

# MAINE STATE LEGISLATURE

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# ACTS AND RESOLVES

PASSED BY THE

## TWENTY-NINTH LEGISLATURE

OF THE

## STATE OF MAINE,

A. D. 1849.

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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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**Augusta:**  
WILLIAM T. JOHNSON, PRINTER TO THE STATE.

1849.

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PRIVATE AND SPECIAL LAWS

OF THE

STATE OF MAINE,

1849.

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east and west branches below said lakes, and shall have all the powers and privileges and shall be subject to all the liabilities and duties in relation to the same, as are mentioned in the act to which this is additional.

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Powers, privileges and liabilities thereto.

[Approved August 11, 1849.]

### Chapter 281.

An act to incorporate the city of Gardiner.

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

SECT. 1. The inhabitants of the town of Gardiner, in the county of Kennebec, shall continue to be a body politic and corporate by the name of the city of Gardiner; 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 offense.

Corporate name.

Rights, powers, privileges, &amp;c.

May ordain acts, laws and regulations.

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 Gardiner is not authorized to vote, assess and appropriate money. *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 Gardiner is now by law authorized to borrow money; and all notes, bonds, obligations, scrip or orders

Fiscal, prudential and municipal affairs, vested in mayor and city council.

Power of officers or agents to borrow money.

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given by the city council or any officer or agent thereof, for money or property obtained for any other purposes, shall be void.

Duty 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 dwelling place of each member of the board or boards to be convened. He shall from time to time communicate to both boards 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 a vote of the qualified electors in ward meetings called for that purpose. Nor shall he receive from the city any other compensation for any services 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 receive no compensation for their services as such.

May call special meetings of the city council.

To preside in board of aldermen.

Salary.

No compensation allowed to aldermen or common councilmen.

Powers vested in mayor and aldermen and common councilmen.

Officers to be elected by joint ballot.

SECT. 4. The executive powers of said city generally, and the administration of police, with all the powers of selectmen of the town of Gardiner, shall be vested in the mayor and aldermen as fully as if the same had been herein particularly enumerated; all other powers now vested in the inhabitants of said town, and all other 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 of 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

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fire department, (which chief engineer, or in his absence, any two other 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 twenty 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, ordinance 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

Election or appointment of subordinate officers, their duties and compensation.

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

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

To publish annually, an account of receipts and expenditures.

Payment of money from the treasury.

Acts for the appropriation of money to be presented to the mayor for his signature.

Proceedings in case he disapprove.

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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 appointment, powers, 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: *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.

Assistant assessors.

Assessment and collection of taxes.

Power of city council to lay out streets and estimate 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 by law provided in this state, for regulating the laying out of public highways and repairing streets. 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 Kennebec 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 or townway, or bridge, which has been or may hereafter be located within said town or city, between high and low water mark, shall nevertheless, be deemed to be legally located and established.

Remedy of persons aggrieved.

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

Side walks.

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 be lawful for the city council to permit or direct

the placing of trees or posts—either of stone or wood—along the edge of said side walk 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 as shall be so 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.

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.

SECT. 10. All the laws and regulations now in force in said town of Gardiner, shall, notwithstanding this act, be and remain in force until they expire by their own limitations 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.

SECT. 11. A police court shall be established in and for the city, to be denominated the police court of the city of Gardiner, to consist of one judge, who shall be appointed and commissioned in the manner provided by the constitution, who shall have concurrent jurisdiction with justices of the peace, in all matters, civil and criminal, under twenty dollars, within the

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

City not liable for any damage or injury occasioned in consequence thereof.

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

Proviso.

Not liable for any damages occasioned thereby.

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

Police court established.

Civil and criminal jurisdiction.



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—of offenses  
against city by-  
laws.

Right of appeal.

Records.

Time of holding  
courts.

Fees.

Fines to be ac-  
counted for.

Provis'on in case  
of the death or  
absence of the  
judge.

county of Kennebec, 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 residents in said city of Gardiner, excepting all actions in which said judge may be interested; and said court shall also 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 the city, and shall also have original and exclusive jurisdiction of all violations of the by-laws of said city. And any person aggrieved by any judgment awarded by said court may appeal therefrom to the district court for said county, in like manner as if the same had been awarded by any justice of the peace, or justices of the peace and quorum.

SECT. 12. It shall be the duty of said court to make and keep its own records, which records shall be such as would be legal records in a court of a justice of the peace. And copies of the records of said court, duly certified, shall be evidence in the other courts of this state. Said court shall be holden on Monday of each week, at nine of the clock in the forenoon, at such place as the city shall provide for the purpose, for the transaction of civil business; and all civil process shall be made returnable accordingly. And the fees in all cases, civil and criminal, shall be the same as are now taxable by justices of the peace: *provided*, that the price of blank writs, signed by said judge, shall be one cent each and no more. And all fines, penalties and costs, which may be awarded by said court, in the administration of its criminal jurisdiction, shall be accounted for and paid over by said judge, in the same manner as if the same had been awarded by the sentence of a justice of the peace.

SECT. 13. In case of the death, or sickness or other disability of the said judge, to attend at the time and place as provided in the preceding section for the transaction of civil business, the said court shall stand adjourned to the Monday of the succeeding week, and so from week to week, until the judge is able to attend. And in case of disability as aforesaid, to perform the other duties of his office, the criminal jurisdiction of said court shall devolve upon the justices of the peace for the county of Kennebec during the continuance of said disability, and until such proceedings as are instituted during the continuance of said disability shall have received the final adjudication of said justices.

SECT. 14. The city of Gardiner shall have the power, and it shall be its duty to raise money to provide a suitable room in which to hold said court, and to furnish the same in an appropriate manner. The judge of the said police court shall have for his compensation all the court fees arising in any matter in any way connected with his office; said fees to be such as are by law taxed and received by justices of the peace for all similar services. And the said judge shall not 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.

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Power of city to raise money for defraying expenses of said court. Compensation of judge.

Judge not to act as counselor or attorney.

SECT. 15. All actions, suits, matters and things which may be pending before justices of the peace in the town of Gardiner, and all writs, executions, warrants, recognizances and processes, returnable to said justices when this act takes effect, shall be returnable to them in like manner as if it had not taken effect; and said justices shall have full power and authority to grant execution and to carry into effect any judgment rendered by them, and to complete all processes commenced by or before them in the same manner as they might have done, had not this act been passed.

Provision for suits pending when this act takes effect.

SECT. 16. 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:

City to be divided into seven wards.

*Ward No. 1*, shall be bounded in the following manner: commencing in Kennebec river on the southerly line of Hallowell; thence westerly on said line to intersection with Cold Stream Brook; thence down said brook two hundred rods; thence easterly in a direct line to the head of Spring street; thence by said street and including both sides thereof to Bridge street; thence by the middle of said street to the channel of the Cobbossee Contee river; thence down said channel to Kennebec river, and thence up said river to first described bound.

Boundaries of Ward No. 1.

*Ward No. 2*, shall be bounded as follows: beginning in Bridge street in the channel of the Cobbossee Contee river and running westerly on southerly line of ward one to Cold stream; thence down said stream to northerly end of lot number one hundred and two; thence easterly on northerly line of said lot and the range of lots to number ninety, W.; and thence by an extension of said line to Cobbossee Contee river; thence down said river to point or bound first described.

—Ward No. 2.

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—Ward No. 3.

*Ward No. 3*, shall be bounded as follows: beginning at Cold stream on the Hallowell line; thence by said line to the easterly line of Litchfield in Winthrop stream; thence down said stream to Cold stream; thence up Cold stream to westerly line of ward two; thence on said line and the westerly line of ward one to Hallowell line or point first described.

—Ward No. 4.

*Ward No. 4*, shall be bounded thus: beginning on the line of ward two in Cobbossee Contee river opposite the northerly end of Oak street; thence by the middle of said street in a direct line to Brunswick street; thence westerly in the middle of said street to the westerly side of lot forty-seven, P.; thence northerly by said line to Cobbossee Contee river; thence up said river to Richmond line; thence by said line and the line of Litchfield to Cold stream; thence by the easterly line of ward three to southerly side of ward two; thence by said side line easterly to point first named.

—Ward No. 5.

*Ward No. 5*, shall be described and bounded thus: beginning in Cobbossee Contee river at the easterly side line of ward four; thence down said river to Bridge street; thence through the middle of said street by the northerly and westerly sides of the common to Lincoln street; thence through the middle of said street to the northwesterly side of Oaklands; thence on said side line to southwesterly side of lot number fourteen; thence by said side line to Brunswick road, and to the southerly bounds of ward four.

—Ward No. 6.

*Ward No. 6*, shall be bounded as follows: beginning at the corner of wards one and two in Bridge street, thence by line of ward one to Kennebec river; thence down said river to southerly side of Oaklands; thence by said side line to southwesterly side of Oaklands; thence by said side line and by the westerly and the northwesterly side lines of said Oaklands to easterly bounds of ward five; thence on said boundary to the point first described.

—Ward No. 7.

*Ward No. 7*, shall comprise all the territory in the city of Gardiner lying south of Cobbossee Contee river not included in either of the foregoing wards.

And it shall be the duty of the city council, once in ten years, and not oftener than once in five years, to review, and if it be needful, to alter said wards in such manner as to preserve as nearly as may be an equal number of inhabitants in each.

Warden and clerk.

SECT. 17. In each of the 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 be chosen and qualified 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 tempore shall be chosen. If neither the warden nor the clerk should be present, any legal voter in the ward may preside until a clerk pro tempore shall be elected. In case no justice of the peace be present, the person presiding may administer the oath to the warden and clerk. 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.

SECT. 18. 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 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.

SECT. 19. 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.

SECT. 20. On the second Monday of March, annually, immediately after a warden and clerk shall have been elected

Duties of warden.

Duty of clerk.

List of voters in each ward to be prepared.

Ward meetings, how called.

Election of mayor, aldermen and common councilmen.

Tenure of their offices.

City constable.

Time of holding annual election.

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Votes to be counted, &c., in open ward meeting.

Ward clerk to deliver certificates of election within twenty-four hours.

Proviso.

After second ballot for aldermen, &c. persons receiving the highest number declared elected.

Board of aldermen to notify the mayor of his election.

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

On third trial the person having the greatest number of votes declared elected.

Vacancy in the office of mayor, how filled.

Oath of mayor and city council, by whom administered.

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 persons voted for, and the number of votes given for each, to be written in 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 aldermen, common councilmen, 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 highest 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 resignation or otherwise, it shall be filled for the remainder of the term by a new election, in the manner hereinbefore 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, shall on the third Monday of March, at ten of the 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 councilmen shall be organized by the election of a president and clerk.

Organization of board of common council.

SECT. 21. 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 Gardiner; he shall give notice in one or two of the papers printed in said city, or by posting up in public places in the several wards, notices 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 officer of each of them, shall have 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.

President pro tem. of board of aldermen.

Record of proceedings to be kept by each board.

Quorum.

Meetings of the city council to be public.

SECT. 22. 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 the 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. 23. For the purpose of organizing the system of government hereby established, and putting the same in operation in the first instance, the selectmen of the town for the

City government, how organized and put into operation.

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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 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 Gardiner, whose duty it shall be to examine and compare the same. And in case said elections shall not be completed at the first trial, 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 hereinbefore 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 Gardiner, 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.

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

Ward lists to be prepared by the selectmen.

Election of city clerk, and other city officers.

When this act shall take effect.

Proviso.

Duty of town clerk.

SECT. 24. 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 passage of this act, but not more than one meeting, for that purpose, shall be called in the same year. And at such meeting the inhabitants of said town shall vote by a written ballot, those in favor of accepting this act having on the ballot the word "yes," and those opposed having on the ballot the word "no"; and if a majority of all the ballots received, are in favor of accepting the same, it shall then become a law and take effect. And it shall be the duty of the clerk of said town to file a copy of the record of the vote of said town accepting the same, with the clerk of the city of

Gardiner, when elected, who shall transcribe such copy into the records of the city, and such record shall be conclusive evidence that this act has been accepted.

SECT. 25. 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.

Inconsistent acts repealed.

[Approved August 11, 1849.]

### Chapter 282.

An act to incorporate the Damariscotta Company.

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

SECT. 1. Cyrus Cotter, Nathaniel Austin, Benjamin D. Medcalf, Joseph Day, William Hitchcock, Abner Stetson, James G. Huston, Daniel Day, Joel Huston, Nathaniel Clapp, Willard Day, Thomas J. Merrill, Alden Fly, their associates, successors and assigns, are hereby created a corporation by the name of the Damariscotta Company, for the purpose of building, furnishing and maintaining a public house in the town of Damariscotta, in the county of Lincoln. And said corporation are hereby authorized and empowered to exercise all the rights, powers and privileges, conferred upon such corporations by the laws of this state, and subject to all the liabilities and restrictions thereof.

Corporators.

Corporate name.

Powers, privileges and liabilities.

SECT. 2. Said corporation may purchase and hold real and personal estate, to an amount not exceeding thirty thousand dollars, with full powers to manage and dispose of the same, and to be divided into such number of shares as they may determine.

May hold and control real and personal estate.

SECT. 3. This act shall take effect from and after its approval by the governor.

[Approved August 13, 1849.]