

MAINE STATE LEGISLATURE

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ACTS AND RESOLVES

OF THE

SIXTY-SEVENTH LEGISLATURE

OF THE

STATE OF MAINE

1895.

Published by the Secretary of State, agreeably to Resolves of June 28, 1820,
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1895.

PRIVATE AND SPECIAL LAWS

OF THE

STATE OF MAINE.

1895.

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Maine State Agricultural Society, one thousand dollars,	\$1,000 00
Maine State Agricultural Society, for industrial exhibits, one thousand dollars,	1,000 00
Eastern Maine State Fair, one thousand dollars,	1,000 00
Eastern Maine State Fair, to encourage pomology, seven hundred fifty dollars,	750 00
Soldiers' allotments, two hundred dollars,	200 00
Advertising laws, five thousand dollars,	5,000 00
Superior court in Waterville, two hundred dollars,	200 00
Deaf, dumb and blind, twenty-two thousand dollars,	22,000 00
Idiotic and feeble-minded persons, three thousand dollars,	3,000 00
Support of paupers in unincorporated places, fifteen thousand dollars,	15,000 00
Commission to investigate special and private legislation, three thousand twenty-five dollars,	3,025 00
Militia fund, thirty-two thousand four hundred forty-seven dollars and eighty-three cents,	32,447 83
Free public libraries, two thousand dollars,	2,000 00
Amounting to the sum of one million, one hundred nine thousand five hundred eleven dollars and thirty-three cents,	\$1,109,511 33
SECT. 2. This act shall take effect when approved.	

Approved February 5, 1895.

Chapter 17.

An Act to incorporate the city of Dexter.

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

SECT. 1. The inhabitants of the town of Dexter, in the county of Penobscot, shall continue to be a body politic and corporate under the name of the city of Dexter, and as such shall have, exercise and enjoy all the rights, immunities, powers, privileges and franchises, and shall be subject to all the duties and obligations now incumbent upon and pertaining to the said town as a municipal corporation, and may

Corporate name.

—rights, powers and privileges.

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enact reasonable by-laws and regulations for municipal purposes and impose penalties for the breach thereof, not exceeding twenty dollars, to be recovered for such uses as the city council may designate.

Administra-
tion of muni-
cipal affairs,
vested in
mayor and
council.

SECT. 2. The administration of all fiscal, prudential and municipal affairs of said city with the government thereof, shall be vested in an officer to be called the mayor, and one council of nine, being three from each ward, to be denominated a board of aldermen, all of whom shall be inhabitants of said city and legal voters therein. Said mayor and aldermen shall constitute the city council, and shall be sworn or affirmed in the form prescribed by the constitution of the state for state officers.

--officers shall
be sworn.

Mayor, powers
and duties of.

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 city council when in his opinion the interest of the city requires it, by causing a summons or notification to be given in hand or left at the usual dwelling place of each member thereof. He shall, from time to time, communicate to the city council such information, and recommend such measures as the business and interests of the city, may in his opinion, require. He shall preside at the meetings of the city council, but shall have only a casting vote. The salary and compensation of the mayor shall be one hundred dollars per annum for the first three years under this charter. It may then be diminished or increased by the board of aldermen, but not oftener than once in three years. The mayor shall, in the month of February annually, prepare and lay before the city council an estimate of the amount of money necessary to be raised for the ensuing financial year, under the various heads of appropriation, and the ways and means of raising the same; and shall also in the month of February annually, prepare and lay before the city council a statement of all the receipts and expenditures, of the preceding financial year, giving in detail the amount of appropriations and expenditures for each department; and said statement shall be accompanied with a schedule of the property,

--compensa-
tion.

real and personal, belonging to the city, and the value thereof, and amount of city debt.

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SECT. 4. The city council shall secure a prompt and just accountability, by requiring bonds with sufficient penalty and surety or sureties, from all persons trusted with the receipt, custody or disbursement of money; the city council shall also have the care and superintendence of the city buildings, and the custody and management of all city property, and trust funds for the benefit of schools, public library, parks, cemeteries, and for any other beneficial purpose, whether acquired by purchase or legacy; with power to let or sell what may be legally let or sold, and to purchase and take in the name of the city real and personal property for municipal purposes, to an amount not exceeding fifty thousand dollars, in addition to that now held by the town, and shall as often as once a year cause to be published for the information of the inhabitants, a particular account of the receipts and expenditures, and a schedule of the city property and the city debt. The city council shall have the power to establish, by ordinance, such officers as may be necessary for municipal government, not provided for by this act, and to elect such subordinate officers as may be elected by towns under general laws of the state, for whose election or appointment other provision is not herein made; to define their duties and fix their compensation; to act upon all matters in which authority is now given to said town of Dexter; and to determine what streets, if any, shall be lighted and upon what terms. The city council shall appropriate annually the amount necessary to meet the expenditures of the city for the current municipal year. The city council shall have exclusive authority to lay out, widen, or otherwise alter or discontinue any and all streets, or public ways, in said city, and to estimate all damages sustained by owners of land taken for such purpose. A committee of the council shall be appointed, whose duty shall be to lay out, alter, widen or discontinue any street or way, first giving notice of the time and place of their proceedings to all parties interested, by an advertisement in one or more newspapers printed in Penobscot county for three weeks at least, next previous to the time appointed. The committee shall first hear all parties interested, and then determine and adjudge whether the public convenience requires

Bonds required of all persons charged with disbursement of money.

—care of all public property, vested in the council.

—may provide for appointment of subordinate officers.

—determine how streets shall be lighted.

—make necessary appropriations.

—shall have exclusive authority over all streets.

—shall appoint a committee to lay out, etc., streets.

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such street or way to be laid out, altered or discontinued, and shall make a written return of their proceedings, signed by a majority of them, containing the bounds and descriptions of the street or way, if laid out or altered and the names of the owners of the land taken, when known, and the damages allowed therefor; the return shall be filed in the city clerk's office at least seven days previous to its acceptance by the city council. The street or way shall not be altered or established until the report is accepted by the city council. And the report so filed shall not be altered or amended before it comes up before the city council for action. A street or way shall not be discontinued by the city council except upon the report of said committee. The committee shall estimate and report the damages sustained by the owners of the lands adjoining that portion of the street or way which is so discontinued; their report shall be filed with the city clerk, seven days at least before its acceptance. Any party aggrieved at their decision may appeal therefrom as provided by law in the case of town ways. If a street or way is discontinued before the damages are paid or recovered for the land taken, the land owners shall not be entitled to recover such damages, but the committee in their report discontinuing the same shall estimate and include all the damages sustained by the land owner, including those caused by the original location of the streets; and in such cases if any appeal has been regularly taken, the appellant shall recover his costs. The city shall not be compelled to construct or open any street or way thus hereafter established until, in the opinion of the city council, the public good requires it to be done; nor shall the city interfere with possession of the land so taken by removing therefrom materials, or otherwise, until they decide to open said street. The city council may regulate the height and width of the sidewalks in any public square, places, streets, lanes or alleys in said city; and may authorize hydrants, drinking fountains, posts and trees to be placed along the edge of the sidewalks, and may locate and construct culverts and reservoirs within the limits of any street or way in said city, whenever they deem it needful for protection against fire, and the city shall not be liable for any damages caused by such posts, hydrants, drinking fountains, trees and reservoirs, nor by any poles or wires

—damages,
how
estimated.

—Council may
regulate
sidewalks.

erected in its streets by any parties authorized by law so to do. Every law, act, ordinance, resolve or order of the city council, excepting rules and orders of a parliamentary character, shall be presented to the mayor. If not approved by him he shall return it with his objections, in writing, at the next stated session of the city council, which shall enter the objections at large on its journal, and proceed to reconsider the same. If upon such reconsideration it shall be passed by vote of two-thirds of all the members of the board of aldermen, it shall have the same force as if approved by the mayor. In case of vacancy in the mayor's office, this section shall not apply to any act of the council. In case the mayor fails to either sign or return the bill at the next session, then it becomes a law as though he had signed it.

—laws and ordinances, how made.

SECT. 5. The city clerk shall, before entering upon the duties of his office, be sworn to the faithful discharge thereof. He shall have care of all journals, records, papers and documents of the city; and shall deliver all journals, records, papers and documents, and other things entrusted to him as city clerk to his successor in office. He shall be clerk of the city council, and do such acts in his said capacity as the city council may lawfully and reasonably require of him. He shall perform all the duties and exercise all the powers by law incumbent upon, or vested in the town clerk of the town of Dexter. He shall attend all meetings of the city council, and keep a journal of its acts, votes and proceedings. He shall engross all of the ordinances passed by the city council in a book provided for the purpose, and shall add proper indexes, which book shall be deemed a public record of such ordinances. He shall issue to every person who is appointed to any office by the mayor, or elected to any office by the city council, a certificate of such appointment or election. He shall give notice of time and place of regular ward meetings. In case of the temporary absence of the city clerk, the city council may elect a clerk, pro tempore, with all the powers, duties and obligations of the city clerk, who shall be duly qualified.

Clerk shall be sworn.

—duties of.

SECT. 6. The assessors, overseers of the poor and health officers shall be elected by the city council on the second Monday in March, or as soon thereafter as may be. At the first election thereof under this act, three persons shall be elected assessors, one of whom shall be elected for one year,

Assessors, overseers of poor, and health officers.

—terms.

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one for two years and one for three years, and at each subsequent election one assessor shall be elected for three years, each of whom shall continue in office until some other person shall have been elected and qualified in his place. Three overseers of the poor shall be elected in the same manner as are the assessors, and shall hold office the same time, and all subsequent elections of these officers shall be in the same manner as all subsequent elections of assessors. The city council may elect an assistant assessor 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. He shall be sworn or affirmed 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, except as herein modified, and the city council may establish further or additional provisions for the collection thereof and of interest thereon. The city council may also elect a city solicitor, whose salary shall not exceed fifty dollars.

Ass't assessors may be elected.

—taxes, how assessed and collected.

Clerk, treasurer, and collector, how elected.

—vacancies, how filled.

—compensation.

—treasurer shall give bond.

—may appoint deputies.

SECT. 7. The city council shall annually as soon after its organization as may be convenient, elect by ballot a city clerk, and a city treasurer who shall be the collector of taxes, and who shall hold their offices for the current municipal year following their election and until their respective successors shall be elected and qualified ; provided, however, that either of the officers named in this section may be removed at any time by the city council for sufficient cause. Vacancies in the above named offices may be filled by ballot of the city council at any time. The compensation of the officers named in this section shall be fixed by vote of the city council, and the official fees by them received shall be paid in to the city treasurer. If it is deemed expedient by the city council, the offices of city clerk and city treasurer may be held by the same person. The treasurer of the city shall also be the collector of taxes for said city, with all the powers of collectors of taxes under the laws of this state. He shall be styled treasurer and collector, and shall give but one bond to be approved by the city council for the faithful performance of his duties ; and may appoint assistants and deputies as provided by law. All warrants directed to him by the assessors and municipal officers shall run to him and his successor in office, and shall be in the form pre-

scribed by law, changing such parts only as by this act are required to be changed. The method of keeping, vouching and settling his accounts shall be subject to such rules and regulations as the city council may establish. Said treasurer and collector shall collect all such uncollected taxes and assessments, in whatever year assessed, as may be collected during his term of office; and at the expiration of said term his powers as collector shall wholly cease; all sales, distresses, and all other acts and proceedings, lawfully commenced by him as such treasurer and collector, may be as effectually continued and completed by his successor in office as though done by himself; and all unreturned warrants, which would otherwise be returnable to him, shall be returned to his successor in office.

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—duties of.

SECT. 8. There shall be annually elected by the city council a street commissioner, who shall give bonds to the city in the sum of one thousand dollars, with such sureties as the city council shall approve, for the faithful performance of his duty, and shall receive such compensation as the city council shall establish and he shall be removable at their pleasure; and if said office shall become vacant by death, resignation or otherwise, they shall forthwith elect another person.

Street
commissioner
shall be
elected
annually.

I. It shall be the duty of the street commissioner to superintend the general state of the streets, roads, bridges, sidewalks and lanes in the city; to attend to the repairs of the same, and to remove sidewalks when they are dangerous to travelers; and it shall be the duty of the commissioner to cause permanent bounds, monuments or land marks, to be erected at the termini and angles of all highways and streets now located, or that may hereafter be located by the council, or altered or widened as provided by statute, and shall cause plans thereof to be made and filed with the city clerk when required, after the passage of an order by the city council. He shall make all contracts for labor and material, subject to the approval of the city council, and give notice to the mayor or to any police officer, or constable, of any obstruction or encroachment on the streets. He shall superintend the building and repairs of all sewers, drains or reservoirs, and make contracts for labor and material for the same, subject to the approval of the city council.

—duties.

II. He shall perform such duties in his said office as the city council may require, and shall at all times obey the direc-

Shall be under
direction of
council.

CHAP. 17 tions of the city council, or its committee in the performance of his official duties.

—certify all accounts.

III. He shall certify all accounts and bills contracted in the discharge of his official duties, to the city council for their examination and allowance at each regular meeting of the council.

IV. No person or corporation authorized by the city council to dig up any public street or sidewalk in said city, shall begin such digging before furnishing to the street commissioner security satisfactory to him, to restore such street or sidewalk to its original condition.

Board of managers of ancient burying grounds

SECT. 9. The city council first elected under this act, shall, as soon after its organization as may be convenient, elect by ballot three persons, legal voters of said city, to constitute a board of managers of ancient burying grounds, and the public cemeteries of said city, to serve, one for three years, one for two years, and one for one year from the second Monday of March then next ensuing, and until their respective successors shall be elected, and thereafter the city council shall annually on the second Monday of March in the same manner elect one person, a legal voter of said city to serve on said board of managers for three years then next ensuing, and until his successor is chosen. The said board shall have charge and control of the public cemeteries and burial places belonging to said city, and shall serve without pay. The board shall keep deposited at the office of the city clerk, a correct record of its proceedings, which shall be open to public inspection.

—shall have charge of all public cemeteries.

Police department established.

SECT. 10. The city council may, by the affirmative vote of two-thirds of all its members, establish by ordinance, a police department to consist of a chief of police and such other officers and men as it may prescribe, and may make regulations for the government of the department. Until a department of police shall be established in accordance with the provisions of this act, the mayor shall have the appointment, control and direction of the police force of the city.

Fire department.

SECT. 11. The city council may establish a fire department for said city, to consist of a chief engineer and such assistant engineers and other officers and men as it may prescribe, and it may make regulations for the government of the department.

Salaries, how established.

SECT. 12. The city council shall establish, by ordinance, the regular salaries or remuneration of the officers established

by this act, in case the same is not fixed herein, and of such other offices as may be hereafter established, and after the first municipal year no ordinance of the council changing any such salary or remuneration shall take effect until the municipal year succeeding that in which the ordinance is passed.

SECT. 13. In case any ordinance, order, resolution or vote involves the appropriation or expenditure of money to an amount which may exceed one hundred and fifty dollars, the laying of an assessment, or the granting to a person or corporation of any right in, over or under any street or other public ground of said city, the affirmative votes of a majority of all the members of the city council shall be necessary for its passage. Every such ordinance, order, resolution or vote shall be read twice with an interval of at least three days between the two readings before being finally passed, and the vote upon its final passage shall be taken by roll call. No sum appropriated for a specific purpose shall be expended for any other purpose, and no expenditure shall be made, nor liability incurred by or in behalf of the city, until an appropriation has been duly voted by the city council, sufficient to meet such expenditure or liability, together with all unpaid liabilities which are payable out of such appropriation; provided, however, that, after the expiration of the financial year, and until the passage of the regular annual appropriations, liabilities payable out of a regular appropriation to be contained therein may be incurred to an amount not exceeding one-quarter of the total of such appropriations for the preceding year. No money shall be paid out of the city treasury except on orders signed by the mayor, designating the fund or appropriation from which said orders are to be paid.

Appropriations, how made and expended.

SECT. 14. It shall be the duty of the selectmen of the town of Dexter as soon as may be after this act shall have been accepted as hereinafter provided, to cause a division of said town to be made into three wards, in such manner as to include as nearly as may be, consistently with well defined limits, an equal number of legal voters in each ward, and publish the same in one issue at least of a newspaper published in Penobscot county, before the first election of mayor. For the purpose of organizing the system of government hereby established, and putting the same in operation in

Wards, how established.

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—first meeting shall be called by selectmen.

Election of mayor, aldermen, and ward officers.

—lists of voters.

Annual meetings, how held.

—officers shall be elected by plurality of votes.

Clerk shall deliver certificate of election to all ward officers, within 24 hours.

the first instance, the selectmen of the town of Dexter, for the time being, shall at least seven days before the first Monday of March, next after the acceptance of this charter, issue their warrants for calling meetings of the said citizens in each ward at such place and hour of the day as they shall deem expedient, for the purpose of choosing a warden and clerk for each ward, and also to give their vote for a mayor to be taken from the city at large, and three aldermen and one constable for each ward; and the transcript of the records of each ward, specifying the votes given for mayor, three aldermen and one constable, certified by the warden and clerk of said ward, shall on the evening of the day of said first election be returned to the said selectmen of the said town of Dexter, whose duty it shall be to examine and compare the same; and in case such elections shall not be completed at the first election, to forthwith issue new warrants until such elections shall be completed according to the provisions of this act; and to give notice thereof to the several persons elected. At said first meeting any legal voter of said ward 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 Dexter 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 on the first Monday in March annually thereafter, the qualified voters of each ward shall vote on one ballot for city and ward officers as hereafter provided, for all of which officers, except the mayor, shall be residents of the ward or district where elected. And all officers shall be elected by ballot, by a plurality of the votes given, and shall hold their offices one year from the second Monday in March, and until others shall be elected and qualified in their places; all city and ward officers shall be held to discharge the duties of the offices to which they have been respectively elected, notwithstanding the removal after their election out of their respective wards into any other wards in the city, but they shall not so be held after they have taken up their permanent residence out of the city; the ward clerk within twenty-four hours after such election, shall deliver to the ward officers elected, certificates of their

election, and shall forthwith deliver to the city clerk a certified copy of the record of such election, a plain and intelligible abstract of which shall be entered by the city clerk upon the city records. If the person elected shall refuse to accept the office, the said board shall issue their warrants for another election; 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 to be called as herein provided and held within twenty days after the vacancy occurs. The oath or affirmation, 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 elect shall meet on the second Monday in March at seven o'clock in the evening, when the oath or affirmation required by the second section of this act shall be administered to the members present, by the mayor, or any justice of the peace. The city council shall by ordinance determine the times of holding stated or regular meetings of the council, and shall also in like manner determine the manner of calling special meetings, and the persons by whom the same shall be called, but, until otherwise provided by ordinance, special meetings shall be called by the mayor, by causing a notification to be given in hand, or left at the usual residence of each member.

—vacancies,
how filled.

Oath, how
administered
to mayor.

First meeting
of aldermen.

Regular meet-
ings of
council, how
called.

Special meet-
ings, how
called.

SECT. 15. After the organization of a city government, and the qualification of a mayor, and when a quorum of the city council shall be present, said council, the mayor presiding, shall proceed to choose a permanent chairman, who in the absence of the mayor, shall preside at all meetings of the council, and in case of any vacancy in the office of mayor, he shall exercise all the powers and perform all the duties of office so long as such vacancy shall remain; he shall continue to have a vote in the board, but shall not have the veto power. The board of aldermen in the absence of the mayor and permanent chairman shall choose a president, pro tempore, who shall exercise the powers of permanent chairman.

Permanent
chairman, how
chosen, and
duties of.

—president
pro tem.

SECT. 16. Every officer of the city, except the mayor, shall at the request of the city council appear before them and give such information as may be required, and answer any questions that may be asked by the council in relation to any matter, act or thing connected with his office, or the discharge of the duties thereof.

All officers
except mayor,
may be
required to
appear before
council and
give informa-
tion.

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Aldermen not entitled to compensation or emoluments.

—shall expend money for no other purpose than for which appropriated.

Officers of health and police departments, how appointed.

Municipal court, continued.

Superintending school committee, continued till terms expire.

Election thereafter provided for.

—term.

SECT. 17. The aldermen shall not be entitled to receive any salary or other compensation during the year for which they are elected for their services nor be eligible to any office of profit or emolument, the salary of which is payable by the city during said term, and all departments, boards, officers and committees acting under the authority of the city and entrusted with the expenditure of public money, shall expend the same for no other purpose than that for which it is appropriated and shall be accountable therefor to the city in such manner as the city council may direct.

SECT. 18. All officers of the police and health departments shall be appointed by nomination by the mayor, and confirmed by the aldermen, and may be removed by the city council for good cause. All other subordinate officers shall be elected by the city council and may be removed by the council for cause. Except as otherwise specially provided in this act, all subordinate officers shall be elected annually on the second Monday of March, or as soon thereafter as may be, and their term of office shall be for one year, and until others are qualified in their place.

SECT. 19. The municipal court of Dexter, established in and for the town of Dexter, by private and special laws of eighteen hundred and eighty-three, chapter two hundred and sixty, and amended by private and special laws of eighteen hundred and eighty-seven, chapters one hundred and sixty-nine and one hundred and ninety, shall remain in and for the city of Dexter, with its powers, duties, and jurisdiction of criminal offenses, and civil actions, unchanged, except it shall have exclusive original jurisdiction of all offenses committed against the ordinances and by-laws of said city of Dexter.

SECT. 20. The superintending school committee of the town of Dexter consisting of five members, whose terms of office expire, one in March, eighteen hundred and ninety-five, two in March, eighteen hundred and ninety-six and two in March, eighteen hundred and ninety-seven, shall be continued as the superintending school committee of the city of Dexter. Upon the expiration of the terms of the members of said committee and thereafter at its annual meeting to elect subordinate city officers, the city council shall elect a person to fill the place of each member whose term expires, who shall hold office for three years. No member of the committee

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shall receive any compensation for his services as such. The members of said committee duly elected shall meet and organize as soon after the election of any new member or members as may be. A majority of the board shall constitute a quorum for the transaction of business. They shall have all the powers and perform all the duties in regard to the care and management of the public schools of said city which are now conferred upon superintending school committees by the laws of this state, except as otherwise provided in this act. They shall annually, and whenever there is a vacancy, elect a superintendent of schools for the current municipal year, who may or may not be a member of the board of superintending school committee, and who shall have the care and supervision of said public schools under their direction, and act as secretary of that board. They shall fix his salary at the time of his election, which shall not be increased nor diminished during the year for which he is elected, and may at any time dismiss him, if they deem it proper or expedient. A suitable and convenient room shall be furnished by the city for the meetings of said committee, wherein shall be kept their records open to the inspection of the citizens. The said committee shall annually before the spring election furnish to the city council, an estimate in detail of the several sums required during the ensuing municipal year for the support of said public schools, and they shall not increase the expenditures beyond the amount appropriated therefor.

—quorum.

—powers.

Supt. of schools, election and duties of.

—salary.

school committee shall furnish estimate of money needed for support of schools.

SECT. 21. Part I. The city council may make, lay, and maintain all such main drains, or common sewers, as they adjudge to be necessary for the public convenience, or the public health, through the public streets, or through the lands of any person or corporation, and may repair the same whenever it is necessary as hereafter provided. All such drains and sewers shall be the property of the city, and shall be constructed in such manner and of such dimensions as the city council deem best.

Council may lay out and maintain sewers.

Part II. When such drains or sewers are laid through the land of any person or corporation, and the land is taken therefor, the proceedings shall be the same as provided by the revised statutes in the case of laying out streets.

—damages, how ascertained.

Part III. The city council shall adjudge what lots or parcels of land are to be benefited by such drains or sewers,

—may adjudge what lots are benefited.

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and establish outlines of same and estimate what sums shall be assessed upon such lots and parcels of land, or the owners thereof, towards defraying the expense of constructing such drains or sewers, the whole of said assessment not to exceed two-thirds of the cost of such drains or sewers.

—upon application of ten tax payers, may construct any sewer.

Part IV. Upon the application of ten resident tax-payers for the construction of drains or sewers in a locality, the city council, if it deems them necessary, may proceed to construct such drains or sewers, in manner as herein provided.

—may assess upon lots benefited, and file with city clerk, amounts of such assessments.

Part V. When said drains or sewers are completed the city council shall adjudge what lots or parcels of land are benefited by such drains or sewers, and estimate and assess upon such lots and parcels of land and against the owners thereof, if known, such sum not exceeding such benefit, as they may deem just and equitable towards defraying the expenses of constructing and completing such drains or sewers which shall forever thereafter be maintained and kept in order by said city; the city council shall file with the clerk of said city the amount assessed upon each lot or parcel of land so assessed and the name of the owner of each lot or parcel of land, if known, and the clerk of said city shall record the same in a book kept for that purpose, and within ten days after filing such notice each person so assessed shall be notified of such assessment by having an authentic copy of said assessment with an order of notice signed by the clerk, stating a time and place for a hearing on the subject matter of said assessment given to the person so assessed, or left at his usual place of abode in said city; if he has no place of abode in said city, then such notice shall be given to, or left at the abode of his tenant or lessee, if he has one in said city; if he has no such tenant or lessee in the said city, then by posting the same in some conspicuous place in the vicinity of the lot or parcel of land so assessed, at least thirty days before said hearing; or such notice may be given by publishing the same three weeks successively in one or more newspapers published in Penobscot county, the first publication to be at least thirty days before said hearing; a return made by copy of such notice by any constable of said city, or the production of the paper containing such notice shall be conclusive evidence that such notice has been given, and upon such hearing, the city council

Notice to persons assessed, and proceedings for collection.

shall have power to revise, increase or diminish any such assessments, and all such revision, increase or diminution shall be stated in writing and recorded by the city clerk.

Part VI. Any person who is aggrieved by the doings of said city council in laying out and constructing said drains or sewers, or in making said assessments, may appeal therefrom to the next term of the supreme judicial court which shall be holden in the county of Penobscot, more than thirty days from and after the day when the hearing last mentioned is concluded, excluding the day of the commencement of the session of said court; the appellants shall serve written notice of such appeal upon said city council, fourteen days at least before the session of the court, and shall at the first term, file a complaint setting forth the facts of the case; either party shall be entitled to a trial by jury, or the matter in dispute may, if parties so agree, be decided by a committee of reference, and the court shall render such judgment and decree in the premises as the nature of the case may require; at the trial exceptions may be taken to the ruling of the judge as in other cases.

—persons
aggrieved may
appeal to
S. J. court.

—proceedin s,
on appeals.

Part VII. All assessments made under the provisions of this act shall create a lien upon each and every lot or parcel of land so assessed, and within ten days after they are made the clerk of said city shall make out a list of all such assessments, the amount of each assessment, the name of the persons, if known, against whom the same are assessed, to be by him certified; and he shall deliver the same to the treasurer of said city, and if said assessments are not paid within three months from the date of said assessments, then the treasurer shall proceed and sell such of said lots or parcels of land, upon which such assessments remain unpaid, or so much thereof, at public auction as is necessary to pay such assessments, and all costs and incidental charges, in the same way and manner that real estate is advertised and sold for taxes under chapter six of the revised statutes, which sale shall be made within one year from the time said assessments are made; and upon such sale the treasurer shall make, execute and deliver his deed to the purchaser thereof, which shall be good and effectual to pass the title to such real estate.

—assessments
shall create a
lien.

—lots may be
sold, if assess-
ments are not
paid within
three months

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—may be redeemed within one year.

Part VIII. Any person to whom the right by law belongs, may, at any time within one year from the date of said sale, redeem such real estate by paying to the purchaser or his assigns, the sum for which the same was sold with interest thereon at the rate of twelve per cent per annum, with cost of reconveyance.

—city may sue, if for any cause assessments are not paid.

Part IX. If said assessments are not paid, and said city does not proceed to collect them by a sale of the lots or parcels of land upon which they are made, or does not collect, or is in any manner delayed or defeated in collecting such assessments, by sale of the real estate so assessed, then the said city in the name of the inhabitants thereof, or in the name of such city, may sue for and maintain an action against the parties so assessed for the amount of said assessment, as for money paid, laid out and expended, in any court competent to try the same, and in such suit may recover the amount of such assessment with twelve per cent interest on the same from the date of said assessment, and costs; provided, however, that if any lot when sold in the manner before provided, shall not sell for enough to pay the amount of said assessment with interest and costs, the owner thereof shall be under no personal liability for the same.

Assessments may be suspended, where lots are not immediately benefited

Part X. When lots and parcels of land adjoining streets where sewers are laid, receive no immediate benefit from said drains or sewers constructed and completed in accordance with the provisions of this section, the city council may suspend the enforcement of the assessment till said lots or parts thereof are improved for building purposes, and the amounts of the assessments shall be filed and carried in his accounts by the city treasurer, as assets of the city.

General meetings may be held.

SECT. 22. General meetings of the citizens qualified to vote in the city affairs may, from time to time, be held, to consult upon the public good, to instruct their representatives, and to take any lawful measures to obtain redress of any grievances, according to the rights secured to the people by the constitution of the state; and such meetings shall be duly warned by the mayor and aldermen upon requisition of twenty qualified voters. The city clerk shall act as clerk of such meetings, and record the proceedings upon the city records.

—how called.

Pending rights and suits shall

SECT. 23. The passage of this act shall not affect any right accruing or accrued, or any suit, prosecution or other

legal proceeding pending at the time when it shall take effect by acceptance as herein provided for, and no penalty or forfeiture previously incurred shall be affected thereby. All persons holding office in said town at the time this act shall be accepted as aforesaid, shall continue to hold such offices until the organization of the city government hereby authorized shall be effected and until their respective successors shall be chosen and qualified.

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not be affected
by this act.

SECT. 24. A town meeting may be held at the usual place of meeting in said town, for the purpose of submitting the question of the acceptance of this act to the legal voters of said town at any time within five years after the passage thereof, except in the months of September and November. At such meeting the polls shall be open from eight o'clock in the forenoon until five o'clock in the afternoon, and the vote shall be taken by written or printed ballots in answer to the question, "shall the act passed by the legislature in the year of our Lord, one thousand eight hundred and ninety-five, entitled 'An Act to incorporate the city of Dexter' be accepted." The selectmen shall preside at such election, and use a check list. The affirmative votes of a majority of the voters present, and voting thereon shall be required for its acceptance. If at any meeting so held this act shall fail to be thus accepted, it may, at the expiration of six months or more from any such previous meeting, be again thus submitted for acceptance, but not after the period of five years from the passage thereof. Such meetings shall be called as provided for by the general laws of the state for calling and holding meetings for the transaction of town business.

Meetings for
submitting
question of
acceptance.

—how called
and held.

SECT. 25. So much of this act as authorizes the submission of the question of its acceptance to the legal voters of the said town, shall take effect upon its passage, but it shall not take further effect unless accepted by the legal voters of said town, as herein prescribed, in which case all acts and parts of acts inconsistent with this act, are hereby repealed.

When act shall
take effect.