

# MAINE STATE LEGISLATURE

The following document is provided by the  
**LAW AND LEGISLATIVE DIGITAL LIBRARY**  
at the Maine State Law and Legislative Reference Library  
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied  
(searchable text may contain some errors and/or omissions)

# DOCUMENTS

PRINTED BY ORDER OF

# 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. 12.]

[SENATE.

---

## STATE OF MAINE.

---

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

---

### AN ACT to incorporate the city of Gardiner.

---

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

SECTION 1. The inhabitants of the town of Gardiner, in the county of Kennebec, shall continue to be a body politic and corporate by the name of the city of Gardiner ; 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 said town as a municipal corporation, or appertaining to or incumbent upon the inhabitants or selectmen thereof ; and may ordain and publish such acts, laws

11 and regulations, not inconsistent with the constitution  
12 and laws of this state, as shall be needful to the good  
13 order of said body politic ; and impose fines and pen-  
14 alties for the breach thereof, not exceeding twenty  
15 dollars for 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 ; and shall be sworn to the faithful  
10 performance of the duties of their respective offices.  
11 *Provided*, the city council shall not vote, assess or  
12 appropriate any money for any object or purpose  
13 for which the town of Gardiner is not authorized to  
14 vote, assess and appropriate money. *And provided*  
15 *further*, that neither the city council, nor any agent  
16 or officer of the city shall borrow or hire any money  
17 for or on account of the city or the inhabitants thereof,  
18 except for the purposes for which the town of Gardi-  
19 ner is now by law authorized to borrow money ; and

20 all notes, bonds, obligations, scrip or orders given by  
21 the city council or any officer or agent thereof, for  
22 money or property obtained for any other purposes,  
23 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 regu-  
4 lations of the city to be executed and enforced, to  
5 exercise a general supervision on 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 left at the dwelling-  
13 place of each member of the board or boards to be  
14 convened. He shall from time to time communicate  
15 to both boards such information, and recommend such  
16 measures, as the business and interests of the city may  
17 in his opinion require. He shall preside in the board  
18 of aldermen and in the joint meetings of the two  
19 boards, but shall have only a casting vote. The salary  
20 and compensation of the mayor shall not exceed

21 two hundred dollars per year, which shall not be  
22 increased or diminished during his continuance in  
23 office, unless by a vote of the qualified electors in  
24 ward meetings called for that purpose. Nor shall he  
25 receive from the city any other compensation for any  
26 service by him rendered in any other capacity or  
27 agency. *Provided, however,* the city council may  
28 elect the mayor to any city office and allow him a  
29 reasonable compensation for such services; but the  
30 aldermen and common councilmen shall receive no  
31 compensation for their services as such.

SEC. 4. The executive powers of said city gener-  
2 ally, and the administration of police, with all the  
3 powers of selectmen of the town of Gardiner, shall  
4 be vested in the mayor and aldermen, as fully as if  
5 the same had been herein particularly enumerated.  
6 All other powers now vested in the inhabitants of said  
7 town, and all other powers granted by this act, shall  
8 be vested in the mayor and aldermen and common  
9 council of said city, to be exercised by concurrent  
10 vote, each board to have a negative upon the other.  
11 But all elections of officers by the city council, shall  
12 be by joint ballot of the two boards in convention.  
13 The city council shall, annually, on the third Monday

14 of March, elect and appoint all the subordinate offi-  
15 cers and agents for the city, for the ensuing year,  
16 including a chief engineer and other engineers of the  
17 fire department, (which chief engineer, or in his  
18 absence, any two other engineers, shall have all the  
19 power and authority that firewards now have); shall  
20 define their duties, and fix their compensation, in  
21 cases where such duties and compensation shall not  
22 be defined and fixed by the laws of this state, and  
23 may by concurrent vote remove officers, when in  
24 their opinion sufficient cause for removal exists. All  
25 officers shall be chosen and vacancies supplied for the  
26 current year, except as herein otherwise directed.  
27 All the said subordinate officers and agents shall hold  
28 their offices during the ensuing year and until others  
29 shall be elected and qualified in their stead, unless  
30 sooner removed by the city council. All moneys  
31 received and collected for or on account of the city  
32 by any officer or agent thereof, shall forthwith be paid  
33 into the city treasury. The city council shall take  
34 care that moneys shall not be paid from the treasury,  
35 unless granted or appropriated; shall secure a prompt  
36 and just accountability, by requiring bonds with suf-  
37 ficient penalty and sureties from all persons trusted

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

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



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

SEC. 6. The city assessors, who shall be annually  
2 appointed by the city council, shall exercise and be  
3 subject to the same powers, duties and liabilities that  
4 the assessors in the several towns in this state may  
5 exercise and be subject to under existing laws. *Pro-*  
6 *vided, however,* that the city council may appoint one  
7 person in each ward, whose duty it shall be to furnish  
8 the 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 shall  
14 and may be lawful for the city council to establish  
15 further and additional provisions for the collection  
16 thereof.

SEC. 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 damage any individual 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 the 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 Kennebec 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 law; and any highway or townway, 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.

SEC. 8. It shall be lawful for the city council, by a committee by them appointed, or by instructions to

3 the commissioner of streets, to appropriate, set off  
4 and reserve, as side-walks, such part or proportion of  
5 the several streets in said city, now or hereafter to be  
6 established, as to said city council may appear neces-  
7 sary for the safety, convenience and accommodation  
8 of foot passengers. It shall be lawful for the city  
9 council to permit or direct the placing of trees, or  
10 posts either of stone or wood, along the edge of said  
11 side-walks next to the traveled part of the street, in  
12 such number and manner as they may deem neces-  
13 sary to protect said side-walks and the passengers  
14 traveling thereon, from damage or inconvenience  
15 from teams or carriages. So much of the several  
16 streets as shall be so appropriated and reserved for  
17 side-walks, agreeably to the provisions of this act,  
18 shall be taken and deemed to be reserved exclusively  
19 for the accommodation, convenience and use of per-  
20 sons travelling on foot; and said city shall not be  
21 liable to damages for any injury done or occasioned  
22 in consequence of any cart, carriage, wagon, truck,  
23 or other vehicle, or any team or animal striking against  
24 any of said side-walks, or the posts, or trees, set or  
25 placed to defend the same. The several side-walks  
26 in said city, as at present established and used, shall

27 be taken and deemed to be the proper and lawful  
28 reservation, for that purpose, until altered or otherwise  
29 established by the proper 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 necessary,  
5 any materials for making or repairing any street, side-  
6 walk, cross-walk, bridge, water-course or drain, or  
7 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 persons, or  
13 corporation so placing the same, shall not be liable for  
14 any damages occasioned by such materials.

SEC. 10. All the laws and regulations now in force  
2 in said town of Gardiner, shall, notwithstanding this  
3 act, be and remain in force until they expire by their  
4 own limitation, or be revised or repealed by the city  
5 council; and prosecutions and suits may be com-  
6 menced 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 regula-  
10 tions named, or according to law.

SEC. 11. A police court shall be established in and  
2 for the city, to be denominated the police court of  
3 the city of Gardiner, to consist of one judge, who  
4 shall be appointed and commissioned in the manner  
5 provided by the constitution, who shall have concur-  
6 rent jurisdiction with justices of the peace, in all mat-  
7 ters, civil and criminal, under twenty dollars, within  
8 the county of Kennebec, and original and exclusive  
9 jurisdiction in all civil actions in which both parties  
10 interested, or in which the party, plaintiff, and the  
11 person or persons summoned as trustees shall be in-  
12 habitants of or residents in said city of Gardiner,  
13 excepting all actions in which said judge may be  
14 interested ; and said court shall also have concurrent  
15 jurisdiction with justices of the peace and quorum in  
16 all cases of forcible entry and detainer, arising in said  
17 county, and original and exclusive jurisdiction in all  
18 such cases arising in the city, and shall also have  
19 original and exclusive jurisdiction of all violations of  
20 the by-laws of said city. And any person aggrieved  
21 by any judgment awarded by said court, may appeal

22 therefrom to the district court, for said county, in like  
23 manner as if the same had been awarded by any jus-  
24 tice of the peace, or justices of the peace and quorum.

SEC. 12. It shall be the duty of said court to make  
2 and keep its own records, which records shall be such  
3 as would be legal records in a court of a justice of  
4 the peace; and copies of the records of said court  
5 duly certified, shall be evidence in the other courts of  
6 this state. Said court shall be holden on Monday of  
7 each week, at nine of the clock in the forenoon, at  
8 such place as the city shall provide for the purpose,  
9 for the transaction of civil business; and all civil pro-  
10 cess shall be made returnable accordingly. And the  
11 fees in all cases, civil and criminal, shall be the same  
12 as are now taxable by justices of the peace. *Provided*,  
13 that the price of blank writs, signed by said judge,  
14 shall be one cent each and no more. And all fines,  
15 penalties and costs, which may be awarded by said  
16 court in the administration of its criminal jurisdiction,  
17 shall be accounted for and paid over by said judge,  
18 in the same manner as if the same had been awarded  
19 by the sentence of a justice of the peace.

SEC. 13. In case of the death, or sickness or other  
2 disability of the said judge, to attend at the time and

3 place as provided in the preceding section for the  
4 transaction of civil business, the said court shall stand  
5 adjourned to the Monday of the succeeding week,  
6 and so from week to week, until the judge is able to  
7 attend. And in case of disability as aforesaid, to per-  
8 form the other duties of his office, the criminal juris-  
9 diction of said court shall devolve upon the justices  
10 of the peace for the county of Kennebec during the  
11 continuance of said disability, and until such proceed-  
12 ings as are instituted during the continuance of said  
13 disability shall have received the final adjudication of  
14 said justices.

SEC. 14. The city of Gardiner shall have the  
2 power, and it shall be its duty to raise money to pro-  
3 vide a suitable room in which to hold said court, and  
4 to furnish the same in an appropriate manner. The  
5 judge of the said police court shall have for his com-  
6 pensation all the court fees arising in any matter in  
7 any way connected with his office; said fees to be  
8 such as are by law taxed and received by justices of  
9 the peace for all similar services. And the said judge  
10 shall not act as counsel or attorney, in any case within  
11 the jurisdiction of said court, nor in any suit, matter  
12 or thing which may depend on, or have relation to,

13 any case, matter or thing depending or cognizable in  
14 said court.

SEC. 15. All actions, suits, matters and things which  
2 may be pending before justices of the peace in the  
3 town of Gardiner, and all writs, executions, warrants,  
4 recognizances and processes, returnable to said jus-  
5 tices when this act takes effect, shall be returnable to  
6 them in like manner as if it had not taken effect ;  
7 and said justices shall have full power and authority  
8 to grant execution and to carry into effect any judg-  
9 ment rendered by them, and to complete all processes  
10 commenced by or before them in the same manner as  
11 they might have done had not this act been passed.

SEC. 16. For the purpose of holding elections, said  
2 city shall be divided into seven wards, which shall  
[3 respectively embrace all the territory lying between  
4 the following limits, and be known, described and  
5 bounded as follows, viz :

6 *Ward No. 1*, shall be bounded in the following man-  
7 ner : commencing in Kennebec river on the southerly  
8 line of Hallowell ; thence westerly on said line to  
9 intersection with Cold Stream Brook ; thence down  
10 said brook two hundred rods ; thence easterly in a  
11 direct line to the head of Spring street ; thence by



12 said street and including both sides thereof to Bridge  
13 street; thence by the middle of said street to the  
14 channel of the Cobbossee Contee river; thence down  
15 said channel to Kennebec river, and thence up said  
16 river to first described bound.

17 *Ward No. 2*, shall be bounded as follows: beginning  
18 in Bridge street in the channel of the Cobbossee  
19 Contee river and running westerly on southerly line  
20 of ward one to Cold stream; thence down said  
21 stream to northerly end to lot No. 102; thence east-  
22 erly on northerly line of said lot and the range of lots  
23 to No. 90 W.; and thence by an extension of said  
24 line to Cobbossee Contee river; thence down said  
25 river to point or bound first described.

26 *Ward No. 3*, shall be bounded as follows: beginning  
27 at Cold stream on the Hallowell line; thence by said  
28 line to the easterly line of Litchfield in Winthrop  
29 Stream; thence down said stream to Cold stream;  
30 thence up Cold stream to westerly line of ward two;  
31 thence on said line and the westerly line of ward one  
32 to Hallowell line or point first described.

33 *Ward No. 4*, shall be bounded thus: beginning on  
34 the line of ward two in Cobbossee Contee river oppo-  
35 site the northerly end of Oak street; thence by the

36 middle of said street in a direct line to Brunswick  
37 street ; thence westerly in the middle of said street to  
38 the westerly side of lot 47, P. ; thence northerly by  
39 said line to Cobbossee Contee river ; thence up said  
40 river to Richmond line ; thence by said line and the  
41 line of Litchfield to Cold stream ; thence by the  
42 easterly line of ward three to southerly side of ward  
43 two ; thence by said side line easterly to point first  
44 named.

45 *Ward No. 5*, shall be described and bounded thus :  
46 beginning in Cobbossee Contee river at the easterly  
47 side line of ward four ; thence down said river to Bridge  
48 street ; thence through the middle of said street by  
49 the northerly and westerly sides of the common to  
50 Lincoln street ; thence through the middle of said  
51 street to the northwesterly side of Oaklands ; thence  
52 on said line to southwesterly side of lot No. 14 ;  
53 thence by said side line to Brunswick road, and to  
54 the southerly bounds of ward four.

55 *Ward No. 6*, shall be bounded as follows : beginning  
56 at the corner of wards one and two in Bridge street,  
57 thence by the line of ward one to Kennebec river ;  
58 thence down said river to southerly side of Oaklands ;  
59 thence by said side line to southwesterly side of Oak-

60 lands ; thence by said side line and by the westerly  
61 and the northwesterly side lines of said Oaklands to  
62 easterly bounds of ward five ; thence on said boundary  
63 to the point first described.

64 *Ward No. 7*, shall comprise all the territory in the  
65 city of Gardiner lying south of Cobbossee Contee  
66 river not included in either of the foregoing wards.

67 And it shall be the duty of the city council, once in  
68 ten years, and not oftener than once in five years, to  
69 review, and if it be needful, to alter said wards in  
70 such manner as to preserve as nearly as may be an  
71 equal number of inhabitants in each.

SEC. 17. In each of the wards, there shall annually,  
2 on the first Monday of March, be chosen by ballot a  
3 warden and clerk, who shall hold their offices for one  
4 year, and until others shall be chosen and qualified in  
5 their places. Said warden and clerk shall be sworn  
6 to the faithful performance of their respective duties,  
7 by any justice of the peace of said city ; and a certi-  
8 ficate of such oaths having been administered, shall  
9 be entered by the clerk on the records of the ward.  
10 The wardens shall preside at all ward meetings, with  
11 the power of moderators of town meetings. And  
12 if at any meeting the warden should not be present,

13 the clerk of such ward shall call the meeting to order,  
14 and preside until a warden pro tempore shall be  
15 chosen. If neither the warden nor the clerk should  
16 be present, any legal voter in the ward may preside  
17 until a clerk pro tempore shall be elected. In case  
18 no justice of the peace be present, the person pre-  
19 siding may administer the oath to the warden and  
20 clerk. The clerk shall record all the proceedings,  
21 and certify the votes given; and deliver over to his  
22 successor in office all such records and journals, to-  
23 gether with all other documents and papers held by  
24 him in said capacity. The inhabitants of each ward  
25 may choose two persons to assist the warden in re-  
26 ceiving, sorting and counting the votes. The list of  
27 the names of the legal voters in each ward shall be  
28 prepared by the assessors and board of aldermen,  
29 assisted by the wardens, in the same manner and  
30 under the same restrictions as are imposed by the  
31 laws of this state on the assessors and selectmen of  
32 towns. And all regular ward meetings shall be noti-  
33 fied and called by a warrant from the mayor and  
34 aldermen in the manner prescribed by the laws of this  
35 state for notifying and calling town meetings by the  
36 selectmen of the several towns, excepting that ward

37 meetings for the election of mayor after the second  
38 trial, may be called within the time provided in such  
39 cases in this act.

SEC. 18. The mayor shall be elected from the  
2 citizens at large by the inhabitants of the city voting  
3 in their respective wards; one alderman and three  
4 common councilmen shall be elected by each ward,  
5 being residents in the wards where elected. All said  
6 officers shall be elected by ballot, by a majority of the  
7 votes given, and shall hold their offices one year from  
8 the third Monday in March and until others shall be  
9 elected in their places.

SEC. 19. At the annual election, holden for the  
2 choice of mayor and aldermen, the qualified electors  
3 in each ward shall by ballot, elect a constable, who  
4 shall be denominated city constable, with all the  
5 powers, duties and liabilities appertaining to the  
6 office of constable.

SEC. 20. On the first Monday of March annually,  
2 immediately after a warden and clerk shall have been  
3 elected and sworn, the qualified electors of each ward,  
4 shall ballot for a mayor, one alderman and three  
5 common councilmen; all the votes given for the said  
6 several officers respectively, shall be sorted, counted,

7 declared and registered in open ward meeting, by  
8 causing the names of the persons voted for, and the  
9 number of votes given for each, to be written in the  
10 ward record, in words at length. The ward clerk,  
11 within twenty-four hours after such election, shall  
12 deliver to the persons 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 alderman and common councilmen  
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  
20 any alderman, common councilman, constable, ward-  
21 en or clerk, a choice shall not be effected by a ma-  
22 jority vote, then the persons receiving the highest  
23 number of votes for any of those offices at the subse-  
24 quent trial, shall be declared elected. If no one shall  
25 then have such highest number of votes, the balloting  
26 shall be continued from day to day until a choice is  
27 thus effected. The board of aldermen shall as soon  
28 as conveniently may be, examine the copies of the  
29 records of the several wards certified as aforesaid,  
30 and shall cause the person who shall have been

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

55 councilmen, elect, shall on the third Monday of  
56 March, at ten o'clock in the forenoon, meet in con-  
57 vention, when the oath required by the second section  
58 of this act, shall be administered to the members of  
59 the two boards present, by the mayor or any justice of  
60 the peace, and thereupon the two boards shall sepa-  
61 rate, and the board of common councilmen shall be  
62 organized by the election of a president and clerk.

SEC. 21. 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 Gardiner. He shall give  
7 notice in one or two of the papers printed in said city,  
8 or by posting up in public places in the several wards,  
9 notices of the time and place of regular ward meetings;  
10 but the place of regular ward meetings, and also the  
11 day and hour, when not fixed by law, shall be deter-  
12 mined by the board of aldermen. The board of alder-  
13 men may, in the absence of the mayor, choose a presi-  
14 dent pro tempore, who shall preside at joint meetings  
15 of the two boards. Each board shall keep a record of  
16 its proceedings, and judge of the election of its own



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

SEC. 22. General meetings of the citizens, qualified  
2 to vote in city affairs, may from time to time be held  
3 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 the 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. For the purpose of organizing the system  
2 of government hereby established and putting the same  
3 into operation, in the first instance, the selectmen of

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

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

SEC. 24. 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 three 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 in such manner as the selectmen of  
10 the town of Gardiner for the time being shall direct.

SEC. 25. 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 city government  
5 organized, as herein provided.

## STATE OF MAINE.

---

IN SENATE, June 15, 1849.

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

DANIEL T. PIKE, *Secretary.*