

MAINE STATE LEGISLATURE

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DOCUMENTS

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THE LEGISLATURE

OF THE

STATE OF MAINE,

DURING ITS SESSION

A. D. 1849.



Augusta:

WM. T. JOHNSON;.....PRINTER TO THE STATE.

1850.

TWENTY-NINTH LEGISLATURE.

No. 4.]

[HOUSE.

STATE OF MAINE.

IN THE YEAR OF OUR LORD ONE THOUSAND EIGHT HUNDRED AND
FORTY-NINE.

AN ACT to incorporate the city of Augusta.

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

SECTION 1. The inhabitants of the town of Augusta,
2 in the county of Kennebec, shall continue to be a body
3 politic and corporate by the name of the city of Au-
4 gusta : and as such shall have, exercise and enjoy all
5 the rights, immunities, powers, privileges and fran-
6 chises, and be subject to all the duties and obligations
7 now appertaining to, or incumbent upon said town as
8 a municipal corporation, or appertaining to or incum-
9 bent upon the inhabitants or selectmen thereof, and

10 may ordain and publish such acts, laws and regula-
11 tions, not inconsistent with the constitution and laws
12 of this state, as shall be needful to the good order of
13 said body politic ; and impose fines and penalties for
14 the breach thereof, not exceeding twenty dollars for
15 any one offense.

SEC. 2. The administration of all the fiscal, pru-
2 dential and municipal affairs of said city, with the
3 government thereof, shall be vested in one principal
4 magistrate, to be styled the mayor ; and one council
5 of seven to be denominated the board of aldermen ;
6 and one council of twenty-one, to be denominated the
7 common council, all of whom shall be inhabitants of
8 said city ; which boards shall constitute and be called
9 the city council ; all of whom shall be sworn to the
10 faithful performance of the duties of their respective
11 offices. *Provided*, the city council shall not vote,
12 assess or appropriate any money for any object or
13 purpose for which the town of Augusta is not author-
14 ized to vote, assess and appropriate money, except for
15 such purposes as are authorized by this act. *And*
16 *provided further*, that neither the city council, nor any
17 agent or officer of the city, shall borrow or hire any
18 money for or on account of the city or inhabitants

19 thereof except for the purposes for which the town of
20 Augusta is now by law authorized to borrow money ;
21 and all notes, bonds, obligations, scrip or orders given
22 by the city council or any officer or agent thereof, for
23 money or property obtained for any other purposes
24 shall be void.

SEC. 3. The mayor of said city shall be the chief
2 executive magistrate thereof. It shall be his duty to
3 be vigilant and active in causing the laws and regula-
4 tions of the city to be executed and enforced, to exer-
5 cise a general supervision over the conduct of all
6 subordinate officers, and to cause their violations or
7 neglect of duty to be punished. He may call special
8 meetings of the board of aldermen and common
9 council, or either of them, when in his opinion the
10 interests of the city require it, by a notice in one or
11 more of the papers printed in the city, or by causing
12 a summons or notification to be given in hand to or
13 left at the usual dwelling place of each member of the
14 board or boards to be convened. He shall from time
15 to time communicate to both of them such information
16 and recommend such measures as the business and
17 interests of the city may in his opinion require. He
18 shall preside in the board of aldermen and in the joint

19 meetings of the two boards, but shall have only a
20 casting vote. The salary and compensation of the
21 mayor shall be two hundred dollars per year, which
22 shall not be increased or diminished during his con-
23 tinuance in office, unless by the vote of the qualified
24 electors in ward meetings called for that purpose.
25 Nor shall he receive from the city any other compen-
26 sation for any services by him rendered in any other
27 capacity or agency. *Provided, however,* the city
28 council may elect the mayor to any city office and
29 allow him a reasonable compensation for services ren-
30 dered in such office. But the aldermen and common
31 council shall not be entitled to receive any salary or
32 compensation for any services by them performed as
33 such or in any capacity or agency for the city.

SEC. 4. The executive powers of said city gener-
2 ally, and the administration of police, with all the
3 powers of the selectmen of the town of Augusta, shall
4 be vested in the mayor and aldermen as fully as if the
5 same had been herein particularly enumerated, all
6 other powers not vested in the inhabitants of said
7 town, and all powers granted by this act, shall be
8 vested in the mayor and aldermen and common coun-
9 cil of said city, to be exercised by concurrent vote,

10 each board to have a negative upon the other. But
11 all elections of offices by the city council, shall be by
12 joint ballot of the two boards in convention. The
13 city council shall, annually, on the third Monday of
14 March, elect and appoint all the subordinate officers
15 and agents for the city, for the ensuing year, shall
16 define their duties, and fix their compensation, in
17 cases where such duties and compensation shall not
18 be defined and fixed by the laws of this state; and
19 may by concurrent vote remove officers, when in their
20 opinion sufficient cause for removal exists. All offi-
21 cers shall be chosen and vacancies supplied for the
22 current year, except as herein otherwise directed.
23 All the said subordinate officers and agents shall hold
24 their offices during the ensuing year and until others
25 shall be elected and qualified in their stead unless
26 sooner removed by the city council. All moneys
27 received and collected for or on account of the city,
28 by any officer or agent thereof, shall forthwith be paid
29 into the city treasury. The city council shall take care
30 that moneys shall not be paid from the treasury unless
31 granted or appropriated; shall secure a prompt and
32 just accountability by requiring bonds with sufficient
33 penalty and sureties from all persons trusted with the

34 receipt, custody, or disbursement of money, shall have
35 the care and superintendence of city buildings and the
36 custody and management of all city property, with
37 power to let or sell what may be legally let or sold ;
38 and to purchase and take, in the name of the city,
39 such real or personal property, not exceeding the sum
40 of twenty five thousand dollars, including the prop-
41 erty now owned by the town, as they may think useful
42 to the public interest. And the city council shall, as
43 often as once a year, cause to be published for the in-
44 formation of the inhabitants, a particular account of
45 receipts and expenditures and a schedule of the city
46 property. And no money shall be paid from the
47 treasury unless the same be appropriated by the city
48 council, and upon a warrant signed by the mayor,
49 which warrant shall state the appropriation under
50 which the same is drawn.

SEC. 5. Every law, act, ordinance or bill appropri-
2 ating money having passed both branches of the city
3 council, shall be presented to the mayor of the city ;
4 and if he approve the same, he shall sign it, if not he
5 shall return it, in seven days, with his objections to
6 that branch of the city council, in which it shall have
7 originated, which branch shall enter the objections at

8 large on its journals and proceed to reconsider said
9 law, act, ordinance or bill. If upon such reconsider-
10 ation a majority of the whole number of that branch
11 shall agree to pass it, it shall be sent together with the
12 objections, to the other branch by which it shall be
13 reconsidered, and if approved by a majority of the
14 whole number of that branch it shall have the same
15 effect as if signed by the mayor.

SEC. 6. City assessors shall be annually appointed
2 by the city council, who shall exercise and be subject
3 to the same powers, duties and liabilities that the
4 assessors, in the several towns in this state, may exer-
5 cise and be subject to, under existing laws. *Provided,*
6 *however,* that the city council may appoint one person
7 in each ward, whose duty it shall be to furnish the
8 assessors with all necessary information relative to
9 persons and property, taxable in his ward, and who
10 shall be sworn to the faithful performance of his duty.
11 All taxes shall be assessed, apportioned and collected
12 in the manner, prescribed by the laws of this state
13 relative to town taxes. *Provided, however,* that it
14 shall be lawful for the city council to establish further
15 and additional provisions for the collection thereof.

SEC. 7. The city council shall have exclusive au-

2 thority and power to lay out and establish any new
3 street, public way or town way that the selectmen and
4 town of Augusta could lay out and establish, and to
5 widen or otherwise alter or discontinue any street or
6 public way in said city, and to estimate the damages
7 any individual may sustain by such laying out, wid-
8 ening, alteration or discontinuance, and shall in all
9 other respects be governed by and subject to, the
10 same rules and restrictions as are provided in the laws
11 of this state regulating the laying out and repairing
12 streets and public highways. And any person ag-
13 grieved by the decision or judgment of said city
14 council, may, so far as relates to damages, have them
15 assessed by a committee or jury as now by law pro-
16 vided; and the county commissioners for the county
17 of Kennebec shall have power to lay out within said
18 city any part of any new county road, that shall by
19 them be laid out in any adjoining town or towns, and
20 shall pass thence into or through said city, according
21 to the provisions of law.

SEC. 3. It shall be lawful for the city council, by a
2 committee by them appointed, or by instructions to
3 the commissioner of streets, to appropriate, set off and
4 reserve as side walks, such part or portion of the sev-

5 eral streets in said city, now or hereafter to be estab-
6 lished, as to said council may appear necessary for the
7 safety, convenience and accommodation of foot pas-
8 sengers. It shall be lawful for the city council to
9 permit or direct posts of stone, or wood or trees, to be
10 placed along the edge of said side walk next to the
11 traveled part of the street, in such number and man-
12 ner as they may deem necessary to protect said side
13 walks, and the persons traveling thereon from damage
14 or inconvenience from teams or carriages. So much
15 of the several streets in said city as shall be appropri-
16 ated and reserved as side walks, agreeably to the pro-
17 visions of this act, shall be taken and deemed to be
18 reserved exclusively for the accommodation, conven-
19 ience and use of persons traveling on foot ; and said
20 city shall not be liable to damages for any injury done
21 or occasioned in consequence of any cart, carriage,
22 wagon, truck or other vehicle, or any team or animal
23 striking against any of said side walks or the posts or
24 trees set or placed to defend the same. The several
25 side walks on the streets in said city, as at present
26 established and used, shall be taken and deemed to be
27 the proper and lawful reservation, for that purpose,

28 until altered or otherwise established by the proper
29 authority.

SEC. 9. The city council shall have power, on such
2 terms and conditions as they may think proper, to
3 authorize and empower any person or corporation to
4 place in any street, for such time as may be neces-
5 sary, any materials for making or repairing any street,
6 side walk, cross walk, bridge, water course or drain,
7 or for erecting, repairing or finishing any building or
8 fences: *Provided*, that not more than one third of the
9 width of the street shall be so occupied. And such
10 materials so placed by virtue of any license obtained
11 as aforesaid, shall not be considered an incumbrance
12 or nuisance in such street, and the city or person or
13 corporation so placing the same, shall not be liable
14 for any damages occasioned by such materials.

SEC. 10. All the laws and regulations now in force
2 in said town shall, notwithstanding this act, be and
3 remain in force, until they expire by their own limi-
4 tations or be revised or repealed by the city council ;
5 and prosecutions and suits may be commenced and
6 proceeded thereon in the name of the city, by officers
7 or other persons thereby empowered or directed to

8 prosecute and sue ; and the fines and penalties shall
9 go to the uses in such laws or regulations named or
10 according to law.

SEC. 11. There shall be and hereby is established
2 a court, to be denominated the municipal court of the
3 city of Augusta, to consist of one judge, who shall
4 have concurrent jurisdiction with justices of the peace
5 in all matters civil and criminal, within the county of
6 Kennebec, and original and exclusive jurisdiction in
7 all civil actions, now triable before a justice of the
8 peace in which both parties interested, or in which
9 the party plaintiff and the person or persons sum-
10 moned as trustees, shall be inhabitants of, or residents
11 in said city ; excepting all actions in which said judge
12 may be interested ; and he shall have concurrent ju-
13 risdiction with justices of the peace and quorum in all
14 cases of forcible entry and detainer, arising in said
15 county, and original and exclusive jurisdiction in all
16 such cases arising in said city—and said judge shall
17 have jurisdiction of all cases of simple larceny,
18 wherein the property, alledged to have been stolen,
19 shall not exceed in value the sum of twenty dollars ;
20 and shall have power to try the same, and award such
21 sentence upon conviction, as is by law provided for

22 such offense : *Provided, however,* that the several jus-
23 tices of the peace in said city shall continue to have
24 and exercise all the power and authority in them
25 vested by the laws of the United States. And the
26 said judge shall also have exclusive jurisdiction of all
27 offenses against the by-laws and regulations which
28 may be established by the city council of said city
29 and may on conviction thereof, award such sentence
30 as to law and justice may appertain, and in declara-
31 tions for violations of by-laws or ordinances, the
32 by-laws or ordinances need not be set forth. And
33 any person aggrieved by any judgment awarded by
34 said judge may appeal therefrom to the district court
35 for the county of Kennebec, under the restrictions and
36 conditions, that the law requires in appeals from judg-
37 ments awarded by any justice of the peace.

SEC. 12. There shall be a recorder of said court,
2 whose duty it shall be to make and keep its records
3 and perform all the duties, which are usually exer-
4 cised by clerks of courts ; he shall be under oath, and
5 shall give bond to the city treasurer with surety or
6 sureties in such penal sum as the said judge shall
7 determine, conditioned for the faithful performance
8 of the duties of his office. And it shall be the duty

9 of said recorder to receive all fees, which are or may
10 be by law payable to said court, and shall render an
11 account thereof upon oath and pay over the same to
12 the city treasurer quarter yearly. And in case of the
13 death of said judge, or whenever he may be neces-
14 sarily absent from the city, or shall be prevented by
15 sickness or any other cause from attending to the
16 duties of his office, the said recorder shall have the
17 powers and perform the duties of said judge until
18 another person be appointed or during such absence
19 or disability, as the case may be, except 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.

SEC. 13. The said judge shall be appointed in the
2 manner prescribed in the constitution, and the re-
3 corder shall be elected from the citizens at large by
4 the inhabitants of said city, voting in their respective
5 wards, by a majority of the votes given, and shall hold
6 their offices three years from the third Monday in
7 March, and until others shall be appointed or elected
8 in their places; and the said judge shall receive in
9 full for his services a sum to be fixed by the city coun-
10 cil, not exceeding two hundred and fifty dollars per

11 annum, to be paid quarterly from the city treasury ;
12 and the recorder shall receive in full for his services a
13 sum to be fixed by the city council not exceeding two
14 hundred dollars per annum to be paid in like manner.
15 The compensation of the judge and recorder shall not
16 be increased or diminished during their continuance
17 in office, except by a major vote of the inhabitants of
18 said city, voting in their respective wards. Neither
19 the judge nor recorder shall act, as counsel or attor-
20 ney, in any case within the jurisdiction of said court,
21 nor in any suit, matter or thing, which may depend
22 on, or have relation to, any case, matter or thing,
23 depending or recognizable in said court.

SEC. 14. The said court shall be held on Monday
2 of each alternate week, at nine of the clock in the
3 forenoon, for the transaction of civil business, and all
4 civil process shall be made returnable at that time.
5 And there shall be taxed in said court in civil and
6 criminal cases, the same fees that are now taxable by
7 justices of the peace in like cases. And all fines,
8 penalties, and bill of costs, which may be awarded by
9 the judge of said court, shall be accounted for and
10 paid over in the same manner as if the same had been
11 awarded by the sentence of a justice of the peace.

SEC. 15. The city of Augusta shall have power to
2 raise money for defraying the expenses of said munic-
3 ipal court, and for providing a suitable room in which
4 to hold the same.

SEC. 16. For the purpose of holding elections, said
2 city shall be divided into seven wards, to contain as
3 near as conveniently may be, an equal number of vo-
4 ters. And it shall be the duty of the city council once
5 in ten years, and not oftener than five years, to review,
6 and if it be needful to alter said wards, in such man-
7 ner as to preserve as nearly as may be an equal num-
8 ber of inhabitants in each. In each of said wards,
9 there shall annually, on the second Monday of March,
10 be chosen by ballot, a warden and clerk, who shall
11 hold their offices for one year, and until others shall
12 have been chosen in their places. Said warden and
13 clerk shall be sworn to the faithful performance of
15 their respective duties, by any justice of the peace of
16 said city, and a certificate of such oaths having been
17 administered, shall be entered by the clerk on the
18 records of the ward. The wardens shall preside at
19 all ward meetings, with the power of moderators of
20 town meetings. And if at any meeting the warden

21 should not be present, the clerk of such ward shall
22 call the meeting to order and preside until a warden
23 pro tem. shall be chosen. If neither of them should
24 be present, any legal voter in the ward may preside
25 until a clerk pro tem. shall be elected. In case no
26 justice of the peace shall be present, the person pre-
27 siding may administer the oath to the warden and
28 clerk. The clerk shall record all the proceedings and
29 certify the votes given; and deliver over to his suc-
30 cessor in office all such records and journals, together
31 with all other documents and papers, held by him in
32 said capacity. The inhabitants of each ward may
33 choose two persons to assist the warden in receiving,
34 sorting and counting the votes. The list of the names
35 of the legal voters in each ward, shall be prepared by
36 the assessors and board of aldermen, assisted by the
37 wardens, in the same manner and under the same
38 restrictions, as are imposed by the laws of this state
39 on the assessors and selectmen of towns. And all
40 regular ward meetings shall be notified and called by
41 the mayor and aldermen in the manner prescribed by
42 the laws of this state, for notifying and calling town
43 meetings by the selectmen of the several towns, ex-

cepting 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.

SEC. 17. 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 council men 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 third Monday in March and until others shall be elected in their places.

SEC. 13. At the annual election holden for the choice of mayor and aldermen, the qualified electors in each ward shall by ballot, elect a constable, who shall be denominated city constable, with all the powers, duties and liabilities appertaining to the office of constable.

SEC. 19. On the first 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 three common councilmen; all the votes given for the said several officers respectively, shall be sorted, counted,

7 declared, and registered in open ward meeting, by
8 causing the names of persons voted for, and the
9 number of votes given to each to be written on the
10 ward record in words at length. The ward clerk,
11 within twenty-four hours after such election shall de-
12 liver to the person elected alderman and common
13 councilmen, certificates of their election and shall
14 forthwith deliver to the city clerk, a certified copy of
15 the record of such election. *Provided, however,* that
16 if the choice of aldermen and common council men
17 cannot conveniently be effected on that day, the
18 meeting may be adjourned from day to day to com-
19 plete such election. If on the second balloting for any
20 aldermen, common council men, constable, warden
21 or clerk, a choice shall not be effected by a majority
22 vote, then the persons receiving the highest number
23 of votes for any of those offices at the subsequent trial
24 shall be declared elected. If no one shall then have
25 such highest number, the balloting shall be continued
26 from day to day until a choice is thus effected. The
27 board of aldermen shall, as soon as conveniently may
28 be, examine the copies of the records of the several
29 wards certified as aforesaid, and shall cause the per-
30 son who shall have been elected mayor, by a majority

31 of votes given in all the wards, to be notified in writ-
32 ing of his election ; but if it shall appear that no per-
33 son shall have been elected, or if the person elected
34 shall refuse to accept the office, the said board shall
35 issue their warrants for another election ; and in case
36 the citizens should fail on a second ballot to elect a
37 mayor, the said board shall again issue their war-
38 rants for a third election to be held not less than three
39 nor more than four days thereafter ; at which election
40 the candidate having the greatest number of votes
41 shall be declared elected, and notified as aforesaid.
42 If no one shall then have such number, further elec-
43 tions shall, in the same manner be ordered, till a
44 choice shall be made, by some one having the highest
45 number of votes ; and in case of a vacancy in the
46 office of mayor by death, resignation or otherwise, it
47 shall be filled for the remainder of the term by a new
48 election, in the manner hereinbefore provided for the
49 choice of said officer ; and in the mean time the pres-
50 ident pro tem. of the board of aldermen shall perform
51 the duties of mayor. The oath prescribed by this act
52 shall be administered to the mayor by the city clerk,
53 or any justice of the peace in said city. The alder-
54 men and common council men, elect, shall on the

55 third Monday of March, at ten o'clock in the fore-
56 noon, meet in convention, when the oath required by
57 the second section of this act, shall be administered to
58 the members of the two boards present, by the mayor
59 or any justice of the peace, and thereupon the two
60 boards shall separate, and the board of common
61 council shall be organized by the election of a presi-
62 dent and clerk.

SEC. 20. The city clerk shall be the clerk of the
2 board of aldermen. He shall perform such duties as
3 shall be prescribed by the board of aldermen or com-
4 mon council; and shall perform all duties, and exercise
5 all the powers by law incumbent upon, or vested in,
6 the town clerk of the town of Augusta. He shall give
7 notice in one or two of the papers printed in said city,
8 of the time and place of regular ward meetings; but
9 the place of regular ward meetings, and also the day
10 and hour, when not fixed by law, shall be determined
11 by the board of aldermen. The board of aldermen
12 may, in the absence of the mayor, choose a president
13 pro tempore, who shall preside at joint meetings of
14 the two boards. Each board shall keep a record of
15 its proceedings, and judge of the election of its own
16 members; and in case of failure of election, or of

17 vacancy by death, resignation or otherwise, may order
18 new elections. A quorum for the transaction of bus-
19 iness, shall in each board, consist of a majority of the
20 members thereof. All meetings of the aldermen and
21 common council, and all meetings of the two boards
22 in convention, shall be open and public, and the pre-
23 siding officer of each of them, shall have the power
24 of moderators of town meetings. At either of said
25 meetings, when any two members shall request it, the
26 vote shall be taken by yeas and nays, which shall be
27 recorded by the clerk.

SEC. 21. The city council may lay out and estab-
2 lish side walks without the limits, and by the sides of
3 any of the public highways, of such width as they
4 shall judge the public convenience to require, which
5 shall be used exclusively for side walks, and any dam-
6 ages arising from said laying out, shall be appraised
7 for the easement of a side walk in manner provided
8 by this charter for appraising damages on roads laid
9 out in said city; and the laying out and establishing
10 said side walks may be conditional in relation to any
11 portion thereof which may be covered with buildings;
12 that when said buildings are removed therefrom, the
13 same shall be used as a side walk, and the damages

14 appraised shall not be payable until said buildings are
15 removed. *Provided, however,* that said city may at
16 any time remove said buildings, and the damages
17 caused thereby shall be appraised in the manner pro-
18 vided for appraising damages caused by the laying out
19 and widening roads in said city.

SEC. 22. General meetings of the citizens, quali-
2 fied to vote in city affairs, may, from time to time, be
3 held to consult upon the public good—to instruct their
4 representatives, and to take all lawful measures to
5 obtain redress of any grievances according to the right
6 secured to the people by the constitution of this state,
7 and such meetings may and shall be duly warned by
8 the mayor and aldermen upon the requisition of thirty
9 qualified voters of said city.

SEC. 23. It shall be the duty of the selectmen of the
2 town of Augusta, as soon as may be, after this act
3 shall have been accepted, as hereinafter provided, to
4 cause a division of said town to be made into seven
5 wards, in such manner as to include, as nearly as con-
6 veniently may be, consistently with well defined limits
7 to each ward, an equal number of voters in each ward.

SEC. 24. For the purpose of organizing the system
2 of government hereby established, and putting the

3 same in operation in the first instance, the selectmen
4 of the town for the time being, shall, seasonably,
5 before the second Monday of March, next after the
6 acceptance of this charter, issue their warrants for
7 calling meetings of the said citizens, at such place and
8 hour upon said day, as they shall think expedient, for
9 the purpose of choosing a warden and clerk, for each
10 ward, and also to give their votes for a mayor to be
11 taken from the city at large, and one alderman and
12 three common council men for each ward, the trans-
13 cript of the records of each ward, specifying the votes
14 given for a mayor, one alderman and three common
15 council men, certified by the warden and clerk of such
16 ward, shall at said first election, be returned to the said
17 selectmen of the said town of Augusta, whose duty it
18 shall be to examine and compare the same. And in
19 case said elections shall not be completed at the first
20 election, then to issue a new warrant until such elec-
21 tions shall be completed according to the provisions
22 of this act, and to give notice thereof in the manner
22 hereinbefore directed, to the several persons elected.
23 And at said first meeting any inhabitant of said ward,
24 being a legal voter, may call the citizens to order and
25 preside until a warden shall have been chosen. And

26 at said first meeting a list of voters in each ward, pre-
27 pared and corrected by the selectmen of the town of
28 Augusta, for the time being, shall be delivered to the
29 clerk of each ward when elected, to be used as pro-
30 vided by the law in town meetings; and it shall be the
31 duty of the city council in convention, immediately
32 after their first organization, to elect by ballot, a city
33 clerk, and all other necessary city officers, who shall
34 hold their offices respectively until others are chosen
35 and qualified in their places.

SEC. 25. This act shall take effect and be in full
2 force when the same shall have been accepted by the
3 inhabitants of said town, qualified to vote in town
4 affairs, at a legal town meeting called for that pur-
5 pose; *provided*, it shall be accepted within five years
6 from the passage of this act; but not more than one
7 meeting, for that purpose, shall be called in the same
8 year. And the vote on such acceptance shall be
9 taken by ballot.

SEC. 26. All acts and parts of acts inconsistent with
2 the provisions of this act, are hereby repealed, from
3 and after the time when this act shall have been ac-
4 cepted as aforesaid, and the new system of govern-
5 ment organized, as herein provided.

STATE OF MAINE.

HOUSE OF REPRESENTATIVES, May 30, 1849.

ORDERED, That 350 copies of the foregoing Bill, reported from the committee on the judiciary, be printed for the use of the Legislature.

E. W. FLAGG, *Clerk.*