

MAINE STATE LEGISLATURE

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PRIVATE AND SPECIAL

ACTS

OF THE

STATE OF MAINE,

PASSED BY THE

TWELFTH LEGISLATURE,

AT ITS SESSION COMMENCING JANUARY 4, 1832.

PUBLISHED AGREEABLY TO THE RESOLVE OF JUNE 28, 1820.

AUGUSTA:

I. BERRY & CO., PRINTERS TO THE STATE.

1832.

SECT. 4. *Be it further enacted,* That said corporation shall be entitled to all the powers and privileges and subject to all the duties and liabilities specified in an Act to regulate Banks and Banking, passed the thirty first day of March one thousand eight hundred and thirty one.

SECT. 5. *Be it further enacted,* That Joshua Richardson, William Willis and Prentiss Mellen, or a major part of them, may call the first meeting of said corporation, to be holden in Portland, by advertisement in either of the newspapers printed in said Portland seven days at least before the time of such meeting.

CHAPTER 248.

AN ACT to incorporate the City of Portland.

Approved February 28, 1832.

SECT. 1. *Be it enacted by the Senate and House of Representatives, in Legislature assembled,* That the inhabitants of the town of Portland shall continue to be a body politic and corporate by the name of the "City of Portland," and as such shall have, exercise and enjoy all the rights, immunities, powers, privileges, and franchises, and shall be subject to all the duties and obligations now appertaining to, or incumbent upon said town as a municipal corporation, or appertaining to, or incumbent upon the inhabitants or Selectmen thereof; and may ordain and publish such acts, laws, and regulations, not inconsistent with the constitution and laws of this State, as shall be needful to the good order of said body politic; and impose fines and penalties for the breach thereof not exceeding fifty dollars, for any one offence.

SECT. 2. *Be it further enacted,* That the administration of all the fiscal, prudential, and municipal affairs of said City, with the government thereof, shall be vested in one principal Magistrate, to be styled the Mayor, and one Council of seven to be denominated the board of Alder-

men, and one Council of twenty one to be denominated the Common Council, all of whom shall be inhabitants of said City ; which boards shall constitute, and be called the City Council ; and shall be sworn or affirmed to the faithful performance of the duties of their respective offices. Officer shall be sworn, &c.

SECT. 3. *Be it further enacted,* That the Mayor of said City shall be the chief executive Magistrate thereof. Mayor—his duty. 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 Board of Aldermen and Common Council, or either of them, when in his opinion the interest of the City requires it, by a notice in two or more of the papers printed in the City, or by causing a summons or notification to be left at the usual dwelling place of each member of the board or boards to be convened. He shall from time to time communicate to both of them such information, and recommend such measures, as the business and interest of the City may in his opinion require. He shall preside in Shall preside. the Board of Aldermen, and in joint meetings of the two boards, but shall have only a casting vote. He shall be Salary. compensated for his services by a salary to be fixed by the City Council, payable at stated periods, and shall receive therefor no other compensation ; which compensation, however, shall not be increased nor diminished during his continuance in office. *Provided, however,* that the City Proviso. Council shall have power to appoint the Mayor Commissioner of Streets, and allow him a suitable compensation for such service ; but the Aldermen and Common Councilmen shall not be entitled to receive any salary or other Aldermen, and Common Councilmen shall receive no salary. compensation for their services.

SECT. 4. *Be it further enacted,* That the executive powers of said City generally, and the administration of Police, with all the powers of the Selectmen of the town of Portland, except as provided in the thirteenth section of this Act, shall be vested in the Mayor and Aldermen, as fully Powers vested in the Mayor and Aldermen. as if the same had been herein particularly enumerated.

Elections of officers shall be by joint ballot.

Annual meetings of the City Council, &c.

Officers may be removed.

Duties of City Council.

City Assessors.

Proviso.

Assistant Assessors.

All other powers now vested in the inhabitants of said town, and all powers granted by this Act, shall be vested in the Mayor and Aldermen and Common Council of said city, to be exercised by concurrent vote, each board to have a negative upon the other. But all elections of officers by the City Council, shall be by joint ballot of the two boards in convention. The City Council shall, annually, on the first Monday in April, elect all subordinate officers for the ensuing year; define their duties, and fix their compensations, in cases where such duties and compensations shall not be defined and fixed by the laws of this State; and may by concurrent vote remove officers, when in their opinion sufficient cause for removal exists. All officers shall be chosen and vacancies supplied for the current year, except as herein otherwise directed. The City Council shall take care that moneys shall not be paid from the Treasury, unless granted or appropriated; shall secure a prompt and just accountability, by requiring bonds with sufficient penalty and surety or sureties from all persons trusted with the receipt, custody or disbursement of money; shall have the care and superintendance of city buildings, and the custody and management of all city property, with power to let or sell what may be legally let or sold; and to purchase and take, in the name of the city, such real or personal property not exceeding the sum of thirty thousand dollars as they may think useful to the public interest. And the City Council shall, as often as once a year, cause to be published for the information of the inhabitants, a particular account of receipts and expenditures, and a schedule of city property.

SECT. 5. *Be it further enacted,* That the City Assessors who shall be annually appointed by the City Council, shall exercise and be subject to the same powers, duties, and liabilities, that the Assessors in the several towns in this State may exercise and be subject to under existing laws—*Provided, however,* that the City Council shall appoint one person in each ward, whose duty it shall be to furnish the Assessors with all necessary information relative to persons and property, taxable in his ward; and who shall be

sworn or affirmed to the faithful performance of his duty. All taxes shall be assessed, apportioned and collected in the manner prescribed by the laws of this State relative to town taxes: *Provided, however,* that it shall and may be lawful for the City Council to establish further or additional provisions for the collection thereof.

Taxes—how assessed.

Proviso.

SECT. 6. *Be it further enacted,* That the City Council shall have exclusive authority and power to lay out any new street or public way, or widen, or otherwise alter, any street or public way in said City of Portland; and to estimate the damages any individual may sustain thereby; and shall in all other respects be governed by, and subject to, the same rules and restrictions as are provided in the laws of this State regulating the laying out and repairing streets and public highways. And any person aggrieved by the decision or judgment of said City Council, may, so far as relates to damages, appeal therefrom to the next Court of Common Pleas in the county of Cumberland, which court is hereby empowered to hear and finally determine the same, by a committee, if the parties agree, or by a jury, and to render judgment and issue execution upon the report of such committee, or verdict of the jury, with cost for the prevailing party.

City Council shall have power to lay out streets, &c.

SECT. 7. *Be it further enacted,* That all the laws and regulations now in force in said town shall, notwithstanding this Act, be and remain in force until they shall expire by their own limitation, or be revised or repealed by the City Council. And prosecutions and suits may be commenced and proceeded thereon in the name of the city, by officers, or other persons thereby empowered or directed to prosecute and sue; and the fines and penalties shall go to the uses in such laws or regulations named, or according to law.

Regulations now in force shall so remain until, &c.

SECT. 8. *Be it further enacted,* That the Municipal Court of the town of Portland shall have, in addition to its present powers and jurisdiction, which are hereby continued to it, cognizance of all offences against the by-laws and regulations which may be established by the City Council of the City of Portland; and may, on conviction therefor, award such sentence as to law and justice may

Municipal Court.

appertain; and any person, aggrieved by such sentence, may appeal therefrom to the Court of Common Pleas for the County of Cumberland, under the restrictions and conditions that the law provides in other cases of appeal from said Court.

SECT. 9. *Be it further enacted,* That for the purpose of holding elections for City Officers, said city shall be divided into seven wards, to contain as nearly as may conveniently be, an equal number of voters. And it shall be the duty of the City Council, once in ten years, or oftener, to revise, and if it be needful to alter said wards, in such manner as to preserve, as nearly as may be, an equal number of voters in each. In each of said wards there shall, annually, on the Tuesday preceding the second Monday in April, be chosen, by written ballot, a Warden and Clerk, who shall hold their offices for one year, and until others shall have been chosen in their places. Said Warden and Clerk shall be sworn or affirmed to the faithful performance of their respective duties, by any Justice of the Peace of said city; and a certificate of such oaths or affirmations having been administered, shall be entered by the Clerk on the records of the ward. The Wardens shall preside at all ward meetings, with the powers of Moderators of town meetings. And if at any meeting the Warden should not be present, the Clerk of such ward shall call the meeting to order, and preside until a Warden pro tem. shall be chosen. The Clerk shall record all the proceedings and certify the votes given; and deliver over to his successor in office all such records and journals, together with all other documents and papers held by him in said capacity. The inhabitants of each ward may choose two persons to assist the warden in receiving, sorting and counting the votes. The list of the names of the legal voters in each ward shall be prepared by the Assessors and Board of Aldermen, assisted by the Wardens, in the same manner and under the same restrictions as are imposed by the laws of this State on the Assessors and Selectmen of towns. And all regular ward meetings shall be notified and called by a warrant from the Mayor and Aldermen, in the manner pre-

City shall be divided into seven wards, &c.

Warden and Clerk.

Their duty.

Assistant Wardens.

List of the names of legal voters to be prepared by Assessors and Board of Aldermen.

Meetings how notified.

scribed by the laws of this State, for notifying and calling town meetings by the Selectmen of the several towns.

SECT. 10. *Be it further enacted,* That the Mayor shall be elected from the citizens at large, by the inhabitants of the City, voting in their respective Wards; one Alderman and three Common Councilmen shall be elected by each Ward, being residents in the Wards where elected; all said officers shall be elected by written ballot, by a majority of the votes given, and shall hold their offices one year from the second Monday in April, and until others shall be elected in their places.

Mayor, Aldermen and Common Councilmen—how to be elected.

SECT. 11. *Be it further enacted,* That, on the Tuesday next preceding the second Monday in April, annually, immediately after a Warden and Clerk shall have been elected and sworn, the qualified electors of each Ward, shall ballot for a Mayor, one Alderman and three Common Councilmen; all the votes given for the said several officers respectively, shall be sorted, counted, declared and registered in open Ward Meeting, by causing the names of the persons voted for, and the number of votes given for each, to be written in the Ward Record, in words at length.

When.

The Ward Clerk, within twenty four hours after such election, shall deliver to the persons elected Aldermen and Common Councilmen, certificates of their election, and shall forthwith deliver to the City Clerk, a certified copy of the record of such election; *Provided, however,* that if

Duty of Ward Clerks.

the choice of Alderman and Common Councilmen cannot conveniently be effected, on that day, the meeting may be adjourned to another day, not more than two days thereafter, to complete such election. The Board of Aldermen

Proviso.

shall, as soon as conveniently may be, examine the copies of the records of the several Wards, certified as aforesaid, and shall cause the person, who shall have been elected Mayor, by a majority of the votes given in all the Wards, to be notified in writing of his election; but if it shall appear that no person shall have been so elected, or if the person elected shall refuse to accept the office, the said Board shall issue their warrants for another election, and in case the citizens shall fail on a second ballot to elect a

Board of Aldermen shall examine the copies of the records of the several Wards, &c.

When no choice of Mayor shall have been made on second ballot—what proceedings shall be had.

Oath or affirmation to, and by whom administered,

Mayor, the City Council in convention shall, from the four highest candidates voted for and returned, elect a Mayor for the ensuing year ; and in case of a vacancy in the office of Mayor, by death, resignation or otherwise, it shall be filled for the remainder of the term by a new election, in the manner herein before provided for the choice of said officer. The oath, or affirmation, prescribed by this Act, shall be administered to the Mayor by the City Clerk, or any Justice of the Peace in said city. The Aldermen and Common Councilmen, elect, shall, on the second Monday in April, at ten o'clock in the forenoon, meet in convention, when the oath or affirmation, required by the second section of this Act, shall be administered to the members of the two Boards present, by the Mayor, or any Justice of the Peace, and thereupon the two Boards shall separate, and the Board of Common Council shall be organized by the election of a President and Clerk.

Duties of City Clerk.

SECT. 12. *Be it further enacted,* That the City Clerk shall be Clerk of the Board of Aldermen. He shall perform such duties as shall be prescribed by the Board of Aldermen, or Common Council, and shall perform all the duties, and exercise all the powers by law incumbent upon, or vested in, the Town Clerk of the town of Portland. He shall give notice in two of the papers printed in said city, of the time and place of regular Ward meetings ; but the place of regular Ward meetings, and also the day and hour, when not fixed by law, shall be determined by the Board of Aldermen. The Board of Aldermen may, in the absence of the Mayor, choose a President pro tempore, who shall preside at joint meetings of the two Boards. Each Board shall keep a record of its proceedings, and judge the election of its own members : and in case of failure of election, or of vacancy by death, resignation, or otherwise, may order new elections. A quorum for the transaction of business, shall, in each Board, consist of a majority of the members thereof.

Board of Aldermen may choose President pro tempore.

Record.

Quorum.

SECT. 13. *Be it further enacted,* That for all the purposes of the election of Governor, Senators, and Representatives, in the Legislature of this State, and Register of

Deeds, and Treasurer for the County of Cumberland, and of Representatives in Congress, and Electors of President and Vice President, the inhabitants of said town of Portland shall, however, remain and continue a town, and shall possess all the rights and powers, and be subject to all the duties, obligations and liabilities of other towns in this State, so far as regards the election of the officers aforesaid. And the Aldermen of said city shall, *ex officio*, be the Selectmen of said town for the purposes of all such elections; and the election of persons to the office of Aldermen of said city, shall be taken and deemed, and is hereby declared, an election to the office of Selectmen of said town; and the city Clerk and city Assessors shall, *ex officio*, be town Clerk and town Assessors for all the purposes of such elections; and the election of any person to the office of city Clerk, or to the office of city Assessor, shall be taken and deemed, and is hereby declared an election to the office of town Clerk and Assessor of the town, respectively; and the said Officers, in addition to their oath of office as city officers, shall respectively be sworn, as Selectmen, town Clerk, and Assessors of the town of Portland, as now required by law; and they shall be required to perform all the duties, shall be under all the obligations, and shall be subject to all the liabilities, that the Selectmen, town Clerk, and Assessors of other towns are, for all the purposes of the election of Governor, Senators, and Representatives in the Legislature of this State, and Register of Deeds, and Treasurer for the County of Cumberland, and of Representatives in Congress, and Electors of President and Vice President; and the city Constables shall be Constables of the town for the purpose of notifying all town meetings for such elections, and of maintaining order in said meetings.

Portland to continue a town for certain purposes.

Duties of officers.

SECT. 14. *Be it further enacted*, That general meetings of the citizens, qualified to vote in city affairs, may, from time to time, be held to consult upon the public good—to instruct their Representatives, and to take all lawful measures to obtain redress of any grievances according to the right secured to the people by the Constitution of this

General meetings.

State, and such meetings may, and shall be, duly warned by the Mayor and Aldermen upon the requisition of thirty qualified voters of said city.

Duty of the Selectmen of the town of Portland.

SECT. 15. *Be it further enacted,* That it shall be the duty of the Selectmen of the town of Portland, as soon as may be, after this Act shall have been accepted, as hereinafter provided, to cause a division of the said town to be made into seven Wards, in such manner as to include, as nearly as conveniently may be consistently with well defined limits to each Ward, an equal number of voters in each Ward.

Selectmen shall issue their warrant for calling meetings for the purpose of choosing officers.

SECT. 16. *Be it further enacted,* That for the purpose of organizing the system of Government hereby established, and putting the same into operation in the first instance, the Selectmen of the town for the time being, shall, seasonably, before the second Monday of April, issue their Warrants for calling meetings of the said citizens, at such place and hour as they shall think expedient, for the purpose of choosing a Warden and Clerk for each Ward, and also to give in their votes for a Mayor to be taken from the city at large, and one Alderman and three Common Councilmen for each Ward; and the transcript of the records of each Ward, specifying the votes given for a Mayor, one Alderman and three Common Councilmen, certified by the Warden and Clerk of such Ward, shall at said first election be returned to the said Selectmen of the said town of Portland, whose duty it shall be to examine and compare the same. And in case said elections shall not be complete at the first election, then to issue a new Warrant until such election shall be completed, and to give notice thereof in the manner herein before directed, to the several persons elected. And at said first meeting, any inhabitant of said Ward, being a legal voter, 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 Portland 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 it shall be the duty of the city

New warrants in case, &c.

council in convention, immediately after their first organization, to elect by ballot a city Clerk, and all other necessary city officers, who shall hold their offices respectively until the second Monday in April then next. Term of office.

SECT. 17. *Be it further enacted*, That this act shall take effect and be in full force when the same shall have been accepted by the inhabitants of said town, qualified to vote in town affairs, at a legal town meeting called for that purpose, and by such a majority of all the votes given on the question of its acceptance, that the number in favor of such acceptance shall be to the number against it, in the proportion of, at least, four to three: *Provided* it shall be so accepted within three years from the passing of this Act; but not more than one meeting, for that purpose, shall be called in the same year. And the vote on such acceptance shall be taken by written or printed ballot. This Act to take effect—when, &c. Proviso.

SECT. 18. *Be it further enacted*, That all Acts, and parts of Acts, inconsistent with the provisions of this Act, be and the same are hereby repealed, from and after the time when this Act shall have been accepted as aforesaid, and the new system of government organized, as herein provided. Acts repealed.

CHAPTER 249.

AN ACT to incorporate the Exchange Bank.

Approved February 29, 1832.

SECT. 1. *Be it enacted by the Senate and House of Representatives, in Legislature assembled*, That James C. Churchill, William P. Preble, Jacob Knight, Hezekiah Winslow, Solomon H. Mudge, Luther Jewett, Levi Cutter, Ashur Ware, Nathaniel Mitchell, John Chandler, John Dunlap, James B. Cahoon, Ezekiel Day and their associates, successors and assigns be and hereby are made a Corporation by the name of the President, Directors and Company of the Exchange Bank, and shall so continue until the first day of Names of persons incorporated. Corporation shall continue