

# MAINE STATE LEGISLATURE

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ACTS AND RESOLVES

PASSED BY THE

TWENTY-SEVENTH LEGISLATURE

OF THE

STATE OF MAINE,

A. D. 1847.

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Published by the Secretary of State, agreeably to Resolves of June 28, 1820, February 26, 1840,  
and March 16, 1842.

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WILLIAM T. JOHNSON, PRINTER TO THE STATE.

1847.

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PRIVATE AND SPECIAL LAWS

OF THE

STATE OF MAINE,

1847.

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**ERRATA:**

**The following leaf is  
inserted because one or more pages  
in this chapter have errors  
noticed and corrected here.**

## STATE OF MAINE.

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SECRETARY'S OFFICE, Augusta, Dec. 25, 1847.

I hereby certify, that the acts and resolves contained in this pamphlet have been compared with the originals deposited in this office, and appear to be correctly printed, with the exceptions mentioned in the *errata* hereunto annexed.

EZRA B. FRENCH, *Secretary of State.*

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### ERRATA.

#### PRIVATE AND SPECIAL LAWS.

Chapter 5, sect. 4, for "not" read "now"—and in sect. 11, third line from the bottom, for "requires" read "provides".

Chapter 44, sect. 4, third line, for "months of" read "months after".

Chapter 74, sect. 4, second line, for "Montville" read "Waterville".

#### RESOLVES.

Chapter 36, fifth line, for "presentation" read "preservation".

Chapter 29, sixth line from the bottom, insert "next" before the word "legislature".

the same are applicable to the corporation hereby created ; to continue for the term of twenty years.

CHAP. 5.  
—to continue for  
20 years.

SECT. 2. No marine policy shall be issued until application shall be made for marine insurance for the sum of two hundred thousand dollars ; and no division of any funds received for premiums by, or remaining in the hands of said company, shall be made among the stockholders thereof until the expiration of their charter, but such funds shall be invested in such securities and stocks as are required by law of insurance companies now incorporated.

When policies  
may be issued.

Profits how dis-  
posed of.

[Approved May 31, 1847.]

### Chapter 5.

An act to incorporate the city of Bath.

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

SECT. 1. The inhabitants of the town of Bath, in the county of Lincoln, shall continue to be a body politic and corporate by the name of the city of Bath ; and as such shall have, exercise and enjoy all the rights, immunities, powers, privileges and franchises, and 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 twenty dollars for any one offence.

Rights, powers,  
privileges, &c.,

May ordain acts,  
laws and regula-  
tions.

—and impose  
fines and penal-  
ties.

SECT. 2. 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. *Provided*, the city council shall not vote, assess or appropriate any money for any object or purpose for which the town of Bath is not authorized to vote, assess and appropriate money. But the city

Fiscal and mu-  
nicipal affairs,  
vested in mayor  
and city council.

**CHAP. 5.**

Power of officers or agents to borrow money, limited.

council may vote assess and appropriate money for the building and repairing of school-houses, and for the purchase of land whereon to build the same. *And provided, further,* that neither the city council, nor any agent or officer of the city, shall borrow or hire any money for or on account of the city or the inhabitants thereof, except for the purposes for which the town of Bath is now by law authorized to borrow money; and all notes, bonds, obligations, scrip or orders given by the city council or any officer or agent thereof, for money or property obtained for any other purposes, shall be void.

Duties of mayor.

**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 board of aldermen and common council, or either of them, when in his opinion the interests of the city require it, by a notice in one 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 interests of the city may in his opinion require. He shall preside in the board of aldermen and in the joint meetings of the two boards, but shall have only a casting vote. The salary and compensation of the mayor shall not exceed two hundred dollars per year, which shall not be increased or diminished during his continuance in office, unless by the vote of the qualified electors in ward meetings called for that purpose. Nor shall he receive from the city any other compensation for any service by him rendered in any other capacity or agency. *Provided, however,* the city council may elect the mayor to any city office and allow him a reasonable compensation for such services. But the aldermen and common councilmen shall not be entitled to receive any salary or compensation for any services by them performed as such or in any capacity or agency for the city.

May call special meetings of city council.

To preside in board of aldermen.

Salary.

Proviso.

Powers vested in the mayor and aldermen.

**SECT. 4.** The executive powers of said city generally, and the administration of police, with all the powers of selectmen of the town of Bath, shall be vested in the mayor and aldermen as fully as if the same had been herein particularly enumerated. All other powers not 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 third Monday in March, elect and appoint all the subordinate officers and agents for the city, for the ensuing year, including a chief engineer and other engineers of the fire department, (which chief engineer, or in his absence, any other two engineers, shall have all the power and authority that firewards now have;) shall define their duties, and fix their compensation, in cases where such duties and compensation 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. All the said subordinate officers and agents shall hold their offices during the ensuing year and until others shall be elected and qualified in their stead, unless sooner removed by the city council. All moneys received and collected for or on account of the city, by any officer or agent thereof, shall forthwith be paid into the city treasury. 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 sureties from all persons trusted with the receipt, custody, or disbursement of money; 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 fifty thousand dollars, including the property now owned by the town, 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 the city property. And no money shall be paid from the treasury unless the same be appropriated by the city council, and upon a warrant signed by the mayor, which warrant shall state the appropriation under which the same is drawn.

**SECT. 5.** 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, in which it shall have originated, which shall enter the objections at large on its journals and proceed to reconsider said law, act, ordi-

**CHAP. 5.**

Election of officers to be by joint ballot.

Subordinate officers to be elected and appointed on the third Monday of March, annually.

City council to require bonds of persons trusted with the receipt or disbursement of money.

To have the care and custody of city property, &c.

To publish annually, an account of receipts and expenditures.

No money to be paid from the treasury but by warrant, signed by the mayor.

Acts for the appropriation of money to be signed by the mayor.

Proceedings in case he disapprove.



**CHAP. 5.**

nance or bill. If upon such reconsideration a majority 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 a majority of the whole number of that branch, it shall have the same effect as if signed by the mayor.

City assessors,  
their duties and  
liabilities.

**SECT. 6.** 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.

Assistant assess-  
ors.

*Provided, however,* that the city council may 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 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 and additional provisions for the collection thereof.

Taxes, how as-  
sessed and col-  
lected.

Power of city  
council to lay out  
streets and esti-  
mate damages.

**SECT. 7.** The city council shall have exclusive authority and power to lay out any new street or public way or widen or otherwise alter or discontinue any street or public way in said city 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.

Persons aggrieved;  
remedy.

And any person aggrieved by the decision or judgment of said city council, may so far as relates to damages, have them assessed by a committee or jury as now by law provided; and the county commissioners for Lincoln county shall have power to lay out within said city any part of any new county road, that shall by them be laid out in any adjoining town or towns, and shall pass thence into or through said city, according to the provisions of law; and any highway, town way, or bridge which has been or hereafter may be located within said town or city between high and low water mark—shall nevertheless be deemed to be legally located and established.

Power of county  
commissioners to  
lay out roads—  
within said city.

Side-walks may  
be set off from the  
several streets.

**SECT. 8.** 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. It shall

## CHAP. 5.

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 traveled part of the street, in such number and manner as they may deem necessary to protect said side-walks, and the passengers traveling thereon from damage or inconvenience from teams or carriages. 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 traveling on foot; and said city shall not be liable to damages for any 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. The several side-walks in said city as at present established and used, shall be taken and deemed to be the proper and lawful reservation, for that purpose, until altered or otherwise established by the proper authority.

Posts or trees may be placed along the edge of said walks.

City not liable for damage occasioned in consequence of any vehicle or animal striking against said walks, posts or trees.

SECT. 9. 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 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 an incumbrance or nuisance in such street; and the city or person or corporation so placing the same, shall not be liable for any damages occasioned by such materials.

City council may authorize the placing of materials in any street for certain purposes.

Proviso.

Not liable for any damages occasioned thereby.

SECT. 10. All the laws and regulations now in force in said town shall notwithstanding this act, be and remain in force 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 according to law.

Laws and regulations now in force, to remain, &c.

SECT. 11. The municipal court of the town of Bath shall have, in addition to its present powers and jurisdiction, which are hereby continued to it, cognizance of all offenses against the by-laws and regulations which may be established by the city council of the city of Bath; and may on conviction thereof, award such sentence as to law and justice may appertain; and any person ag-

Municipal court.

**CHAP. 5.**

grieved by such sentence may appeal therefrom to the district court for the county of Lincoln, under the restrictions and conditions that the law requires in other cases of appeal from said court; and in declarations for violations of by-laws or ordinances, the by-laws or ordinances need not be set forth.

City to be divided into seven wards.

SECT. 12. For the purpose of holding elections, said city shall be divided into seven wards which shall respectively embrace all the territory lying between the following limits; and be known, described and bounded as follows, viz :

Boundaries of ward No. 1.

Ward number one shall be bounded on south and west by West Bath; on the north by the centre of Western Avenue and by the centre of High street to the centre of South street and by the centre thereof to Kennebec river; on the east by said river.

—of ward No. 2.

Ward number two, shall be bounded on the south by the centre of South street; on the west by the centre of Washington street; on the north by the centre of Centre street and by the centre of Front street to the centre of Broad street; thence by said centre to Kennebec river; on the east by said river.

—of ward No. 3.

Ward number three, shall be bounded on the south by the north boundary of Ward number one; on the east by the centre of Washington street; on the north by the centre of Centre street and the old Turnpike; on the west by West Bath.

—of ward No. 4.

Ward number four, shall be bounded on the south by the north boundary of ward number two; on the west by the centre of Washington street; on the north by the centre of North street; on the east by Kennebec river.

—of ward No. 5.

Ward number five, shall be bounded on the south by the north boundary of Ward number three; on the west by West Bath; on the north by the centre of the county road leading to Brunswick, to the centre of Lincoln street and by the centre of said Lincoln street to the centre of Green, and by the centre of said Green street to the centre of High street, and by centre of said High street to centre of Oak street, and by centre of Oak street to centre of Washington street; on the east by centre of Washington street.

—of ward No. 6.

Ward number six, shall be bounded on the south by the northern boundary of Ward number four; on the west by the centre of Washington street and by the old Brunswick road to the centre of Whezgeag stream; thence by said stream to the Kennebec river; on the north and east by Kennebec river.

—of ward No. 7.

Ward number seven shall contain and embrace all the rest of said town, not included within the limits of any of the preceding wards.

When to be revised and altered.

And it shall be the duty of the city council once in ten years, and not oftener than five years, to review, and if it be needful to

CHAP. 5.

alter said wards, in such manner as to preserve as nearly as may be an equal number of inhabitants in each. In each of said wards, there shall annually, on the first Monday of March, be chosen by 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 to the faithful performance of their respective duties by any justice of the peace of said city; and a certificate of such oaths 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 power 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. If neither of them should be present any legal voter in the ward may preside until a clerk pro tem. shall be elected. In case no justice of the peace shall be present, the person presiding may administer the oath to the warden and clerk.

Warden and clerk.

Duties of wardens.

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 prescribed by the laws of this state, for notifying and calling town meetings by the selectmen of the several towns, excepting that ward meetings for the election of mayor after the second trial, may be called within the time provided in such cases in this act.

—of clerk.

List of voters in each ward to be prepared.

Ward meeting, how notified and called.

SECT. 13. 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 residents in the wards where elected: all said officers shall be elected by ballot, by a majority of the votes given, and shall hold their offices one year from the third Monday in March and until others shall be elected in their places.

Mayor to be elected by citizens at large.

One alderman and three common councilmen in each ward.

SECT. 14. At the annual election holden for the choice of mayor and aldermen, the qualified electors in each ward shall by ballot elect a constable who shall be denominated city constable, with all the powers, duties and liabilities appertaining to the office of constable.

City constable.

**CHAP. 5.**

Annual election to be held on the first Monday in March.

Votes, to be sorted, counted, &c.

Clerk to deliver to persons elected, certificates of election within 24 hours.

Proviso.

Board of aldermen to examine copies of records and notify the mayor of his election.

In case there is no choice, to issue their warrants for another election.

On the third trial the person having the highest number of votes shall be declared elected.

Vacancy in the office of mayor how filled.

Oath to be administered to mayor by city clerk.

**SECT. 15.** On the first Monday in March 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 council-men ; 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 persons voted for, and the number of votes given for each to be written on the ward record in words at length. 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 the choice of aldermen and common councilmen cannot conveniently be effected on that day, the meeting may be adjourned from day to day to complete such election. If on the second balloting for any alderman, common councilman, constable, warden or clerk, a choice shall not be effected by a majority vote, then the persons receiving the highest number of votes for any of those offices at the subsequent trial shall be declared elected. If no one shall then have such highest number, the balloting shall be continued from day to day until a choice is thus effected.

The board of aldermen 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 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 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 should fail on a second ballot to elect a mayor, the said board shall again issue their warrants for a third election to be held not less than three nor more than four days thereafter ; at which election the candidate having the greatest number of votes shall be declared elected and notified as aforesaid. If no one shall then have such number, further elections shall in the same manner be ordered, till a choice shall be made, by some one having the highest number of votes ; 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 ; and in the mean time the president pro tempore of the board of aldermen shall perform the duties of mayor. The oath 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,

## CHAP. 5.

shall on the third Monday of March, at ten o'clock in the forenoon, meet in convention, when the oath 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.

Oath to be administered to the city council by the mayor or a justice of the peace.

SECT. 16. The city clerk shall be the 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 duties, and exercise all the powers by law incumbent upon, or vested in, the town clerk of the town of Bath. He shall give notice in one or 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 of 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. All meetings of the aldermen and common council, and all meetings of the two boards in convention, shall be open and public, and the presiding officers of each of them, shall have all the power of moderators of town meetings. At either of said meetings, when any two members shall request it, the vote shall be taken by yeas and nays, which shall be recorded by the clerk.

Duties of city clerk.

Board of aldermen may choose a president pro tempore in the absence of the mayor.

Record of proceedings to be kept by each board.

A majority to constitute a quorum, in each board.

Meetings of the city council to be public.

SECT. 17. 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 requisition of thirty qualified voters of said city.

General meetings of the citizens.

SECT. 18. 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 first Monday of March, next after the acceptance of this charter, 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 their votes for a mayor to be taken from the city at large, and one alderman and three common councilmen for each

City government—how to be organized and put into operation.

**CHAP. 6.**

Proceedings in case the elections shall not be completed at the first trial.

Proceedings in case the elections shall not be completed at the first trial.

Ward lists to be prepared by the selectmen.

When to take effect.

Inconsistent provisions repealed.

ward; 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 Bath, 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 elections shall be completed according to the provisions of this act, 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 Bath, 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 officers, who shall hold their offices respectively until others are chosen and qualified in their places.

SECT. 19. 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. *Provided*, it shall be 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 ballot.

SECT. 20. All acts and parts of acts inconsistent with the provisions of this act 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.

[Approved June 4, 1847.]

## Chapter 6.

An act to change the name of the Ossipee Agricultural Association.

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

York county agricultural society.

SECT. 1. From and after the passage of this act, the corporation heretofore known by the name of the Ossipee Agricultural Association is hereby changed to that of the York County Agricultural Society, and all records, contracts and other transactions,