

MAINE STATE LEGISLATURE

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Sixty-Seventh Legislature.

HOUSE.

No. 18.

STATE OF MAINE.

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

AN ACT to incorporate the city of Dexter.

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

SECTION 1. The inhabitants of the town of Dexter, in
2 the county of Penobscot, shall continue to be a body politic
3 and corporate under the name of the city of Dexter, and as
4 such shall have, exercise and enjoy all the rights, immuni-
5 ties, powers, privileges and franchises, and shall be subject
6 to all the duties and obligations now incumbent upon, and
7 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 and municipal affairs of said city with the government thereof, shall be vested in an officer to be called the mayor, and one council of nine, being three from each ward, to be denominated a board of aldermen, all of whom shall be inhabitants of said city and legal voters therein. Said mayor and alderman shall constitute the city council, and shall be sworn or affirmed in the form prescribed by the constitution of the state for state officers.

SECT. 3. The mayor of said city shall be the chief executive magistrate thereof. It shall be his duty to be vigilant and active in causing the laws and regulations of the city to be executed and enforced, to exercise a general supervision over the conduct of all subordinate officers, and to cause their violations or neglect of duty to be punished. He may call special meetings of the city council when in his opinion the interest of the city requires it, by causing a summons or notification to be given in hand, or left at the usual dwelling place of each member thereof. He shall from time to time communicate to the city council such information, and recommend such measures as the business and interests of the city may, in his opinion, require. He shall preside at the meetings of the city council, but shall have only a casting vote. The salary and compensation of the mayor shall be one hundred dollars per annum for the first three years under this charter. It may then be diminished or increased by the board of aldermen, but not oftener than once in three years.

The mayor shall, in the month of February annually, prepare and lay before the city council an estimate of the 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 lay
26 before the city council a statement of all the receipts and
27 expenditures, of the preceding financial year, giving in
28 detail the amount of appropriations and expenditures for
29 each department ; and said statement shall be accompanied
30 with a schedule of the property, real and personal, belong-
31 ing to the city, and the value thereof, and amount of city
32 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 or
10 legacy ; with power to let or sell what may be legally let
11 or sold, and to purchase and take in the name of the city
12 real and personal property for municipal purposes, to an
13 amount not exceeding fifty thousand dollars, in addition to
14 that now held by the town, and shall as often as once a
15 year cause to be published for the information of the
16 inhabitants, a particular account of the receipts and expen-
17 ditures, and a schedule of the city property and the city
18 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 Dexter, 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 out,
32 widen, or otherwise alter or discontinue any and all streets,
33 or public ways, in said city, and to estimate all damages
34 sustained by owners of land taken for such purpose. A
35 committee of the council shall be appointed, whose duty
36 shall be to lay out, alter, widen or discontinue any street
37 or way, first giving notice of the time and place of their
38 proceedings to all parties interested, by an advertisement
39 in one or more newspapers printed in Penobscot county
40 for three weeks at least next previous to the time
41 appointed. The committee shall first hear all parties
42 interested, and then determine and adjudge whether the
43 public convenience requires such street or way to be laid
44 out, altered or discontinued, and shall make a written
45 return of their proceedings, signed by a majority of them,
46 containing the bounds and descriptions of the street or
47 way if laid out or altered, and the names of the owners of
48 the land taken, when known, and the damages allowed
49 therefor ; the return shall be filed in the city clerk's office
50 at least seven days previous to its acceptance by the city
51 council. The street or way shall not be altered or estab-
52 lished until the report is accepted by the city council.
53 And the report so filed shall not be altered or amended
54 before it comes up before the city council for action. A

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

86 erected in its streets by any parties authorized by law so
87 to do.

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

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

16 shall be deemed a public record of such ordinances. He
17 shall issue to every person who is appointed to any office
18 by the mayor, or elected to any office by the city council,
19 a certificate of such appointment or election. He shall
20 give notice of time and place of regular ward meetings.
21 In case of the temporary absence of the city clerk, the city
22 council may elect a clerk *pro tempore*, with all the powers,
23 duties and obligations of the city clerk who shall be duly
24 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 elec-
13 tions of these officers shall be in the same manner, as all
14 subsequent elections of assessors. The city council may
15 elect an assistant assessor in each ward, whose duty it
16 shall be to furnish the assessors with all necessary infor-
17 mation relative to persons and property taxable in his
18 ward. He shall be sworn or affirmed to the faithful per-
19 formance of his duty. All taxes shall be assessed, appor-
20 tioned, and collected in the manner prescribed by the laws
21 of this State relative to town taxes, except as herein mod-
22 ified, and the city council may establish further or addi-
23 tional provisions for the collection thereof and of interest

24 thereon. The city council may also elect a city solicitor
25 whose salary shall not exceed fifty dollars.

SECT. 7. The city council shall annually as soon after its
2 organization as may be convenient, elect by ballot a city
3 clerk, and 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 in to the city treas-
14 urer. If it is deemed expedient by the city council, the
15 offices of city clerk and city treasurer may be held by the
16 same person. The treasurer of the city shall also be the
17 collector of taxes for said city, with all the powers of col-
18 lectors of taxes under the laws of this State. He shall be
19 styled treasurer and collector and shall give but one bond
20 to be approved by the city council for the faithful per-
21 formance of his duties; and may appoint assistants and
22 deputies as provided by law. All warrants directed to
23 him by the assessors and municipal officers shall run to
24 him and his successor in office, and shall be in the form
25 prescribed by law, changing such parts only as by this
26 act are required to be changed. The method of keeping,
27 vouching and settling his accounts shall be subject to such
28 rules and regulations as the city council may establish.
29 Said treasurer and collector shall collect all such uncol-

30 lected taxes and assessments, in whatever year assessed,
31 as may be collected during his term of office ; and at the
32 expiration of said term his powers as collector shall wholly
33 cease ; all sales, distresses, and all other acts and proceed-
34 ings, lawfully commenced by him as such treasurer and
35 collector, may be as effectually continued and completed
36 by his successor in office as though done by himself ; and
37 all unreturned warrants, which would otherwise be return-
38 able to him, 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 per-
5 formance of his duty, and shall receive such compensation
6 as the city council shall establish and he shall be remova-
7 ble 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 sidewalks and laws in the city ; to attend to the repairs of
13 the same, and to remove sidewalks when they are danger-
14 ous to travelers ; and it shall be the duty of the commis-
15 sioner to cause permanent bounds, monuments, or land
16 marks, to be erected at the termini and angles of all high-
17 ways and streets now located, or that may hereafter be
18 located by the council, or altered or widened as provided
19 by statute, and shall cause plans thereof to be made and
20 filed with the city clerk when required, after the passage
21 of an order by the city council. He shall make all con-
22 tracts for labor and material, subject to the approval of
23 the city council, and give notice to the mayor or to any

24 police officer, or constable, of any obstruction or encroach-
25 ment on the streets. He shall superintend the build-
26 ing and repairs of all sewers, drains or reservoirs, and
27 make contracts for labor and material for the same, subject
28 to the approval of the city council.

II. He shall perform such duties in his said office as
30 the city council may require, and shall at all times obey
31 the directions of the city council, or its committee in the
32 performance of his official duties.

III. He shall certify all accounts and bills contracted
34 in the discharge of his official duties, to the city council
35 for their examination and allowance at each regular meet-
36 ing of the council.

IV. No person or corporation authorized by the city
38 council to dig up any public street or sidewalk in said
39 city shall begin such digging, before furnishing to the
40 street commissioner security satisfactory to him, to restore
41 such street or sidewalk to its original 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 city council shall annually on the second Monday of
10 March in the same manner elect one person, a legal voter
11 of said city, to serve on said board of managers for three
12 years then next ensuing, and until his successor is chosen.
13 The said board shall have charge and control of the pub-

14 lie cemeteries and burial places belonging to said city, and
15 shall serve without pay. The board shall keep deposited
16 at the office of the city clerk, a correct record of its pro-
17 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.
6 Until a department of police shall be established in accord-
7 ance with the provisions of this act, the mayor shall have
8 the appointment control and direction of the police force
9 of the city.

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

SECT. 12. The city council shall establish, by ordi-
2 nance, the regular salaries or remuneration of the officers
3 established by this act, in case the same is not fixed herein,
4 and of such other offices as may be hereafter established,
5 and after the first municipal year no ordinance of the coun-
6 cil changing any such salary or remuneration shall take
7 effect until the municipal year succeeding that in which the
8 ordinance is passed.

SECT. 13. In case any ordinance, order, resolution or
2 vote involves the appropriation or expenditure of money
3 to an amount which may exceed one hundred and fifty
4 dollars, the laying of an assessment or the granting to a
5 person or corporation of any right in, over or under any

6 street or other public ground of said city, the affirmative
7 votes of a majority of all the members of the city council
8 shall be necessary for its passage. Every such ordinance
9 order, resolution or vote shall be read twice with an inter-
10 val of at least three days between the two readings, before
11 being finally passed, and the vote upon its final passage
12 shall be taken by roll-call. No sum appropriated for a
13 specific purpose shall be expended for any other purpose,
14 and no expenditure shall be made, nor liability incurred
15 by or in behalf of the city, until an appropriation has been
16 duly voted by the city council, sufficient to meet such
17 expenditure or liability, together with all unpaid liabilities
18 which are payable out of such appropriation; *provided*,
19 *however*, that, after the expiration of the financial year,
20 and until the passage of the regular annual appropriations,
21 liabilities payable out of a regular appropriation to be con-
22 tained therein may be incurred to an amount not exceed-
23 ing one-quarter of the total of such appropriations for the
24 preceding year. No money shall be paid out of the city
25 treasury except on orders signed by the mayor, desig-
26 nating the fund or appropriation from which said orders
27 are to be paid.

SECT. 14. It shall be the duty of the selectmen of the
2 town of Dexter as soon as may be after this act shall have
3 been accepted as hereinafter provided, to cause a division
4 of said town to be made into three wards, in such manner
5 as to include as nearly as may be, consistently with well
6 defined limits, an equal number of legal voters in each
7 ward, and publish the same in one issue at least of a news-
8 paper published in Penobscot county, before the first elec-
9 tion of mayor.

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 of Dexter, for the time being, shall at least seven days before the first Monday of March, next after the acceptance of this charter, issue their warrants for calling meetings of the said citizens in each ward at such place and hour of the day as they shall deem expedient for the purpose of choosing a warden and clerk for each ward, and also to give their vote for a mayor to be taken from the city at large, and three aldermen, and one constable for each ward; and the transcript of the records of each ward, specifying the votes given for mayor, three aldermen, and one constable, certified by the warden and clerk of said ward, shall on the evening of the day of said first election be returned to the said selectmen of the said town of Dexter; whose duty it shall be to examine and compare the same; and in case such elections shall not be completed at the first election to forthwith issue new warrants until such elections shall be completed according to the provisions of this act; and to give notice thereof to the several persons elected. At said first meeting any legal voter of said ward may call the citizens to order and preside until a warden shall have been chosen; and at said first meeting a list of voters in each ward, prepared and corrected by the selectmen of the town of Dexter for the time being, shall be delivered to the clerk of each ward, when elected, to be used as provided by law in town meetings.

And on the first Monday in March annually thereafter, the qualified voters of each ward shall vote on one ballot for city and ward officers as hereafter provided, for all of which officers, except the mayor, shall be residents of the

42 ward or district where elected. And all officers shall be
43 elected by ballot, by a plurality of the votes given, and
44 shall hold their offices one year from the second Monday
45 in March, and until others shall be elected and qualified
46 in their places ; all city and ward officers shall be held to
47 discharge the duties of the offices to which they have been
48 respectively elected, notwithstanding the removal after
49 their election, out of their respective wards into any other
50 wards in the city, but they shall not so be held after they
51 have taken up their permanent residence out of the city ;
52 the ward clerk, within twenty-four hours after such elec-
53 tion shall deliver to the ward officers elected certificates
54 of their election, and shall forthwith deliver to the city
55 clerk a certified copy of the record of such election, a
56 plain and intelligible abstract of which shall be entered by
57 the city clerk upon the city records. If the person elected
58 shall refuse to accept the office, the said board shall issue
59 their warrants for another election ; and in case of a
60 vacancy in the office of mayor by death, resignation or
61 otherwise, it shall be filled for the remainder of the term
62 by a new election to be called as herein provided and held
63 within twenty days after the vacancy occurs.

The oath or affirmation, prescribed by this act shall be
65 administered to the mayor by the city clerk, or any jus-
66 tice of the peace in said city. The aldermen elect shall
67 meet on the second Monday in March at seven o'clock in
68 the evening, when the oath or affirmation required by the
69 second section of this act shall be administered to the
70 members present, by the mayor, or any justice of the
71 peace. The city council shall by ordinance determine the
72 times of holding stated or regular meetings of the council,

73 and shall also in like manner determine the manner of
74 calling special meetings, and the persons by whom the
75 same shall be called, but, until otherwise provided by or-
76 dinance, special meetings shall be called by the mayor, by
77 causing a notification to be given in hand, or left at the
78 usual residence of each member.

SECT. 15. After the organization of a city government,
2 and the qualification of a mayor, and when a quorum
3 of the city council shall be present, said council, 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 council, 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
10 board, but shall not have the veto power. The board of
11 aldermen in the absence of the mayor and permanent
12 chairman shall choose a president *pro tempore*, who shall
13 exercise the powers of a permanent chairman.

SECT. 16. Every officer of the city except the mayor,
2 shall at the request of the city council appear before them
3 and give such information as may be required, and answer
4 any questions that may be asked by the council in relation
5 to any matter, act, or thing connected with his office, or
6 the discharge of the duties thereof.

SECT. 17. The aldermen shall not be entitled to
2 receive any salary or other compensation during the year
3 for which they are elected for their services, nor be eligi-
4 ble to any office of profit or emolument, the salary of
5 which is payable by the city during said term; and all
6 departments, boards, officers and committees, acting under

7 the authority of the city and entrusted with the expendi-
8 ture of public money, shall expend the same for no other
9 purpose than that for which it is appropriated, and shall
10 be accountable therefor to the city in such manner as the
11 city council may direct.

SECT. 18. All officers of the police and health depart-
2 ments shall be appointed by nomination by the mayor,
3 and confirmed by the aldermen, and may be removed by
4 the city council for good cause. All other subordinate
5 officers shall be elected by the city council and may be
6 removed by the council for cause.

Except as otherwise specially provided in this act, all
8 subordinate officers shall be elected annually on the second
9 Monday of March, or as soon thereafter as may be, and
10 their term of office shall be for one year, and until others
11 are qualified in their place.

SECT. 19. "The municipal court of Dexter," established
2 in and for the town of Dexter, by Private and Special
3 Laws of 1883, chapter 260, and amended by Private and
4 Special Laws of 1887, chapters 169 and 190, shall remain
5 in and for the city of Dexter, with its powers, duties, and
6 jurisdiction of criminal offenses, and civil actions, un-
7 changed, except it shall have exclusive original jurisdic-
8 tion of all offenses committed against the ordinances and
9 by-laws of said city of Dexter.

SECT. 20. The superintending school committee of the
2 town of Dexter, consisting of five members, whose terms
3 of office expire, one in March, 1895, two in March, 1896,
4 and two in March, 1897, shall be continued as the super-
5 intending school committee of the city of Dexter. Upon
6 the expiration of the terms of the members of said com-

7 mittee, and thereafter at its annual meeting to elect subor-
8 dinate city officers, the city council shall elect a person to
9 fill the place of each member whose term expires, who
10 shall hold office for three years.

No member of the committee shall receive any compen-
12 sation for his services as such. The members of said com-
13 mittee duly elected, shall meet and organize as soon after
14 the election of any new member or members as may be.
15 A majority of the board shall constitute a quorum for the
16 transaction of business. They shall have all the powers
17 and perform all the duties in regard to the care and
18 management of the public schools of said city which are
19 now conferred upon superintending school committees by
20 the laws of this state, except as otherwise provided in this
21 act. They shall annually, and whenever there is a vacancy,
22 elect a superintendent of schools for the current municipal
23 year, who may or may not be a member of the board of
24 superintending school committee, and who shall have the
25 care and supervision of said public schools under their
26 direction, and act as secretary of that board. They shall
27 fix his salary at the time of his election, which shall not
28 be increased nor diminished during the year for which he
29 is elected, and may at any time dismiss him, if they deem
30 it proper or expedient. A suitable and convenient room
31 shall be furnished by the city for the meetings of said
32 committee, wherein shall be kept their records open to the
33 inspection of the citizens.

The said committee shall annually before the spring
35 election furnish to the city council an estimate in detail of
36 the several sums required during the ensuing municipal
37 year for the support of said public schools, and they shall

38 not increase the expenditures beyond the amount appro-
39 priated therefor.

SECT. 21. *Part 1.* The city council may make, lay,
2 and maintain all such main drains, or common sewers, as
3 they adjudge to be necessary for the public convenience,
4 or the public health, through the public streets, or through
5 the lands of any person or corporation, and may repair
6 the 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 of such
9 dimensions 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 the land is
12 taken therefor, the proceedings shall be the same as pro-
13 vided by the Revised Statutes in the case of laying out
14 streets.

Part 3. The city council shall adjudge what lots or
16 parcels of land are to be benefited by such drains or sew-
17 ers and establish outlines of same and estimate what sums
18 shall be assessed upon such lots and parcels of land, or
19 the owners thereof towards defraying the expense of con-
20 structing such drains or sewers, the whole of said assess-
21 ment not to exceed two-thirds of the cost of such drains
22 or sewers.

Part 4. Upon the application of ten resident tax-payers
24 for the construction of drains or sewers in a locality, the
25 city council, if it deems them necessary, may proceed to
26 construct such drains or sewers, in manner as herein pro-
27 vided.

Part 5. When said drains or sewers are completed the
29 city council shall adjudge what lots or parcels of land are

30 benefited by such drains or sewers, and estimate and assess
31 upon such lots and parcels of land, and against the owners
32 thereof, if known, such sum not exceeding such benefit,
33 as they may deem just and equitable towards defraying
34 the expenses of constructing and completing such drains
35 or sewers, which shall forever thereafter be maintained
36 and kept in order by said city; the city council shall file
37 with the clerk of said city the amount assessed upon each
38 lot or parcel of land so assessed and the name of the owner
39 of each lot or parcel of land, if known, and the clerk of
40 said city shall record the same in a book kept for that pur-
41 pose, and within ten days after filing such notice, each
42 person so assessed shall be notified of such assessment,
43 by having an authentic copy of said assessment, with an
44 order of notice signed by the clerk, stating a time and
45 place for a hearing on the subject matter of said assess-
46 ment given to the person so assessed, or left at his usual
47 place of abode in said city; if he has no place of abode in
48 said city, then such notice shall be given to, or left at the
49 abode of his tenant or lessee, if he has one in said city; if
50 he has no such tenant or lessee in the said city, then by
51 posting the same in some conspicuous place in the vicinity
52 of the lot or parcel of land so assessed, at least thirty
53 days before said hearing; or such notice may be given by
54 publishing the same three weeks successively in one or
55 more newspapers published in Penobscot county, the first
56 publication to be at least thirty days before said hearing;
57 a return made by copy of such notice by any constable of
58 said city, or the production of the paper containing such
59 notice shall be conclusive evidence that such notice has
60 been given, and upon such hearing, the city council shall

61 have power to revise, increase or diminish any such assess-
62 ments, and all such revision, increase, or diminution shall
63 be stated in writing and recorded by the city clerk.

Part 6. Any person who is aggrieved by the doings
65 of said city council in laying out and constructing said
66 drains or sewers, or in making said assessments may
67 appeal therefrom to the next term of the supreme judicial
68 court which shall be holden in the county of Penobscot,
69 more than thirty days from and after the day when the
70 hearing last mentioned is concluded, excluding the day
71 of the commencement of the session of said court; the
72 appellants shall serve written notice of such appeal upon
73 said city council, fourteen days at least before the session
74 of the court, and shall at the first term, file a complaint
75 setting forth the facts of the case; either party shall be
76 entitled to a trial by jury, or the matter in dispute may,
77 if parties so agree, be decided by a committee of reference,
78 and the court shall render such judgment and decree in
79 the premises as the nature of the case may require; at the
80 trial exceptions may be taken to the ruling of the judge as
81 in other cases.

Part 7. All assessments made under the provisions of
83 this act shall create a lien upon each and every lot or
84 parcel of land so assessed, and within ten days after they
85 are made the clerk of said city shall make out a list of
86 all such assessments, the amount of each assessment, the
87 name of the persons, if known, against whom the same
88 are assessed to be by him certified; and he shall deliver
89 the same to the treasurer of said city, and if said assess-
90 ments are not paid within three months from the date of
91 said assessments, then the treasurer shall proceed and

92 sell such of said lots or parcels of land, upon which such
93 assessments remain unpaid, or so much thereof, at public
94 auction as is necessary to pay such assessments, and all
95 costs and incidental charges, in the same way and man-
96 ner that real estate is advertised and sold for taxes under
97 chapter six of the Revised Statutes, which sale shall be
98 made within one year from the time said assessments are
99 made; and upon such sale, the treasurer shall make,
100 execute and deliver his deed to the purchaser thereof,
101 which shall be good and effectual to pass the title to such
102 real estate.

Part 8. Any person to whom the right by law belongs,
104 may, at any time within one year from the date of said
105 sale, redeem such real estate, by paying to the purchaser
106 or his assigns, the sum for which the same was sold, with
107 interest thereon at the rate of twelve per cent per an-
108 num, with cost of reconveyance.

Part 9. If said assessments are not paid, and said city
110 does not proceed to collect them by a sale of the lots or
111 parcels of land upon which they are made, or does not
112 collect, or is in any manner delayed or defeated in col-
113 lecting such assessments, by sale of the real estate so
114 assessed, then the said city in the name of the inhabitants
115 thereof, or in the name of such city, may sue for and
116 maintain an action against the parties so assessed for the
117 amount of said assessment, as for money paid, laid out
118 and expended, in any court competent to try the same,
119 and in such suit may recover the amount of such assess-
120 ment with twelve per cent interest on the same from the
121 date of said assessment, and costs; provided however,
122 that if any lot when sold in the manner before provided,

123 shall not sell for enough to pay the amount of said as-
124 sessment with interest and costs, the owner thereof shall
125 be under no personal liability for the same.

Part 10. When lots and parcels of land adjoining streets
127 where sewers are laid receive no immediate benefit from
128 said drains or sewers constructed and completed in accord-
129 ance with the provisions of this section, the city council
130 may suspend the enforcement of the assessment till said
131 lots, or parts thereof, are improved for building purposes,
132 and the amounts of the assessments shall be filed and car-
133 ried in his accounts by the city treasurer, as assets of
134 the city.

SECT. 22. General meetings of the citizens qualified to
2 vote in the city affairs may, from time to time, be held, to
3 consult upon the public good, to instruct their representa-
4 tives, and to take any lawful measures to obtain redress
5 of any grievances, according to the rights secured to the
6 people by the constitution of this state; and such meetings
7 shall be duly warned by the mayor and aldermen upon
8 requisition of twenty qualified voters. The city clerk
9 shall act as clerk of such meetings, and record the pro-
10 ceedings upon the city records.

SECT. 23. The passage of this act shall not affect any
2 right accruing or accrued, or any suit, prosecution or other
3 legal proceeding pending at the time when it shall take
4 effect by acceptance as herein provided for, and no penalty
5 or forfeiture previously incurred shall be affected thereby.
6 All persons holding office in said town at the time this act
7 shall be accepted as aforesaid, shall continue to hold such
8 offices until the organization of the city government hereby
9 authorized shall be effected, and until their respective suc-
10 cessors shall be chosen and qualified.

SECT. 24. A town meeting may be held at the usual
2 place of meeting in said town for the purpose of submit-
3 ting the question of the acceptance of this act to the legal
4 voters of said town at any time within five years after
5 the passage thereof, except in the months of September
6 and November. At such meeting the polls shall be open
7 from eight o'clock in the forenoon until five o'clock in the
8 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 ninety five, entitled 'An act
12 to incorporate the city of Dexter' be accepted." The se-
13 lectmen 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 ac-
16 ceptance. If at any meeting so held, this act shall fail to
17 be thus accepted, it may, at the expiration of six months
18 or more from any such previous meeting, be again thus
19 submitted for acceptance, but not after the period of five
20 years from the passage thereof. Such meetings shall be
21 called as provided for by the general laws of the state
22 for calling and holding meetings for the transaction of
23 town business.

SECT. 25. So much of this act as authorizes the submis-
2 sion of the question of its acceptance to the legal voters of
3 the said town, shall take effect upon its passage, but it shall
4 not take further effect unless accepted by the legal voters
5 of said town, as herein prescribed, in which case all acts
6 and parts of acts inconsistent with this act are hereby
7 repealed.

STATE OF MAINE.

HOUSE OF REPRESENTATIVES, }
January 22, 1895. }

Tabled, pending first reading, by Mr. PLUMMER of Dexter, and
ordered printed.

W. S. COTTON, *Clerk*