

MAINE STATE LEGISLATURE

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Sixty-Fourth Legislature.

HOUSE.

No. 45.

STATE OF MAINE.

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

AN ACT to incorporate the City of Deering.

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

SECTION 1. The inhabitants of the town of Deering, in
2 the county of Cumberland, shall continue to be a body
3 politic and corporate under the name of the city of Deer-
4 ing, and as such shall have, exercise and enjoy all the rights,
5 immunities, powers, privileges and franchises, and shall be
6 subject to all the duties and obligations now incumbent upon
7 and pertaining to the said town as a municipal corporation
8 and may enact reasonable by-laws and regulations for
9 municipal purposes and impose penalties for the breach
10 thereof, not exceeding twenty dollars, to be recovered for
11 such uses as the city council may designate.

SECT. 2. The administration of all fiscal, prudential
2 and municipal affairs of said city with the government
3 thereof shall be vested in an officer to be called the mayor,

4 and one council of seven to be denominated a board of
5 aldermen; all of whom shall be inhabitants of said city
6 and legal voters therein. Said mayor and aldermen shall
7 constitute the city council, and shall be sworn, or affirmed,
8 in the form prescribed by the constitution of the State for
9 State officers.

SECT. 3. The mayor of said city shall be the chief
2 executive magistrate thereof. It shall be his duty to be
3 vigilant and active in causing the laws and regulations of
4 the city to be executed and enforced, to exercise a general
5 supervision over the conduct of all subordinate officers,
6 and to cause their violations or neglect of duty to be
7 punished. He may call special meetings of the city coun-
8 cil when, in his opinion, the interest of the city requires
9 it, by causing a summons or notification to be given, in
10 hand, or left at the usual dwelling place of each member
11 thereof. He shall, from time to time, communicate to the
12 city council, such information and recommend such
13 measures as the business and interests of the city may, in
14 his opinion, require. He shall preside at the meetings of
15 the city council, but shall have only a casting vote. The
16 salary and compensation of the mayor shall be two hun-
17 dred dollars per year for the first five years, under this
18 charter. It may then be diminished or increased by the
19 aldermen, but not oftener than once in five years.

The mayor shall, in the month of February, annually,
21 prepare and lay before the city council an estimate of the
22 amount of money necessary to be raised for the ensuing
23 financial year, under the various heads of appropriation,
24 and the ways and means of raising the same; and shall
25 also, in the month of February, annually, prepare and

26 lay before the city council a statement of all the receipts
27 and expenditures of the preceding financial year, giving
28 in detail the amount of appropriations and expenditures
29 for each department; and said statement shall be accom-
30 panied with a schedule of the property, real and personal,
31 belonging to the city, and the value thereof, and amount
32 of city debt.

SECT. 4. The city council shall secure a prompt and
2 just accountability by requiring bonds with sufficient
3 penalty and surety or sureties, from all persons trusted
4 with the receipt, custody or disbursement of money; the
5 city council shall also have the care and superintendence
6 of the city buildings, and the custody and management
7 of all city property and trust funds for the benefit of
8 schools, public library, parks, cemeteries and for any
9 other beneficial purpose, whether acquired by purchase
10 or legacy; with power to let or sell what may be legally
11 let or sold, and to purchase and take, in the name of the
12 city, real and personal property for municipal purposes
13 to an amount not exceeding one hundred thousand dollars
14 in addition to that now held by the town, and shall, as
15 often as once a year, cause to be published for the
16 information of the inhabitants, a particular account of the
17 receipts and expenditures, and a schedule of the city
18 property and the city debt.

The city council shall have the power to establish by
20 ordinance such officers as may be necessary for municipal
21 government not provided for by this act, and to elect
22 such subordinate officers as may be elected by towns
23 under general laws of the State for whose election or
24 appointment other provision is not herein made; to define

25 their duties and fix their compensation, to act upon all
26 matters in which authority is now given to said town of
27 Deering and to determine what streets, if any, shall be
28 lighted and upon what terms. The city council shall
29 appropriate annually the amount necessary to meet the
30 expenditures of the city for the current municipal year.
31 The city council shall have exclusive authority to lay
32 out, widen or otherwise alter or discontinue any and all
33 streets or public ways in said city, and as far as extreme
34 low water mark, and to estimate all damages sustained
35 by owners of land taken for such purpose. A committee
36 of the council shall be appointed whose duty shall be to
37 to lay out, alter, widen or discontinue any street or way,
38 first giving notice of the time and place of their proceed-
39 ings to all parties interested, by an advertisement in two
40 newspapers printed in Deering or Portland, for three
41 weeks at least, next previous to the time appointed. The
42 committee shall first hear all parties interested and then
43 determine and adjudge whether the public convenience
44 requires such street or way to be laid out, altered or
45 discontinued, and shall make a written return of their
46 proceedings, signed by a majority of them, containing
47 the bounds and descriptions of the street or way, if laid
48 out or altered, and the names of the owners of the land
49 taken, when known, and the damages allowed therefor;
50 the return shall be filed in the city clerk's office at least
51 seven days previous to its acceptance by the city council.
52 The street or way shall not be altered or established until
53 the report is accepted by the city council. And the
54 report so filed shall not be altered or amended before it
55 comes up before the city council for action. A street or

56 way shall not be discontinued by the city council, except
57 upon the report of said committee. The committee shall
58 estimate and report the damages sustained by the owners
59 of the lands adjoining that portion of the street or way
60 which is so discontinued; their report shall be filed with
61 the city clerk seven days at least before its acceptance.
62 Any party aggrieved at their decision may appeal there-
63 from as provided by law in the case of town ways. If a
64 street or way is discontinued before the damages are paid
65 or recovered for the land taken, the land owners shall not
66 be entitled to recover such damages, but the committee
67 in their report discontinuing the same shall estimate and
68 include all the damages sustained by the land owner,
69 including those caused by the original location of the
70 streets; and in such cases, if any appeal has been
71 regularly taken, the appellant shall recover his costs.
72 The city shall not be compelled to construct or open any
73 street or way thus hereafter established until, in the
74 opinion of the city council, the public good requires it to
75 be done; nor shall the city interfere with possession of
76 the land so taken by removing therefrom materials or
77 otherwise, until they decide to open said street. The city
78 council may regulate the height and width of the sidewalks
79 in any public square, places, streets, lanes or alleys in said
80 city; and may authorize hydrants, drinking fountains,
81 posts and trees to be placed along the edge of sidewalks,
82 and may locate and construct culverts and reservoirs
83 within the limits of any street or way in said city whenever
84 they deem it needful for protection against fire, and the
85 city shall not be liable for any damages caused by such
86 posts, hydrants, drinking fountains, trees and reservoirs,

87 nor by any poles or wires erected in its streets by any
88 parties authorized by law so to do.

Every law, act, ordinance, resolve or order of the city
90 council, excepting rules and orders of a parliamentary
91 character, shall be presented to the mayor. If not
92 approved by him he shall return it with his objections
93 in writing at the next stated session of the city council
94 which shall enter the objections at large on its journal
95 and proceed to reconsider the same. If, upon such
96 reconsideration, it shall be passed by vote of two-thirds
97 of all the members of the board, it shall have the same
98 force as if approved by the mayor. In case of vacancy
99 in the mayor's office this section shall not apply to any
100 act of the council. In case the mayor fails to either
101 sign or return the bill at the next session, then it
102 becomes a law as though he had signed it.

SECT. 5. The city clerk shall, before entering upon the
2 duties of his office, be sworn to the faithful discharge
3 thereof. He shall have care of all journals, records,
4 papers and documents, of the city; and shall deliver all
5 journals, records, papers and documents, and other things
6 entrusted to him as city clerk, to his successor in office.
7 He shall be clerk of the city council, and do such acts in
8 his said capacity as the city council may lawfully and
9 reasonably require of him. He shall perform all the
10 duties, and exercise all the powers by law incumbent upon
11 or vested in the town clerk of the town of Deering. He
12 shall attend all meetings of the city council, and keep a
13 journal of its acts, votes and proceedings. He shall
14 engross all of the ordinances passed by the city council in
15 a book provided for the purpose, and shall add proper

16 indexes, which book shall be deemed a public record of
17 such ordinances; he shall issue to every person who is
18 appointed to any office by the mayor, or elected to any
19 office by the city council, a certificate of such appoint-
20 ment or election. He shall give notice of time and place
21 of regular ward meetings. In case of the temporary
22 absence of the city clerk, the city council may elect a
23 clerk pro tempore, with all the powers, duties and obli-
24 gations of the city clerk, who shall be duly qualified.

SECT. 6. The assessors, overseers of the poor and
2 health officers, shall be elected by the city council on the
3 second Monday in March, or as soon thereafter as may be.
4 At the first election thereof under this act, three persons
5 shall be elected assessors, one of whom shall be elected
6 for one year, one for two years and one for three years,
7 and, at each subsequent election, one assessor shall be
8 elected for three years each of whom shall continue in
9 office until some other person shall have been elected and
10 qualified in his place. Three overseers of the poor shall
11 be elected in the same manner as are the assessors, and
12 shall hold office the same time, and all subsequent elections
13 of these officers shall be in the same manner as all subse-
14 quent elections for assessors. The city council may elect
15 an assistant assessor in each ward, whose duty it shall be
16 to furnish the assessors with all necessary information
17 relative to persons and property taxable in his ward. He
18 shall be sworn, or affirmed, to the faithful performance of
19 his duty. All taxes shall be assessed, apportioned,
20 and collected in the manner prescribed by the laws
21 of this State relative to town taxes, except as herein
22 modified, and the city council may establish further or ad-
23 ditional provisions for the collection thereof and of interest

24 thereon. The city council shall also elect a city solicitor,
25 whose salary shall not exceed two hundred dollars.

SECT. 7. The city council shall, annually, as soon after
2 its organization as may be convenient, elect by ballot a
3 city clerk, a city treasurer, who shall be the collector of
4 taxes, and who shall hold their offices for the current
5 municipal year following their election and until their
6 respective successors shall be elected and qualified; pro-
7 vided, however, that either of the officers named in this
8 section may be removed at any time by the city council
9 for sufficient cause. Vacancies in the above named offices
10 may be filled by ballot of the city council at any time.
11 The compensation of the officers named in this section
12 shall be fixed by vote of the city council, and the official
13 fees by them received shall be paid into the city treasurer.
14 If it is deemed expedient by the city council, the offices
15 of city clerk and city treasurer may be held by the same
16 person.

The treasurer of the city shall also be the collector of
18 taxes for said city, with all the powers of collectors of
19 taxes under the laws of this State. He shall be styled
20 treasurer and collector, and shall give but one bond to be
21 approved by the city council for the faithful performance
22 of his duties; and may appoint assistants and deputies as
23 provided by law. All warrants directed to him by the
24 assessors and municipal officers, shall run to him and his
25 successors in office, and shall be in the form prescribed
26 by law, changing such parts only as by this act are required
27 to be changed. The method of keeping, vouching and
28 settling his accounts shall be subject to such rules and
29 regulations as the city council may establish. Said treasurer

30 and collector shall collect all such uncollected taxes and
31 assessments, in whatever year assessed, as may be collected
32 during his term of office ; and, at the expiration of said
33 term, his powers as collector shall wholly cease ; all sales,
34 distresses, and all other acts and proceedings, lawfully
35 commenced by him as such treasurer and collector, may
36 be as effectually continued and completed by his successor
37 in office as though done by himself ; and all unreturned
38 warrants, which would otherwise be returnable to him,
39 shall be returned to his successor in office.

SECT. 8. There shall be annually elected by the city
2 council a street commissioner, who shall give bonds to the
3 city in the sum of one thousand dollars, with such sureties
4 as the city council shall approve, for the faithful perform-
5 ance of his duty, and shall receive such compensation as
6 the city council shall establish, and he shall be removable
7 at their pleasure ; and if said office shall become vacant
8 by death, resignation or otherwise, they shall forthwith
9 elect another person.

I. It shall be the duty of the street commissioner to
11 superintend the general state of the streets, roads, bridges,
12 [excepting such bridges as it is the duty of the city of
13 Portland and county of Cumberland to keep in repair]
14 sidewalks and lanes in the city ; to attend to the repairs
15 of the same, and to remove sidewalks when they are dan-
16 gerous to travelers ; and it shall be the duty of the com-
17 missioner to cause permanent bounds, monuments or land
18 marks, to be erected at the termini and angles of all high-
19 ways and streets now located, or that may hereafter be
20 located by the council, or altering or widening as provided
21 by statute, and shall cause plans thereof to be made and

22 filed with the city clerk, when required, after the passage
23 of an order by the council. He shall make all contracts
24 for labor and material, subject to approval of the council,
25 and give notice to the mayor, or to any police officer, or
26 constable, of any obstruction or encroachment thereon;
27 to superintend the building and repair of any sewer,
28 drain or reservoir, and to make contracts for labor and
29 material for the same, subject to approval of the council.

II. He shall perform such duties in his said office as the
31 city council may require, and shall at all times obey the
32 directions of the council, or its committees, in the per-
33 formance of his official duties.

III. The street commissioner shall certify all accounts,
35 contracted in the discharge of his official duties, to the
36 city council for their examination and allowance, at each
37 regular meeting of the council.

IV. No person or corporation authorized by the city
39 council to dig up any public street or sidewalk in said
40 city shall begin such digging before furnishing to the
41 street commissioner security satisfactory to him to restore
42 such street or sidewalk to its former condition.

SECT. 9. The city council first elected under this act
2 shall, as soon after its organization as may be convenient,
3 elect by ballot three persons, legal voters of said city, to
4 constitute a board of managers of ancient burying grounds,
5 and the public cemeteries of said city, to serve, one for
6 three years, one for two years, and one for one year from
7 the second Monday of March then next ensuing, and until
8 their respective successors shall be elected, and thereafter
9 the council shall annually, on the second Monday of
10 March, in the same manner, elect one person, a legal

11 voter of said city, to serve on said board of managers for
12 three years from the second Monday of March then next
13 ensuing, and until his successor is chosen. The said
14 board shall have charge and control of the public ceme-
15 teries and burial places belonging to said city, and shall
16 serve without pay. The board shall keep deposited, at
17 the office of the city clerk, a correct record of its pro-
18 ceedings, which shall be open to public inspection.

SECT. 10. The city council may, by the affirmative vote
2 of two-thirds of all its members, establish, by ordinance,
3 a police department, to consist of a chief of police and
4 such other officers and men as it may prescribe, and may
5 make regulations for the government of the department.

Until a department of police shall be established in ac-
7 cordance with the provisions of this act, the mayor shall
8 have the appointment, control and direction of the police
9 force of the city.

SECT. 11. The city council may establish a fire depart-
2 ment for said city, to consist of a chief engineer, one
3 assistant engineer from each ward, and such other officers
4 and men as it may prescribe, and it may make regulations
5 for the government of the department.

SECT. 12. The city council shall not authorize or ap-
2 propriate money for the erection of a city hall, or for the
3 purchase or lease of land for a location thereof, until such
4 erection or such purchase has been approved by the quali-
5 fied voters of the city, voting in their respective precincts,
6 at an annual municipal election. The form of such ap-
7 proval shall be prescribed by the city council.

SECT. 13. The city council shall establish, by ordinance,
2 the regular salaries or remuneration of the offices estab-

lished by this act, in case the same is not fixed herein,
and of such other offices as may be hereafter established,
and after the first municipal year no ordinance of the
council changing any such salary or remuneration shall
take effect until the municipal year succeeding that in
which the ordinance is passed.

SECT. 14. In case any ordinance, order, resolution or
vote involves the appropriation or expenditure of money
to an amount which may exceed three hundred dollars,
the laying of an assessment, or the granting to a person
or corporation of any right in, over or under any street
or other public ground of said city, the affirmative votes
of a majority of all the members of the city council shall
be necessary for its passage. Every such ordinance,
order, resolution or vote shall be read twice, with an
interval of at least three days between the two readings,
before being finally passed, and the vote upon its final
passage shall be taken by roll-call.

No sum appropriated for a specific purpose shall be
expended for any other purpose, and no expenditure shall
be made, nor liability incurred by or in behalf of the city,
until an appropriation has been duly voted by the city
council sufficient to meet such expenditure or liability,
together with all unpaid liabilities which are payable out
of such appropriation; provided, however, that, after the
expiration of the financial year until the passage of the
regular annual appropriations, liabilities payable out of a
regular appropriation to be contained therein may be
incurred to an amount not exceeding one quarter of the
total of such appropriation for the preceding year.

No money shall be paid out of the city treasury, except on orders signed by the mayor, designating the fund or appropriation from which said orders are to be paid.

SECT. 15. For the purpose of organizing the system of government hereby established, and putting the same in operation in the first instance, the selectmen of the town shall, at least seven days before the first Monday of March, after the acceptance of this charter, issue their warrant for calling a meeting of the legal voters at such place and hour of the day as they shall choose, for the purpose of choosing a mayor, seven aldermen, an auditor, and seven constables to be taken from the city at large; said officers shall be elected by a plurality vote. The town clerk shall notify the several officers elect of their election, in writing, within twenty-four hours. Their powers and duties shall be as herein provided. It shall be the duty of the city council, as soon as may be after their election, to cause a division of the city into seven wards in such manner as to include as nearly as may be, consistently with well-defined limits, an equal number of legal voters in each ward. After such division into wards, ward meetings of the legal voters thereof shall be called, which meetings shall be presided over by some person appointed by the city council, and the records of said first meetings in the several wards shall be made by some person designated by the city council, and at said first meetings lists of voters, corrected by the aldermen, shall be delivered to the persons designated to act as recording officers in the several wards, to be used as provided by law, in town meetings. Said recording officers shall perform the duties of ward clerks, as before herein

29 provided, relative to making a record of the election and
30 returning a copy of the records to the city council.

And on the first Monday in March, annually thereafter,
32 the qualified voters of each ward shall vote on one ballot
33 for city and ward officers, as hereafter provided for, all of
34 which officers, except the mayor, shall be residents of the
35 ward or district where elected. And all officers shall be
36 elected by ballot, by a plurality of the votes given, and
37 shall hold their offices one year from the second Monday
38 in March, and until others shall be elected and qualified
39 in their places; all city and ward officers shall be held to
40 discharge the duties of the offices to which they have
41 been respectively elected, notwithstanding the removal
42 after their election, out of their respective wards into any
43 other wards in the city, but they shall not so be held
44 after they have taken up their permanent residence out of
45 the city; the ward clerk, within twenty-four hours after
46 such election, shall deliver to the ward officers elected,
47 certificates of their election, and shall forthwith deliver
48 to the city clerk a certified copy of the record of such
49 election, a plain and intelligible abstract of which shall
50 be entered by the city clerk upon the city records. If
51 the person elected shall refuse to accept the office, the
52 said board shall issue their warrants for another election;
53 and in case of a vacancy in the office of mayor by death,
54 resignation or otherwise, it shall be filled for the
55 remainder of the term by a new election, to be called as
56 herein provided, and held within twenty days after the
57 vacancy occurs. The oath, or affirmation, prescribed by
58 this act shall be administered to the mayor by the city
59 clerk, or any justice of the peace in said city. The

60 aldermen-elect shall meet on the second Monday in March
61 at seven o'clock in the evening, when the oath, or
62 affirmation, required by the second section of this act
63 shall be administered to the members present by the
64 mayor, or any justice of the peace. The city council
65 shall, by ordinance, determine the times of holding stated
66 or regular meetings of the board, and shall also in like
67 manner determine the manner of calling special meetings
68 and the persons by whom the same shall be called, but,
69 until otherwise provided by ordinance, special meetings
70 shall be called by the mayor by causing a notification to
71 be given in hand or left at the usual residence of each
72 member.

SECT. 16. After the organization of a city government
2 and the qualifications of a mayor, and when a quorum of
3 the city council shall be present, said board, the mayor
4 presiding, shall proceed to choose a permanent chairman,
5 who, in the absence of the mayor, shall preside at all
6 meetings of the board, and, in case of any vacancy in the
7 office of mayor, he shall exercise all the powers and per-
8 form all the duties of the office so long as such vacancy
9 shall remain; he shall continue to have a vote in the board,
10 but shall not have the veto power. The board of alder-
11 men, in the absence of the mayor and permanent chairman,
12 shall choose a president [pro tempore] who shall exercise
13 the powers of a permanent chairman.

SECT. 17. Every officer of the city, except the mayor,
2 shall, at the request of the city council, appear before the
3 board and give such information as may be required, and
4 answer any questions that may be asked by the council in

5 relation to any matter, act or thing connected with his
6 office or the discharge of the duties thereof.

SECT. 18. The aldermen shall not be entitled to receive
2 any salary or other compensation during the year for which
3 they are elected, nor be eligible to any office of profit or
4 emolument, the salary of which is payable by the city,
5 during said term; and all departments, boards, officers
6 and committees, acting under the authority of the city and
7 intrusted with the expenditure of public money, shall
8 expend the same for no other purpose than that for which
9 it is appropriated, and shall be accountable therefor to the
10 city in such manner as the city council may direct.

SECT. 19. Neither the mayor, members of the board of
2 aldermen, or any officer of the city, shall be interested,
3 directly or indirectly, in any contract or agreement to
4 which the city is a party, nor shall any such person furnish
5 supplies of any kind to the city while holding office therein.

SECT. 20. All officers of the police and health depart-
2 ments shall be appointed by nomination by the mayor and
3 confirmed by the aldermen, and may be removed by them
4 for good cause. All other subordinate officers shall be
5 elected by the city council, and may be removed by them
6 for cause. Except as otherwise specially provided in this
7 act, all subordinate officers shall be elected annually on
8 the second Monday of March, or as soon thereafter as
9 may be, and their term of office shall be for one year, and
10 until others are qualified in their place.

SECT. 21. A municipal court is hereby established in
2 said city of Deering, which shall be denominated the
3 Deering Municipal Court; it shall be a court of record,
4 with a seal, and shall consist of one judge who shall reside

5 in said Deering. He shall cause to be entered on the
6 docket of said court all civil and criminal actions, with
7 full minutes of the proceedings in and disposition of the
8 same, which docket shall be at all times open to inspec-
9 tion, and he shall perform all other duties required of
10 similar tribunals in this State; and copies of the record
11 of said court, duly certified by said judge, shall be legal
12 evidence in all courts, he shall not act as attorney or
13 counsel in any action, matter or thing within the jurisdic-
14 tion of said court.

SECT. 22. The judge shall appoint a recorder of said
2 court, who shall reside in said Deering and hold his office
3 for four years. He shall be sworn by said judge, and
4 keep the records of said court when requested so to do by
5 said judge. In case of absence from the court room or
6 sickness of the judge, or when the office of judge shall
7 be vacant, the recorder shall have and exercise all the
8 powers of said judge, and perform all the duties required
9 of said judge by this act, and the signature of the recorder
10 as such, shall be sufficient evidence of his right to act
11 instead of the judge. In the absence of both judge and
12 recorder, any justice of the peace of the city of Deering,
13 may preside for the purpose of entering and continuing
14 actions and filing papers in said court, and may adjourn
15 the same from day to day, or till the next regular term.

SECT. 23. Said court shall have exclusive original juris-
2 diction of all civil actions in which the debt or damages
3 demanded do not exceed twenty dollars, and both parties,
4 or one of the parties and a person summoned in good
5 faith, and on probable grounds as trustee, reside in said
6 city of Deering; and shall have exclusive original juris-

7 diction of all offenses committed against the ordinances
8 and by-laws of said city, and all such criminal offenses
9 and misdemeanors committed therein as cognizable by
10 trial justices ; provided, that warrants may be issued upon
11 complaints for offenses committed in said city of Deering,
12 by any trial justice in said county, but all such warrants
13 shall be returnable before said court, and no trial justice
14 shall take cognizance of any crime or offense committed in
15 said city or any civil action of which said court has exclu-
16 sive jurisdiction. Said court shall have original jurisdic-
17 tion concurrent with trial justices, of all such matters and
18 things, civil and criminal, within the county of Cumber-
19 land, as are by law within the jurisdiction of trial justices
20 in said county.

SECT. 24. Said court shall have original jurisdiction,
2 concurrent with the superior court, of all civil actions in
3 which the debt or damages, exclusive of costs, do not
4 exceed one hundred dollars, in which either party, or a
5 person summoned in good faith and on probable grounds
6 as trustee, resides in the county of Cumberland, or having
7 his residence beyond the limits of this State, is served
8 with process within said county. And said court shall
9 have original jurisdiction concurrent with the superior
10 court in said county, of all larcenies described in sections
11 one, six, seven, eight and nine of chapter one hundred
12 and twenty of the Revised Statutes, when the value of the
13 property is not alleged to exceed thirty dollars ; of all
14 cases of cheating by false pretenses, described in section
15 1, of chapter one hundred and twenty-six of the Revised
16 Statutes, when the value of the property or other thing
17 alleged to have been fraudulently obtained or sold does

18 not exceed thirty dollars; of the assaults and batteries
19 described in section 28 of chapter one hundred and eighteen
20 of the Revised Statutes, and of the offense described in
21 section 6 of chapter one hundred and twenty-four of the
22 Revised Statutes, and may punish for either of said offenses
23 by fine not exceeding fifty dollars, and by imprisonment
24 not exceeding three months; provided, that said court
25 shall not try civil actions in which the title to real estate,
26 according to the pleadings filed in the case by either party,
27 is in question, except as provided in chapter ninety-four,
28 sections six and seven of the Revised Statutes.

SECT. 25. A term of said court shall be held on the
2 third Tuesday of each month, beginning at ten o'clock in
3 the forenoon, at such place in the city of Deering as said
4 city shall provide for the transaction of civil business, and
5 all civil processes shall be made returnable accordingly;
6 provided, however, that said court shall be held on every
7 Tuesday at the usual hour for the entry and trial of actions
8 of forcible entry and detainer, and such actions shall be
9 returnable accordingly, and be heard and determined and
10 judgment entered on the return day of the writ, unless
11 continued for good cause. Said court may adjourn from
12 time to time, but shall be considered as in constant session
13 for the trial or criminal offenses.

SECT. 26. Writs and processes issued by said court
2 shall be in the usual form, signed by the judge or recorder,
3 and under the seal of said court. They shall be served
4 as like precepts are required to be served when issued by
5 trial justices, except original writs in civil actions, which
6 shall be served not less than seven nor more than sixty
7 days before the sitting of the court at which the same are

8 made returnable. All the provisions of the statutes of
9 State relative to the attachment of real and personal
10 property and the levy of executions shall be applicable to
11 actions in this court and executions on judgments rendered
12 therein; provided, that property may be attached equal in
13 value to the ad damnum, in addition thereto sufficient to
14 satisfy the costs of suit, and the writ may be framed
15 accordingly.

SECT. 27. All civil actions in said court shall be entered
2 the first day of the term and not afterwards, except by
3 special permission, and they shall be in order for trial at
4 the next term after the entry if not otherwise disposed of.
5 Pleadings shall be the same as in the superior court, and
6 all the provisions of law relative to practice and proceed-
7 ings in the superior court, in civil actions, are hereby
8 made applicable and extended to this court, except so far
9 as they are modified by the provisions of this act.

SECT. 28. If any defendant, his agent or attorney, in
2 any action in said court in which the debt or damages
3 claimed in the writ exceeds twenty dollars, shall, on or
4 before the first day of the second term, file in said court
5 an affidavit, that he has a good defense to said action, and
6 intends in good faith to make such defense, and claims a
7 jury trial, and shall deposit with the judge of said court
8 one dollar and fifty cents for copies and entry in the
9 superior court, to be taxed in his costs if he prevails, the
10 said action shall be removed into and entered at the next
11 term of the superior court for said county, and the judge
12 of said municipal court shall forthwith cause certified
13 copies of the writ, return of the officer and all other papers
14 in the case to be filed in the clerks' office of the said
15 superior court.

SECT. 29. Any party may appeal from any judgment or
2 sentence of said municipal court to the superior court, in
3 the same manner as from a judgment of trial justice.

SECT. 30. Exceptions may be alleged and cases certified
2 on agreed statements of facts, or upon evidence reported
3 by the judge in all civil actions, as in the superior court,
4 and the same shall be entered, heard and determined at
5 the next law term held in the western district, or by
6 agreement of parties may be certified to the chief justice
7 of the supreme judicial court, and when so certified, to be
8 argued in writing on both sides within thirty days; and
9 the supreme judicial court, sitting as a court of law, shall
10 have the same jurisdiction of all questions of law arising
11 from said exceptions, statements and reports, as if they
12 had originated in the superior court for the county of
13 Cumberland; and all the provisions of law and rules of
14 the superior court relative to the transfer of actions and
15 other matters from the superior court for said county,
16 shall apply to the transfer of actions from the said
17 municipal court to said law court. Decisions of the law
18 court on all cases from said municipal court, shall be cer-
19 tified to the judge of said municipal court with the same
20 effect as in cases originating in the supreme judicial and
21 superior courts in said county.

SECT. 31. The costs and fees allowed to parties and
2 attorneys in civil actions before said court, in which the
3 debt or damages recovered do not exceed twenty dollars,
4 shall be the same as are allowed in actions before trial
5 justices, except that the plaintiff, if he prevails, shall be
6 allowed one dollar for his writ; and the defendant, if he
7 prevails, shall be allowed one dollar for his pleadings, but

8 in all actions in which the amount recovered exceeds
9 twenty dollars, the costs and fees of parties and attorneys
10 shall be the same as in the superior court except that the
11 defendant, if he prevails, shall be allowed two dollars for
12 his pleadings.

SECT. 32. Fees of the judge which he may demand and
2 receive for his services, shall be the same as are allowed
3 by law to trial justices and clerks of the supreme judicial
4 court for similar services, except that he shall receive for
5 every blank writ signed by him four cents ; for the entry
6 of each civil action, fifty cents ; for every warrant issued
7 by him, one dollar ; and for the trial of an issue in civil
8 or criminal cases, one dollar, and two dollars for each
9 day actually employed after the first. All fines and
10 penalties awarded and received by said judge or said
11 recorder, shall be accounted for and paid over as if the
12 same had been awarded and received by a trial justice,
13 and for neglect to do so they shall be subject to like
14 penalties with trial justices.

SECT. 33. A school committee of seven persons shall
2 be elected by the city council at its first meeting for the
3 election of subordinate officers, two to hold office for one
4 year, two to hold office for two years and three to hold
5 office for three years, and thereafter, at each annual
6 municipal election, a person shall be elected to fill the
7 place of each one whose term expires, who shall hold
8 office for three years. No member of the committee shall
9 receive any compensation for his services. The members
10 of said committee, duly elected, shall meet and organize
11 as soon after election as may be. A majority of the
12 board shall constitute a quorum for the transaction of

13 business. They shall have all the powers and perform
14 all the duties in regard to the care and management of
15 the public schools of said town which are now conferred
16 upon superintendent school committees by the laws of
17 this State, except as otherwise provided in this act.
18 They shall annually, and whenever there is a vacancy,
19 elect a superintendent of schools for the current
20 municipal year, who shall have the care and supervision
21 of said public schools under their direction, and act as
22 secretary of their board; they shall fix his salary at the
23 time of his election, which shall not be increased nor
24 diminished during the year for which he is elected, and
25 may at any time dismiss him if they deem it proper or
26 expedient. A suitable and convenient room shall be
27 furnished by the town for the meetings of said committee,
28 wherein shall be kept their records open to the inspection
29 of the citizens. The said committee shall annually,
30 before the spring election, furnish to the city council an
31 estimate in detail of the several sums required during
32 the ensuing municipal year for the support of said public
33 schools, and they shall not increase the expenditures
34 beyond the amount appropriated therefor.

SECT. 34. *Part 1*—The city council may make, lay and
2 maintain all such main drains or common sewers as they
3 adjudge to be necessary for the public convenience or the
4 public health, through the public streets, or through the
5 lands of any person or corporation, and may repair the
6 same whenever it is necessary, as hereafter provided.
7 All such drains and sewers shall be the property of the
8 city, and shall be constructed in such manner and dimen-
9 sions as the city council deem best.

Part 2—When such drains or sewers are laid through
11 the land of any person or corporation, and not through
12 the public street, and the land is taken therefor, the pro-
13 ceedings shall be the same as provided by the Revised
14 Statutes as in the case of laying out streets.

Part 3—The city council, as soon as convenient after its
16 first meeting, shall determine what localities within the
17 city limits, and streets of said localities, are in need of
18 drains or sewers, and thereupon cause to be made accurate
19 plans and estimates of cost of main drains or sewers, with
20 their out-falls and receptacles, needed in said localities,
21 setting forth full details of costs of each main and needed
22 branches connected therewith, with costs of each branch,
23 using the results of the survey and estimates made in
24 compliance with the appropriation of the town of Deering
25 under article twenty-three of the warrant for the annual
26 town meeting of said town, A. D. 1888, so far as applica-
27 ble, and cause the same to be recorded and carefully pre-
28 served in record books prepared expressly for the purpose,
29 but kept ready at all times for public inspection.

Part 4—The city council shall adjudge what lots or
31 parcels of land are to be benefited by such sewers or
32 drains, and establish outlines of same and estimate what
33 sums shall be assessed upon such lots and parcels of land,
34 or the owners thereof, towards defraying the expense of
35 constructing and completing such drains or sewers, the
36 whole of said assessment not to exceed two-thirds of the
37 cost of such drains or sewers.

Part 5—Sixty days or more after the approval by the
39 city council of the plans and estimates made in accordance
40 herewith, and the public announcement of the same in at

41 least two newspapers printed in Portland, on application
42 of ten resident tax payers in a locality requiring drains or
43 sewers, the city council may proceed to construct and
44 complete such drains and sewers, in manner as herein
45 provided, as are needed.

Part 6—When said drains or sewers are completed, the
47 city council shall adjudge what lots or parcels of land are
48 benefited by such drains or sewers, and estimate and
49 assess upon such lots and parcels of land and against the
50 owner thereof, if known, such sum, not exceeding such
51 benefit, as they may deem just and equitable towards de-
52 fraying the expenses of constructing and completing such
53 drain or sewer, the whole of said assessments not to ex-
54 ceed two-thirds of the cost of such drain or sewer, and
55 such drain or sewer shall forever thereafter be maintained
56 and kept in order by said city; the city council shall file
57 with the clerk of said city the amount assessed upon each
58 lot or parcel of land so assessed and the name of the
59 owner of each lot or parcel of land, if known, and the
60 clerk of said city shall record the same in the book kept
61 for that purpose, and within ten days after filing such
62 notice, each person so assessed shall be notified of such
63 assessment by having an authentic copy of said assessment,
64 with an order of notice signed by the clerk, stating a time
65 and place for a hearing on the subject matter of said
66 assessment given to the person so assessed, or left at his
67 usual place of abode in said city; if he has no place of
68 abode in said city, then such notice shall be given to or
69 left at the abode of his tenant or lessee, if he has one in
70 said city; if he has no such tenant or lessee in the said
71 city, then by posting the same in some conspicuous

72 place in the vicinity of the lot or parcel of land so assessed,
73 at least thirty days before said hearing, or such notice
74 may be given by publishing the same three weeks suc-
75 cessively in two newspapers published in the city of Port-
76 land, the first publication to be at least thirty days before
77 said hearing; a return made by copy of such notice by
78 any constable in said city, or the production of the paper
79 containing such notice, shall be conclusive evidence that
80 such notice has been given, and upon such hearing the
81 city council shall have power to revise, increase or
82 diminish any such assessments, and all such revision,
83 increase or diminution, shall be in writing and recorded
84 by said clerk.

Part 7—Any person who is aggrieved by the doings of
86 said city council in laying out and constructing said drains
87 or sewers, or in making said assessments, may appeal
88 therefrom to the next term of the supreme judicial court
89 which shall be holden in the county of Cumberland, more
90 than thirty days from and after the day when the hearing
91 last mentioned is concluded, excluding the day of the
92 commencement of the session of said court; the appellants
93 shall serve written notice of such appeal upon said city
94 council fourteen days at least before the session of the
95 court, and shall, at the first term, file a complaint setting
96 forth the facts of the case; either party shall be entitled
97 to a trial by jury, or the matter in dispute may, if parties
98 so agree, be decided by a committee of reference, and the
99 court shall render such judgment and decree in the prem-
100 ises as the nature of the case may require; at the trial
101 exceptions may be taken to the ruling of the judge, as in
102 other cases.

Part 8.—All assessments made under the provisions of
104 this act shall create a lien upon each and every lot or
105 parcel of land so assessed, and within ten days after they
106 are made the clerk of said city shall make out a list of all
107 such assessments, the amount of each assessment, the
108 name of the person, if known, against whom the same is
109 assessed, to be by him certified; and he shall deliver the
110 same to the treasurer of said city, and if said assessments
111 are not paid within three months from the date of said
112 assessments, then the treasurer shall proceed and sell such
113 of said lots or parcels of land upon which such assess-
114 ments remain unpaid, or so much thereof, at public auction,
115 as is necessary to pay such assessments, and all costs and
116 incidental charges, in the same way and manner that real
117 estate is advertised and sold for taxes under chapter six of
118 the Revised Statutes, which sale shall be made within one
119 year from the time said assessments are made; and upon
120 such sale the treasurer shall make, execute and deliver his
121 deed to the purchaser thereof, which shall be good and
122 effectual to pass the title to such real estate.

Part 9.—Any person to whom the right by law belongs
124 may, at any time within one year from the date of said
125 sale, redeem such real estate by paying to the purchaser,
126 or his assignus, the sum for which the same was sold, with
127 interest thereon at the rate of twenty per cent per annum,
128 with cost of reconveyance.

Part 10.—If said assessments are not paid and said city
130 does not proceed to collect said assessments by a sale of
131 the lots or parcels of land upon which said assessments
132 are made, or does not collect, or is in any manner de-
133 layed or defeated in collecting such assessments, by sale

134 of the real estate so assessed, then the said city, in the
135 name of the inhabitants of said city, or in the name of
136 such city may sue for and maintain an action against the
137 parties so assessed for the amount of said assessment as
138 for money paid, laid out and expended, in any court
139 competent to try the same, and in such suit may recover
140 the amount of such assessment with twelve per cent in-
141 terest on the same from the date of said assessment, and
142 costs; provided, however, that if any lot, when sold in
143 the manner before provided, shall not sell for enough to
144 pay the amount of said assessment with interest and cost,
145 the owner thereof shall be under no personal liability for
146 the same.

Part 11. When lots and parcels of land adjoining
148 streets where sewers are laid receive no immediate bene-
149 fit from said drains or sewers constructed and completed
150 in accordance with the provisions of this section, the city
151 council may suspend the enforcement of the assessment
152 till said lots, or parts thereof, are sufficiently improved
153 for building purposes, and the amounts of the assess-
154 ments shall be filed by the city treasurer as assets of the
155 city; but it shall not be lawful, under this section, for
156 the city council, or agents thereof, to assess more than
157 one-third of the cost of constructing and completing any
158 drain or sewer, or any part thereof, upon the tax-payers
159 of the city at large.

SECT. 35. General meetings of the citizens, qualified to
2 vote, in the city affairs may, from time to time, be held
3 to consult upon the public good, to instruct their represen-
4 tatives, and to take all lawful measures to obtain redress of
5 any grievances according to the rights secured to the people

6 by the constitution of this State ; and such meetings shall
7 be duly warned by the mayor and aldermen upon requisition
8 of twenty qualified voters. The city clerk shall act as
9 clerk of such meetings and record the proceedings upon the
10 city records.

SECT. 36. A town meeting may be held at the usual
2 place of meeting, in said town, for the purpose of submitting
3 the question of the acceptance of this act to the
4 legal voters of said town at any time within five years
5 after the passage thereof, except in the months of September
6 and November. At such meeting the polls shall be
7 open from eight o'clock in the forenoon until five o'clock
8 in the afternoon, and the vote shall be taken by written or
9 printed ballots in answer to the question, "shall the act
10 passed by the legislature in the year of our Lord one
11 thousand eight hundred and eighty-nine entitled 'An Act
12 to incorporate the city of Deering,' be accepted." The
13 selectmen shall preside at such election and use a check
14 list. The affirmative votes of a majority of the voters
15 present and voting thereon shall be required for its acceptance.
16 If at any meeting so held this act shall fail to be
17 thus accepted, it may, at the expiration of six months from
18 any such previous meeting, be again thus submitted for
19 acceptance, but not after the period of five years from the
20 passage thereof. Such meetings shall be called as provided
21 for by general laws of the State for calling and
22 holding meetings for the transaction of town business.

SECT. 37. The passage of this act shall not affect any
2 right accruing or accrued, or any suit, prosecution or
3 other legal proceeding pending at the time when it shall
4 take effect by acceptance as herein provided for, and no

5 penalty or forfeiture previously incurred shall be affected
6 thereby. All persons holding office in said town at the
7 time this act shall be accepted as aforesaid, shall continue
8 to hold such offices until the organization of the city
9 government hereby authorized shall be effected, and until
10 their respective successors shall be chosen and qualified.

SECT. 38. So much of this act as authorizes the sub-
2 mission of the question of its acceptance to the legal
3 voters of the said town, shall take effect upon its passage,
4 but it shall not take farther effect unless accepted by the
5 legal voters of said town, as herein prescribed, in which
6 case all acts and parts of acts inconsistent with this act are
7 hereby repealed.

STATE OF MAINE.

HOUSE OF REPRESENTATIVES, }
January 25, 1889. }

Tabled and ordered printed pending reference, on motion of Mr.
MOORE of Deering.

NICHOLAS FESSENDEN, *Clerk.*