hold their
 8 offices one year from the third Monday of March, and
 9 until others are elected and sworn in their places.

SECT. 10. *Be it further enacted,* That on the second
 2 Monday of March, annually, immediately after a Warden
 3 and Clerk have been elected and sworn, the qualified
 4 electors of each ward shall ballot for a Mayor, one Al-

5 derman and three Common Council men ; all the votes
6 given for the said several officers respectively shall be
7 sorted, counted, declared and registered in open ward
8 meeting, by causing the names of the persons voted for,
9 and the number of votes given for each, to be written
10 in words at length. The ward Clerk, within twenty-
11 four hours after such election, shall deliver to the per-
12 sons elected Alderman and Common Council men, certi-
13 ficates of their election, and shall forthwith deliver to
14 the city Clerk, a certified copy of the record of such
15 election ; provided however, that if the election of Al-
16 derman and Common Council men cannot be effected on
17 that day, the meeting may be adjourned to another
18 day not more than two days thereafter, and thence
19 from day to day to complete such election. The Board
20 of Aldermen shall examine the copies of the records of
21 the several wards, certified as aforesaid, as soon as
22 conveniently may be, and shall cause the person, whom
23 they shall determine to have been elected Mayor by a
24 majority of the legal votes given, in all the wards, to
25 be notified in writing of his election ; but, if it shall ap-
26 pear that no person shall have been so elected, or if
27 the person elected shall refuse to accept the office, the
28 said Board shall issue their warrant for another election ;
29 and, if the citizens shall fail on a second ballot to elect
30 a Mayor, the city Council, in convention, from the four
31 highest candidates voted for and returned, shall elect a
32 Mayor for the ensuing year. And in case of a vacancy
33 in the office of Mayor, by death, resignation or other-

34 wise it shall be filled for the remainder of the term by
 35 a new election, in the manner herein before provided
 36 for the choice of said officer. The oath or affirmation
 37 prescribed by this Act, shall be administered by the
 38 city Clerk, or any Justice of the Peace in said city.
 39 The Aldermen and Common Council men elect, on the
 40 third Monday of March at ten o'clock in the forenoon,
 41 shall meet in convention, when the oath or affirmation
 42 required by the second section of this Act, shall be ad-
 43 ministered to the members of the two Boards present,
 44 by the Mayor, or any Justice of the Peace within the
 45 city; and thereupon the two Boards shall separate;
 46 and the Board of Common Council shall be organized
 47 by the election of a President and Clerk.

SECT. 11. *Be it further enacted,* That the city Clerk
 2 shall be Clerk of the Board of Aldermen. He shall per-
 3 form such duties as shall be prescribed by the Board
 4 of Aldermen or Common Council, and shall perform all
 5 the duties and exercise all the powers by law incum-
 6 bent upon or vested in the town Clerk of Bangor. He
 7 shall give notice in two of the newspapers printed in
 8 the city, of the time and place of regular ward meet-
 9 ings; but the place of regular ward meetings and the
 10 day and hour, when not fixed by law, shall be deter-
 11 mined by the Board of Aldermen. Whenever the Mayor
 12 shall be absent from the city, or be prevented by sick-
 13 ness or any other cause from attending the duties of
 14 his office, the Board of Aldermen may choose a Presi-
 15 dent *pro tempore*, who shall possess all the rights and

16 powers of the Mayor during such absence or disability.
 17 Each Board shall keep a record of its proceedings, and
 18 judge of the election and qualifications of its own mem-
 19 bers, and in case of failure of election, or of vacancy
 20 by death, resignation or otherwise, may order new
 21 elections, may determine the rules of its proceedings,
 22 punishits members for disorderlybehaviour, and with
 23 the concurrence of three fourths, expel a member, but
 24 not a second time for the same cause : a majority shall
 25 constitute a quorum for doing business, but a smaller
 26 number may adjourn, and may compel the attendance
 27 of absent members, in such manner and under such pe-
 28 nalties, as each Board shall provide.

SECT. 12 *Be it further enacted,* That the Mayor shall
 2 have power with the consent of the Board of Aldermen,
 3 in case of any riot or other disturbance within the city,
 4 of so violent a nature, that the Police or civil authority
 5 of the city cannot restrain or quell the same, to call
 6 out one or more of the companies of militia organized
 7 within the limits of the city to restrain and quell such
 8 riot or disturbance; and the commanding officer of
 9 such company or companies, when thus called out,
 10 shall be subject to the orders of the Mayor.

SECT. 13. *Be it further enacted,* That there be and
 2 hereby is established a court to be denominated the
 3 Municipal Court for the city of Bangor, to consist of
 4 one Judge, who shall have concurrent jurisdiction with
 5 Justices of the Peace in all matters civil and criminal,
 6 within the county of Penobscot, and original and exclu-

7 sive jurisdiction in all civil actions, in which both par-
 8 ties interested, or in which the party plaintiff and the
 9 person or persons summoned as trustees, shall be in-
 10 habitants of, or resident in said city of Bangor ; except-
 11 ing all actions in which said Judge may be interested ;
 12 and he shall have concurrent jurisdiction with Justices
 13 of the Peace and Quorum in all cases of forcible entry
 14 and detainer, arising in said county, and original and
 15 exclusive jurisdiction in all such cases arising in said
 16 city of Bangor. And the said Judge shall have juris-
 17 diction of all cases of simple larceny, wherein the pro-
 18 perty, alleged to have been stolen, shall not exceed in
 19 value the sum of twenty dollars ; and shall have power
 20 to try the same and award such sentence upon convic-
 21 tion, as is by law provided for such offence : *provided*
 22 *however*, that the several Justices of the Peace in said
 23 city of Bangor shall continue to have and exercise all
 24 the power and authority in them vested by the laws of
 25 the United States. And the said Judge shall also have
 26 exclusive jurisdiction of all offences against the by-
 27 laws of said city. And any person aggrieved by any
 28 judgment awarded by said Judge may appeal therefrom
 29 to the Court of Common Pleas in like manner as if the
 30 same had been awarded by any Justice of the Peace.

SECT. 14. *Be it further enacted*, That there shall be
 2 a Recorder of said Court, whose duty it shall be to
 3 make and keep its records and perform all the duties,
 4 which are usually exercised by clerks of courts ; he
 5 shall be under oath, and shall give bond to the city

6 Treasurer with surety or sureties in such penal sum as
7 the said Judge shall determine, conditioned for the
8 faithful performance of the duties of his office. And
9 it shall be the duty of said Recorder to receive all fees,
10 which are or may be by law payable to said Court, and
11 shall render an account thereof upon oath and pay over
12 the same to the city treasurer, quarter yearly. And in
13 case of the death of said Judge, or whenever he may
14 be necessarily absent from the city, or shall be pre-
15 vented by sickness or any other cause from attending
16 to the duties of his office, the said Recorder shall have
17 the powers and perform the duties of said Judge until
18 another person be appointed or during such absence or
19 disability, as the case may be, excepting the trial of
20 issues in civil actions. And copies of the records of
21 said Court duly certified shall be evidence in other
22 Courts.

SECT. 15. *Be it further enacted,* That the said Judge
2 and Recorder shall be appointed by the Governor, by
3 and with the advice of the Council; and the said Judge
4 shall receive in full for his services eight hundred dol-
5 lars, *per annum*, to be paid quarterly from the city
6 treasury; and the Recorder shall receive, to be paid in
7 like manner, the sum of two hundred and fifty dollars.
8 Neither the Judge nor Recorder shall act as counsel or
9 attorney, in any case within the jurisdiction of said
10 Court, nor in any such matter or thing, which may de-
11 pend on, or have relation to, any case, matter or thing
12 depending or cognizable in said Court.

SECT. 16. *Be it further enacted,* That said Court shall
 2 be held on Monday of each week, at nine of the clock
 3 in the forenoon, for the transaction of civil business,
 4 and all civil process shall be made returnable at that
 5 time. And there shall be taxed for the entry of a civil
 6 action in said Court, twenty cents; for an execution,
 7 ten cents; and for each continuance, five cents; and
 8 the fees in all other cases civil and criminal, shall be
 9 the same as are taxable by Justices of the Peace. And
 10 all fines, penalties, and bills of cost, which may be a-
 11 warded by the Judge of said Court, shall be accounted
 12 for and paid over in the same manner, as if the same
 13 had been awarded by the sentence of a Justice of
 14 the Peace.

SECT. 17. *Be it further enacted,* That the city of Ban-
 2 gor shall have power to raise money for defraying the
 3 expenses of said Municipal Court, and for providing a
 4 suitable room in which to hold the same.

SECT. 18. *Be it further enacted,* That for all the pur-
 2 poses of the election of Governor, Senators, and Rep-
 3 resentatives in the Legislature of this State, and Reg-
 4 ister of Deeds and Treasurer of the County of Penob-
 5 scot, and of Representatives in Congress and Electors
 6 of President and Vice President, the inhabitants of
 7 said town of Bangor shall remain and continue a town,
 8 and shall possess all the rights and powers, and shall
 9 be subject to all the duties, obligations and liabilities of
 10 other towns in this State, so far as regards the election
 11 of the officers aforesaid. And the Aldermen of said

12 city, *ex officio*, shall be the Selectmen of said town, for
13 the purposes of all such elections, and the election of
14 persons to the office of Aldermen of said city shall be
15 taken and deemed, and is hereby declared an election
16 to the office of Selectmen of said town; and the city
17 Clerk and city Assessors shall, *ex officio*, be town Clerk
18 and town Assessors for all the purposes of such elec-
19 tions; and the election of any person to the office of
20 city Clerk or city Assessor shall be taken and deemed,
21 and is hereby declared an election to the office of town
22 Clerk and Assessor of the town respectively; and the
23 said officers, in addition to their oath, as city officers,
24 shall respectively be sworn, as Selectmen, town Clerk,
25 and Assessors of the town of Bangor, as now required
26 by law; and they shall be required to perform all the
27 duties, shall be under all the obligations, and be sub-
28 ject to all the liabilities, that the Selectmen, town
29 Clerk and Assessors of other towns are, for all the pur-
30 poses of the election of the officers aforesaid; and the
31 city Constables shall be Constables of the town for the
32 purposes of notifying all town meetings for such elec-
33 tions, and of maintaining order in said meetings.

SECT. 19. *Be it further enacted*, That general meet-
2 ings of the citizens qualified to vote in city affairs may
3 from time to time be held to consult upon the public
4 good, to instruct their Representatives, and to take all
5 lawful measures to obtain redress of any grievances,
6 according to the right secured to the people by the
7 constitution of this State; and such meetings may and

8 shall be duly warned by the Mayor and Aldermen up-
 9 on the request in writing of thirty qualified voters of
 10 said city.

SECT. 20. *Be it further enacted*, That it shall be the
 2 duty of the Selectmen of the town of Bangor, as soon
 3 as may be, after this act shall have been accepted, as
 4 hereinafter provided, to cause a division of said town
 5 to be made into seven wards, in such manner as to in-
 6 clude, as nearly as conveniently may be, consistently
 7 with well defined limits to each ward, an equal number
 8 of voters in each ward.

SECT. 21. *Be it further enacted*, That for the purpose
 2 of organizing the system of government hereby estab-
 3 lished and putting the same into operation in the first
 4 instance, the Selectmen of the town of Bangor for the
 5 time being, shall seasonably, before the second Mon-
 6 day of March next, issue their warrants for calling
 7 meetings of the said citizens at such place and hour,
 8 as they shall think expedient, for the purpose of choos-
 9 ing a Warden and Clerk for each ward; and also to give
 10 in their votes for a Mayor, to be taken from the city
 11 at large, and one Alderman and three Common Coun-
 12 cil men for each ward; and the transcript of the re-
 13 cord of each ward, specifying the votes given for a
 14 Mayor, certified by the Warden and Clerk of such ward,
 15 shall at said election be returned to the Selectmen of
 16 said town of Bangor, whose duty it shall be to exam-
 17 ine and compare them. And in case said election shall
 18 not be effected at the first trial, the said Selectmen

19 shall issue a new warrant until such election shall be
20 effected, and shall give notice thereof to the person
21 elected Mayor, in the manner herein before directed.
22 And, at said first meeting, any inhabitant of a ward,
23 being a legal voter, may call the citizens to order, and
24 preside until a Warden shall have been chosen. And
25 at said first meeting, a list of voters, in each ward, pre-
26 pared and corrected by the Selectmen of Bangor for
27 the time being, shall be delivered to the Clerk of each
28 ward, when elected, to be used, as provided by law,
29 in town meetings. And it shall be the duty of the
30 City Council, in convention, immediately after their
31 first organization, to elect by ballot a city Clerk and
32 all other necessary city officers, who shall hold their
33 offices until the fourth Monday of March then next.

SECT. 22. *Be it further enacted*, That this Act shall
2 take effect and be in force, when the same shall have
3 been accepted by the inhabitants of said town, quali-
4 fied to vote in town affairs, at a legal town meeting
5 held for that purpose, and by such a majority of all
6 the votes given on the question of its acceptance, that
7 the number in favor of such acceptance shall be to the
8 number against it in the proportion at least of four to
9 three: *Provided*, it shall be so accepted within three
10 years from the passing this act; but not more than one
11 meeting for that purpose shall be called in the same
12 year. And the vote on such question shall be taken
13 by ballot.

SECT. 23. *And be it further enacted,* That all acts and
2 parts of acts, inconsistent with the provisions of this
3 act, be and the same are hereby repealed from and af-
4 ter the time when this act shall have been accepted, as
5 aforesaid, and the new system of government organiz-
6 ed, as herein provided.

STATE OF MAINE.

HOUSE OF REPRESENTATIVES, }
January 16, 1834. }

Ordered, that three hundred copies be printed for the use of the
Legislature.

[Extract from the Journal.]

Attest, ASAPH R. NICHOLS, *Clerk.*

I. BERRY & CO., PRINTERS TO THE STATE.