

# MAINE STATE LEGISLATURE

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PRIVATE AND SPECIAL

ACTS

OF THE

STATE OF MAINE,

PASSED BY THE

THIRTEENTH LEGISLATURE,

AT ITS SESSION COMMENCING JANUARY 2, 1833.

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PUBLISHED AGREEABLY TO THE RESOLVE OF JUNE 28, 1820.

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AUGUSTA:

I. BERRY & CO. PRINTERS TO THE STATE.

1833.

SECT. 2. *Be it further enacted,* That the first meeting of said Corporation may be called by said Warren Preston, by giving such notice as he may think proper.

First meeting.

CHAPTER 324.

AN ACT in addition to an Act to incorporate the town of Pembroke.

Approved February 15, 1833.

*Be it enacted by the Senate and House of Representatives, in Legislature assembled,* That the inhabitants of the town of Pembroke be, and they hereby are, authorized to assess the rateable polls and estates in said town, a sum equal to said town's just proportion of the State and County Taxes, assessed upon the town of Dennysville, for the year one thousand eight hundred and thirty two; and pay over the same to the Treasurer of said town of Dennysville, when thereto required. And said Treasurer is hereby authorized to receive, demand and recover the same to the use of the inhabitants of said town of Dennysville.

Inhabitants may assess on the rateable polls & estates in Pembroke a just proportion of the taxes assessed upon Dennysville for 1832.

Treasurer authorized to recover the same.

CHAPTER 325.

AN ACT in addition to An Act to incorporate the City of Portland.

Approved February 19, 1833.

SECT. 1. *Be it enacted by the Senate and House of Representatives, in Legislature assembled,* That hereafter every law, act, ordinance or bill, for the appropriation of money, having passed both branches of the City Council, shall be presented to the Mayor of the City; and if he approve the same, he shall sign it; if not, he shall return it, in seven days with his objections, to that branch of the City Council.

Bills &c. for the appropriation of money, shall be presented to the Mayor;

If he approve the same he shall sign it—if not—what pro-

ceeding shall be had.

cil, in which it shall have originated, which shall enter the objections at large on its journals, and proceed to reconsider said law, act, ordinance or bill. If, upon such reconsideration, two thirds of the whole number of that branch shall agree to pass it, it shall be sent, together with the objections, to the other branch, by which it shall be reconsidered, and, if approved by two thirds of that branch, it shall have the same effect as if signed by the Mayor.

The several Islands within the city of Portland, made a Ward, for certain purposes.

SECT. 2. *Be it further enacted,* That in addition to the wards, enumerated in the ninth Section of the Act, to which this is additional, the several Islands within the City of Portland shall be and hereby are so far constituted a separate ward, as to be entitled to choose a Warden, Ward-Clerk and one Common Council man, and, for that purpose, to hold their ward meetings on the same days with the other wards, on any one of the Islands aforesaid, which a majority of the qualified electors, residing on said Islands, may designate as a central and suitable place therefor; and at such meetings, there holden, the electors residing on the Islands may ballot for Mayor and Alderman: *Provided,* however, That the votes thus thrown for Mayor and Alderman shall be deemed as thrown in and belonging to ward numbered one. And after any meeting, at which there shall be a balloting for a Mayor or Alderman, or both, it shall be the duty of the Clerk of the Island ward aforesaid, within eighteen hours after such meeting, to make a certified return of the votes for Mayor and Alderman as aforesaid to the Clerk of ward numbered one, to become a part of the record of said last named ward.

Proviso.

Two Constables shall be elected in each Ward.

SECT. 3. *Be it further enacted,* That at the annual election, holden for the choice of Mayor and Alderman, the qualified electors in each ward shall by written ballot elect two Constables, who shall be denominated City Constables, with all the powers, duties and liabilities appertaining to the office of Constable.

City of Portland authorized to maintain a Fish Market.

SECT. 4. *Be it further enacted,* That the City of Portland be and they hereby are authorized to erect and maintain one or more Fish Markets, at such places below low-water

mark in said City as they may find to be necessary and convenient for said City.

SECT. 5. *Be it further enacted,* That it shall be lawful for the City Council, by a committee by them appointed, or by instructions to the Commissioner of streets, to appropriate, set off, and reserve, as side walks, such part or proportion of the several streets in said City, now or hereafter to be established, as to said City Council may appear necessary for the safety, convenience and accommodation of foot passengers.

Authority of City Council in relation to side walks.

SECT. 6. *Be it further enacted,* That it shall be lawful for the City Council to permit or direct posts of stone or wood, or trees, to be placed along the edge of said side walks, next to the travelled part of the street, in such number and manner as they may deem necessary to protect said side walks, and the passengers travelling thereon, from damage or inconvenience from teams or carriages.

May cause posts of stone &c. to be placed along the edge of side walks, to protect them from injury.

SECT. 7. *Be it further enacted,* That so much of the several streets in said City, as shall be appropriated and reserved for side walks, agreeably to the provisions of this Act, shall be taken and deemed to be reserved exclusively for the accommodation, convenience and use of persons travelling on foot; and said City shall not be liable to damages for injury done or occasioned in consequence of any cart, carriage, wagon, truck or other vehicle, or any team or animal, striking against any of said side walks, or the posts, or trees, set or placed to defend the same.

Side walks to be reserved exclusively for persons travelling on foot.

SECT. 8. *Be it further enacted,* That the several side walks in said City, as at present established and used, shall be taken and deemed to be the proper and lawful reservations for that purpose, until altered or otherwise established by the proper authority.

SECT. 9. *Be it further enacted,* That the City Council shall have power, on such terms and conditions as they may think proper, to authorize and empower any person or corporation to place in any street, for such time as may be necessary, any materials for making or repairing any street, side-walk, cross-walk, bridge, water-course or drain, or for erecting, repairing or finishing any building or

City Council empowered to authorize persons to occupy the streets for certain purposes.

Proviso.

fences; *Provided*, That not more than one third of the width of the street shall be so occupied. And such materials, so placed by virtue of any license obtained as aforesaid, shall not be considered as an incumbrance or nuisance in such street; and the City or person or corporation, so placing the same, shall not be liable for any damage occasioned by such materials. *Provided* however, That this Act shall not take effect or be in force against any person or persons, (excepting inhabitants who have a residence and settlement in the City of Portland,) and shall not be so construed as to deprive him or them of any right or privilege to which they are now entitled by the general laws of this State, and particularly the right of recovering damages against said Corporation for injuries sustained by reason of their highways or streets being incumbered, unsafe and out of repair.

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### CHAPTER 326.

AN ACT to incorporate the Peucinian Society of Bowdoin College.

Approved February 20, 1833.

Names of persons incorporated.

*Be it enacted by the Senate and House of Representatives, in Legislature assembled*, That John D. Kinsman, Philip Eastman, and George W. Bachelder, with their associates, successors and assigns, be and they hereby are, incorporated into a Company by the name of the Peucinian Society of Bowdoin College; for the purpose of diffusing useful knowledge and promoting the interests of science and literature; with power by that name to prosecute and defend suits in law or equity; use a common seal; make and establish by-laws, not repugnant to the laws of the State, for the management of their affairs; take, hold and convey any estate, real and personal, to an amount not exceeding the sum of Five Thousand Dollars in value, over and above the value of their books. And John D. Kinsman is here-

Their powers &c.