

# MAINE STATE LEGISLATURE

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SEVENTY-NINTH LEGISLATURE

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HOUSE

NO. 345

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House of Representatives, February 26, 1919.

Reported by Mr. Maher of Augusta from Committee on  
Judiciary and ordered printed under joint rules:

CLYDE R. CHAPMAN, Clerk.

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STATE OF MAINE

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IN THE YEAR OF OUR LORD ONE THOUSAND  
NINE HUNDRED AND NINETEEN

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AN ACT to Revise, Consolidate and Amend the Charter and  
Laws of the City of Augusta.

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Be it enacted by the People of the State of Maine, as follows:

Section 1. The charter and laws of the city of Au-  
2 gusta, as previously enacted by the legislature of this  
3 state, are hereby revised, consolidated and amended so as  
4 to read as follows:

'Section 1. The inhabitants of the town of Augusta, in  
2 the county of Kennebec, shall continue to be a body politic  
3 and corporate, by the name of the city of Augusta, and as  
4 such shall have, exercise and enjoy all the rights, immuni-  
5 ties, powers, privileges and franchises, and be subject to all  
6 the duties and obligations now appertaining to, or incumbent

7 upon said town as a municipal corporation, or appertaining  
8 to or incumbent upon the inhabitants or selectmen thereof;  
9 and may ordain and publish such acts, laws and regulations  
10 not inconsistent with the constitution and laws of this state,  
11 as shall be needful to the good order of said body politic;  
12 and impose fines and penalties for the breach thereof, not  
13 exceeding twenty dollars for any one offense, which may  
14 be recovered to the use of said city, by action of debt, or  
15 on complaint before the municipal court in said city.'

'Sect. 2. The administration of all the fiscal, prudential and  
2 municipal affairs of said city, with the government thereof,  
3 shall be vested in one principal magistrate, to be styled the  
4 mayor; and one council of eight to be denominated the  
5 board of aldermen and one council of sixteen, to be denom-  
6 inated the common council, all of whom shall be inhab-  
7 itants of said city; which boards shall constitute and be  
8 called the city council; all of whom shall be sworn to the  
9 faithful performance of the duties of their respective offices;  
10 provided, the city council shall not vote, assess or appro-  
11 priate any money for any object or purpose for which the  
12 town of Augusta is not authorized to vote, assess and appro-  
13 priate money, except for such purposes as are authorized  
14 by this act. And provided further, that neither the city  
15 council, nor any agent or officer of the city, shall borrow  
16 or hire any money for or on account of the city or inhab-  
17 itants thereof, except for the purposes for which the town  
18 of Augusta is now by law authorized to raise money; and

19 all notes, bonds, obligations, scrip or orders given by the  
20 city council or any officer or agent thereof for money or  
21 property obtained for any other purposes, shall be void.'

'Sect. 3. The mayor of said city shall be the chief execu-  
2 tive magistrate thereof. It shall be his duty to be vigilant  
3 and active in causing the laws and regulations of the city  
4 to be executed and enforced, to exercise a general super-  
5 vision over the conduct of all subordinate officers, and to  
6 cause their violations or neglect of duty to be punished.  
7 He shall appoint all city officers except those that are  
8 required by law to be elected by the qualified electors of  
9 said city or of the several wards in said city or to be ap-  
10 pointed or employed by authority of the board of educa-  
11 tion and may remove city officers so appointed by him, for  
12 cause. He shall exercise the same power of appointment  
13 to fill a vacancy in any appointive city office. He may call  
14 special meetings of the board of aldermen and common  
15 council, or either of them, when in his opinion the inter-  
16 ests of the city require it, by a notice in one or more of  
17 the papers printed in the city, or by causing a summons or  
18 notification to be given in hand or left at the usual dwelling  
19 place of each member of the board or boards to be con-  
20 vened. He shall from time to time communicate to both  
21 of them such information, and recommend such meas-  
22 ures as the business and interests of the city may in his  
23 opinion require. He shall preside in the board of alder-  
24 men and in the joint meetings of the two boards, but shall

25 have only a casting vote. The salary and compensation of  
26 the mayor shall be five hundred dollars per year, which shall  
27 not be increased or diminished during his continuance in  
28 office, unless by vote of the qualified electors in ward meet-  
29 ings called for that purpose. Nor shall he receive from  
30 the city any other compensation for any services by him  
31 rendered in any other capacity or agency; but the aldermen  
32 and common council shall not be entitled to receive any  
33 salary or compensation for any services by them performed  
34 as such.'

'Sect. 4. The executive powers of said city generally, and  
2 the administration of police, with all the powers of the  
3 selectmen of the town of Augusta, except the power of  
4 appointment and removal of city officers, shall be vested  
5 in the mayor and aldermen as fully as if the same had been  
6 herein particularly enumerated; all other powers not vested  
7 in the inhabitants of said town, and all powers granted  
8 by this act, except the power of appointment and removal  
9 of city officers, shall be vested in the mayor and aldermen  
10 and common council of said city, to be exercised by con-  
11 current vote, each board to have a negative upon the other.  
12 The city council shall define the duties and fix the com-  
13 pensation of all the subordinate officers and agents for the  
14 city, in cases where such duties and compensation shall not  
15 be defined and fixed by the laws of this state; provided,  
16 that the several companies of the fire department may  
17 adopt such rules and regulations not inconsistent with ordi-

18 nances of the city council, as they may deem expedient,  
19 subject to the approval of the chief engineer, mayor and  
20 aldermen. But all members and officers of the fire depart-  
21 ment shall be continued in the service of said department  
22 without re-appointment, unless removed for inefficiency, or  
23 other cause, or retired on arriving at an age limit which  
24 may be determined by the city council of said city.

The mayor in addition to the appointment of any officers  
2 to be by him appointed under any law of this state, shall  
3 on the first Monday of January, biennially, or as soon  
4 thereafter as conveniently may be, appoint all city officers,  
5 except as hereinbefore otherwise provided, and the officers  
6 appointed shall hold their offices during the term for which  
7 the mayor was elected and until their successors are ap-  
8 pointed and qualified in their places, unless sooner re-  
9 moved; except that the commissioner of streets and the  
10 overseer of the poor shall be appointed triennially to hold  
11 office for the term of three years, and one assessor shall  
12 be appointed each year to hold office for the term of three  
13 years; and of the city officers, the assessors, city marshal,  
14 chief engineer of fire department, in case of vacancy by  
15 reason of resignation, removal, or retirement on account  
16 of age limit; collector, overseer of the poor, street engi-  
17 neer, street commissioner, and treasurer, shall not be mem-  
18 bers of the city council. Any person appointed to fill a  
19 vacancy in any appointive city office, due to any other  
20 cause than expiration of the term of office shall hold office

21 during the unexpired term of his predecessor. The treas-  
22 urer and collector of taxes may be one and the same per-  
23 son. All moneys received and collected for or on account  
24 of the city, by any officer or agent thereof, shall forthwith  
25 be paid into the city treasury. The city council shall take  
26 care that moneys shall not be paid from the treasury un-  
27 less granted or appropriated; shall secure a prompt and  
28 just accountability by requiring bonds with sufficient pen-  
29 alty and sureties from all persons trusted with the receipt,  
30 custody or disbursement of money; shall have the care and  
31 superintendence of city buildings and the custody and man-  
32 agement of all city property, with power to let or sell, what  
33 may be legally let or sold; and to take and hold in the  
34 name of the city real and personal estate found by said  
35 council necessary or proper for municipal purposes. And  
36 the city council shall, as often as once a year, cause to  
37 be published for the information of the inhabitants, a par-  
38 ticular account of receipts and expenditures and a schedule  
39 of the city property; and no money shall be paid from  
40 the treasury unless the same be appropriated by the city  
41 council, and upon a warrant signed by the mayor, which  
42 warrant shall state the appropriation under which the same  
43 is drawn. Provided, however, that the city council may,  
44 by ordinance, create a fund consisting of the unexpended  
45 balance of all appropriations remaining at the end of each  
46 municipal year, and may by such ordinance, define the  
47 purposes of such fund, and warrants drawn thereon by the

48 mayor for such purposes shall be valid. The subordinate  
49 officers and agents of the city, appointed as provided for  
50 in this section, except as otherwise herein provided, shall  
51 enter upon the discharge of their official duties on the first  
52 Monday of January, or as soon thereafter as may be,  
53 except in cases of appointments to fill vacancies. Officers  
54 appointed to fill vacancies shall enter immediately upon  
55 their official duties. The city council may, except as in  
56 this charter otherwise provided, by ordinance provide a  
57 specific salary for any or all city officers and may further  
58 provide that any officer whose salary is so specified shall  
59 account and pay over to the city for its use all statutory  
60 fees received by him by virtue of his official position.'

'Sect. 5. Every law, act, ordinance or bill appropriating  
2 money having passed both branches of the city council,  
3 shall be presented to the mayor of the city, and if he ap-  
4 prove the same he shall sign it; if not, he shall return it  
5 in seven days, with his objections, to that branch of the  
6 city council in which it shall have originated, which branch  
7 shall enter the objections at large on its journals, and  
8 proceed to reconsider said law, act, ordinance or bill. If  
9 upon such reconsideration, two-thirds of the whole number  
10 of that branch shall agree to pass it, it shall be sent, to-  
11 gether with the objections, to the other branch, by which  
12 it shall be considered, and if approved by two-thirds of  
13 the whole number of that branch, it shall have the same  
14 effect as if signed by the mayor. In calculating said requi-



15 site two-thirds, a fraction exceeding one-half shall be con-  
16 sidered a unit.'

'Sect. 6. Three assessors; appointed, one each year, for  
2 a term of three years on the third Monday of March, or  
3 as soon thereafter as conveniently may be, except in case  
4 of appointments to fill vacancies; as hereinbefore provided,  
5 shall exercise and be subject to the same powers, duties  
6 and liabilities that the assessors of the several towns in  
7 this state may exercise and be subject to under existing  
8 laws; provided, however, that the mayor may appoint one  
9 person in each ward, whose duty it shall be to furnish the  
10 assessors with all necessary information relative to per-  
11 sons and property taxable in his ward, and who shall be  
12 sworn to the faithful performance of his duty. All taxes  
13 shall be assessed, apportioned and collected in the manner  
14 prescribed by the laws of this state relative to town taxes.  
15 Provided, however, that it shall be lawful for the city  
16 council to establish further and additional provisions for  
17 the collection thereof. The collector of taxes may appoint,  
18 by and with the consent of the mayor and board of alder-  
19 men, one or more deputy collectors of taxes for said city,  
20 who shall hold office during the term for which the col-  
21 lector of taxes was elected. Such deputy collectors shall,  
22 under the direction of said collector, render assistance to  
23 said collector, and for that purpose shall have the same  
24 power that said collector has, and shall receive the same  
25 fees that a sheriff or constable would be entitled to for

26 like services, to be added to such tax and collected of the  
27 delinquent. The verbal instructions of said collector to  
28 such deputy collector shall be sufficient to authorize all  
29 lawful acts of such deputy collector performed in the dis-  
30 charge of the duties of his office, and such instructions  
31 need not be set forth in his return. The return of the  
32 doings of such deputy collector shall be in the same form  
33 as that required of said collector, but shall be certified by  
34 said deputy collector. Such deputy collectors shall from  
35 time to time as required, account for and pay over to said  
36 collector the amount of all taxes and interest thereon col-  
37 lected by them.'

'Sect. 7. The mayor of said city shall, within thirty days  
2 after this section takes effect, appoint one overseer of the  
3 poor who shall hold his office until the third Monday in  
4 March, in the year nineteen hundred; and thereafterwards,  
5 except to fill vacancies, the mayor shall, triennially, ap-  
6 point on the third Monday in March, or as soon thereafter  
7 as conveniently may be, such officer for a term of three  
8 years. Such officer, so appointed, shall perform such du-  
9 ties as may be prescribed by the city council, and shall  
10 in general do and perform all the duties and exercise all  
11 the powers incumbent upon or vested in overseers of the  
12 poor by law. When such overseer shall be so first ap-  
13 pointed hereunder, the term of office of all overseers of  
14 the poor in said city then in office shall thereupon cease.  
15 Such overseer may be removed by the mayor for cause.

16 He shall not be directly or indirectly interested in any  
17 contract for or furnishing of any pauper supplies and for  
18 a violation of this provision shall be removed from office  
19 and, if so removed, he shall thereafterwards be ineligible  
20 for the same office. The fuel, provisions, supplies and such  
21 other articles as the nature of the case will admit, pur-  
22 chased for use at the city almshouse and the farm con-  
23 nected therewith, shall be obtained by said overseer upon  
24 annual contracts made in writing, and filed with the city  
25 clerk, after notice for proposals therefor published in at  
26 least two newspapers in said city representing different  
27 political parties, such contracts to be awarded to the lowest  
28 responsible bidders therefor, reserving, however, the right  
29 to reject any or all bids and to advertise anew.'

'Sect. 8. The city council shall have exclusive authority  
2 and power to lay out and establish any new street, public  
3 way or town way that the selectmen and town of Augusta  
4 could lay out and establish, and to widen or otherwise alter  
5 or discontinue any street or public way in said city, and  
6 to estimate the damages any individual may sustain by  
7 such laying out, widening, alteration or discontinuance, and  
8 shall in all other respects be governed by and subject to,  
9 the same rules and restrictions as are provided in the laws  
10 of this state, regulating the laying out and repairing streets  
11 and public highways; and any person aggrieved by the  
12 decision or judgment of said city council may, so far as  
13 relates to damages, have them assessed by a committee

14 or jury as now by law provided; and the county com-  
15 missioners for the county of Kennebec shall have power to  
16 lay out within said city any part of any new county road  
17 that shall by them be laid out in any adjoining town or  
18 towns, and shall pass thence into or through said city,  
19 according to the provisions of law.'

'Sect. 9. It shall be lawful for the city council, by a  
2 committee by them appointed, or by instructions to the  
3 commissioner of streets, to appropriate, set off and reserve  
4 as sidewalks, such part or portion of the several streets  
5 in said city, now or hereafter to be established, as to said  
6 council may appear necessary for the safety, convenience  
7 and accommodation of foot passengers. It shall be lawful  
8 for the city council to permit or direct posts of stone or  
9 wood, or trees to be placed along the edge of said side-  
10 walk next to the traveled part of the street, in such num-  
11 ber and manner as they may deem necessary to protect  
12 said sidewalks, and the persons traveling thereon from  
13 damage or inconvenience from teams or carriages. So  
14 much of the several streets in said city as shall be appro-  
15 priated and reserved as sidewalks, agreeable to the pro-  
16 visions of this act, shall be taken and deemed to be re-  
17 served exclusively for the accommodation, convenience and  
18 use of persons traveling on foot; and said city shall not  
19 be liable to damages for any injury done or occasioned  
20 in consequence of any cart, carriage, wagon, truck or other  
21 vehicle, or any team or animal striking against any of said

22 sidewalks, or the posts or trees set or placed to defend the  
23 same. The several sidewalks on the streets in said city  
24 as at present established and used, shall be taken and  
25 deemed to be the proper and lawful reservation for that  
26 purpose, until altered or otherwise established by the proper  
27 authority.'

'Sect. 10. The city council shall have power, on such  
2 terms and conditions as they may think proper, to author-  
3 ize and empower any person or corporation to place in  
4 any street, for such time as may be necessary, any ma-  
5 terials for making or repairing any street, sidewalk, cross-  
6 walk, bridge, water course or drain, or for erecting, re-  
7 pairing or finishing any building or fences; provided, that  
8 not more than one-third of the width of the street shall  
9 be so occupied; and such materials so placed by virtue  
10 of any license obtained as aforesaid, shall not be consid-  
11 ered an encumbrance or nuisance in such street, and the  
12 city or person or corporation so placing the same shall not  
13 be liable for any damages occasioned by such materials.'

'Sect. 11. There shall be and hereby is established a  
2 court, to be denominated the municipal court of the city  
3 of Augusta, which shall be a court of record, with a seal,  
4 to consist of one judge, who shall have concurrent juris-  
5 diction with justices of the peace in all matters civil and  
6 criminal, within the county of Kennebec, and original and  
7 exclusive jurisdiction in all civil actions now triable before  
8 a justice of the peace in which both parties interested, or

9 in which the party plaintiff and the person or persons sum-  
10 moned as trustees, shall be inhabitants of, or residents in  
11 said city, excepting all actions in which said judge may  
12 be interested; and he shall have concurrent jurisdiction  
13 with trial justices, in all cases of forcible entry and de-  
14 tainer arising in said county, and original and exclusive  
15 jurisdiction in all such cases arising in said city, and said  
16 judge shall have jurisdiction of all cases of simple larceny  
17 arising in said county, wherein the property, alleged to have  
18 been stolen, shall not exceed in value the sum of fifty  
19 dollars; and shall have power to try the same and award  
20 such sentence upon conviction, as by law provided for  
21 such offense. Said judge shall also have jurisdiction of  
22 all cases of simple larceny arising in said county, wherein  
23 the property, money, or other thing alleged to have been  
24 fraudulently obtained or sold is not alleged to exceed in  
25 value the sum of fifty dollars, and shall have power to  
26 try the same and award sentence upon conviction by fine  
27 not exceeding fifty dollars, or by imprisonment in the  
28 county jail, or to hard labor in the house of correction  
29 for a term not exceeding ninety days; and on a second  
30 conviction, by fine not exceeding one hundred dollars, or  
31 by imprisonment for not more than six months. Provided,  
32 however, that the several justices of the peace in said city  
33 shall continue to have and exercise all the power and au-  
34 thority in them vested by the laws of the United States.  
35 And the said judge shall also have exclusive jurisdiction

36 of all offenses against the by-laws and regulations which  
37 may be established by the city council of said city; and  
38 may, on conviction thereof, award such sentence as to law  
39 and justice may appertain, and in declarations for viola-  
40 tions of by-laws or ordinances, the by-laws and ordinances  
41 need not be set forth; and any person aggrieved by any  
42 judgment awarded by said judge, may appeal therefrom  
43 to the superior court for the county of Kennebec, under  
44 the restrictions and conditions that the law requires in  
45 appeals from judgments awarded by any trial justice. Said  
46 court shall also have original jurisdiction, concurrent with  
47 the superior court, of all civil actions at law, except com-  
48 plaints for flowage, real actions and trespass, quare clau-  
49 sum, in which the debt or damages demanded, exclusive  
50 of cost, does not exceed two hundred dollars, in which any  
51 party defendant or a person summoned in good faith and  
52 on probable grounds as trustee, resides in the county of  
53 Kennebec or having his residence beyond the limits of this  
54 state is served with process within said county. If any  
55 defendant, his agent or attorney in any action in said court,  
56 in which the debt or damages claimed in the writ exceeds  
57 twenty dollars, shall appear at the first term and on or  
58 before the first day of the second term, file in said court  
59 an affidavit that he has a good defense to said action and  
60 intends in good faith to make such defense and claims a  
61 jury trial, the said action shall be removed into and en-  
62 tered at the next term of the superior court for said county.

63 And the judge or recorder of said municipal court on pay-  
64 ment to him of the entry fee in said superior court by the  
65 plaintiff, shall forthwith cause the original writ and all  
66 other papers in the case to be filed in the clerk's office of  
67 said superior court. Any party may appeal from any judg-  
68 ment or sentence of said municipal court to the superior  
69 court in the same manner as from a judgment of a trial  
70 justice. The costs and fees allowed to parties and attor-  
71 neys in civil actions before said court, in which the debt  
72 or damages recovered do not exceed twenty dollars shall  
73 be the same as are allowed before trial justices, except that  
74 the plaintiff, if he prevails, shall be allowed two dollars  
75 for his writ, and the defendant, if he prevails, shall be al-  
76 lowed one dollar for his pleadings. In all actions in which  
77 the amount recovered exceeds twenty dollars, the costs and  
78 fees of parties and attorneys shall be the same as in the su-  
79 perior court. Copies of the records of said court duly certi-  
80 fied, shall be evidence in other courts.'

'Sect. 12. The governor with the advice and consent of  
2 his council, shall appoint a recorder who shall be a jus-  
3 tice of the peace for said county duly qualified, and who  
4 shall be duly sworn, and in case of the absence, sickness,  
5 or disqualification of the judge, or in the event of a vacancy  
6 of the office of judge, or at any other time at the request  
7 of said judge in order to expedite business, shall have the  
8 same powers as said judge. Said recorder shall be ap-  
9 pointed for a term of four years, and as compensation in



10 full for his services shall receive four hundred dollars per  
11 year, payable by the city of Augusta in the same manner  
12 as the salary of said judge.'

'Sect. 13. The compensation of the judge in full for all  
2 services, commencing April first, nineteen hundred and  
3 nine, shall be eighteen hundred dollars per annum, payable  
4 quarterly from the treasury of the city of Augusta. The  
5 fees paid to and received by said court in criminal cases  
6 shall be paid quarterly into the county treasury; and no  
7 salary shall be paid to said judge until he shall file with  
8 the city treasurer a written statement of the fines and crim-  
9 inal fees by him paid to the county treasurer during and  
10 for the preceding quarter. Neither the judge nor the re-  
11 corder shall act as counsel or attorney in any case within  
12 the jurisdiction of said court nor in any suit, matter or  
13 thing which may depend on, or have relation to any such  
14 case, matter or thing depending or recognizable in said  
15 court.'

'Sect. 14. The said court shall be held on the first and  
2 third Monday of each month, at nine of the clock in the  
3 forenoon, for the transaction of civil business, and all civil  
4 processes shall be made returnable at that time. All war-  
5 rants alleging any offense to have been committed within  
6 said city or within the town of Chelsea shall be made re-  
7 turnable before said court. No justice of the peace or trial  
8 justice residing in said city, the recorder excepted, shall  
9 take cognizance of, or exercise jurisdiction over any crime

10 or offense, or in any civil actions, except under the author-  
11 ity of the United States, wherein the judge is not a party  
12 or interested, except in the absence or disability of said  
13 judge and recorder, under a penalty of twenty dollars, to  
14 be recovered on indictment.'

'Sect. 15. The city of Augusta shall have power to raise  
2 money for defraying the expenses of said municipal court,  
3 and for providing a suitable room in which to hold the  
4 same.'

'Sect. 16. All fees for criminal cases shall be allowed  
2 and taxed as in behalf of trial justices and shall, together  
3 with the fees paid in by said judge to the county treasury,  
4 be annually paid to the city of Augusta ; provided, however,  
5 that if the amount of such fees so allowed and the fees  
6 paid in by said judge during the year shall exceed the  
7 amount of his annual salary, such excess shall revert to  
8 the county and be covered into the county treasury. The  
9 word fees as used in this section includes all fees fixed by  
10 law in criminal cases including fees for copies. All fees  
11 paid to and received by such judge in civil cases com-  
12 mencing with April first, nineteen hundred and nine, shall  
13 be paid semi-annually into the treasury of the city of Au-  
14 gusta. All blanks for criminal cases used by such court  
15 shall be furnished by the county, and all blanks for civil  
16 cases used by said court shall be furnished by the city  
17 of Augusta. The provisions of section one of chapter one  
18 hundred and thirty-four of the revised statutes shall not

19 apply to the city of Augusta while this charter is in force.'

'Sect. 17. The city marshal and deputy marshal in the  
2 city of Augusta shall be paid salaries, or a per diem com-  
3 pensation, to be fixed by the city council of said city, and  
4 payable from the treasury thereof. Such officers shall not  
5 be paid any fee for any official service in any criminal  
6 case in the county, except as provided in sections twenty  
7 and twenty-three of this charter. The fees of such officers  
8 for services in criminal cases shall be taxed and allowed as  
9 in behalf of the sheriffs, and fifty per cent thereof, first  
10 deducting fees referred to in sections twenty and twenty-  
11 three of this charter, shall be annually paid by the county  
12 treasurer to the said city, and the balance shall revert to  
13 the county and be covered into the county treasury. When  
14 said fifty per cent exceeds the annual salary or compensa-  
15 tion of any such officer, such excess shall not be paid to  
16 the said city, but shall be covered into the county treasury.  
17 Such officers may retain for their own use all fees received  
18 by them in civil cases. No such officer shall receive from  
19 any respondent in any criminal case any fine or costs, but  
20 in all such cases, such fine and costs shall be paid to the  
21 judge issuing the precept against such respondent.'

'Sect. 18. The city marshal and his deputy in the city  
2 of Augusta shall faithfully and diligently inquire into all  
3 violations of law, within said city, and institute proceed-  
4 ings against violations or supposed violations of law, and  
5 particularly the laws against the illegal sale of intoxicat-

6 ing liquors, and the keeping of drinking houses and tip-  
7 pling shops, either by promptly entering a complaint be-  
8 fore a magistrate and executing the warrants issued there-  
9 on, or by furnishing the county attorney promptly and  
10 without delay with the names of alleged offenders and of  
11 the witnesses. Whenever the mayor of said city is, after  
12 investigation, satisfied that the city marshal, or his deputy  
13 has wilfully refused or neglected to faithfully discharge the  
14 duties imposed by this section, he shall remove him, or  
15 them, from office. Nothing herein contained shall relieve  
16 any other officers named in chapter one hundred twenty-  
17 seven of the revised statutes, from any of the duties im-  
18 posed upon them by said chapter.'

'Sect. 19. No police officer, or constable, in said city,  
2 who is paid a per diem compensation shall draw or receive  
3 any fees whatever from Kennebec county for services in  
4 any criminal case, except as provided in sections twenty  
5 and twenty-three of this charter; but all such fees shall,  
6 if allowed, be covered into the county treasury to the use  
7 of the county.'

'Sect. 20. Fees taxed and allowed to the officers named  
2 in sections seventeen, eighteen and nineteen of this charter  
3 for attendance as witnesses in any criminal case before  
4 the superior court, or before any court held in some town  
5 other than that in which such officers reside, shall be paid  
6 to them from the county treasury. The expenses of any  
7 such officer necessarily and reasonably incurred and actual-

8 ly disbursed in the service of any criminal precept, shall be  
9 allowed and paid to him upon his filing an itemized account  
10 thereof, under oath, accompanied by proper vouchers there-  
11 of.'

'Sect. 21. No sheriff, deputy sheriff, marshal, deputy mar-  
2 shal, police officer or constable, in said city, shall be en-  
3 titled to fees for attendance as a witness in any criminal  
4 case while he is paid for attendance as an officer of the  
5 same court, or on the same examination or trial. No allow-  
6 ance shall be made to any such officer for aid in the service  
7 of any mittimus unless the same is first authorized in writ-  
8 ing by the court issuing the same.'

'Sect. 22. In the service of any precept, in criminal cases  
2 in said city, the officer shall be allowed the actual reason-  
3 able and necessary expenses incurred thereon and if he  
4 necessarily uses a horse and carriage or other conveyance,  
5 he shall be allowed a reasonable sum therefor, when it  
6 appears the amount allowed for travel does not compen-  
7 sate him for such use of a horse and carriage, or other  
8 conveyance. If the journey so made can be performed by  
9 railroad, no allowance shall be made for a horse and car-  
10 riage, or other conveyance.'

'Sect. 23. Whenever in said city, intoxicating liquors are  
2 seized, with or without a warrant, under any of the pro-  
3 visions of chapter one hundred and twenty-seven of the  
4 revised statutes, the fees of the marshal, deputy marshal,  
5 police officer, or constable, on the warrant or libel issued

6 thereon, shall be taxed and allowed in the manner now  
7 provided by law, and shall be paid to them from the county  
8 treasury ; and such fees, so paid, shall not be included in  
9 the fees required by this charter to be paid to the city, but  
10 shall be in addition to the salaries, or compensation, paid  
11 to such officer. When, however, such liquors are seized  
12 in transit, and on final hearing, are ordered returned to  
13 the claimant, the fees of the marshal, deputy marshal,  
14 police officer and constable, on the warrant and libel is-  
15 sued thereon, shall be subject to the provisions of section  
16 seventeen of this charter and disposed of as therein pro-  
17 vided. Whenever on such warrant or libel, where intoxi-  
18 cating liquors have been seized, the county commissioners  
19 do not allow the costs as taxed by the magistrate, the per-  
20 son aggrieved may appeal to the judge of the superior  
21 court for said county, whose decision shall be final.'

'Sect. 24. All existing acts, public and private, incon-  
2 sistent with the eight preceding sections, are hereby modi-  
3 fied, so far as relates to the city of Augusta, so as to con-  
4 form with their provisions.'

'Sect. 25. For the purpose of holding elections, said city  
2 shall be divided into eight wards, to contain as near as  
3 conveniently may be, an equal number of voters ; and  
4 it shall be the duty of the city council once in ten years,  
5 and not oftener than five years, to review, and if it be  
6 needful to alter said wards, in such manner as to preserve,  
7 as nearly as may be, an equal number of inhabitants in

8 each. Said wards are hereby established according to the  
9 following boundaries: Ward one embraces all the terri-  
10 tory south of the following line; beginning at the Ken-  
11 nebec river on the north line of Court street extended;  
12 thence westerly on said line to the east line of Water street;  
13 thence on the east line of Water street and of Grove street  
14 to the north line of Western avenue; thence on the north  
15 line of Western avenue to the Manchester line. Ward two is  
16 on the north side of the division line described in ward one,  
17 and comprises the balance of ward one as it existed prior to  
18 the passage of chapter five hundred and twenty of the  
19 private and special laws of eighteen hundred and ninety-  
20 seven after deducting therefrom ward one as hereby estab-  
21 lished. Ward three embraces the same territory and has the  
22 same boundaries as the old ward two, ward four the same as  
23 the old ward three, ward five the same as the old ward four,  
24 ward six the same as the old ward five, ward seven the same  
25 as the old ward six, and ward eight the same as the old ward  
26 seven. The words "old ward" in this description mean the  
27 ward as it existed prior to the passage of said chapter five  
28 hundred and twenty, and the words "the same as" mean  
29 "embraces the same territory and has the same boundaries  
30 as." In each of said wards there shall biennially, on the  
31 second Monday of December, be chosen by ballot a warden  
32 and clerk, who shall enter on the duties of their respective  
33 offices on the first Monday of January following their  
34 election, and hold their offices two years therefrom, and

35 until others shall have been chosen and qualified in their  
36 places. Said warden and clerk shall be sworn to the faithful  
37 performance of their respective duties by any justice of  
38 the peace of said city; and a certificate of such oaths hav-  
39 ing been administered shall be entered by the clerk on  
40 the records of the ward. The wardens shall preside at  
41 all ward meetings, with the power of moderators of town  
42 meetings, and if at any meeting the warden should not be  
43 present the clerk of such ward shall call the meeting to  
44 order and preside until a warden, pro tempore, shall be  
45 chosen. If neither of them should be present, any legal  
46 voter in the ward may preside until a clerk, pro tempore,  
47 shall be elected. In case no justice of the peace shall be  
48 present, the person presiding may administer the oath to  
49 the warden and clerk. The clerk shall record all the pro-  
50 ceedings and certify the votes given, and deliver over to  
51 his successor in office all such records and journals, to-  
52 gether with all other documents and papers held by him  
53 in said capacity. The inhabitants of each ward may choose  
54 two persons to assist the warden in receiving, sorting and  
55 counting the votes. The list of the names of the legal vot-  
56 ers in each ward shall be prepared as provided by the laws  
57 of this state; and all regular ward meetings shall be noti-  
58 fied and called by the mayor and aldermen, in the manner  
59 prescribed by the laws of this state for notifying and call-  
60 ing town meetings by the selectmen of the several towns,  
61 excepting that ward meetings for the election of mayor,



62 after the second trial, may be called within the time pro-  
63 vided in such cases in this act.'

'Sect. 26. The mayor shall be elected from the citizens  
2 at large, by the qualified electors of the city, voting in their  
3 respective wards; one aldermen and two common council-  
4 men shall be elected by each ward, being residents in the  
5 wards where elected; all said officers shall be elected by  
6 ballot, by a majority of the votes given and shall hold  
7 their offices two years from the first Monday of January,  
8 following their election, and until others shall be elected  
9 and qualified in their places.'

'Sect. 27. At the biennial election, holden for the choice  
2 of mayor and aldermen, the qualified electors in each ward  
3 shall by ballot elect a constable, who shall be denominated  
4 city constable, with all the powers, duties and liabilities  
5 appertaining to the office of constable. The mayor shall  
6 biennially, on the first Monday of January, or as soon  
7 thereafter as conveniently may be appoint a city marshal,  
8 who shall hold office for two years therefrom, and until his  
9 successor shall be appointed and qualified. The city mar-  
10 shal so appointed shall be city constable, with all the pow-  
11 ers, duties and liabilities appertaining to the office of con-  
12 stable. The city marshal may be removed by the mayor.  
13 The mayor may also appoint one or more constables who  
14 shall be denominated city constables, with all the powers,  
15 duties and liabilities appertaining to the office of constable.'

'Sect. 28. On the second Monday of December, biennially,

2 immediately after a warden and clerk shall have been  
3 elected and sworn, the qualified electors of each ward shall  
4 ballot for a mayor, one alderman and two common council-  
5 men; all the votes given for the said several officers re-  
6 spectively shall be sorted, counted, declared and registered  
7 in open ward meeting, by causing the names of persons  
8 voted for, and the number of votes given to each, to be  
9 written on the ward record at length. The ward clerk,  
10 within twenty-four hours after such election, shall deliver  
11 to the persons elected alderman and common councilmen,  
12 certificates of their election, and shall forthwith deliver  
13 to the city clerk, a certified copy of the record of such  
14 election; provided, however, that if the choice of aldermen  
15 and common councilmen cannot conveniently be effected  
16 on that day, the meeting may be adjourned from day to  
17 day to complete such election. If on the second balloting  
18 for any alderman, common councilman, constable, war-  
19 den or clerk, a choice shall not be effected by a majority  
20 vote, then the persons receiving the highest number of  
21 votes for any of those offices at the subsequent trial, shall  
22 be declared elected; if no one shall then have such high-  
23 est number, the balloting shall be continued from day to  
24 day until a choice is thus effected. The board of alder-  
25 men shall, as soon as conveniently may be, examine the  
26 copies of the records of the several wards, certified as afore-  
27 said, and shall cause the person who shall have been elected  
28 mayor, by a majority of votes given in all wards, to be

29 notified in writing of his election; but if it shall appear  
30 that no person shall have been elected, or if the person  
31 elected shall refuse to accept the office, the said board  
32 shall issue their warrants for another election and in case  
33 the citizens should fail on the second ballot to elect a may-  
34 or, the said board shall again issue their warrants for a  
35 third election, to be held not less than three nor more  
36 than four days thereafter, at which election the candidate  
37 having the greatest number of votes shall be declared  
38 elected, and notified as aforesaid; if no one shall then have  
39 such number, further elections shall in the same manner  
40 be ordered, till a choice shall be made, by some one hav-  
41 ing the highest number of votes; and in case of a vacancy  
42 in the office of mayor by death, resignation or otherwise,  
43 it shall be filled for the remainder of the term by a new  
44 election, in the manner hereinbefore provided for the choice  
45 of said officer; and in the meantime the president, pro  
46 tempore, of the board of aldermen shall perform the du-  
47 ties of mayor. The oath prescribed by this act shall be  
48 administered to the mayor by the city clerk, or any jus-  
49 tice of the peace in said city. The aldermen and common  
50 councilmen elect, shall, on the first Monday of January,  
51 biennially, at ten of the clock in the forenoon, meet in  
52 convention, when the oath required by this act shall be  
53 administered to the members of the two boards present,  
54 by the mayor or any justice of the peace, and thereupon  
55 the two boards shall separate, and the board of common

56 council shall be organized by the election of a president  
57 and clerk.'

'Sect. 29. A board of education is hereby created in said  
2 city, to consist of nine persons, one from each of the eight  
3 wards of said city, elected as hereinafter provided, and  
4 the president of the trustees of the Cony Female Acad-  
5 emy in said city, who shall be, ex-officio, a member of said  
6 board and entitled to participate in its deliberations and  
7 serve upon any committees of its own appointment, but  
8 who shall vote only in case of a tie.'

'Sect. 30. On the first Monday of June, nineteen hundred  
2 and seven, at half past seven o'clock in the evening, the  
3 electors of the several wards in said city, qualified to vote  
4 at municipal elections therein, and without regard to their  
5 political affiliations, shall meet in such place in the ward  
6 as the mayor and aldermen of said city may designate in  
7 their warrants, for the purpose of electing, in each ward,  
8 one member of the board of education. Said meeting shall  
9 be called by the mayor and aldermen by a warrant for  
10 each ward under their hands, stating the time, place and  
11 purposes of the meeting, true and attested copies whereof  
12 shall be posted by the city marshal or any constable of  
13 the said city at least seven days before the day of the  
14 meeting and in at least two public and conspicuous places  
15 in the ward.

The marshal or said constable shall cause the original  
2 warrants, with a return of his doings thereon, to be deliv-

3 ered to the chairman of said respective ward meetings, on  
4 the date thereof, and the secretaries of said meetings, shall  
5 respectively make records thereof. The city clerk shall  
6 also cause a notice of such meeting to be published in at  
7 least two newspapers in the city of Augusta, represent-  
8 ing if possible, different political parties, between the time  
9 of issuing the warrants and the time appointed for said  
10 meetings. Said ward meetings shall be respectively organ-  
11 ized by the choice of a chairman and a secretary by ballot  
12 or otherwise, and shall thereupon, by ballot or otherwise  
13 as may be determined at the meeting, proceed to the elec-  
14 tion of a member of said board of education, who shall  
15 be a resident of the ward where elected. The tenure of  
16 office of the members so elected shall be as follows: those  
17 from wards one, two and three, until the first Monday of  
18 June, nineteen hundred and eight; those from wards four,  
19 five and six, until the first Monday of June, nineteen hun-  
20 dred and nine; and those from wards seven and eight, un-  
21 til the first Monday of June, nineteen hundred and ten;  
22 and in each instance, until others are elected in their places.  
23 On each first Monday of June thereafter, at half past seven  
24 o'clock in the evening, commencing with the year nine-  
25 teen hundred and eight, one member of said board shall  
26 be chosen by each of those wards whose members terms  
27 are about to expire, and the term of office shall be three  
28 years, and until others shall be elected in their places.  
29 Meetings for the purpose shall be called and conducted in

30 the manner prescribed for the meetings of nineteen hun-  
31 dred and seven. In case of a vacancy, a member may be  
32 chosen by the ward in which the vacancy exists to fill the  
33 unexpired term, at a meeting specially called for the pur-  
34 pose by the mayor and aldermen, and conducted like other  
35 similar meetings.'

'Sect. 31. The board of education, elected as hereinbe-  
2 fore provided, shall perform all the duties and be invested  
3 with all the rights and powers of superintending school  
4 committees of towns, including the right to direct the  
5 expenditure of all school moneys. The board shall elect  
6 a chairman annually, and appoint some suitable person,  
7 not a member of the board, superintendent of schools, and  
8 may adopt such rules and regulations for the management  
9 of the schools and the conduct of the business of the board  
10 as are not inconsistent with the laws of the state. The  
11 superintendent shall be the secretary and executive agent  
12 of the board, which shall fix his salary, to be paid from  
13 the city treasury as salaries of teachers are paid, and may  
14 remove him and appoint a successor. The members of the  
15 board shall receive no compensation for their services as  
16 such. The members elected by the several wards shall not  
17 be members of the city council.'

'Sect. 32. On the second Monday of May at half past  
2 seven o'clock in the evening, annually, commencing with  
3 the year nineteen hundred and eight, a general meeting  
4 of the citizens of said city, qualified to vote at municipal

5 elections therein, and without regard to their political affli-  
6 ations, shall be convened in the city hall of said city. Such  
7 meeting shall be called in the manner prescribed for call-  
8 ing ward meetings in section thirty of this charter, except  
9 that there shall be but one original warrant, true and at-  
10 tested copies whereof shall be posted by the city marshal  
11 or any constable of said city at least seven days before  
12 the day of the meeting, and in at least two public and con-  
13 spicuous places in each ward. The marshal or said con-  
14 stable shall deliver the original warrant, with a return of  
15 his doings thereon, to the moderator of said meeting when  
16 elected, and the secretary of the meeting shall make a  
17 record thereof. The chairman of the board if present, or  
18 in his absence any member of the board, or if no such  
19 member is present any citizen qualified to vote at municipi-  
20 pal elections in said city may call the meeting to order  
21 and preside until the election of a moderator. The meet-  
22 ing shall immediately proceed, by ballot or otherwise to  
23 the choice of a moderator and a secretary. The moderator  
24 shall preside with the power of moderators of town meet-  
25 ings, and together with the secretary shall be duly sworn  
26 by any justice of the peace of said city. A record of such  
27 oaths shall be made by the secretary. At such meeting  
28 the board of education shall submit a printed report, the  
29 edition whereof shall consist of not less than fifteen hun-  
30 dred copies, of the affairs and condition of the city schools  
31 for the year ending on the first day of April next preced-

32 ing the meeting, together with an estimate of the amount  
33 needed for school purposes for the current year. The said  
34 electors present shall have power to raise by vote for the  
35 support of the public schools in said city, for the current  
36 year ending on the first day of April, such sum, not less  
37 than the amount required by the general laws of the state,  
38 as they may deem necessary for that purpose. The sec-  
39 retary shall forthwith, or within the time prescribed by  
40 the meeting, certify the amount thereof to the assessors  
41 of said city, and it shall be included with and assessed  
42 like other city taxes, and all the provisions of law relat-  
43 ing to the assessment and collection of taxes shall be ap-  
44 plicable to such tax. A special meeting may be called at  
45 any time in the manner hereinbefore described, when in  
46 the opinion of the chairman of the board, expressed in his  
47 written request to the mayor, the welfare of the public  
48 schools demands it. At any meeting authorized by this  
49 section the electors present may by vote borrow money for  
50 the building and reconstruction of school houses and the  
51 purchase of lots therefor.'

'Sect. 33. Immediately upon the election of the mem-  
2 bers of the board of education at the ward meetings held  
3 on the first Monday of June, nineteen hundred and seven,  
4 the terms of office of all then existing members of the  
5 superintending school committee, directors, officers and  
6 agents of school districts, and of all other school commit-  
7 tees, officials or agents in said city, shall thereupon cease;



8 and all school districts in said city are thereupon abolished,  
9 their property, real and personal, vested in the city of  
10 Augusta, and their liabilities assumed by said city.'

'Sect. 34. The city clerk shall be the clerk of the board  
2 of aldermen and municipal officers; he shall perform such  
3 duties as shall be prescribed by the board of aldermen, or  
4 common council; and shall perform all duties and exer-  
5 cise all the powers by law incumbent upon, or vested in,  
6 the town clerk of the town of Augusta; he shall give no-  
7 tice in one or two of the papers printed in said city, of  
8 the time and place of regular ward meetings; but the  
9 place of regular ward meetings, and also the day and hour,  
10 when not fixed by law, shall be determined by the board of  
11 aldermen. The board of aldermen may choose a presi-  
12 dent pro tempore, who, in the absence of the mayor, shall  
13 preside at joint meetings of the two boards. Each board  
14 shall keep a record of its proceedings, and judge of the  
15 election of its own members; and in case of failure of elec-  
16 tion, or vacancy by death, resignation or otherwise, may  
17 order new elections. A quorum for the transaction of  
18 business shall, in each board, consist of a majority of the  
19 members thereof; all meetings of the aldermen and com-  
20 mon council, and all meetings of the two boards in con-  
21 vention, shall be open and public, and the presiding offi-  
22 cer of each of them shall have the power of moderators  
23 of town meetings. At either of said meetings, when any

24 two members shall request it, the vote shall be taken by  
25 yeas and nays, which shall be recorded by the clerk.'

'Sect. 35. The city council may lay out and establish side-  
2 walks without the limits, and by the sides of any of the  
3 public highways, of such width as they shall judge the  
4 public convenience to require, which shall be used ex-  
5 clusively for sidewalks, and any damages arising from  
6 said laying out shall be appraised for the easement of a  
7 sidewalk, in manner provided by this charter for apprais-  
8 ing damages on roads laid out in said city; and the lay-  
9 ing out and establishing said sidewalks may be conditional  
10 in relation to any portion thereof which may be covered  
11 with buildings, that when said buildings are removed there-  
12 from the same shall be used as a sidewalk and the dam-  
13 ages appraised shall not be payable until said buildings  
14 are removed; provided, however, that said city may at  
15 any time remove said buildings, and the damages caused  
16 thereby shall be appraised in the manner provided for  
17 appraising damages caused by the laying out and widen-  
18 ing roads in said city.'

'Sect. 36. General meetings of the citizens qualified to  
2 vote in city affairs, may, from time to time, be held to  
3 consult upon the public good; to instruct their representa-  
4 tives, and to take all lawful measures to obtain redress of  
5 any grievances according to the right secured to the people  
6 by the constitution of this state; and such meetings may,

7 and shall be duly warned by the mayor and aldermen upon  
8 the requisition of thirty qualified voters of said city.'

'Sect. 37. All existing acts, public and private, and all  
2 ordinances of the city of Augusta, inconsistent herewith,  
3 are hereby modified so as to conform to the provisions of  
4 this act.'