

# MAINE STATE LEGISLATURE

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# Sixty-Second Legislature.

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HOUSE.

No. 57.

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## STATE OF MAINE.

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IN THE YEAR OF OUR LORD ONE THOUSAND EIGHT HUNDRED AND  
EIGHTY-FIVE.

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AN ACT to amend the Charter of the City of  
Augusta, relating to the Common Council.

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

SECTION 1. Chapter sixty-three of the private  
2 and special laws of the year one thousand eight  
3 hundred and seventy-eight, entitled "An Act to  
4 amend the charter of the city of Augusta," ap-  
5 proved, February fifteenth, one thousand eight  
6 hundred and seventy-eight, is hereby repealed.

SECT. 2. All powers, rights and privileges granted  
2 and all duties and obligations imposed by said  
3 charter, and subsequent amendments thereto,  
4 upon the Common Council of the city of Augusta,

5 are hereby revived and shall hereafter be exercised  
6 and performed by the Common Council.

SECT. 3. The Common Council, first hereafter  
2 to exercise the powers, rights and privileges, and  
3 duties and obligations imposed by the city charter,  
4 shall be elected at the municipal election to be held  
5 in March, A. D. one thousand eight hundred and  
6 eighty-five, in accordance with the provisions of  
7 "An Act to incorporate the city of Augusta,"  
8 approved July twenty-third, one thousand eight  
9 hundred and forty-nine, and the amendments  
10 thereto.

SECT. 4. Section seventeen of "An Act to in-  
2 corporate the city of Augusta," approved July  
3 twenty-third, one thousand eight hundred and  
4 forty-nine, is hereby amended by striking out the  
5 word "three" before the words "Common Coun-  
6 cilmen," and inserting instead thereof the word  
7 'two,' so that said section as amended shall read  
8. as follows:

SECT. 17. The Mayor shall be elected from the  
10 citizens at large, by the inhabitants of the city,  
11 voting in their respective wards; one Alderman  
12 and two Common Councilmen shall be elected by  
13 each ward, being residents in the wards where  
14 elected; all said officers shall be elected by ballot,

15 by a majority of the votes given, and shall hold  
16 their offices one year from the third Monday in  
17 March, and until others shall be elected in their  
18 places.'

SECT. 5. Section nineteen of said "Act to incor-  
2 porate the city of Augusta," approved July twenty-  
3 ninth, one thousand eight hundred and forty-nine,  
4 is hereby amended by striking out the word  
5 "three" wherever it occurs before the words  
6 "Common Councilmen," and inserting instead  
7 thereof the word 'two,' so that said section as  
8 amended shall read as follows:

'SECT. 19. On the second Monday of March,  
10 annually, immediately after a warden and clerk  
11 shall have been elected and sworn, the qualified  
12 electors of each ward shall ballot for a mayor, one  
13 aldermen and two common councilmen; all the  
14 votes given for the said several officers respect-  
15 ively, shall be sorted, counted, declared and reg-  
16 istered in open ward meeting, by causing the  
17 names of persons voted for, and the number of  
18 votes given to each, to be written on the ward re-  
19 cord at length. The ward clerk, within twenty-  
20 four hours after such election, shall deliver to the  
21 persons elected aldermen and common councilmen,  
22 certificates of their election, and shall forthwith

23 deliver to the City Clerk a certified copy of the  
24 record of such election; *provided, however,* that if  
25 the choice of aldermen and common councilmen  
26 cannot conveniently be effected on that day, the  
27 meeting may be adjourned from day to day to  
28 complete such election. If on the second ballot-  
29 ing for any aldermen, common councilmen, con-  
30 stable, warden or clerk, a choice shall not be  
31 effected by a majority vote, then the persons re-  
32 ceiving the highest number of votes for any of  
33 those offices at the subsequent trial, shall be de-  
34 clared elected; if no one shall then have such  
35 highest number, the balloting shall be continued  
36 from day to day until a choice is thus effected.  
37 The Board of Aldermen shall, as soon as conven-  
38 iently may be, examine the copies of the records  
39 of the several wards certified as aforesaid, and  
40 shall cause the person who shall have been elected  
41 Mayor, by a majority of votes given in all the  
42 wards, to be notified in writing of his election; but if  
43 it shall appear that no person shall have been elected,  
44 or if the person elected shall refuse to accept the  
45 office, the said board shall issue their warrants for  
46 another election, and in case the citizens should  
47 fail on the second ballot to elect a Mayor, the said  
48 board shall again issue their warrants for a third

49 election, to be held not less than three nor more  
50 than four days thereafter, at which election the  
51 candidate having the greatest number of votes  
52 shall be declared elected, and notified as aforesaid;  
53 if no one shall then have such number, further elec-  
54 tions shall in the same manner be ordered, till a  
55 choice shall be made by some one having the high-  
56 est number of votes; and in case of a vacancy in  
57 the office of mayor by death, resignation or other-  
58 wise, it shall be filled for the remainder of the  
59 term by a new election, in the manner herein be-  
60 fore provided for the choice of said officer; and in  
61 the meantime the President *pro tempore* of the  
62 Board of Aldermen shall perform the duties of  
63 Mayor. The oath prescribed by this act shall be  
64 administered to the Mayor by the City Clerk, or  
65 by any justice of the peace in said city. The  
66 Aldermen and Common Councilmen elect, shall  
67 on the third Monday of March, at ten of the clock  
68 in the forenoon, met in convention, when the oath  
69 required by the second section of this act shall be  
70 administered to the members of the two boards  
71 present, by the Mayor or any justice of the peace,  
72 and thereupon the two boards shall separate, and

73 the Board of Common Council shall be organized  
74 by the election of a president and clerk.'

SECT. 6. This act shall take effect when ap-  
2 proved.

STATE OF MAINE.

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IN HOUSE OF REPRESENTATIVES, }  
February 4, 1885. }

Reported from Committee on Legal Affairs by Mr. WALTON; ordered  
printed under joint rule.

NICHOLAS FESSENDEN, *Clerk.*