

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

ACTS AND RESOLVES

112

PASSED BY THE

FORTIETH LEGISLATURE

OF THE

STATE OF MAINE.

1861.

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

AUGUSTA:
STEVENS & SAYWARD, PRINTERS TO THE STATE.
1861.

PRIVATE AND SPECIAL LAWS

OF THE

STATE OF MAINE.

1861.

CHAP. 104.

Chapter 104.

An act to change the name of Lucy Ann Irick.

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

Names
changed.

SECT. 1. That Lucy Ann Irick of Belgrade, in the county of Kennebec, be allowed to take the name of Lucy Ann Leathers.

SECT. 2. This act shall be in force from and after its approval.

[Approved March 15, 1861.]

Chapter 105.

An act to incorporate the city of Lewiston.

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

Corporate
name.

Rights, pow-
ers, privileges,
&c.

May ordain
acts, laws and
regulations.

—impose fines
and penalties.

Fiscal, pruden-
tial and munic-
ipal affairs,
vested in mayor
and city
council.

Proviso.

Further
proviso.

SECT. 1. The inhabitants of the town of Lewiston, in the county of Androscoggin, shall continue to be a body politic and corporate by the name of the city of Lewiston; 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, which may be recovered to the use of said city, by action of debt, or on complaint before the municipal court in said city.

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 not less than fifteen, nor more than 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; all of whom 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 Lewiston is not authorized to vote, assess and appropriate money, except for such purposes as are authorized by this act. And *provided further*, that neither the city council, nor any agent or officer for the city, shall borrow

or hire money for, or on account of the city or inhabitants thereof, except for the purposes for which the town of Lewiston is now by law authorized to raise 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 purpose, shall be void, except those negotiable, and in the hands of a *bona-fide* holder for value.

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 interest of the city requires it, by a notice in one or more of the papers printed in the city, or by causing a summons or notification to be given in hand, or 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 be 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 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 services rendered in such office ; but the aldermen and common council shall not be entitled to receive any salary or compensation for any services by them performed as such.

Mayor, duties of.

May call special meetings of city council.

To preside in board of aldermen.

Salary.

—not to be increased or diminished during term of office.

Proviso.

Aldermen and common council not to receive any salary or compensation.

Powers vested in mayor and aldermen.

Officers to be elected by joint ballot.

Subordinate officers, election or appointment of, &c.

SECT. 4. The executive powers of said city generally, and the administration of police, with all the powers of the selectmen of the town of Lewiston, 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 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, or as soon thereafter as may be convenient, elect, and appoint for the ensuing year, all the subordinate officers and agents for the city, including a chief engineer, and

CHAP. 105.

City council to require bonds of persons trusted with moneys of city.

—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.

Mayor to sign all acts, &c., of appropriations for money.

Proceedings in case he disapproves.

City assessors, their appointment, powers, duties and liabilities.

Proviso.

other necessary engineers of the fire department, which chief engineer, and, in his absence, the subordinate engineers, shall have all the power and authority that firewards now have; shall define their duties, fix their compensation, and may, by concurrent vote, remove officers when, in their opinion, sufficient cause for their removal exists. All officers shall be chosen and vacancies supplied, for the current year, except as herein otherwise provided. All the said subordinate officers and agents shall hold their offices during the ensuing year, and till others shall be elected and qualified in their stead, unless sooner removed by the city council; and all moneys received and collected for and 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 penalties and sureties, from all persons trusted with the receipt or custody of the public money; shall have the care and superintendence of the city public buildings, and the custody and management of all the city property, with powers to let or sell what may be legally let or sold; and to purchase, in the name of the city, such real or personal property, not exceeding the sum of one hundred thousand dollars, including the property now owned by the town, as they may deem of public utility. And the city council shall, as often as once a year, cause to be published for the information of the inhabitants, an 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. Every law, act, ordinance or bill appropriating money, having passed both branches of the city council, shall be presented to the mayor, and if he approve the same, he shall sign it; if not, he shall return it within seven days, with his objections, to that branch of the city council in which it shall have originated, which branch shall enter the objections at large on its journals, and proceed to reconsider said law, act, ordinance or bill. If, upon such reconstruction, 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.

SECT. 6. City assessors shall be annually appointed by the city council, who 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 be lawful for the city council to establish further and additional provisions for the collection thereof.

Assessment and collection of taxes.

Proviso.

SECT. 7. The city council shall have exclusive power and authority to lay out any new street or public way, or widen, or otherwise alter, or discontinue any street or way, in said city, and to estimate the damage any person may sustain thereby, and shall in all other respects be governed by, and be subject to, such 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, as far as relates to damages, have them assessed by a committee or jury, as is now by law provided; and any highway or town way, or bridge which has been, or may hereafter be located within said town or city, shall, nevertheless be deemed to be legally located and established.

City council to lay out streets and estimate damages.

Remedy of persons aggrieved.

SECT. 8. It shall be lawful for the city council, by a committee by them appointed, or by instructions to the commissioners of streets, to appropriate, set off and reserve as side-walks, such part or portion of the several streets in said city, now or hereafter to be established, as to said 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 posts of stone, or wood, or trees to be placed along the edge of said side-walk next to the travelled part of the street, in such number and manner as they may deem necessary to protect said side-walks, and the persons travelling thereon from damage or inconvenience from teams or carriages. So much of the several streets in said city as shall be appropriated and reserved as side-walks, agreeable to the provisions of this act, shall be taken and deemed to be reserved exclusively for the accommodation, convenience and use of persons travelling on foot; and said city shall not be liable to damages for any injury done or occasioned in consequence of any cart, carriages, wagon 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 on the streets 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.

Side-walks.

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

City not liable for any damages occasioned in consequence thereof.

SECT. 9. The city council shall have power, on such terms and conditions as they may think proper, to authorize and empower

City council may authorize the placing of

CHAP. 105.

materials in
any street for
certain pur-
poses.
Proviso.

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 no 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.

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

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 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, and according to law.

Municipal
court estab-
lished.

Judge,
appointment
and jurisdic-
tion of.

SECT. 11. A police court shall be, and is hereby established in and for the city, to be called the municipal court of the city of Lewiston, to consist of one judge, who shall be appointed and commissioned in the manner provided by the constitution, who shall have concurrent jurisdiction with trial justices in all matters civil and criminal, under twenty dollars, within the county of Androscoggin, and shall have original and exclusive jurisdiction in all civil actions, under twenty dollars, 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 of said city of Lewiston, excepting all actions in which said judge may be interested; and said court shall have concurrent jurisdiction with trial justices 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 in all cases of violation of the by-laws of said city. And any person aggrieved by any judgment awarded by said court, may appeal therefrom in like manner as if the same had been awarded by any trial justices, justices of the peace, or justices of the peace and quorum.

Right of
appeal.

Records, how
kept.

—certified
copies of, to
be evidence in
other courts in
this state.

Court, time of
holding.

Fees, regula-
tion of.

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 trial justice, 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 processes shall be made returnable accordingly. And the

CHAP. 105.

fees in all cases, civil and criminal, shall be the same as are now taxable by trial justices, *provided* that the price of blank writs, signed by said judge, shall be four cents. 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 or trial justice; and said judge shall, once in three months, render an account to the treasurer of said city of all sums of money by him received as fees of office, or for copies of papers, and shall be held to pay such sums into the city treasury.

Fines and penalties, how disposed of.

SECT. 13. In case of the death, sickness, or other disability of the 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 till the next term of said court, and so from time to time, without costs to either party, until the judge is able to attend; and in case of disability to perform the other duties of his office, the criminal jurisdiction of said court shall devolve upon the trial justices for the county of Androscoggin; and all proceedings instituted during such disability shall be finally determined by the justices instituting the same.

Proceedings in case of disability of judge to attend.

SECT. 14. The city of Lewiston shall have 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 said municipal court shall receive from said city of Lewiston, in quarterly payments, an annual salary of such amount as the city council shall vote and determine, which shall be in full for all fees pertaining to said office. 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.

City to provide court room.

Judge, salary of.

—not to act as council in certain cases.

SECT. 15. All actions, suits, matters and things, which may be pending before justices of the peace, or trial justices, in the town of Lewiston, 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 have passed.

Actions, &c., pending before justices of the peace or trial justices, not affected by this act.

SECT. 16. For the purpose of holding elections, said city shall, after the first election, be divided into not less than five, nor more than seven wards, to contain as near as conveniently may be, an equal number of inhabitants; and it shall be the duty of the city

Wards, division and regulation of.

CHAP. 105.

Warden and clerk, election of.

—qualification of.

—duties of.

—proceedings in case of absence.

Clerk, duties of.

Assistant wardens.

Voters, list of, how prepared. Ward meetings, how called.

Mayor, election of.

Alderman and common councilmen, election of.

—term of office.

Proviso.

council, once in ten years, and not oftener than 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 ward. 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 until Tuesday next after the first Monday of March of the succeeding year, and until others have been chosen and qualified in their stead. Said warden and clerk shall be sworn to the faithful performance of their duty, by any justice of the peace of said city, or by the person presiding in said meeting, or by the clerk of said ward, and a certificate of such oath having been administered, shall be entered by the clerk on the records of said ward. The wardens shall preside at all ward meetings, with the powers of moderators of town meetings, and if at any meeting the warden shall not be present, the clerk of the ward shall call the meeting to order and preside till a warden *pro tem.* shall be chosen. If neither the warden nor clerk shall be present, any legal voter in the ward may preside till a clerk *pro tem.* shall be chosen and qualified. 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 the mayor and aldermen in the manner provided in 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. 17. The mayor shall be elected from the citizens at large, by the inhabitants of the city voting in their respective wards. One aldermen 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; *provided however*, that if the city shall be divided into less than seven wards, then one or two (as the case may be) of the aldermen shall be elected at large by the inhabitants of the city, the whole number of aldermen in no case to be more than seven, as provided in section second of this act.

CHAP. 105.

SECT. 18. The mayor and aldermen shall appoint a city marshal in the manner provided in section fourth of this act, who shall have all the powers and exercise all the duties that now appertain to constables of towns, and who shall be chief of the city police, and as such may enforce such ordinances and regulations under the direction of the mayor, as may be adopted by the city council for the government of the city of Lewiston.

City marshal,
appointment
of.

—powers and
duties.

SECT. 19. On the first Monday of March, annually, the qualified electors of each ward shall ballot for a mayor, one alderman and three common councilmen, warden and clerk; 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 at length. The ward clerk, within twenty-four hours after such election, shall deliver to the persons elected alderman 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 alderman 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 councilmen, 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 seven 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 meantime the president *pro tempore* of the board of aldermen shall perform the duties of mayor.

Annual elec-
tions.

Alderman and
common coun-
cilmen to be
notified of
election.

Proviso.

Proceedings in
case of no
election.

Mayor to be
notified of his
election.

Proceedings in
case of no
election, &c.

Vacancy in
office of mayor,
how filled.

CHAP. 105. 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 council shall be organized by the election of a president and clerk.

City clerk to be clerk of the board of aldermen.

—shall give notice of regular ward meetings.

Absence of mayor, proceedings in case of.

Quorum to transact business.

Meetings to be public.

Vote may be taken by yeas and nays.

Organization of city government.

Proceedings in case of no election.

City clerk and other officers, election of.

SECT. 20. 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 Lewiston; he shall give notice in one or more 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 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.

SECT. 21. 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 time being shall seasonably, before the first Monday of March next after the acceptance of this charter, issue their warrant for calling a meeting of the citizens at such place and hour upon said day as they shall think expedient, for the purpose of choosing a mayor, seven aldermen, and fifteen councilmen to be taken from the city at large; and in case said elections shall not be completed at the first election, then to issue a new warrant until such election shall be completed; and the town clerk for the time being shall give notice thereof to the several persons elected; 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

CHAP. 105.

chosen and qualified in their places. And it shall be the duty of the mayor and aldermen first elected at large, as soon as may be after their organization, to cause a division of said city to be made into not less than five, nor more than 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 inhabitants in each ward. And at the first meeting after such division into wards, any inhabitant of said wards, 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 board of aldermen, shall be delivered to the clerk of each ward when elected, to be used as provided by the laws in town meetings.

Mayor and aldermen to cause a division of city into wards.

First meeting, how organized.

SECT. 22. The city council shall have authority to establish and make regulations for the measurement and sale of wood and bark in said city, whether brought by teams or railroad, and may affix suitable penalties for the violations thereof, anything in the public laws of the state to the contrary notwithstanding.

Wood and bark, measurement of, regulated.

SECT. 23. The city council are hereby authorized and empowered to pass any ordinance or ordinances regulating or forbidding the erection of wooden buildings on any street or streets in said city, when they may deem it necessary or conducive to the public safety.

Wooden buildings, erection of, regulated.

SECT. 24. The city council may make and establish such ordinances or regulations as they may deem for the public good for the regulation of carts, drays or other teams in said city, and prescribing the width of tire that shall be used.

Carts, drays, &c., how regulated.

SECT. 25. All the power and authority vested in the inhabitants of any school district in the city of Lewiston, by virtue of chapter eleven of the revised statutes relating to the education of youth, shall be and the same is hereby invested in the board of aldermen and common council of the city aforesaid.

School districts, powers, &c., of, vested in aldermen and common council.

SECT. 26. 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 meeting called for that purpose, *provided* it shall be accepted within five years from the passage of this act; but not more than one meeting for that purpose shall be called in any one 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 Lewiston, when elected, who shall transcribe such copy into the

Act, when to take effect.

Proviso. Acceptance of act.

Town clerk to file copy of record with city clerk.

CHAP. 106. records of the city, and such record shall be conclusive evidence that this act has been accepted.

Inconsistent
acts repealed.

SECT. 27. All acts and parts of acts inconsistent with this act are hereby repealed, from and after the time when this act shall have been accepted as aforesaid, and the government shall have been organized as herein provided.

[Approved March 15, 1861.]

Chapter 106.

An act to incorporate the Presumpscot Land and Water Power Company.

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

Corporators.

SECT. 1. That Francis O. J. Smith, John H. Williams, Edward M. Patten, their associates and successors are hereby incorporated and made a body politic by the name of the Presumpscot Land and Water Power Company, and for the purposes mentioned herein.

Corporate
name.

May hold real
and personal
estate.

Powers,
privileges, &c.

First meeting,
how called.

SECT. 2. Said corporation may hold real and personal estate to the amount of one million dollars in value, and shall have all the privileges and be subject to all the duties and liabilities of manufacturing corporations as defined by the laws of this state.

SECT. 3. The first meeting of the corporation may be called by any two of the corporators in such manner as they may think proper.

Authorized to
construct dams,
&c.

SECT. 4. Said corporation is hereby authorized to construct one or more dams across Presumpscot river, within the town of Falmouth, above the bridge erected across said river by the Atlantic and St. Lawrence Railroad Company, or cause the county bridge immediately above said railroad bridge to be constructed into a dam under such regulations and provisions as the county commissioners for Cumberland county may direct, and also construct such wharves, abutments and docks apurtenant to lands that shall belong to said company as shall be deemed prudent for the purposes of said corporation, *provided* the same shall not obstruct the channel of said river below said bridge.

May construct
wharves, &c.

Proviso.

Authorized
with consent of
Atlantic and
St. Lawrence
Railroad Co.,
to construct
canals, &c.

SECT. 5. Said corporation is hereby empowered by and with the consent of the Atlantic and St. Lawrence Railroad Company, to construct and maintain one or more canals, extending from the channel of said river below said railroad bridge to any point or points on said river in the town of Falmouth, and construct and maintain thereon such dams, locks, sluice ways or other structures, as may be needed for the purposes of said corporation; and for said purposes to take and hold any lands needed therefor, not ex-

—may take and
hold lands.