

MAINE STATE LEGISLATURE

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PRIVATE AND SPECIAL

ACTS

OF THE

STATE OF MAINE,

PASSED BY THE

FOURTEENTH LEGISLATURE,

At its Session, held in January, 1834.

PUBLISHED AGREEABLY TO THE RESOLVE OF JUNE 28, 1820.

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1834.

CHAPTER 436.

AN ACT to incorporate the City of Bangor.

Approved February 12, 1834.

SECT. 1. *Be it enacted by the Senate and House of Representatives, in Legislature assembled,* That the inhabitants of the town of Bangor shall continue to be a body politic and corporate by the name of the City of Bangor, 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 on said town, as a municipal corporation, or appertaining to, or incumbent upon the inhabitants or officers thereof; and may ordain and establish 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 offence, to be recovered by action of debt in the name of the City Treasurer, or upon complaint of the police officer, as for a criminal offence.

Rights, powers, privileges, &c.

May establish acts, laws and regulations—

and impose fin and penalties.

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 Aldermen, 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 to the faithful performance of the duties of their respective offices.

Prudential and municipal affairs vested in the Mayor.

Board of Aldermen and Common Council.

SECT. 3. *Be it further enacted,* That 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 of

Duties of Mayor.

May call special meetings of city council—

law 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 newspapers 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

communicate information, &c.

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 the Board of Aldermen, and in joint meetings of the two boards, but shall have only a casting vote.

To preside in Board of Aldermen.

He shall receive for his services a salary to be fixed by the city Council, payable at stated periods, and shall receive therefor no other compensation; and the same shall not be increased nor diminished during the period for which he is elected: *Provided however*, That the city Council may appoint the Mayor, Commissioner of streets, and allow him a suitable compensation for such service; but the Aldermen and Common Council shall receive no compensation for their services.

Salary to be fixed by Common Council.

Proviso.

SECT. 4. *Be it further enacted*, That the executive power

Executive power and administration of Police vested in the Mayor and Aldermen.

of the said city and the administration of Police, with all the powers of Selectmen of Bangor, except as is provided in the eighteenth section of this Act, shall be vested in the Mayor and Aldermen, as fully as if the same had been particularly enumerated herein. And all other powers now vested in the inhabitants of said town, and all powers granted by this Act shall be vested in the Mayor, Aldermen and Common Council of said city, to be exercised by a 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, annually, on the fourth Monday of March, shall elect all subordinate officers for the ensuing year, define their duties and fix their compensation, in cases where such duties and compensation shall not be defined and fixed by the laws of the State; and may

Elections of officers to be by joint ballot.

Election to be on fourth Monday of March.

remove such subordinate officers, when, in their opinion sufficient cause exists, two thirds of each board concurring therein. All officers shall be chosen and vacancies supplied for the current year, except as is herein otherwise directed. The city Council shall take care, that money shall not be paid from the Treasury unless granted or appropriated, and shall secure a prompt and just accountability, by requiring bonds with sufficient penalty and surety or sureties from all persons entrusted with the receipt, custody or disbursement of money; and shall have the care and superintendence 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 One Hundred Thousand Dollars, as they may think useful to the public interest. And the city Council, as often as once in each year, shall cause to be published, for the use of the citizens, a particular account of receipts and expenditures and a schedule of city property.

City Council to require bonds from all persons entrusted with the disbursement of money.

To have the care of city property, &c.

and publish annually an account of city expenditures.

SECT. 5. *Be it further enacted,* That the city Assessors who shall be annually appointed by the city Council, shall exercise the same powers and be subject to the same duties and liabilities, as the assessors of the several towns in the State may exercise and are subject to under the 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, who shall be sworn or affirmed to the faithful performance of his duty. All taxes shall be assessed and 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 and additional provisions for the collection thereof.

Duties and liabilities of city assessors.

Proviso as to the appointment of assistant assessors.

SECT. 6. *Be it further enacted,* That the city Council shall have exclusive authority and power to lay out and establish any new street or public way, or widen or other-

Power of City Council to lay out and establish streets and

estimate damages.

wise alter any street or public way in said city of Bangor, and to estimate the damage any individual may sustain thereby. And in all other respects the city Council shall be governed by and subject to the same rules and restrictions as are provided by the laws of this State, regulating the laying out and repairing streets and public highways.

Persons aggrieved may appeal to Court of Common Pleas.

And any person aggrieved by the decision of the city Council, may, so far as relates to damages appeal therefrom to any Court of Common Pleas within the county of Penobscot, which may be held within six months from and after such decision, which court is hereby empowered to hear and determine the same by a committee, if the parties agree thereto, or by a jury, and to render judgment and issue execution upon the report of such committee, or verdict of the jury, with costs to the prevailing party.

Laws and regulations now in force to remain until they expire, or be revised or repealed.

SECT. 7. *Be it further enacted,* That all the laws and regulations now in force in said town, shall be and remain in force notwithstanding this Act, until they 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 such as are by law provided.

City to be divided into seven wards.

to be revised and altered once in ten years.

Each ward to choose Warden and Clerk—

to be sworn to faithful dis-

SECT. 8. *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 near as conveniently may 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 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 be chosen by ballot, annually, on the second Monday of March, a Warden and Clerk, who shall hold their offices for one year and until others have been chosen and sworn to supply their places. Said Warden and Clerk shall be sworn or affirmed to faithful performance of their respec-

tive duties, by any Justice of the Peace of said city ; and a certificate of such oaths or affirmations having been administered shall be entered on the records of said ward. The Warden shall preside at all ward meetings, with the powers of a moderator of town meetings. And if at any meeting the Warden shall be absent, the Clerk of such ward shall call the meeting to order and preside, until a Warden, *pro tempore*, 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. A 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 called and notified by a warrant from the Mayor and Aldermen in the manner prescribed by the laws of the State for calling and notifying town meetings by the Selectmen of the several towns.

SECT. 9. *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 Council men shall be elected by each ward, being resident in the wards, where they are elected; all said officers shall be elected by ballot, by a majority of the votes given in, and shall hold their offices one year, from the third Monday of March, and until others are elected and sworn in their places.

SECT. 10. *Be it further enacted*, That on the second Monday of March annually, immediately after a Warden and Clerk have been elected and sworn, the qualified electors of each ward shall ballot for a Mayor, one Alderman and three Common Council men ; all the votes given for the said several officers respectively shall be sorted,

charge of the duties— and a certificate thereof entered on the records. Duties of Warden:

—Clerk.

List of voters in each ward to be prepared by assessors and Board of Aldermen.

Ward meetings how called and notified.

Mayor to be elected by citizens at large:

—and one Alderman and three Common Council men in each Ward.

Elections to be held on second Monday of March.

Votes to be sorted, counted, &c.

in open Ward meeting.

Clerk to deliver to persons elected certificates of their election in 24 hours.

Proviso.

Board of Aldermen to examine copies of the records and notify the Mayor of his election:

—and in case there is no choice, &c. issue the warrant for a second election.

If no choice on the second ballot, Mayor to be chosen by City Council.

Vacancy in the office of Mayor to be filled by a new election.

Oath, how administered to the Mayor:

—and City Council.

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 words at length. The ward Clerk, within twenty four hours after such election, shall deliver to the persons elected Alderman and Common Council men, 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 the election of Alderman and Common Council men cannot be effected on that day, the meeting may be adjourned to another day, not more than two days thereafter, and thence from day to day to complete such election. The board of Aldermen shall examine the copies of the records of the several wards, certified as aforesaid, as soon as conveniently may be, and shall cause the person, whom they shall determine to have been elected Mayor by a majority of the legal 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 warrant for another election; and, if the citizens shall fail on a second ballot to elect a Mayor, the city Council, in convention, from the four highest candidates voted for and returned, shall 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 by the city Clerk, or any Justice of the Peace in said city. The Aldermen and Common Council men elect, on the third Monday of March at ten o'clock in the forenoon, shall 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 within the city; and thereupon the two Boards shall separate; and the Board of Common Council shall be organized by the election of a President and Clerk.

SECT. 11. *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 Bangor. He shall give notice, in two of the newspapers printed in the city, of the time and place of regular ward meetings; but the place of regular ward meetings, and the day and hour, when not fixed by law, shall be determined by the Board of Aldermen.

Duties of City Clerk.

Whenever the Mayor shall be absent from the city, or be prevented by sickness or any other cause from attending the duties of his office, the Board of Aldermen may choose a President, *pro tempore*, who shall possess all the rights and powers of the Mayor during such absence or disability.

In absence of the Mayor Board of Aldermen may choose President *pro tem*.

Each Board shall keep a record of its proceedings, and judge of the election and qualifications of its own members; and in case of failure of election, or of vacancy by death, resignation or otherwise, may order new elections; may determine the rules of its proceedings, punish its members for disorderly behaviour, and with the concurrence of three fourths expel a member, but not a second time for the same cause: a majority shall constitute a quorum for doing business, but a smaller number may adjourn, and may compel the attendance of absent members, in such manner and under such penalties, as each Board shall provide.

Each Board to keep a record of its proceedings:

—majority to constitute a quorum.

SECT. 12. *Be it further enacted,* That the Mayor shall have power with the consent of the Board of Aldermen, in case of any riot or other disturbance within the city, of so violent a nature, that the Police or civil authority of the city cannot restrain or quell the same, to call out one or more of the companies of militia organized within the limits of the city to restrain and quell such riot or disturbance; and the commanding officer of such company or companies, when thus called out, shall be subject to the orders of the Mayor.

Powers of Mayor in cases of riot.

SECT. 13. *Be it further enacted,* That there be and hereby is established a court, to be denominated the Municipal

Municipal Court established:

—jurisdiction. Court for the city of Bangor, to consist of one Judge, who shall have concurrent jurisdiction with Justices of the Peace in all matters civil and criminal, within the county of Penobscot, and original and exclusive jurisdiction in all civil actions, in which both parties interested, or in which the party plaintiff and the person or persons summoned as trustees, shall be inhabitants of, or resident in said city of Bangor; excepting all actions in which said Judge may be interested; and he shall have concurrent jurisdiction with Justices of the Peace and Quorum in all cases of forcible entry and detainer, arising in said county, and original and exclusive jurisdiction in all such cases arising in said city of Bangor. And the said Judge shall have jurisdiction of all cases of simple larceny, wherein the property, alleged to have been stolen, shall not exceed in value the sum of twenty dollars; and shall have power to try the same and award such sentence upon conviction, as is by law provided for such offence: *Provided however*, That the several Justices of the Peace in said city of Bangor shall continue to have and exercise all the power and authority in them vested by the laws of the United States. And the said Judge shall also have exclusive jurisdiction of all offences against the by-laws of said city. And any person aggrieved by any judgment awarded by said Judge may appeal therefrom to the Court of Common Pleas in like manner as if the same had been awarded by any Justice of the Peace.

Jurisdiction in cases of simple larceny.

Proviso.

Persons aggrieved may appeal.

Duties of Recorder of Municipal Court:

—to receive all fees and render an account thereof:

SECT. 14. *Be it further enacted*, That there shall be a Recorder of said Court, whose duty it shall be to make and keep its records and perform all the duties, which are usually exercised by clerks of courts; he shall be under oath, and shall give bond to the city Treasurer with surety or sureties in such penal sum as the said Judge shall determine, conditioned for the faithful performance of the duties of his office. And it shall be the duty of said Recorder to receive all fees, which are or may be by law payable to said Court, and shall render an account thereof upon oath and pay over the same to the city treasurer, quarter

yearly. And in case of the death of said Judge, or whenever he may be necessarily absent from the city, or shall be prevented by sickness or any other cause from attending to the duties of his office, the said Recorder shall have the powers and perform the duties of said Judge until another person be appointed or during such absence or disability, as the case may be, excepting the trial of issues in civil actions. And copies of the records of said Court duly certified shall be evidence in other Courts.

—to perform the duties of Judge in case of the absence of the Judge.

SECT. 15. *Be it further enacted*, That the said Judge and Recorder shall be appointed by the Governor, by and with the advice of the Council; and the said Judge shall receive in full for his services eight hundred dollars, per annum, to be paid quarterly from the city treasury; and the Recorder shall receive, to be paid in like manner, the sum of two hundred and fifty dollars. Neither the Judge nor Recorder shall act, as counsel or attorney, in any case within the jurisdiction of said Court, nor in any suit, matter or thing, which may depend on, or have relation to, any case, matter or thing depending or cognizable in said Court.

Judge and Recorder to be appointed by the Governor and Council:

Salary.

—not to act as counsel or attorney.

SECT. 16. *Be it further enacted*, That said Court shall be held on Monday of each week, at nine of the clock in the forenoon, for the transaction of civil business, and all civil process shall be made returnable at that time. And there shall be taxed for the entry of a civil action in said Court, twenty cents; for an execution, ten cents; and for each continuance, five cents; and the fees in all other cases civil and criminal shall be the same, as are taxable by Justices of the Peace. And all fines, penalties and bills of cost, which may be awarded by the Judge of said Court, shall be accounted for and paid over in the same manner, as if the same had been awarded by the sentence of a Justice of the Peace.

Court to be holden once a week for transaction of civil business.

Fees.

Fines, penalties and costs to be accounted for.

SECT. 17. *Be it further enacted*, That the city of Bangor shall have power to raise money for defraying the expenses of said Municipal Court and for providing a suitable room in which to hold the same.

City of Bangor to defray expenses, &c.

SECT. 18. *Be it further enacted*, That for all the purposes

Inhabitants of Bangor to continue a town for election of State and U. States officers.

Aldermen to constitute a board of Selectmen.

City Clerk and assessors to perform the duties required of town clerk and assessors.

General meetings of citizens may be held from time to time.

of the election of Governor, Senators, and Representatives in the Legislature of this State, and Register of Deeds and Treasurer of the County of Penobscot, and of Representatives in Congress and Electors of President and Vice President, the inhabitants of said town of Bangor shall remain and continue a town, and shall possess all the rights and powers, and shall 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, *ex officio*, shall 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 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, as city officers, shall respectively be sworn, as Selectmen, town Clerk and Assessors of the town of Bangor, as now required by law; and they shall be required to perform all the duties, shall be under all the obligations and 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 the officers aforesaid; and the city Constables shall be Constables of the town for the purposes of notifying all town meetings for such elections, and of maintaining order in said meetings.

SECT. 19. *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 State; and such meetings may and shall be duly warned by

the Mayor and Aldermen upon the request in writing of thirty qualified voters of said city.

SECT. 20. *Be it further enacted*, That it shall be the duty of the Selectmen of the town of Bangor, as soon as may be, after this act shall have been accepted, as hereinafter provided, to cause a division of 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 to divide the town of Bangor into wards.

SECT. 21. *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 of Bangor for the time being shall seasonably, before the second Monday of March next, 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 Council men for each ward; and the transcript of the record of each ward, specifying the votes given for a Mayor, certified by the Warden and Clerk of such ward, shall at said election be returned to the Selectmen of said town of Bangor, whose duty it shall be to examine and compare them. And in case said election shall not be effected at the first trial, the said Selectmen shall issue a new warrant until such election shall be effected, and shall give notice thereof to the person elected Mayor, in the manner herein before directed. And at said first meeting, any inhabitant of a 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 Bangor, 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 Council, in convention, immediately after their first organization, to elect by ballot a city Clerk and all other necessary city

City Government—how to be organized and put in operation.

Proceedings in case there is no choice of Mayor.

Ward list to be prepared by Selectmen.

officers, who shall hold their offices until the fourth Monday of March then next.

SECT. 22. *Be it further enacted*, That this Act shall take effect and be in force, when the same shall have been accepted by the inhabitant of said town, qualified to vote in town affairs, at a legal town meeting held 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 at least of four to three: *Provided*, it shall be so accepted within three years from the passing this act; but not more than one meeting for that purpose shall be called in the same year. And the vote on such question shall be taken by ballot.

SECT. 23. *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.

CHAPTER 437.

AN ACT to incorporate the Sebois Sluice-way Company.

Approved February 14, 1834.

SECT. 1. *Be it enacted by the Senate and House of Representatives, in Legislature assembled*, That James T. Hobart and Sylvanus L. Mitchell, with their associates and successors be, and hereby are created a corporation by the name of the Sebois Sluice-way Company, with power to prosecute and defend suits at law; to have a common seal, to make by-laws for the management of their affairs, not repugnant to the laws of this State: and the proprietors of said Sluice-way shall make and keep a good and sufficient Sluice-way by the Falls on the west branch of the Sebois river in township numbered six, seventh range in the County of

Three fourths of the legal voters required for the acceptance of this act.

Proviso.

Former acts repealed.

Persons incorporated.

Powers, privileges, &c.

To keep open a sluice way in Sebois river.