

# MAINE STATE LEGISLATURE

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# FORTY-EIGHTH LEGISLATURE.

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HOUSE.

No. 4.

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## STATE OF MAINE.

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

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AN ACT to incorporate the town of Ellsworth into a city.

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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 Ellsworth, in the county of Hancock, shall continue to be a body politic and corporate by the name of the city of Ellsworth ; and as such shall have, exercise and enjoy all the rights, immunities, powers, privileges and franchises, and be subject to all the duties and obligations now appertaining to or incumbent upon the inhabitants or selectmen thereof ; and may ordain and publish such acts, laws and regulations, not inconsistent with the constitution and laws of the State, as shall be needful to the good order of said body politic ;

12 and impose fines and penalties for the breach thereof,  
13 not exceeding twenty dollars, for any one offence,  
14 which may be recovered to the use of said city, by  
15 action of debt, or on complaint before the police court  
16 of 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  
5 of five, to be denominated the board of aldermen,  
6 and one council of fifteen to be denominated the com-  
7 mon council, all of whom shall be inhabitants of said  
8 city, which boards shall constitute and be called the  
9 city council, all of whom shall be sworn to the faith-  
10 ful 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 pur-  
13 pose for which the town of Ellsworth is not authorized  
14 to vote, assess or appropriate money, except for such  
15 purposes as are authorized by this act; *and provided*  
16 *further*, that neither the city council, nor any agent  
17 or officer of the city, shall borrow or hire any money  
18 for or on account of the city, or inhabitants thereof,  
19 except for the purposes for which the town of Ells-  
20 worth is now by law authorized to raise money; and  
21 all notes, bonds, obligations, scrip or orders given by

22 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 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 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 council,  
9 or either of them, when in his opinion the interests of  
10 the city require it, by a notice in one or more of the  
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  
14 to be convened. He shall from time to time commu-  
15 nicate to both of them such information, and recom-  
16 mend such measures as the business and interests of  
17 the city may in his opinion require. He shall preside  
18 in 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 one hundred and fifty dollars per year, which shall not  
22 be increased or diminished during his continuance in  
23 office, unless by the vote of the qualified electors in ward

24 meetings called for the purpose. Nor shall he receive  
25 from the city any other compensation for any service  
26 by him rendered in any other capacity or agency ;  
27 provided, however, the city council may elect the  
28 mayor to any city office, and allow him a reasonable  
29 compensation for such services ; but the aldermen and  
30 common councilmen shall receive no compensation for  
31 their services as such.

SECT. 4. The executive powers of said city general-  
2 ly, and the administration of police with all the powers  
3 of the selectmen of the town of Ellsworth, shall be  
4 vested in the mayor and aldermen as fully as if the  
5 same had been herein particularly enumerated ; and  
6 the mayor and aldermen shall appoint a city marshal,  
7 who shall have all the powers and exercise all the duties  
8 that now appertain to constables of towns, and who  
9 shall be chief of the city police, and as such may en-  
10 force such ordinances and regulations under the direc-  
11 tion of the mayor as may be adopted by the city coun-  
12 cil for the government of the city. All other powers  
13 now vested in the inhabitants of said town, and all  
14 powers granted by this act shall be vested in the mayor  
15 and aldermen, and common council of said city, to be  
16 exercised by concurrent vote, each board to have a  
17 negative upon the other ; but all other elections of  
18 officers by the city council, shall be by joint ballot of

19 the two boards in convention. The city council shall  
20 annually, on the last Monday of March, or as soon  
21 thereafter as conveniently may be, elect and appoint  
22 all the subordinate officers and agents for the city, for  
23 the ensuing year, including a chief engineer and other  
24 engineers for the fire department (which chief en-  
25 gineer, or in his absence, any two other engineers  
26 shall have all the power and authority that fire wards  
27 now have;) shall define their duties and fix their  
28 compensation, in cases where such duties and compen-  
29 sation shall not be defined and fixed by the laws of  
30 this State; and may by concurrent vote remove offi-  
31 cers, when in their opinion sufficient cause for removal  
32 exists. All officers shall be chosen and vacancies sup-  
33 plied for the current year, except as hereinafter other-  
34 wise directed. All the said subordinate officers and  
35 agents shall hold their offices during the ensuing year,  
36 and until others shall be elected and qualified in their  
37 stead, unless sooner removed by the city council. All  
38 monies received and collected for and on account of  
39 the city, by any agent or officer thereof, shall forth-  
40 with be paid into the city treasury. The city council  
41 shall take care that monies shall not be paid from the  
42 treasury unless granted or appropriated; shall secure  
43 a prompt and just accountability, by requiring bonds

44 with sufficient penalty and sureties from all persons  
45 trusted with the receipt, custody, or disbursement of  
46 money ; shall have the care and superintendence of  
47 city buildings and the custody and management of all  
48 city property, with power to let or sell what may be  
49 legally let or sold ; and to purchase and take in the  
50 name of city such real or personal property, not ex-  
51 ceeding the sum of fifteen thousand dollars, including  
52 the property now owned by the town, as they may  
53 think useful to public interest. And the city council  
54 shall, as often as once a year, cause to be published  
55 for the information of the inhabitants, a particular ac-  
56 count of receipts and expenditures, and a schedule of  
57 the city property ; and no money shall be paid from  
58 the treasury unless the same be appropriated by the  
59 city council, and upon a warrant signed by the mayor,  
60 which warrant shall state the appropriation under  
61 which the same was drawn.

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

8 objections at large on its journals, and proceed to re-  
9 consider 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.

SECT. 6. The city assessors, who shall be annually  
2 appointed by the city council, shall execute and be sub-  
3 ject 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 shall  
14 and may be lawful for the city council to establish  
15 further and additional provisions for the collection  
16 thereof.

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



2 thority and power to lay out any new street or public  
3 way, or widen or otherwise alter or discontinue any  
4 street or public way in said city, and to estimate the  
5 damages any person may sustain thereby, and shall in  
6 all other respects be governed by and subject to the  
7 same rules and restrictions as are by law provided in  
8 this state for regulating and laying out of public high-  
9 ways and repairing streets. And any person aggrieved  
10 by the decision or judgment of said city council may  
11 so far as relates to damages, have them assessed by a  
12 committee or jury, as now by law provided ; and the  
13 county commissioners for Hancock county shall have  
14 power to lay out within said city, any part of any  
15 new county road, that shall by them be laid out in  
16 any adjoining town or towns, and shall pass thence  
17 into or through said city, according to the provisions  
18 of the law ; and any highway or town way, or bridge,  
19 which has been, or may hereafter be located within  
20 said town or city, between high and low water mark,  
21 shall nevertheless be deemed to be legally located and  
22 established.

SECT. 8. It shall be lawful for the city council, by  
2 a committee by them appointed, or by instructions to  
3 the commissioner of streets, to appropriate, set off and  
4 reserve as sidewalks, such part or portions of the  
5 several streets in said city now or hereafter to be

6 established as to said council may appear necessary  
7 for the safety, convenience and accommodation of foot  
8 passengers. It shall be lawful for the city council to  
9 permit or direct posts of wood or stone, or trees to be  
10 placed along the edge of said sidewalk, 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 appro-  
16 priated and reserved as sidewalks, agreeable to the  
17 provisions 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 for damages for any injury  
21 done or occasioned in consequence of any cart, car-  
22 riage, wagon, truck or other vehicle, or any team or  
23 animal striking against any of said sidewalks, or the  
24 posts or trees set or placed to defend the same. The  
25 several sidewalks on the streets in said city, as at  
26 present established and used, shall be taken and  
27 deemed to be the proper and lawful reservation for  
28 that purpose, until altered or otherwise established by  
29 the proper authority.

SECT. 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 material so placed by virtue of any license obtained  
11 as aforesaid, shall not be considered an encumbrance  
12 or nuisance in such street, and the city or person or  
13 corporation so placing the same shall not be liable for  
14 any damages occasioned by such materials.

SECT. 10. The city council shall have authority to  
2 establish and make regulations for the measurement  
3 and sale of wood and bark, in said city, whether  
4 brought by land or water, and may affix suitable pen-  
5 alties for the violation thereof, anything in the public  
6 laws of the state to the contrary notwithstanding ;  
7 and shall also have authority to make all needful regu-  
8 lations in relation to the harbor ; may appoint a  
9 harbor master, prescribe his duties, and fix his com-  
10 pensation.

SECT. 11. All the laws and regulations now in force  
2 in said town of Ellsworth, shall, notwithstanding this  
3 act, be and remain in force until they expire by their

4 own limitations, or be revised or repealed by the city  
5 council, and the 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 according to law.

SECT. 12. A municipal court shall be and hereby is  
2 established in and for the city, to be denominated the  
3 police court of the city of Ellsworth, to consist of one  
4 judge, who shall be appointed and commissioned in the  
5 manner provided by the constitution, who shall have  
6 concurrent jurisdiction with trial justices, in all mat-  
7 ters civil and criminal, under twenty dollars, within  
8 the county of Hancock, and original and exclusive  
9 jurisdiction in all civil actions in which both parties  
10 interested or in which the party, plaintiff, or the per-  
11 son or persons summoned as trustees shall be inhabi-  
12 tants of, or residents of said city of Ellsworth, excepting  
13 all actions in which said judge may be interested ;  
14 and said court shall also have concurrent jurisdiction  
15 with trial justices in all cases of forcible entry and  
16 detainer, arising in said county, and original and ex-  
17 clusive jurisdiction in all such cases arising in the city,  
18 and shall also have original and exclusive jurisdiction

19 of all violations of the by-laws of said city ; and any  
20 person aggrieved by any judgment awarded by said  
21 court, may appeal therefrom, in like manner as if the  
22 same had been awarded by any trial justices.

SECT. 13. 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 trial justice ; and  
4 copies of the records of said court, duly certified, shall  
5 be evidence in the other courts of the state. Said  
6 court shall be holden on the first and third Saturday  
7 of each month, at nine of the clock in the forenoon,  
8 at such place as the city shall provide for the purpose,  
9 for the transaction of civil business ; and all civil  
10 process 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 trial justices ; *provided*, that the  
13 price of blank writs signed by said judge, shall be  
14 two cents and no more, and all fines, penalties and  
15 costs, which may be awarded by said court, in the  
16 administration of its criminal jurisdiction, shall be ac-  
17 counted for, and paid over by said judge in the  
18 same manner as if the same had been awarded by the  
19 sentence of a trial justice ; and said judge shall once  
20 in three months render an account to the treasurer of  
21 said city, of all sums of money by him received as fees

22 of office, or for copies of papers, and shall be held to  
23 pay such sums into said treasury.

SECT. 14. In case of death or sickness or disability  
2 of the said judge, to attend at the time and place as  
3 provided in the preceding section for the transaction  
4 of civil business, the said court shall stand adjourned  
5 until the next term of said court, and so from term to  
6 term, without costs to either party, until the judge is  
7 able to attend ; and in case of disability as aforesaid,  
8 to perform the other duties of his office, the criminal  
9 jurisdiction of said court shall devolve upon the trial  
10 justices for the county of Hancock, during the contin-  
11 uance of said disability, and until such proceedings  
12 are instituted, during the continuance of said disability,  
13 shall have received the final adjudication of said  
13 justices.

SECT. 15. The city of Ellsworth 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 said police court shall receive from the city of  
6 Ellsworth, in quarter yearly payments, an annual  
7 salary of such amount as the city council of said city  
8 shall vote and determine, which shall be in full of all  
9 fees and emoluments pertaining to said office, and

10 received by trial justices for all similar services. And  
11 the said judge shall not act as counsel or attorney in  
12 any case within the jurisdiction of said court, nor in  
13 any suit, matter or thing which may depend on, or  
14 have relation to any case, matter or thing depending  
15 or cognizable in said court.

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

SECT. 17 For the purpose of holding elections, said  
2 city shall be divided into five wards, to contain as near  
3 as conveniently may be, an equal number of legal  
4 voters; and it shall be the duty of the city council,  
5 once in ten years, and not oftner than five years, to  
6 review, and if it be needful, to alter said wards, in  
7 such a manner as to preserve as nearly as may be, an  
8 equal number of legal voters in each. In each of said  
9 wards, there shall annually, on the last Monday of

10 March, be chosen by ballot, a warden and clerk, who  
11 shall hold their offices for one year and until others  
12 shall have been chosen and qualified in their places.  
13 Said warden and clerk shall be sworn to the faithful  
14 performance of their respective duties, by any trial  
15 justice of said city, or by the person presiding in said  
16 ward-meeting, or by the clerk of said wards; and a  
17 certificate of such oaths having been administered,  
18 shall be entered by the clerk on the records of the  
19 ward. The warden shall preside at all ward meetings,  
20 with the power of moderators of town meetings; and  
21 if at any meeting, the warden should not be present,  
22 the clerk of such ward shall call the meeting to order  
23 and preside until a warden *pro tem.* shall be chosen.  
24 If neither of them should be present, any legal voter  
25 in the ward may preside until a clerk *pro tem.* shall be  
26 chosen and qualified. The clerk shall record all the  
27 proceedings and certify the votes given, and deliver  
28 over to his successor in office, all such records and  
29 journals, together with all other documents and papers  
30 held by him in said capacity. The inhabitants of each  
31 ward may choose two persons to assist the warden in  
32 receiving, sorting and counting the votes. The list of  
33 the names of the legal voters in each ward shall be  
34 prepared by the assessors and board of aldermen,  
35 assisted by the wardens, in the same manner and



36 under the same restrictions as are imposed by the  
37 laws of this state on the assessors and selectmen of  
38 towns ; and all regular ward meetings shall be notified  
39 and called by the mayor and aldermen, in the manner  
40 prescribed by the laws of this state for notifying and  
41 calling town meetings by the selectmen of the several  
42 towns, excepting that ward meetings for the election of  
43 mayor after the second trial, may be called within the  
44 time provided in such cases in this act.

SECT. 18. The mayor shall be elected from the citi-  
2 zens at large, by the inhabitants of the city, voting in  
3 their respective wards ; one aldermen and three com-  
4 mon councilmen shall be elected by each ward, being  
5 residents in the wards where elected ; all said officers  
6 shall be elected by ballot, by a majority of the votes  
7 given, and shall hold their offices one year from the  
8 first Monday in April, and until others shall be elected  
9 in their places.

SECT. 19. 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 the common  
5 councilmen ; all the votes given for the said several  
6 officers, respectively, shall be sorted, counted, declared  
7 and registered in open ward meeting, by causing the  
8 names of the persons voted for, and the number of votes

9 given to each, to be written on the ward record at length.  
10 The ward clerk within twenty-four hours after such  
11 election, shall deliver to the persons elected aldermen  
12 and common councilmen, certificates of their election,  
13 and shall forthwith deliver to the city clerk a certified  
14 copy of record of such election ; *provided however,*  
15 that if the choice of aldermen and common councilmen  
16 cannot conveniently be effected on that day, the meet-  
17 ing may be adjourned from day to day to complete  
18 such election. If on the second balloting for any  
19 aldermen, common councilmen, warden or clerk, a  
20 choice shall not be effected by a majority vote, then  
21 the persons receiving the highest number of votes for  
22 any of those offices at the subsequent trial shall be  
23 declared elected ; if no one shall then have such high-  
24 est number, the balloting shall be continued from day  
25 to day, until a choice is thus effected. The board of  
26 aldermen shall as soon as conveniently may be, ex-  
27 amine the copies of the records of the several wards,  
28 certified as aforesaid, and shall cause the person who  
29 shall have been elected mayor, by a majority of votes  
30 given in all the wards, to be notified in writing of his  
31 election, but if it shall appear that no person shall  
32 have been elected, or if the person elected shall refuse  
33 to accept the office, the said board shall issue their

34 warrant for another election ; and in case the citizens  
35 should fail on a second ballot to elect a mayor, the  
36 said board shall again issue their warrant for a third  
37 election, to be held not less than three nor more than  
38 four days thereafter ; at which election the candidate  
39 having the greatest number of votes shall be declared  
40 elected, and notified as aforesaid ; if no one shall then  
41 have such number, further elections shall in the same  
42 manner be ordered, till a choice shall be made, by  
43 some one having the highest number of votes ; and in  
44 case of a vacancy in the office of mayor, by death,  
45 resignation or otherwise, it shall be filled for the  
46 remainder of the term by a new election, in the man-  
47 ner herein before provided for the choice of said  
48 officer ; and in the meantime the president *pro tempore*  
49 of the board of aldermen shall perform the duties of  
50 mayor. The oath prescribed by this act shall be ad-  
51 ministered to the mayor by the city clerk, or any  
52 justice of the peace in said city. The aldermen and  
53 common councilmen elect shall on the first Monday of  
54 April, at ten of the clock in the forenoon, meet in  
55 convention, when the oath required by the second  
56 section of this act shall be administered to the mem-  
57 bers of the two boards present, by the mayor or any  
58 justice of the peace, and thereupon the two boards

59 shall separate, and the board of common council shall  
60 be organized by the election of a president and clerk.

SECT. 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 exer-  
5 cise all the powers by-law incumbent upon, or vested  
6 in the town clerk of the town of Ellsworth ; he shall  
7 give notice in one or two of the papers printed in said  
8 city of the time and place of regular ward meetings ;  
9 but the place of regular ward meetings, and also the  
10 day and hour, when not fixed by law, shall be deter-  
11 mined by the board of aldermen. The board of alder-  
12 men may, in the absence of the mayor, choose a presi-  
13 dent *pro tempore*, who shall preside at joint meetings of  
14 the two boards. Each board shall keep a record of its  
15 proceedings, and judge of the election of its own  
16 members ; and in case of failure of election, or vacancy  
17 by death, resignation or otherwise, may order new  
18 elections. A quorum for the transaction of business,  
19 shall in each board consist of a majority of the mem-  
20 bers thereof ; all meetings of the aldermen and com-  
21 mon council, and all meetings of the two boards in  
22 convention, shall be open and public, and the presid-  
23 ing officer of each of them shall have the power of  
24 moderators of town meetings. At either of said meet-

25 ings when any two members shall request it, the vote  
26 shall be taken by yeas and nays, which shall be  
27 recorded by the clerk.

SECT. 21. 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.

SECT. 22. It shall be the duty of the selectmen of  
2 the town of Ellsworth, as soon as may be, after this  
3 act shall have been accepted, as hereinafter provided,  
4 to cause a division of said town to be made in five  
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.

SECT. 23. For the purpose of organizing the sys-  
2 tem of government hereby established, and putting  
3 the same in operation, in the first instance, the select-  
4 men 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 give their votes for a mayor to be taken  
11 from the city at large, and one alderman and three  
12 common councilmen, and one constable for each ward ;  
13 the transcript of the records of each ward specifying  
14 the votes given for mayor, one alderman and three  
15 common councilmen, and constable, certified by the  
16 warden and clerk of such ward, shall at first election,  
17 be returned to the said selectmen of the town of Ells-  
18 worth, whose duty it shall be to examine and compare  
19 the same, and in case said elections shall not be com-  
20 pleted at the first election, then to issue a new war-  
21 rant until such election shall be completed according  
22 to the provisions of this act ; and to give notice thereof  
23 in the manner herein before directed, to the several  
24 persons elected. And at said first meeting, any in-  
25 habitant of said ward, being a legal voter, may call  
26 the citizens to order and preside until a warden shall  
27 have been chosen ; and at said first meeting a list of  
28 voters in each ward, prepared and corrected by the  
29 selectmen of the town of Ellsworth, for the time being,  
30 shall be delivered to the clerk of each ward when  
31 elected, to be used as provided by law in town meet-

32 ings ; and it shall be the duty of the city council in  
33 convention, immediately after their first organization,  
34 to elect by ballot a city clerk and all other necessary  
35 city officers, who shall hold their offices respectively  
36 until others are chosen and qualified in their places.

SECT. 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, at any time after this act shall be approved by  
6 the governor, provided it shall be accepted within five  
7 years from the passage of this act, but not more than  
8 one meeting for that purpose shall be called in the  
9 same year ; and at such meeting the inhabitants of  
10 said town shall vote by a written ballot ; those in  
11 favor of accepting this act having on the ballot the  
12 word “ yes,” and those opposed having on the ballot  
13 the word “ no ;” and if a majority of all the ballots re-  
14 ceived are in favor of accepting the same, it shall  
15 then become a law and take effect. And it shall be  
16 the duty of the clerk of said town to file a copy of the  
17 record of the vote of said town, accepting the same,  
18 with the clerk of the city of Ellsworth, when elected,  
19 who shall transcribe such copy into the records of the

20 city, and such records shall be conclusive evidence  
21 that this act has been accepted.

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



STATE OF MAINE.

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IN HOUSE OF REPRESENTATIVES, }  
January 20, 1869. }

Reported from the Committee on the Judiciary by Mr. RUST of  
Belfast, read twice and ordered printed.

S. J. CHADBOURNE, *Clerk.*