

MAINE STATE LEGISLATURE

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ACTS AND RESOLVES

OF THE

SEVENTY-FIRST LEGISLATURE

OF THE

STATE OF MAINE

1903.

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PRIVATE AND SPECIAL LAWS

OF THE

STATE OF MAINE.

1903.

Chapter 25.

An Act to incorporate the city of Camden.

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

Corporate name.

Section 1. The inhabitants of the town of Camden, in the county of Knox, shall continue to be a body politic and corporate under the name of the city of Camden, 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 enact reasonable by-laws and regulations for municipal purposes and impose penalties for the breach thereof, not exceeding twenty dollars for any one offense, to be recovered for such uses as the city council may designate.

Rights, powers and privileges.

—may enact laws and regulations.

Municipal affairs vested in mayor and board of aldermen.

Section 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 ten, being two 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.

Duties and powers of mayor.

Section 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 violation 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 require 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 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. He shall not receive from the city any other compensation for any services by him rendered in any other capacity or agency. 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

—may call meetings of the city council.

—salary of mayor.

—shall prepare estimates of money necessary for fiscal year.

the current financial year, under the various heads of appropriation, and the ways and means of raising the same; and shall also in the month of December, annually, prepare and lay before the city council a statement of all the receipts and expenditures for each department; and said statement shall be accompanied with a schedule of the property, real and personal, belonging to the city, and the value thereof, and the city debt.

Section 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, gift 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 one hundred thousand dollars, in addition to that now held by the town, and Camden Village Corporation, 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, and for the management and care of the city property, not provided for by this act, and to elect such subordinate officers as may be elected by towns under general law 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 Camden or the selectmen thereof; and to determine what streets, if any, shall be lighted and upon what terms, and how said city shall be supplied with water for municipal purposes 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 and highways in said city, and to estimate and allow 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 a newspaper published in said city, for three weeks at least, next previous to

—shall annually prepare statement of receipts and expenditures.

Bonds shall be required from persons trusted with receipt, custody or disbursement of money.

—city council shall have custody and management of all city property, etc.

—in name of city may take real and personal property for municipal purposes.

—shall annually publish account of receipts and expenditures.

—may establish such offices as may be necessary.

—may elect subordinate officers.

—may determine what streets shall be lighted.

—shall appropriate amount necessary for expenditures.

—shall have authority over streets and highways.

—how notice shall be given.

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the time appointed; or by giving written notice of their intention, to be posted for seven days, in two public places in the city, and in the vicinity of the way, describing it in said notice. The committee shall first hear all parties interested, and then determine and adjudge whether the public convenience requires 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 the action of the city council or the committee thereof, in laying out, and accepting, or in unreasonably refusing to lay out or accept such streets or ways, or the assessment of damages, shall have the same remedy as provided by law in the case of town ways. 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 it is decided to open said street. The city council may regulate the height and width of the sidewalks in any public square, place, street, lane or alley in said city; and may authorize hydrants, drinking fountains, posts and trees to be placed along the edge of the sidewalks, or within the limit of any street or way in said city, 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 hydrants, drinking fountains, trees, posts and reservoirs, nor by any poles and wires 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 pro-

—how damages for land taken shall be estimated.

—city council may regulate height and width of sidewalks.

—may authorize hydrants, drinking fountains, posts and trees to be placed.

—city shall not be liable for damages caused by said hydrants, etc.

—acts of city council shall be presented to mayor.

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ced to consider the same. If upon such reconsideration it shall be passed by a 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, the above provision 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.

—acts may become valid without approval of mayor, if passed by two-thirds vote of all the aldermen.

Section 5. The city clerk shall, before entering upon the duties of his office, be sworn or affirmed by the mayor or a justice of the peace, to the faithful discharge thereof. He shall have care of all journals, records, papers and documents of the city; and shall deliver the same, and all other things entrusted him as city clerk, to his successor in office. He shall be clerk for 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 duties and exercise all the powers by law incumbent upon, or vested in the town clerk of the town of Camden. He shall attend all meetings of the city council, and keep a journal of its acts, voted 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 the 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 powers, duties and obligations of the city clerk, who shall be duly qualified.

City clerk shall be sworn.

—duties of.

—shall attend meetings of city council.

—shall issue certificate of appointment by mayor.

Section 6. The assessors, overseers of the poor and health officers shall be elected by the city council on the third Monday of January, 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, 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 for 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

Assessors, overseers of the poor and health officers, their election and tenure.

—assistant assessors may be elected.

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—taxes shall be assessed, apportioned and collected in manner prescribed by law.

City clerk, treasurer and collector of taxes shall be elected by city council.

—tenure.

—proviso.

—vacancies, how filled.

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.

Section 7. The city council shall elect annually as soon after its organization as may be convenient, by ballot a city clerk, a city treasurer and a collector of taxes, and may elect a city solicitor, 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 any 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. All warrants directed to the collector of taxes by the assessors and municipal officers shall run to him and his successors in office, and shall be in the form prescribed 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 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 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.

A street commissioner shall be elected.

—compensation.

—duties of street commissioner.

Section 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 removed at their pleasure; and if said office shall become vacant by death, resignation or otherwise, they shall forthwith elect another person to said office to fill such vacancy.

I. It shall be the duty of the street commissioner to superintend the general state of the streets, roads, bridges, sidewalks and lanes of 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 landmarks 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.

—shall make contracts.

—shall superintend building of sewers, etc.

II. He shall perform such duties in his said office as the city council may require, and shall at all times obey the directions of the city council, or its committee, in the performance of his official duties.

—shall obey directions of city council.

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

—shall certify accounts.

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.

—no person shall dig up any public street without giving security to street commissioner.

Section 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 third Monday of January then next ensuing, and until their respective successors shall be elected, and thereafter the city council shall annually, on the third Monday in January 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 the 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.

City council shall elect board of managers of burying grounds and cemeteries.

—tenure.

—duties.

—shall serve without pay.

Section 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 city marshal and such other police 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.

Police department, how established.

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Fire department, how established.

Section 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 of city officers, how established.

Section 12. The city council shall establish by ordinance, the regular salaries or remuneration of the officers established by this act, in case the same are not fixed herein, and of such other officers 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. Said council may pass such other ordinances not repugnant to law, as they may see fit.

An appropriation for an amount exceeding one hundred and fifty dollars, shall have affirmative vote of a majority of all the members of city council.

Section 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, except by a majority vote of all the members of the council, and no expenditure shall be made, or liability incurred by or in behalf of the city, until an appropriation has been duly voted by the city council, sufficient to meet such expenditures or liability, together with all unpaid liabilities that 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 ensuing 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.

—proceedings.

—no expenditure shall be made until provided for by appropriation.

—money shall be paid from treasury only on order signed by mayor.

Selectmen shall divide town into five wards.

Section 14. It shall be the duty of the selectmen of the town of Camden as soon as may be after this act shall have been accepted by said town as hereinafter provided, to cause a division of said town to be made into five wards, in such manner as includes 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

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Knox 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 the first instance, the selectmen of the town of Camden, for the time being, shall at least seven days before the last Monday of March, next after the acceptance of this charter, issue their warrants for calling meetings of the said voters 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 two aldermen for each ward; and the transcript of the records of each ward, specifying the votes given for mayor and two aldermen, 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 Camden, whose duty it shall be to examine and compare the same; and in case such election 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 Camden 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 second Monday of January annually, thereafter, the qualified voters of each ward shall vote on one ballot for city and ward officers as provided by law for elections in cities, all of which officers, except the mayor, shall be residents of the wards or districts where elected. Said officers shall be elected by a plurality of the votes given, and shall hold their offices from the third Monday of January, 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 ward 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 at the first election shall refuse to accept the office, the said board shall issue their warrants for another election; and thereafter in case of a vacancy

—shall call ward meetings.

—purpose for which ward meeting shall be called.

—how returns shall be made

—when annual elections shall be held.

—officers shall be elected by plurality of votes given.

—certificates of election shall be delivered within twenty-four hours.

—vacancies, how filled.

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in the office of mayor, or any alderman, warden or ward clerk, by death, resignation or otherwise, it shall be filled for the remainder of the term by a new election to be called as provided for other city elections, 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 third Monday of January at seven o'clock in the evening, except those first elected who shall meet one week after the first election 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 in said city. 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.

—aldermen elect shall meet on third Monday of January.

—stated or regular meetings, time of holding, how determined.

—special meetings shall be called by the mayor.

City government shall choose a chairman.

—duties and powers.

City officers shall, upon request, give information to the council.

Aldermen shall receive no salary.

Section 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 that 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 chairman, pro tempore, who shall exercise the powers of permanent chairman.

Section 16. Every officer of the city, except the mayor, shall at the request of the city council, appear before said council 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.

Section 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 shall direct.

Section 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 cause. Except as otherwise provided in this act, all subordinate officers shall be elected annually, in such manner as the city council shall provide, on the third Monday of January, or as soon thereafter as may be, and their term of office shall be one year, and until others are qualified in their place.

Officers of police and health departments, how appointed and removed.

Section 19. The superintending school committee of the town of Camden consisting of three members, whose terms of office expire, one in March, nineteen hundred and three, one in March, nineteen hundred and four, and one in March, nineteen hundred and five, shall be continued as the superintending school committee of the city of Camden. 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. The city council shall have power to increase the number of members of said committee, so electing such additional members that the term of an equal number thereof, as nearly as possible, shall expire in one, two and three years from the date of such increase in number. No member of the committee 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 the 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 shall 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 or diminished during the year for which he is elected, and may at any time dismiss him, if they deem it necessary, proper or expedient. A suitable and convenient room shall be furnished by the city for the meeting of said committee, wherein shall be kept their records open to the inspection of the citizens. The said committee shall annually in

Superintending school committee of town continued as committee for the city.

—how members of superintending school committee shall be elected.

—tenure.

—powers and duties.

—superintendent of schools shall be elected.

—city council shall fix his salary.

—records shall be public.

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the month of December 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.

Drains and sewers, city council may lay out, etc.

Section 20. Part I. The city council may make, lay and maintain all such drains or common sewers, as they adjudge to be necessary for the public convenience, or the public health, through the public streets, or through lands of any person or corporation, and may repair the same whenever it is necessary as hereinafter 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.

—may take land for sewers.

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

—may make sewer assessments.

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

—five resident tax payers may apply for construction of local sewers.

Part IV. Upon the application of five 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.

City council shall adjudge what lands are benefited and assess same equitably.

Part V. When such 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 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 the 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

—notification of assessment, how made.

in said city; if he has no place of abode in said city, then such notice shall be given to or left at the place of abode of his tenant or lessee, if he has one in said city; if he has no tenant or lessee in 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 in a newspaper published in said city, three weeks successively, the first publication to be not less than thirty nor more than sixty days before said hearing; if there be no newspaper published in said city, said publication may be made in the same way in any newspaper published in the county of Knox; 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 shall have power to revise, increase or diminish any such assessment, 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 Knox, 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 term of 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.

—appeal from sewer assessment, how made.

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 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

—sewer assessment, a lien.

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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 the laws of this state, said treasurer being hereby invested with all the powers in advertising and selling said lots or parcels of land, that any treasurer or collector of taxes of a town may now or hereafter have for said purposes under said laws of this state; 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.

—land sold for sewer assessment may be redeemed.

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 centum per annum, with cost of reconveyance.

Assessments may be collected by suit.

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 way delayed or defeated in collecting such assessments, by sale of the real estate so assessed, then the said city may, in the name of such city, 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.

City shall have a seal.

Section 21. Said city shall have a seal, which shall be in the custody of the clerk, and such seal shall bear as its principal device a mountain which shall be as nearly as may be, a representation of "Mount Battie," and for its inscription the name of said city and the date on which said city's existence shall begin under this act.

A municipal court established.

—name.

Section 22. A municipal court shall be, and is hereby established in and for said city, to be denominated the municipal court of Camden, which shall be a court of record having a seal to be established by the judge of said court, which court shall consist of one judge who shall be an inhabitant of the county of Knox, of sobriety of manners and learned in the law, who shall be appointed as provided in the constitution and who shall have and exercise concurrent authority and jurisdiction with trial justices, justices of the peace and of the quorum, over all matters and

things within their jurisdiction, and such authority and jurisdiction additional thereto as is conferred upon him by this act.

Section 23. Said municipal court shall have jurisdiction as follows: Exclusive jurisdiction in all matters and things where both parties interested, or the plaintiff and the person or persons summoned as trustees, shall be inhabitants of or residents in said city, or, in case said parties are corporations, have an established place of business in said city; and said court shall also have exclusive jurisdiction over all such criminal offenses committed within the limits of said city, as are cognizable by justices of the peace or trial justices, and under similar restrictions and limitations except as hereinafter otherwise provided. And said court shall have concurrent jurisdiction with the supreme judicial court and the police court of the city of Rockland in all personal actions where the debt or damage demanded, exclusive of costs, is over twenty dollars and not over one hundred dollars, and in all actions of replevin, when it appears that the sum demanded for the penalty, forfeiture or damages does not exceed one hundred dollars, or that the property in the beasts or other chattels is in question and the value thereof does not exceed one hundred dollars, and either defendant or person summoned as trustees, is a resident, or, if a corporation, has an established place of business in Knox county; but this jurisdiction shall not include proceedings under the divorce laws or complaints under the mill act, so called, nor jurisdiction over actions in which the title to real estate according to the pleadings filed in the case by either party is in question except as is provided in chapter ninety-four, sections six and seven of the revised statutes. If any defendant in any action in said court where the amount claimed in the writ exceeds twenty dollars, or his agent or attorney, shall, on the return day of the writ, file in said court, a motion asking that said cause be removed to the supreme judicial court, and deposit with the judge the sum of two dollars for copies and entry fee in said supreme court, to be taxed in his costs if he prevails, the said action shall be removed into the said supreme judicial court for said county and the judge shall forthwith cause certified copies of the writ, officers' return and defendant's motion to be filed in the clerk's office of the supreme judicial court, and shall pay the entry fee thereof; and said action shall be entered on the docket of the term next preceding said filing, unless said court shall be in session, when it shall be entered forthwith, and shall be in order for trial at the next succeeding term. If no such motion is filed, the said municipal court shall proceed and determine said action, subject to the right of appeal in either party as herein provided in other cases. The pleadings in such cases shall be the same as

Jurisdiction
of municipal
court.

--concurrent
jurisdiction.

--pleadings.

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—costs, how
taxed.

in the supreme judicial court. In any action in which the plaintiff recovers not over twenty dollars debt or damages, the costs shall be taxed the same as before trial justices, except that the plaintiff shall have two dollars for his writ. When the defendant prevails in any action in which the sum claimed in the writ is not over twenty dollars, he shall recover two dollars for his pleadings and other costs as before trial justices. In actions where the amount recovered by the plaintiff, exclusive of costs, exceeds twenty dollars, or the amount claimed exceeds twenty dollars, where the defendant prevails, the costs of parties, trustees and witnesses shall be the same as in the supreme judicial court, except the costs to be taxed for attendance shall be two dollars and fifty cents for each term and for trial of issue, eighty cents. All the provisions of the statutes of this state, relative to the attachment of real and personal property and the levy of executions, shall be applicable to actions in this court, and executions on judgments rendered therein. Actions may be referred, and judgment on the referee's report may be rendered in the same manner and with the same effect as in the supreme judicial court. Said court shall also have exclusive jurisdiction in all cases of forcible entry and detainer arising in said city.

—shall have
jurisdiction
in cases
of simple
larceny.

Said court shall have jurisdiction of all cases of simple larceny, and where the property alleged to be stolen shall not exceed the value of thirty dollars, and of all cases of cheating by false pretenses, where the property, money or other thing alleged to have been fraudulently obtained, shall not exceed in value the sum of thirty dollars, and shall have power to try the same, and in either of said cases, to award sentence upon conviction by fine not exceeding fifty dollars, or imprisonment in the county jail with or without labor, for a term not exceeding ninety days. He shall have exclusive jurisdiction of all offenses arising in said city, which are by any law or statute within the jurisdiction of a trial justice, and concurrent jurisdiction with trial justices of the county of Knox, and with the police court of the city of Rockland, of all such offenses arising in said county, out of said city of Camden, except in the said city of Rockland; and shall have exclusive jurisdiction of all offenses against the ordinances and by-laws of said city of Camden.

Terms shall
be held on
the third
Monday in
each month.

Section 24. Said court shall be held on the third Monday of each month at ten o'clock in the forenoon, for the transaction of civil business, at such place within said city as the judge shall determine, but the city may at any time provide a court room, in which case the court shall be held therein, and all civil processes shall be made returnable accordingly. Said court may be

adjourned from time to time by the judge, but it shall be considered in constant session for the cognizance of criminal actions.

Section 25. It shall be the duty of the judge of said court to make and keep the records thereof, or cause the same to be made and kept, and to perform all duties required of similar tribunals in this state; and copies of said records, duly certified by said judge, shall be legal evidence in all courts. The judge may appoint in writing, a recorder, who shall be a trial justice for the county of Knox, duly qualified, who shall be sworn by said judge, who shall keep the records of said court when requested so to do by the judge; in case of the absence from the court room, or sickness of the judge, or when the office of the judge shall be vacant, the recorder shall have and exercise all the powers of the judge, and perform all duties required of said judge by this act, and shall be empowered to sign and issue all processes and papers, and do all acts as fully and with the same effect as the judge could do were he acting in the premises; and the signature of the recorder, as such shall be sufficient evidence of his right to act instead of the judge. When the office of judge is vacant, the recorder shall be entitled to the fees; in all other cases he shall be paid by the judge and shall hold his said office at the discretion of said judge.

Duties of the judge.

—judge may appoint a recorder.

—duties of recorder.

Section 26. Any person aggrieved at any judgment or sentence of said court may appeal to the supreme judicial court in the same manner as from a judgment or sentence of a trial justice, and all such appeals shall be in order for trial at the first term of said appellate court after such appeal is taken. Final judgment in said municipal court may be re-examined in the supreme judicial court on a writ of error or on a petition for review, and when the judgment is reversed, the supreme judicial court shall render such judgment as said municipal court should have rendered, and when a review is granted it shall be tried in said supreme judicial court.

Appeals, how taken.

Section 27. Writs and processes issued by said court shall be in the usual form, signed by the judge and under the seal of said court. They shall be served as like precepts are required to be served when issued by trial justices, except original writs in civil actions, which shall be served not less than seven nor more than sixty days before the sitting of the court at which the same are made returnable.

Writs and processes.

Section 28. Said court is hereby authorized to administer oaths, render judgment, issue executions, punish for contempt, and compel attendance, as in the supreme judicial court, and make all such rules and regulations, not repugnant to law, as may be necessary and proper for the administration of justice.

Court authorized to administer oaths, etc.

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Actions shall be entered on the first day of the term, in the forenoon.

—pleas in abatement, when filed.

Section 29. Actions in said court shall be entered on the first day of the term in the forenoon, and not afterwards, except by special permission. When a defendant legally served, fails to enter his appearance by himself or attorney, on the first day of the return term, he shall be defaulted; but if he afterwards appears during the term, the court may, for sufficient cause, permit the default to be taken off. Pleas in abatement must be filed on or before the day of the entry of the action. The defendant may file his pleadings, which shall be the general issue, with a brief statement of special matter of defense on the return day of the writ, and must file them on or before the first day of the next term, or he shall be defaulted, unless the court for good cause, enlarge the time, for which it may impose reasonable terms. Actions in which the defendant files his pleadings on the return day and all actions of forcible entry and detainer seasonably answered to shall be in order for trial at the return term and shall remain so until tried or otherwise disposed of, unless continued by consent or on motion of either party for good cause, in which latter case the court may impose such terms as it deems reasonable; but all other actions unless defaulted or otherwise disposed of, shall be continued as of course and be in order for trial at the next term.

Purposes for which trial justices or justice of peace may preside in absence of judge and recorder.

Section 30. If at any regular or adjourned term of said court to be held for civil business, the judge or recorder is not present at the place for holding said court within two hours after the time for opening said court, then any trial justice or justice of the peace and quorum in the county of Knox, may preside for the purpose of entering and continuing actions and filing papers in said court, and may adjourn said court from time to time, not exceeding one week at any one time without detriment to any action returnable or pending, and may in his discretion adjourn said court without day, in which event all actions returned or pending shall be considered as continued to the next term.

Fees of judge.

Section 31. The judge of said court shall furnish his own blanks and may demand and receive therefor the sums allowed by law to trial justices for like blanks, and may also demand and receive the same fees allowed to trial justices and clerks of the supreme judicial court for like services, except that he may demand and receive for a complaint and warrant in criminal cases, one dollar; for the entry of a civil action, fifty cents; for the trial of an issue, civil or criminal, two dollars for the first day and one dollar for each day after the first, occupied in such trial, to be paid to him by the plaintiff in civil cases before trial, who shall recover the same as costs if he prevails in the suit, and the fees so received by said judge shall be payment in full

for his services. Provided, that the city council may, at any time, by vote, determine to pay him a salary, which shall be accepted by him instead of said fees, in which case he shall pay all fees of office by him received into the city treasury.

—proviso.

Section 32. Trial justices are hereby restricted from exercising any jurisdiction in the city of Camden over any matter or thing, civil or criminal, except such as are in the jurisdiction of justices of the peace and of the quorum; provided, that the said restrictions shall be suspended until the judge of said court shall enter upon the duties of his office. Any civil action in which the judge is interested but which otherwise would be within the exclusive jurisdiction of said court, may be brought and disposed of by the police court of the city of Rockland in the same manner and with the same effect as other matters therein. Nothing in this act shall be construed to interfere with actions which have been brought and are pending before trial justices in the town of Camden, but all such actions shall be disposed of by such trial justices the same as if this act had not passed.

Trial justices restricted.

—proviso.

Section 33. 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.

General meetings of citizens may be had on requisition of twenty qualified voters.

Section 34. Chapter two hundred and sixty-six of the private and special laws of eighteen hundred and sixty seven, incorporating the Camden Village Corporation, and all laws amendatory thereof and additional thereto, are hereby repealed and said village corporation is hereby abolished, and on the acceptance of this act by the voters of the town of Camden as hereinafter provided, all the property of said village corporation, both real and personal, together with all moneys of said corporation in the hands of the treasurer thereof, or under his control, becomes the property of the city of Camden, and the city of Camden shall assume all obligations of said Camden Village Corporation then existing, and all indebtedness, both temporary and bonded, and shall provide for the payment thereof according to the terms under which said indebtedness was contracted. All persons upon whom taxes have been legally assessed by said Camden Village Corporation, and who have not paid the same, shall be required to make payment thereof to the several collectors to whom warrants for the collection of said taxes have been issued,

Chapter 266, laws of 1867, repealed.

—village corporation abolished.

—property of village corporation becomes property of city of Camden.

—obligations of village corporation assumed by city of Camden.

—taxes assessed by village corporation shall be paid to

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treasurer of
city of
Camden.

and said collectors shall pay over the same to the treasurer of the city of Camden. All rights, contracts, claims, immunities, privileges and franchises which might be exercised by said Camden Village Corporation may be exercised and enforced by the city of Camden as its successor; and all privileges, exemptions and immunities granted by the said Camden Village Corporation, if any, shall remain binding upon the city of Camden. The treasurer of said Camden Village Corporation is hereby authorized and empowered to execute and deliver to said city of Camden a deed of the real estate of said Camden Village Corporation. Provided, however, that this section shall not take effect, until after this act is accepted by the voters of said town of Camden as hereinafter provided and this section has been accepted by the voters of said Camden Village Corporation at a corporation meeting duly called for that purpose.

—proviso.

Rights in any
suit, etc. not
affected by
passage of
this act.

Section 35. 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 of Camden 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.

Acceptance of
this act to be
submitted
to voters.

Section 36. 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 approval thereof, except in the months of September and November. At such meeting the polls shall be opened from nine o'clock in the forenoon until five o'clock in the afternoon, and the vote shall be by written or printed ballots under an article in the warrant calling said meeting to read as follows, namely: "To see if the town will vote to accept the act passed by the legislature in the year of our Lord, one thousand nine hundred and three, entitled 'An Act to incorporate the city of Camden.'" The town may elect a committee to assist in receiving, sorting and counting the ballots, and a check list shall be used. The affirmative vote 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 meeting, be again thus submitted for acceptance, but not after the period of five years from the approval 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.

—when polls
shall be
open.

—how ballots
may be re-
ceived, sorted
and counted.

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Section 37. So much of this act as authorizes the submission of the acceptance thereof to the legal voters of said town, and so much as authorized the submission of the provisions of section thirty-six of this act to the legal voters of said Camden Village Corporation for acceptance, shall take effect upon its approval, but it shall not take further effect unless accepted by the legal voters of said town, as herein prescribed. If this act is accepted by said town as aforesaid, then all acts and parts of acts, inconsistent with this act and not specially repealed thereby, are hereby repealed.

Act takes partial effect when approved.

—further effect when accepted by legal voters.

Approved February 13, 1903.

Chapter 26.

An Act to extend the charter of the Eastport Bridge.

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

Section 1. The charter incorporating certain persons for the purpose of building a bridge uniting the towns of Eastport and Perry, passed June twenty-seventh, eighteen hundred and twenty, being chapter fourteen of the private and special laws of eighteen hundred and twenty, and the right to take toll thereunder, which charter was extended for two years, by an act approved March twenty-sixth, eighteen hundred and ninety-five, being chapter two hundred and eighty-three of the private and special laws of eighteen hundred and ninety-five, and was again extended for six years, by an act approved March tenth, eighteen hundred and ninety-seven, being chapter four hundred and fifteen of the private and special laws of eighteen hundred and ninety-seven, are hereby extended for the term of six years, from September twentieth, nineteen hundred and three; provided, that the rate of tolls to be charged and collected shall not exceed those now charged and collected.

Charter extended.

—proviso.

Section 2. This act shall take effect when approved.

Approved February 13, 1903.