

MAINE STATE LEGISLATURE

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ACTS AND RESOLVES

OF THE

FORTY-SEVENTH LEGISLATURE

OF THE

STATE OF MAINE.

1868.

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1868.

PRIVATE AND SPECIAL LAWS

OF THE

STATE OF MAINE.

1868.

fulness and advantage of said seminary, and remove the same at pleasure; and they are hereby invested with all the powers and privileges incident to similar corporations; and they are further authorized to sell and convey any estate, real or personal, belonging to them in their corporate capacity, which may not be needed for the purposes of the said seminary.

SECT. 4. The governor shall have the right to appoint one of the trustees of the said seminary, and to fill any vacancy that may from time to time occur in the place of such trustee by a new appointment, so that there may always be one trustee appointed by the governor.

Appointments of same by governor.

SECT. 5. The number of said trustees shall not at any time be more than twenty-one, and seven of said trustees shall constitute a quorum for the acceptance of this act, and for the transaction of any other business; and any trustee, except a trustee appointed by the governor, who shall neglect to attend five annual meetings of the board in succession, without giving under his hand in writing, a satisfactory excuse for his absence, shall be considered as having voluntarily vacated his seat, and the vacancy shall be filled without delay.

Number of trustees.

Offices to be vacated for non-attendance at meetings.

SECT. 6. Ebenezer Knowlton, Oren B. Cheney and John W. Perkins, or any two of them, are hereby authorized to call the first meeting of this corporation by giving notice of the time and place of said meeting in the Lewiston Journal, a paper printed in Lewiston, and in the Morning Star, a paper printed in Dover, New Hampshire, seven days at least before the time appointed for said meeting.

Organization.

SECT. 7. This act shall take effect when approved.

Approved February 14, 1868.

Chapter 496.

An act to amend the charter of Bates College.

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

SECT. 1. The act entitled "An act to change the name of the Maine State Seminary to that of Bates College, and to otherwise alter the charter of said corporation," approved January nineteen, eighteen hundred and sixty four, is hereby so altered and amended that as altered and amended it shall read as follows:

Ch. 293, special laws 1864, amended.

SECT. 2. Oren B. Cheney, Ebenezer Knowlton, Benjamin E. Bates, James G. Blaine, James Calder, Dexter Waterman, John W. Perkins Abial M. Jones and William H. Littlefield, their asso-

Corporators.

CHAP. 496.Corporate name
and powers.

ciates and successors, are hereby constituted a body politic and corporate, under the name of The President and Trustees of Bates College, and by that name shall have power to prosecute and defend suits at law, to have and use a common seal, and to change the same at pleasure, to take and hold for the objects of their association, by gift, grant, bequest, purchase or otherwise, any estate, real or personal, the annual income of which shall not exceed fifty thousand dollars, and to sell and convey any estate, real or personal, which the interests of the said college may require to be sold or conveyed.

Income, &c.

Purpose.

SECT. 3. All property and estate, real and personal, which may at any time by gift, grant, bequest, or otherwise come into the possession of the said president and trustees, in their corporate capacity, shall be faithfully devoted to the education of youth, by maintaining a college in Lewiston, in the county of Androscoggin, in this state.

SECT. 4. His excellency the governor of this state, shall be a member, ex-officio, of the said board of president and trustees.

By-laws, &c.

SECT. 5. The said president and trustees may adopt such rules, regulations, laws and by-laws, the same not being repugnant to the laws of this state, as they may deem expedient for the management of their affairs, for the proper discipline and order, and for the general prosperity of said college; they shall have power to establish in the said college such departments and courses of study as they may elect; they shall fill by ballot all vacancies occurring in their board; they shall choose a secretary, treasurer, and such other officers as they shall decide the interests of said college may require; and the said secretary and treasurer may or may not be members of the said corporation; they shall choose the president of said college (who shall be the president of this corporation) and all necessary professors, instructors and tutors, and shall have power to remove the same at pleasure; but the president of the college, or any professor in said college, shall not be removed from his office until reasonable notice shall have been given to him in writing, specifying the grounds of removal, and a full hearing upon the specifications shall have taken place before the president and trustees; they shall have power to confer such degrees as are usually conferred by colleges or universities established for the education of youth; and they shall be, and they are hereby, invested with all the powers, privileges, rights and immunities incident to similar corporations and institutions.

Officers.

President, how
appointed or
removed.

Degrees, &c.

Number of
trustees.

SECT. 6. The number of the board of said president and trustees shall not at any time be more than fifteen; and it shall not be necessary for more than five of said president and trustees to be present to constitute a quorum for the transaction of business; and they, the said president and trustees, shall have power to remove

any trustee from their corporation whenever in their judgment he shall become morally, or by age, or otherwise, disqualified for performing the duties of his office.

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Removals from office.

SECT. 7. All powers granted to the president and trustees of Bates College in sections ten and eleven of the act hereinbefore mentioned, approved January nineteen, eighteen hundred and sixty-four, shall continue to be vested in the said president and trustees, as mentioned in section two of this act.

Powers under act of 1864, continued.

SECT. 8. The said president and trustees shall have power to convey, and they are hereby required to convey, to the trustees of the Maine State Seminary, a new corporation created at this session of the legislature by the act entitled "An act to separate the seminary department from Bates College and incorporate the trustees of the Maine State Seminary," property, real or personal, or both, not less in value or amount than forty thousand dollars, and not exceeding fifty thousand dollars.

Conveyance of property to Maine State Seminary.

SECT. 9. Henry Williamson, Samuel Farnham, George L. Ward, Amos D. Lockwood, Bradbury Sylvester, George T. Day, Alexander H. Morrell, George H. Ricker, Levi W. Gilman, Orange T. Moulton, Theodore Wells, Jr., Jason Marriner, Benjamin J. Cole, their associates and successors, are hereby constituted a board of overseers of Bates College.

Overseers.

SECT. 10. The said overseers shall have power to choose for themselves a president, secretary, and such other officers as they may see fit, to adopt such regulations and by-laws for the transaction of their business as they may deem expedient, to determine, with the concurrence of the president and trustees aforesaid, the times and places of holding their meetings, to remove any overseer whenever by age or otherwise he shall in their judgment be disqualified for performing the duties of his office, and to fill all vacancies that may occur in their board, until the day of the annual meeting of the said overseers in the year eighteen hundred and seventy-three, after which time they shall be filled in the manner hereinafter provided, in section thirteen of this act.

Officers of board of overseers.

Removals and appointments.

SECT. 11. The said overseers shall have power to concur or non-concur in any act, vote or order of the president and trustees of Bates College, and to propose to the said president and trustees such amendments thereto, or such original actions, as they, the said overseers, shall deem expedient; and no act, vote or order of the said president and trustees shall have any force, effect or validity without the concurrence of the said overseers; *provided*, that the said president and trustees shall have power without such concurrence on the part of the overseers to adopt such regulations and by-laws as they may deem expedient for the transaction of their own business, to choose their own officers, with the excep-

Powers of overseers.

Proviso.

CHAP. 496. tion of the president and treasurer of the college, and to remove members from, and fill vacancies in their own board.

Number of overseers.

SECT. 12. The number of the said overseers shall not at any time be more than twenty-five; and it shall not be necessary for more than seven of said overseers to be present to constitute a quorum for the transaction of business.

Overseers to be classed.

SECT. 13. The said overseers, being taken in the order in which they are mentioned in this act, and in the order in which they shall be hereafter elected, shall be divided into five classes; the first five overseers shall constitute the first class, and the second five the second class, and this order shall continue through the list; and the term of office of the first class shall expire at the close of the annual meeting of the said overseers in the year eighteen hundred and seventy-three; and at the close of each succeeding annual meeting the term of the class next in order shall expire; and these

Terms of office.

vacancies shall be filled in the following manner: on the day of the annual meeting of the said overseers in the year eighteen hundred and seventy-three, the said overseers shall choose by ballot three persons, and the alumni of Bates College, at a meeting properly held on the same day, shall likewise choose by ballot, from their own number, two persons, and so thereafter on the day of each annual meeting, which five persons so elected shall be members of the said board of overseers, and shall continue in office for the term of five years, unless removed for sufficient cause; and if any vacancy shall occur after the said day of said year by death or otherwise, between the times of two annual meetings, such vacancy shall remain until the next annual meeting, when it shall be filled, either by the overseers or by the alumni, as the character of the vacancy may determine, in the manner above in this section provided.

Vacancies, how filled.

Tenure of office under act of 1864 not affected.

SECT. 14. This act shall not affect the tenure of office of any person holding any office or appointment under the act approved January nineteen, eighteen hundred and sixty-four, and all rules, regulations, laws and by-laws adopted and now in force under the said act, not inconsistent with the provisions of this act, shall continue in force until altered or annulled by the two boards mentioned in this act, and in the manner provided in this act.

Rules, &c., under same, further continued in force.

Meetings, when held and how called.

SECT. 15. The annual meetings of the board of president and trustees and the board of overseers, aforesaid, shall be held on the day preceding the commencement day of Bates College; and special meetings of the two said boards may be called by the president of the said college, or by any three trustees and any four overseers of the said college, the said seven trustees and overseers acting in concurrence.

Meeting appointed by former trustees

SECT. 16. Any vote of the board of president and trustees created by the act of which this is amendatory, appointing a meeting

of the board subsequent to the acceptance of this act, shall be a full and sufficient notice for a meeting of the board of president and trustees hereby created; and the board created by this act shall also at its first meeting provide for the first meeting of the board of overseers by giving such notice as they may deem proper.

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to be sufficient notice for meeting of new board.

SECT. 17. All acts and parts of acts inconsistent with the provisions of this act are hereby repealed.

Acts inconsistent, repealed.

SECT. 18. This act shall take effect from and after its approval by the governor; and after at a meeting legally held it shall have been accepted by the president and trustees of Bates College.

When to take effect.

Approved February 14, 1868.

Chapter 497.

An act additional to an act entitled "an act to supply the people of Portland with pure water."

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

SECT. 1. Any contract or stipulations which may be made by the city council of Portland on behalf of said city, and the Portland Water Company, as a condition of giving the consent of said city council, required in the ninth section of chapter one hundred and fifty-nine of the special laws of the year one thousand eight hundred and sixty-six, entitled "an act to supply the people of Portland with pure water," shall be binding on the parties thereto.

Conditional contracts, &c., of city council with Water Co. made binding.

SECT. 2. The city council may embody such conditions and stipulations as may be agreed on by said parties, and may be deemed necessary to protect the interest of the inhabitants of said city in the ordinance by which the consent required in said ninth section shall be given, and such ordinance shall be binding on said water company. But nothing in such ordinance contained shall relieve said company from any of the duties and liabilities imposed by said act to which this act is additional.

Conditions imposed by ordinance of city council to be binding on Water Co.

SECT. 3. In addition to all legal remedies which may at any time exist, the supreme judicial court shall have jurisdiction in equity, to compel the performance of all such conditions and stipulations, or of any contract or agreements made by said city and said company by virtue of such conditions and stipulations; and for this purpose it may grant injunctions and make decrees of specific performance by said company of such conditions, stipulations and contracts, upon a summary hearing, and from time to time modify such injunctions and decrees as the case may require,

Power of S. J. Court in compelling performance of contracts, &c.