

# MAINE STATE LEGISLATURE

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DOCUMENTS

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THE LEGISLATURE

OF THE

STATE OF MAINE,

A. D. 1858.



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1858.

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# THIRTY-SEVENTH LEGISLATURE.

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HOUSE.]

[No. 32.

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## STATE OF MAINE.

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

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AN ACT to incorporate the City of Brunswick.

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

SECTION 1. The inhabitants of the town of Brunswick, in the county of Cumberland, shall continue to be a body politic by the name of the City of Brunswick; 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

11 be needful to the good order of said body politic, and  
12 enforce fines and penalties for the breach thereof, not  
13 exceeding twenty dollars for any one offense, which  
14 may be recovered to the use of said city by action of  
15 debt, or on complaint before the municipal court of  
16 said city.

SECT. 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 of  
5 seven to be denominated the board of aldermen; and  
6 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*, that the city council shall not vote,  
12 assess nor appropriate any money for any object or  
13 purpose for which the town of Brunswick is not au-  
14 thorized to vote, assess, or appropriate money, except  
15 for such purposes as are authorized by this act; *and*  
16 *provided further*, that neither the city council nor any  
17 agent nor 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 Brunswick is now by law authorized to raise 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.

SECT. 3. The mayor of the city shall be the chief  
2 executive officer thereof. It shall be his duty to be  
3 vigilant and active in causing the laws and regulations  
4 of the city to be executed and enforced, to exercise a  
5 general supervision over the conduct of all subordi-  
6 nate officers, and to cause their violations or neglect  
7 of duty to be punished. He may call special meet-  
8 ings of the boards of aldermen and common council,  
9 or either of them, when in his opinion the interests  
10 of the city require it, by a notice in one or more  
11 papers printed in the city, or by causing a summons  
12 or notification to be given in hand or left at the usual  
13 dwelling place of each member of the board or boards to  
14 be convened. He shall from time to time communicate  
15 to both of them such information, and recommend  
16 such measures, as the business and interests of the  
17 city may in his opinion require. He shall preside in  
18 the board of aldermen and in the joint meetings of  
19 the two boards, but shall have only a casting vote.  
20 The salary and compensation of the mayor shall be

21 not exceeding two hundred dollars a year, which shall  
22 not be increased nor diminished during his continu-  
23 ance in office, unless by the vote of the qualified  
24 electors in ward meetings called for the purpose, nor  
25 shall he receive from the city any other compensation  
26 for any service by him rendered in any capacity or  
27 agency; *provided, however,* that the city council may  
28 elect the mayor to any city office and allow him a  
29 suitable compensation for such services.

30 The aldermen and common councilmen shall receive  
31 no compensation for their services as such.

SECT. 4. The executive powers of the said city  
2 generally, and the administration of police and all  
3 the powers of the selectmen of towns, shall be vested  
4 in the mayor and aldermen, as fully as if herein par-  
5 ticularly enumerated; all other powers now vested  
6 by law in the inhabitants of towns, and all powers  
7 granted by this act and not otherwise vested, 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.

11 All elections of officers, (except of the respective  
12 boards,) shall be by the city council, by joint ballot  
13 of the two boards in convention.

14 The city council shall annually on the last Monday

15 in March, or as soon thereafter as may be convenient,  
16 elect and appoint all the subordinate officers and  
17 agents for the city for the ensuing year, and if they  
18 think proper, a chief engineer and other engineers for  
19 the fire department; shall define their duties and fix  
20 their compensation in cases where such duties and  
21 compensation shall not be defined and fixed by the  
22 laws of the state; and may by a concurrent vote  
23 remove officers when in their opinion sufficient cause  
24 for removal exists.

25 All officers shall be chosen and vacancies supplied  
26 for the current year and until others shall be elected  
27 and qualified in their stead, unless sooner removed by  
28 the city council.

29 All moneys received and collected for or on account  
30 of the city, by any officer or agent thereof, shall forth-  
31 with be paid into the city treasury.

32 The city council shall take care that moneys shall  
33 not be paid from the treasury unless granted or ap-  
34 propriated; shall ensure a prompt and just account-  
35 ability, by requiring bonds, with sufficient penalty and  
36 sureties, from all persons entrusted with the receipt,  
37 custody or disbursement of money; shall have the care  
38 and superintendence of city buildings, and the custody  
39 and management of all city property, with power to

40 let or sell what may be legally let or sold, and to pur-  
41 chase and take, in the name of the city, such real  
42 and personal property, not exceeding the sum of ten  
43 thousand dollars, not including what the town of  
44 Brunswick now owns, as they may think useful and  
45 for the public interest; and the city council shall as  
46 often as once a year, cause to be published, for the  
47 information of the inhabitants, a particular account  
48 of receipts and disbursements, and a schedule of the  
49 city property; and no money shall be paid from the  
50 treasury unless appropriated by the city council, and  
51 upon a warrant signed by the mayor, which warrant  
52 shall state the appropriation under which the same  
53 is drawn.

SECT. 5. Every law, act, ordinance or bill, having  
2 passed both branches of the city council, shall be pre-  
3 sented to the mayor of the city, and if he approve of  
4 the same he shall sign it; if not, he shall return it in  
5 seven days, with his objections, to that branch of the  
6 city council in which it shall have originated, (or if  
7 said branch shall not be in session on the seventh  
8 day, then at their next meeting,) which branch shall  
9 enter the objections at large on its journal and pro-  
10 ceed to reconsider the said law, act, ordinance or bill.  
11 If upon such reconsideration a majority of the whole



12 number of that branch shall agree to pass it, it shall  
13 be sent, together with the objections, to the other  
14 branch, by which it shall be reconsidered, and if ap-  
15 proved by a majority of the whole number of that  
16 branch, it shall have the same effect as if signed by  
17 the mayor.

SECT. 6. The city assessors shall be annually ap-  
2 pointed by the city council, and shall execute the  
3 same powers and be subject to the same duties and  
4 liabilities as the assessors in the several towns in this  
5 state, under existing laws for the time being; *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 shall  
14 and may be lawful for the city council to establish  
15 additional provisions for the collection thereof.

SECT. 7. The city council shall have exclusive au-  
2 thority to lay out any new street or public way, or  
3 widen or otherwise alter or discontinue any street or  
4 public way in the said city, and to estimate the dam-

5 ages any person may sustain thereby, and shall in all  
6 other respects be governed by and subject to the same  
7 rules and restrictions as are by law provided in this  
8 state for regulating and laying out of public highways  
9 and repairing streets.

10 Any person aggrieved by the decision and judgment  
11 of said city council, may so far as relates to damages,  
12 have them assessed by a committee, or jury, as now  
13 by law provided.

14 The county commissioners of the county of Cum-  
15 berland shall have power to lay out within said city,  
16 any part of any new county road that shall by them  
17 be laid out in any adjoining town or towns, and shall  
18 pass thence into or through said city, according to  
19 the provisions of law; and any highway, or town way  
20 or bridge which has been or may hereafter be located  
21 within the limits of the city, between high and low  
22 water mark, shall nevertheless be deemed to be legally  
23 located and established.

SECT. 8. It shall be lawful for the city council, by  
2 a committee, or by instructions to a surveyor or com-  
3 missioner of streets, to set off and reserve as sidewalks,  
4 such parts of the several streets in the said city now  
5 or hereafter to be established, as to the said council  
6 may appear necessary for the safety and convenience

7 of foot passengers. The city council may permit or  
8 direct posts of wood or stone, or trees, to be placed  
9 along the edge of said sidewalks, next to the traveled  
10 part of the street, in such number and manner as they  
11 may deem necessary to protect said sidewalks and  
12 persons traveling thereon from damage or inconveni-  
13 ence from teams or carriages. So much of the several  
14 streets in said city as shall be reserved as sidewalks,  
15 as aforesaid, shall be deemed to be reserved exclusively  
16 for the convenience and use of persons traveling on  
17 foot, and the said city shall not be liable for damages  
18 for any injury done or occasioned in consequence of  
19 any cart, carriage, wagon, truck, or other vehicle, or  
20 any team or animal striking against any of said side-  
21 walks, or the posts or trees set to defend the same.

22 The several sidewalks on the streets in said city,  
23 now established and used, shall be taken and deemed  
24 to be proper and lawful, until altered by the city  
25 council.

SECT. 9. The city council may on such terms and  
2 conditions as they think proper, authorize any person  
3 to place in any street for such time as may be neces-  
4 sary, materials for making or repairing any street,  
5 sidewalk, crosswalk, bridge, water course or drain, or  
6 for erecting, repairing or finishing any building or

7 fences; *provided*, that not more than one-third of the  
8 width of the street, and in no case more than one rod  
9 of the width, shall be so occupied; and such materials  
10 so placed, by license as aforesaid, shall not be consid-  
11 ered a nuisance, and the city or persons so placing  
12 the same shall not be liable for damages thereby  
13 occasioned.

SECT. 10. The city council may make regulations  
2 for the measurement of wood, bark or coal, in said  
3 city, whether brought by land or water, and may affix  
4 suitable penalties for their violation, not incompatible  
5 with the public law.

SECT. 11. All laws and regulations now in force in  
2 the town of Brunswick, shall continue in force in the  
3 city of Brunswick, so far as applicable, until revised  
4 or repealed by the city council.

5 Suits which were authorized in the name of said  
6 town may be prosecuted in the name and behalf of  
7 the city in such cases.

8 The municipal court of the town of Brunswick,  
9 shall be continued under the name and style of the  
10 municipal court of the city of Brunswick, and with  
11 its officers shall be and remain vested with all its  
12 powers, obligations and rights, as heretofore, until  
13 otherwise provided by law.

SECT. 12. For the purpose of holding elections, said  
2 city shall be divided into seven wards, to contain, as  
3 nearly as conveniently may be, an equal number of  
4 legal voters; and it shall be the duty of the city  
5 council, once in ten years and not oftener than five  
6 years, to review, and if be needful, to alter said wards  
7 in such a manner as to preserve as nearly as may be  
8 an equal number of legal voters in each. In each of  
9 said wards there shall annually, on the last Monday  
10 of March, be chosen by ballot, a warden and clerk,  
11 who shall hold their offices for one year and until  
12 others shall have been chosen and qualified in their  
13 places; the said warden and clerk shall be sworn to  
14 the faithful performance of their respective duties by  
15 any justice of the peace of said city or by the person  
16 presiding in said ward meeting, or by the clerk of said  
17 ward, and a certificate of such oaths having been  
18 administered, shall be entered by the clerk on the  
19 records of the ward.

20 The warden shall preside at all said meetings with  
21 the power of moderators of town meetings; and if  
22 at any meeting the warden shall not be present, the  
23 clerk of such ward shall call the meeting to order and  
24 preside until a warden pro tempore shall be chosen  
25 and qualified. If neither the warden nor clerk shall

26 be present, any legal voter of the said ward may pre-  
27 side until a clerk pro tempore shall be chosen and  
28 qualified. The clerk shall record all the proceedings  
29 and certify the votes given, and deliver over to his  
30 successor in office all the records, journals, documents  
31 or other papers held by him in said capacity.

32 The inhabitants of each ward may choose two per-  
33 sons to assist the warden in receiving, sorting and  
34 counting the votes.

35 The list of the names of the legal voters in each  
36 ward shall be prepared by the assessors and board of  
37 aldermen assisted by the wardens, in the same man-  
38 ner and under the same restrictions as are imposed by  
39 the laws of this state on the assessors and selectmen  
40 of towns; and all regular ward meetings shall be  
41 notified and called by the mayor and aldermen in the  
42 manner prescribed by the laws of this state for noti-  
43 fying and calling town meetings by the selectmen of  
44 the several towns, excepting that ward meetings for  
45 the election of mayor after the second trial may be  
46 called within the time provided in such cases in this  
47 act.

SECT. 13. 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 of 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 first Monday of April, and until others shall be  
9 elected in their places.

SECT. 14. At the annual election holden for the  
2 choice of mayor, aldermen and common councilmen,  
3 the qualified electors in each ward shall, by ballot,  
4 elect a constable from such ward, who shall be de-  
5 nominated city constable, with all the powers, duties  
6 and liabilities appertaining to the office of constable  
7 for the city.

SECT. 15. On the last 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 com-  
5 mon 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 on the  
10 ward record at length. The ward clerk within twenty-  
11 four hours after such election, shall deliver to the  
12 persons elected aldermen and common councilmen,

13 certificates of their election, and shall forthwith deliver  
14 to the city clerk a certified copy of the record of such  
15 election ; *provided, however,* that if the choice of alder-  
16 men and common councilmen cannot conveniently be  
17 effected on that day, the meeting may be adjourned  
18 from day to day to complete such election.

19 If on the second balloting for any aldermen, com-  
20 mon councilman, constable, warden or clerk, a choice  
21 shall not be effected by a majority vote, then the per-  
22 sons receiving the highest number of votes for any of  
23 those offices at the subsequent trial, shall be declared  
24 elected ; if no one shall then have such highest num-  
25 ber, the balloting shall be continued from day to day  
26 until a choice is thus effected.

27 The board of aldermen shall as soon as conveniently  
28 may be, examine the copies of the records of the sev-  
29 eral wards certified as aforesaid, and shall cause the  
30 person who shall have been elected mayor by a  
31 majority of votes given in all the wards, to be notified  
32 in writing of his election ; but if it shall appear that  
33 no person shall have been elected, or if the person  
34 elected shall refuse to accept the office, the said board  
35 shall issue their warrants for another election ; and in  
36 case the citizens should fail on a second ballot to elect  
37 a mayor, the said board shall again issue their warrant



38 for a third election, to be held not less than three nor  
39 more than four days thereafter, at which election the  
40 candidate having the greatest number of votes shall  
41 be declared elected, and notified as aforesaid; if no  
42 one shall have such number, further elections shall in  
43 the same manner be ordered till a choice shall be  
44 made by some one having the highest number of  
45 votes, and in case of a vacancy in the office of mayor  
46 by death, resignation or otherwise, it shall be filled  
47 for the remainder of the term by a new election, in  
48 the manner hereinbefore provided for the choice of  
49 said officer; and in the mean time the president *pro*  
50 *tempore* of the board of aldermen, shall perform the  
51 duties of mayor. The oath prescribed by this act  
52 shall be administered to the mayor by the city clerk,  
53 or by any justice of the peace in said city.

54 The aldermen and common councilmen elect, shall  
55 on the first Monday of April, at nine of the clock in  
56 the forenoon, meet in convention, when the oath  
57 required in this act shall be administered to the mem-  
58 bers of the two boards present by the mayor or any  
59 justice of the peace, and thereupon the two boards  
60 shall separate, and the board of common council shall  
61 be organized by the election of a president and clerk.

SECT. 16. 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 exer-  
5 cise all the powers incumbent upon or vested in town  
6 clerks in this state.

7 He shall give notice in a newspaper printed in said  
8 city, or by one or more written notices posted up each  
9 in some public place in each ward, of the time and  
10 place of regular ward meetings; but the place of  
11 regular ward meetings and also the day and hour,  
12 when not fixed by law, shall be determined by the  
13 board of aldermen.

14 The board of aldermen may, in the absence of the  
15 mayor, choose a president pro tempore, who shall  
16 preside at joint meetings of the two boards.

17 Each board shall keep a record of its proceedings  
18 and judge of the election of its own members, and  
19 in case of failure of election, or vacancy by death,  
20 resignation, or otherwise, may order new elections.

21 A quorum for the transaction of business shall in  
22 each board consist of a majority of the members  
23 thereof. All meetings of the aldermen and common  
24 council, and all meetings of the two boards in con-  
25 vention shall be open to the public, and the presiding  
26 officer of each of them shall have the power of mod-

27 erators of town meetings. At either of said meetings,  
28 when one-fifth of the members present shall request  
29 it, the vote shall be taken by yeas and nays, which  
30 shall be recorded by the clerk.

SECT. 17. 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 rep-  
4 resentatives and to take all lawful measures to obtain  
5 redress of grievances according to the right secured  
6 to the people by the constitution of this state; and  
7 such meetings shall be duly warned by the mayor and  
8 aldermen upon the requisition of thirty qualified voters  
9 of said city.

SECT. 18. It shall be the duty of the selectmen of  
2 the town of Brunswick as soon as may be after this  
3 act shall have been accepted, as herein provided, to  
4 cause a division of said town to be made into seven  
5 wards in such a manner as to include as nearly as  
6 conveniently may be, consistently with well defined  
7 limits to each ward, an equal number of voters in each  
8 ward.

SECT. 19. 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, be-

5 fore the first day of May next after the accept-  
6 ance of this charter issue their warrants for calling  
7 meetings of the said citizens at such place and time  
8 as they shall think expedient for the purpose of  
9 choosing a warden and clerk for each ward and also  
10 to give their votes for a mayor to be taken from the  
11 city at large and an alderman and three common  
12 councilmen and one constable for each ward; the  
13 transcript of the records of each ward specifying the  
14 votes given for mayor, one alderman and three com-  
15 mon councilmen and one constable for each ward,  
16 certified by the warden, and clerk of each ward, shall  
17 at said first election be returned to the said selectmen  
18 of the town of Brunswick, whose duty it shall be to  
19 examine and compare the same, and in case the said  
20 elections shall not be completed at the time first ap-  
21 pointed, then to issue a new warrant and so on until  
22 such elections shall be made agreeably to this act, and  
23 to give notice thereof in the manner herein before  
24 directed to the several persons elected. At said first  
25 meeting any inhabitant of the said ward being a legal  
26 voter may call the citizens to order and preside until  
27 a warden shall have been chosen, and at said first  
28 meeting a list of voters in each ward prepared and  
29 corrected by the selectmen of the town of Brunswick

30 for the time being, shall be delivered to the clerk of  
31 each ward when elected to be used as provided by law  
32 in town meetings. It shall be the duty of the city  
33 council in convention immediately after their first  
34 organization to elect by ballot a city clerk and all  
35 other necessary city officers, who shall hold their  
36 offices respectively till others are chosen and qualified  
37 in their places.

SECT. 20. 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 of Brunswick, qualified to  
4 vote in town affairs, at a legal town meeting called  
5 for that purpose to meet within thirty days after this  
6 act shall be approved by the governor; at such meet-  
7 ing the inhabitants of said town shall vote by written  
8 ballots; those in favor of accepting this act having  
9 on their ballots the word "yes," and those opposed  
10 having on their ballots the word "no;" and if a  
11 majority of all the ballots received are in favor of  
12 accepting the same it shall then become a law and  
13 take effect; and it shall be the duty of the clerk of  
14 the said town to file a copy of the record of the votes  
15 of the said town accepting the same with the clerk of  
16 the city of Brunswick when elected who shall tran-  
17 scribe such copy into the records of the city, and such

18 record shall be conclusive evidence that this act has  
19 been accepted. And the clerk of said city shall file a  
20 certificate thereof with the secretary of state, within  
21 thirty days from the organization of said city of Brun-  
22 swick.

SECT. 21. All acts and parts of acts inconsistent  
2 with the provisions of this act are, so far as inconsis-  
3 tent, hereby repealed from and after the time that this  
4 act shall have been accepted as aforesaid, and the new  
5 system of government organized as herein provided.

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## STATE OF MAINE.

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HOUSE OF REPRESENTATIVES, March 11, 1858.

This bill was twice read, and on motion of Mr. WASSON of Brooksville, laid on the table, and 350 copies of same ordered to be printed for the use of the Legislature.

GEO. W. WILCOX, *Clerk.*