

# MAINE STATE LEGISLATURE

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NEW DRAFT.

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# SEVENTY-SECOND LEGISLATURE

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HOUSE.

No. 549

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## STATE OF MAINE.

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IN THE YEAR OF OUR LORD ONE THOUSAND NINE  
HUNDRED AND FIVE.

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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 Senate and House of Representatives in  
Legislature assembled, as follows:*

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

‘Section 1. The inhabitants of the town of Augusta, in the  
5 county of Kennebec, shall continue to be a body politic and  
6 corporate, by the name of the city of Augusta; and as such  
7 shall have, exercise and enjoy all the rights, immunities,  
8 powers, privileges and franchises, and be subject to all the  
9 duties and obligations now appertaining to, or incumbent  
10 upon said town as a municipal corporation, or appertaining

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

'Sect. 2. The administration of all the fiscal, prudential  
2 and municipal affairs of said city, with the government  
3 thereof, shall be vested in one principal magistrate, to be  
4 styled the mayor; and one council of eight to be denominated  
5 the board of aldermen; and one council of sixteen, to be  
6 denominated the common council, all of whom shall be  
7 inhabitants of said city; which boards shall constitute and  
8 be 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 appropriate  
11 any money for any object or purpose for which the town of  
12 Augusta is not authorized to vote, assess and appropriate  
13 money, except for such purposes as are authorized by this  
14 act. And provided further, that neither the city council, nor  
15 any agent or officer of the city, shall borrow or hire any  
16 money for or on account of the city or inhabitants thereof,  
17 except for the purposes for which the town of Augusta is  
18 now by law authorized to raise money; and all notes, bonds,  
19 obligations, scrip or orders given by the city council or any  
20 officer or agent thereof for money or property obtained for  
21 any purpose 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 to  
4 be executed and enforced, to exercise a general supervision  
5 over the conduct of all subordinate officers, and to cause

6 their violations or neglect of duty to be punished. He may  
7 call special meetings of the board of aldermen and common  
8 council, or either of them, when in his opinion the interests  
9 of the city require it, by a notice in one or more of the papers  
10 printed in the city, or by causing a summons or notification  
11 to be given in hand or left at the usual dwelling place of  
12 each member of the board or boards to be convened. He  
13 shall from time to time communicate to both of them such  
14 information, and recommend such measures as the business  
15 and interests of the city may in his opinion require. He  
16 shall preside in the board of aldermen and in the joint meet-  
17 ings of the two boards, but shall have only a casting vote.  
18 The salary and compensation of the mayor shall be five hun-  
19 dred dollars per year, which shall not be increased or dimin-  
20 ished during his continuance in office, unless by the vote of  
21 the qualified electors in ward meetings called for that pur-  
22 pose. Nor shall he receive from the city any other compen-  
23 sation for any services by him rendered in any other capacity  
24 or agency; provided, however, the city council may elect the  
25 mayor to any city office, and allow him a reasonable com-  
26 pensation for services rendered in such office; but the alder-  
27 men and common council shall not be entitled to receive any  
28 salary or compensation for any services by them performed  
29 as such.

'Sect. 4. The executive powers of said city generally, and  
2 the administration of police, with all the powers of the select-  
3 men of the town of Augusta, shall be vested in the mayor  
4 and aldermen as fully as if the same had been herein partic-  
5 ularly enumerated; all other powers not vested in the inhab-  
6 itants of said town, and all powers granted by this act, shall  
7 be vested in the mayor and aldermen and common council  
8 of said city, to be exercised by concurrent vote, each board  
9 to have a negative upon the other, but all elections of officers  
10 by the city council, shall be by joint ballot of the two boards

11 in convention. Except as otherwise provided by law, the  
12 city council shall annually, on the third Monday of March,  
13 or as soon thereafter as conveniently may be, elect and  
14 appoint all the subordinate officers and agents for the city,  
15 for the ensuing year, shall define their duties and fix their  
16 compensation, in cases where such duties and compensation  
17 shall not be defined and fixed by the laws of this State; and  
18 may by concurrent vote remove all officers whom they have  
19 power to appoint, when in their opinion sufficient cause for  
20 removal exists. The city council may by ordinance provide  
21 for the election of, and prescribe the duties of members of  
22 the fire department; provided, that the several fire companies  
23 may adopt such rules and regulations not inconsistent with  
24 such ordinances as they may deem expedient, subject to the  
25 approval of the chief engineer, mayor and aldermen. The  
26 mayor and board of aldermen, in addition to the appoint-  
27 ment of any officers to be by them appointed under any law  
28 of this State, shall on the third Monday of March, annually,  
29 or as soon thereafter as conveniently may be, appoint officers  
30 to the following positions, to the number and with the tenure  
31 now or hereafter established by ordinance of the city council,  
32 viz., superintendent of burying grounds, inspector or inspec-  
33 tors of any or all city bridges, trustees of the Lithgow  
34 library and reading room, and, upon the nomination of the  
35 city marshal, a deputy city marshal and other police officers.  
36 Except as otherwise provided by law, all officers shall be  
37 chosen and vacancies supplied for the current year, of whom  
38 the assessors, city marshal, chief engineer of fire department,  
39 collector, overseer of the poor, street engineer, street com-  
40 missioners, superintending school committee and treasurer,  
41 shall not be members of the city council, and except as  
42 herein otherwise directed. The treasurer and collector of  
43 taxes may be one and the same person. Except as other-  
44 wise provided by law, all the said subordinate officers and

45 agents shall hold their offices during the ensuing year, and  
46 until others shall be elected and qualified in their stead,  
47 unless sooner removed. All moneys received and collected  
48 for or on account of the city, by any officer or agent thereof,  
49 shall forthwith be paid into the city treasury. The city  
50 council shall take care that moneys shall not be paid from  
51 the treasury unless granted or appropriated; shall secure a  
52 prompt and just accountability by requiring bonds with  
53 sufficient penalty and sureties from all persons trusted with  
54 the receipt, custody or disbursement of money; shall have  
55 the care and superintendence of city buildings, and the  
56 custody and management of all city property, with power  
57 to let or sell, what may be legally let or sold; and to take  
58 and hold in the name of the city real and personal estate  
59 necessary or proper for municipal purposes, not exceeding  
60 in aggregate at any one time one hundred and fifty thousand  
61 dollars. And the city council shall, as often as once a year,  
62 cause to be published for the information of the inhabitants,  
63 a particular account of receipts and expenditures and a  
64 schedule of the city property; and no money shall be paid  
65 from the treasury unless the same be appropriated by the  
66 city council, and upon a warrant signed by the mayor, which  
67 warrant shall state the appropriation under which the same  
68 is drawn. Provided, however, that the city council may, by  
69 ordinance, create a fund consisting of the unexpended bal-  
70 ance of all appropriations remaining at the end of each  
71 municipal year, and may by such ordinance, define the pur-  
72 poses of such fund, and warrants drawn thereon by the  
73 mayor for such purposes shall be valid. The subordinate  
74 officers and agents of the city, elected or appointed as pro-  
75 vided for in this section, shall enter upon the discharge of  
76 their official duties on the first day of April, or as soon  
77 thereafter as may be, except in cases of elections to fill  
78 vacancies. Officers elected to fill vacancies shall enter imme-

79 diately upon their official duties. The city council may,  
80 except as in this charter otherwise provided, by ordinance  
81 provide a specific salary for any or all city officers and may  
82 further provide that any officer whose salary is so specified  
83 shall account for and pay over to the city for its use all  
84 statutory fees received by him by virtue of his official posi-  
85 tion.'

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

'Sect. 6. The city council shall, on the third Monday of  
2 March, in the year one thousand eight hundred and eighty-  
3 five, or as soon thereafter as conveniently may be, elect three  
4 assessors, one of whom shall be elected for three years, one  
5 for two years and one for one year; and thereafter, except  
6 to fill vacancies, one assessor shall be elected each year for  
7 the term of three years. Such assessors shall exercise and  
8 be subject to the same powers, duties and liabilities that the  
9 assessors in the several towns in this State may exercise and  
10 be subject to under existing laws; provided, however, that  
11 the city council may appoint one person in each ward, whose  
12 duty it shall be to furnish the assessors with all necessary

13 information relative to persons and property taxable in his  
14 ward, and who shall be sworn to the faithful performance of  
15 his duty. All taxes shall be assessed, apportioned and col-  
16 lected in the manner prescribed by the laws of this State  
17 relative to town taxes. Provided, however, that it shall be  
18 lawful for the city council to establish further and additional  
19 provisions for the collection thereof. The collector of taxes  
20 may appoint, by and with the consent of the mayor and  
21 board of aldermen, one or more deputy collectors of taxes  
22 for said city, who shall hold office during the term for which  
23 the collector of taxes was elected. Such deputy collectors  
24 shall, under the direction of said collector, render assistance  
25 to said collector, and for that purpose shall have the same  
26 power that said collector has, and shall receive the same fees  
27 that a sheriff or constable would be entitled to for like ser-  
28 vices, to be added to such tax and collected of the delinquent.  
29 The verbal instructions of said collector to such deputy col-  
30 lector shall be sufficient to authorize all lawful acts of such  
31 deputy collector performed in the discharge of the duties of  
32 his office, and such instructions need not be set forth in his  
33 return. The return of the doings of such deputy collector  
34 shall be in the same form as that required of said collector,  
35 but shall be certified by said deputy collector. Such deputy  
36 collectors shall from time to time as required, account for  
37 and pay over to said collector the amount of all taxes and  
38 interest thereon collected 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, appoint  
6 on the third Monday in March, or as soon thereafter as con-  
7 veniently may be, such officer for a term of three years.  
8 Such officer, so appointed, shall perform such duties as may



9 be prescribed by the city council, and shall in general do and  
10 perform all the duties and exercise all the powers incumbent  
11 upon or vested in overseers of the poor by law. When such  
12 overseer shall be so first appointed hereunder, the term of  
13 office of all overseers of the poor in said city then in office  
14 shall thereupon cease. Such overseer may be removed by  
15 the mayor and aldermen after notice and hearing by  
16 majority vote. He shall not be directly or indirectly inter-  
17 ested in any contract for or furnishing of any pauper sup-  
18 plies and for a violation of this provision he shall be removed  
19 from office and, if so removed, he shall thereafterwards be  
20 ineligible for the same office. The fuel, provisions, supplies  
21 and such other articles as the nature of the case will admit,  
22 purchased 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 least  
26 two newspapers in said city representing different political  
27 parties, such contracts to be awarded to the lowest respon-  
28 sible bidders therefor, reserving, however, the right to reject  
29 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 to  
6 estimate the damages any individual may sustain by such  
7 laying out, widening, alteration or discontinuance, and shall  
8 in all other respects be governed by and subject to, the same  
9 rules and restrictions as are provided in the laws of this  
10 State, regulating the laying out and repairing streets and  
11 public highways; and any person aggrieved by the decision  
12 or judgment of said city council, may, so far as relates to  
13 damages, have them assessed by a committee or jury as now

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

'Sect. 9. It shall be lawful for the city council, by a com-  
2 mittee by them appointed, or by instructions to the commis-  
3 sioner of streets, to appropriate, set off and reserve as side-  
4 walks, such part or portion of the several streets in said city,  
5 now or hereafter to be established, as to said council may  
6 appear necessary for the safety, convenience and accommo-  
7 dation of foot passengers. It shall be lawful for the city  
8 council to permit or direct posts of stone or wood, or trees  
9 to be placed along the edge of said sidewalk next to the  
10 traveled part of the street, in such number and manner as  
11 they may deem necessary to protect said sidewalks, and the  
12 persons traveling thereon from damage or inconvenience  
13 from teams or carriages. So much of the several streets in  
14 said city as shall be appropriated and reserved as sidewalks,  
15 agreeably to the provisions of this act, shall be taken and  
16 deemed to be reserved exclusively for the accommodation,  
17 convenience and use of persons traveling on foot; and said  
18 city shall not be liable to damages for any injury done or  
19 occasioned in consequence of any cart, carriage, wagon,  
20 truck or other vehicle, or any team or animal striking against  
21 any of said sidewalks, or the posts or trees set or placed to  
22 defend the same. The several sidewalks on the streets in  
23 said city as at present established and used, shall be taken  
24 and deemed to be the proper and lawful reservation for that  
25 purpose, until altered or otherwise established by the proper  
26 authority.'

'Sect. 10. The city council shall have power, on such terms  
2 and conditions as they may think proper, to authorize and  
3 empower any person or corporation to place in any street,

4 for such time as may be necessary, any materials for making  
5 or repairing any street, sidewalk, cross walk, bridge, water-  
6 course or drain, or for erecting, repairing or finishing any  
7 building or fences; provided, that not more than one-third  
8 of the width of the street shall be so occupied; and such  
9 materials so placed by virtue of any license obtained as afore-  
10 said, shall not be considered an incumbrance or nuisance in  
11 such street, and the city or person or corporation so placing  
12 the same, shall not be liable for any damages occasioned by  
13 such materials.'

'Sect. 11. The mayor and aldermen shall have power to  
2 cause any or all of the streets of said city to be sprinkled  
3 or watered, and may assess the expense thereof as provided  
4 in the next section.'

'Sect. 12. The city council of said city shall by ordinance  
2 prescribe the mode in which the expense of sprinkling or  
3 watering the streets of said city shall be assessed, and also  
4 the mode in which the said expense shall be collected, or  
5 secured by lien, upon the lots or parcels of land specially  
6 benefited, and the manner in which such liens shall be  
7 enforced. Provided, that the assessment shall be upon the  
8 lots or parcels of land specially benefited, and against the  
9 owner thereof, or person in possession, or against whom the  
10 taxes thereon shall be assessed, whether said person to whom  
11 the assessment is so made shall be the owner, tenant, lessee,  
12 or agent.'

'Sect. 13. There shall be and hereby is established, a court,  
2 to be denominated the "municipal court" of the city of  
3 Augusta, to consist of one judge, who shall have concurrent  
4 jurisdiction with justices of the peace in all matters, civil  
5 and criminal, within the county of Kennebec, and original  
6 and exclusive jurisdiction in all civil actions now triable  
7 before a justice of the peace in which both parties interested,  
8 or in which the party plaintiff and the person or persons

9 summoned as trustees, shall be inhabitants of, or residents in  
10 said city, excepting all actions in which said judge may be  
11 interested; and he shall have concurrent jurisdiction with  
12 justices of the peace and quorum, in all cases of forcible  
13 entry and detainer arising in said county, and original and  
14 exclusive jurisdiction in all such cases arising in said city,  
15 and said judge shall have jurisdiction of all cases of simple  
16 larceny, wherein the property, alleged to have been stolen,  
17 shall not exceed in value the sum of twenty dollars; and  
18 shall have power to try the same and award such sentence  
19 upon conviction, as by law provided for such offense. Said  
20 judge shall also have jurisdiction of all cases of cheating by  
21 false pretences, arising in said county, wherein the property,  
22 money, or other thing alleged to have been fraudulently  
23 obtained or sold is not alleged to exceed in value the sum of  
24 twenty dollars, and shall have power to try the same and  
25 award sentence upon conviction, by fine not exceeding  
26 twenty dollars, or by imprisonment in the county jail, or to  
27 hard labor in the house of correction, for a term not exceed-  
28 ing ninety days. Provided, however, that the several jus-  
29 tices of the peace in said city shall continue to have and  
30 exercise all the power and authority in them vested by the  
31 laws of the United States. And the said judge shall also  
32 have exclusive jurisdiction of all offenses against the by-laws  
33 and regulations which may be established by the city council  
34 of said city; and may on conviction thereof, award such  
35 sentence as to law and justice may appertain, and in declara-  
36 tions for violations of by-laws or ordinances, the by-laws  
37 and ordinances need not be set forth; and any person  
38 aggrieved by any judgment awarded by said judge, may  
39 appeal therefrom to the superior court for the county of  
40 Kennebec, under the restrictions and conditions that the law  
41 requires in appeals from judgments awarded by any justice  
42 of the peace. Said court shall also have original jurisdic-

43 tion, concurrent with the superior court, of all civil actions  
44 at law, except complaints for flowage, real actions and tres-  
45 pass quare clausum, in which the debt and damages  
46 demanded, exclusive of cost, does not exceed fifty dollars,  
47 in which any party defendant or a person summoned in good  
48 faith and on probable grounds as trustee, resides in the  
49 county of Kennebec or having his residence beyond the  
50 limits of this State is served with process within said county.  
51 If any defendant, his agent or attorney in any action in said  
52 court, in which the debt or damages claimed in the writ  
53 exceeds twenty dollars, shall appear at the first term and on  
54 or before the first day of the second term, file in said court  
55 an affidavit that he has a good defence to said action and  
56 intends in good faith to make such defence and claims a  
57 jury trial, the said action shall be removed into and entered  
58 at the next term of the superior court for said county. And  
59 the judge of said municipal court on payment to him of the  
60 entry fee in said superior court by the plaintiff, shall forth-  
61 with cause the original writ and all other papers in the case  
62 to be filed in the clerk's office of said superior court. Any  
63 party may appeal from any judgment or sentence of said  
64 municipal court to the superior court in the same manner as  
65 from a judgment of a trial justice. The costs and fees  
66 allowed to parties and attorneys in civil actions before said  
67 court, in which the debt or damages recovered do not exceed  
68 twenty dollars shall be the same as are allowed before trial  
69 justices, except that the plaintiff, if he prevails, shall be  
70 allowed two dollars for his writ, and the defendant, if he  
71 prevails, shall be allowed one dollar for his pleadings. In  
72 all actions in which the amount recovered exceeds twenty  
73 dollars, the costs and fees of parties and attorneys shall be  
74 the same as in the superior court. Copies of the records of  
75 said court duly certified, shall be evidence in other courts.'

‘Sect. 14. The judge may appoint and employ a recorder, 2 who shall be a justice of the peace for said county, duly 3 qualified, at his own expense and during his pleasure, who 4 shall be duly sworn; and in case of the absence or sickness 5 of the judge, shall have all the powers of the judge except 6 the trial of issues in civil actions; and the judge, when no 7 such recorder is appointed by him, shall perform all the 8 duties which are now by law to be performed by the 9 recorder.’

‘Sect. 15. The compensation of the judge shall not be 2 increased or diminished during his continuance in office, 3 except by a major vote of the inhabitants of said city, vot- 4 ing in their respective wards. Neither the judge nor, 5 except in civil matters, the recorder shall act as counsel or 6 attorney in any case within the jurisdiction of said court, nor 7 in any suit, matter or thing which may depend on, or have 8 relation to any case, matter or thing depending or recogniz- 9 able in said court.’

‘Sect. 16. The said court shall be held on the first and 2 third Monday of each month, at nine of the clock in the fore- 3 noon, for the transaction of civil business, and all civil 4 processes shall be made returnable at that time. All war- 5 rants alleging any offence to have been committed within 6 said city shall be made returnable before said court. No 7 justice of the peace residing in said city, the recorder 8 excepted, shall take cognizance of, or exercise jurisdiction 9 over any crime or offence, or in any civil actions, except 10 under the authority of the United States, wherein the judge 11 is not a party or interested, except in the absence or disabil- 12 ity of said judge and recorder, under a penalty of twenty 13 dollars, to be recovered on indictment.’

‘Sect 17. 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. 18. Sections 1 to 8 inclusive, and sections 12 and 13  
2 of chapter 340 of the public laws of 1885, entitled, "An Act  
3 Relative to Criminal Costs and Expenditures in the County  
4 of Kennebec," are hereby incorporated as sections 19 to 28  
5 inclusive, of this charter, and, with the necessary changes in  
6 numerical and statutory references, are as follows:'

'Sect. 19. All judges of municipal and police courts in the  
2 county of Kennebec shall be paid salaries, to be fixed by the  
3 city council or municipal officers, of their respective cities  
4 and towns, and paid quarterly from the treasuries thereof.  
5 All fees paid to and received by them in criminal cases shall  
6 be paid quarterly into the county treasury; and no salary  
7 shall be paid to any such judge until he shall file with the  
8 city or town treasurer, a written statement of the fines and  
9 criminal fees by him paid to the county treasurer during and  
10 for the preceding quarter.'

'Sect. 20. The fees of such judges for services in criminal  
2 cases shall be allowed and taxed as in behalf of trial justices  
3 and shall, together with the fees paid in by any such judge,  
4 be annually paid to the city or town from which such judge  
5 receives his salary; provided, however, that if the amount  
6 of such fees so allowed and the fees paid in by any such  
7 judge during the year shall exceed the amount of his annual  
8 salary, such excess shall revert to the county and be cov-  
9 ered into the county treasury. The word fees as used in  
10 this and the preceding section includes all fees fixed by law  
11 in criminal cases, including fees for copies. Such judges,  
12 however, may retain for their own use all fees received by  
13 them in civil cases. All blanks for criminal cases used by  
14 such judges shall be furnished by the county. When the  
15 salary of any judge has been fixed and established as pro-

16 vided in section one, it shall not afterwards be diminished  
17 during the continuance in office of any such judge to a sum  
18 lower than the amount of the fees received by the city or  
19 town during the preceding year from the county, under this  
20 section. The provisions of section one of chapter 133 of the  
21 Revised Statutes, shall not apply to the county of Kennebec  
22 while this act is in force.'

'Sect. 21. City marshals, deputy marshals and chiefs of  
2 police, in the county of Kennebec, shall be paid salaries, or a  
3 per diem compensation, to be fixed by the city council of  
4 cities and municipal officers of towns, and payable from the  
5 treasuries thereof. Such officers shall not be paid any fee  
6 for any official service in any criminal case in said county,  
7 except as provided in sections 24 and 27 of this act. The  
8 fees of such officers for services in criminal cases shall be  
9 taxed and allowed as in behalf of the sheriffs, and fifty per  
10 cent thereof, first deducting fees referred to in sections 24  
11 and 27 of this act, shall be annually paid by the county treas-  
12 urer to the city or town from which any such officer receives  
13 his salary, or compensation, and the balance shall revert to  
14 the county and be covered into the county treasury. When  
15 said fifty per cent exceeds the annual salary or compensa-  
16 tion of any such officer, such excess shall not be paid to the  
17 city or town, but shall be covered into the county treasury.  
18 Such officers may retain for their own use all fees received  
19 by them in civil cases. No such officer shall receive from  
20 any respondent in any criminal case any fine or costs, but in  
21 all such cases, such fine and costs shall be paid to the judge  
22 issuing the precept against such respondent.'

'Sect. 22. City marshals and their deputies, in the county  
2 of Kennebec, shall faithfully and diligently inquire into all  
3 violations of law, within their respective cities, and institute  
4 proceedings against violations or supposed violations of law,



5 and particularly the laws against the legal sale of intoxicat-  
6 ing liquors and the keeping of drinking houses and tipping  
7 shops, either by promptly entering a complaint before a  
8 magistrate and executing the warrants issued thereon, or by  
9 furnishing the county attorney promptly and without delay  
10 with the names of alleged offenders and of the witnesses;  
11 and the county attorney shall cause such witnesses to be  
12 promptly summoned before the grand jury. Whenever the  
13 aldermen of any city are, after investigation and hearing,  
14 satisfied that the city marshal, or his deputies, have wilfully  
15 refused or neglected to faithfully discharge the duties  
16 imposed by this section, they shall remove him, or them,  
17 from office. Nothing herein contained shall relieve any  
18 other officers named in chapter twenty-nine of the Revised  
19 Statutes, from any of the duties imposed upon them by said  
20 chapter.'

'Sect. 23. No police officer, or constable, in said county,  
2 who is paid a per diem compensation shall draw or receive  
3 any fees whatever from said county for services in any crim-  
4 inal case, except as provided in sections 24 and 28 of this act;  
5 but all such fees shall, if allowed, be covered into the county  
6 treasury to the use of the county.'

'Sect. 24. Fees taxed and allowed to the officers named in  
2 sections 21, 22 and 23 of this act for attendance as witnesses  
3 in any criminal case before the superior court, or before any  
4 court held in some town other than that in which such offi-  
5 cers reside, shall be paid to them from the county treasury.  
6 The expenses of any such officer necessarily and reasonably  
7 incurred and actually disbursed in the service of any crim-  
8 inal precept, shall be allowed and paid to him upon his filing  
9 an itemized account thereof, under oath, accompanied by  
10 proper vouchers thereof.'

'Sect. 25. No sheriff, deputy sheriff, marshal, deputy  
2 marshal, police officer or constable, in said county, shall be

3 entitled to fees for attendance as a witness in any criminal  
4 case while he is paid for attendance as an officer of the same  
5 court, or on the same examination or trial. No allowance  
6 shall be made to any such officer for aid in the service of any  
7 mittimus unless the same is first authorized in writing by  
8 the court issuing the same.'

'Sect. 26. In the service of any precept, in criminal cases  
2 in said county, 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 he shall be allowed a  
5 reasonable sum therefor, when it appears the amount allowed  
6 for travel does not compensate him for such use of a horse  
7 and carriage; if the journey so made can be performed by  
8 railroad, no allowance shall be made for a horse and car-  
8 riage.'

'Sect. 27. Whenever in said county, intoxicating liquors  
2 are seized, with or without a warrant, under any of the pro-  
3 visions of chapter twenty-nine of the Revised Statutes, the  
4 fees of the judge, marshal, deputy marshal, police officer,  
5 or constable, on the warrant or libel issued thereon, shall be  
6 taxed and allowed in the manner now provided by law, and  
7 shall be paid to them from the county treasury; and such  
8 fees, so paid, shall not be included in the fees required by  
9 this act to be paid to the city or town, but shall be in add'tion  
10 to the salaries, or compensation, paid to such judge or offi-  
11 cer. When, however, such liquors are seized in transit, and,  
12 on final hearing, are ordered returned to the claimant, the  
13 fees of the marshal, deputy marshal, police officer and con-  
14 stable, on the warrant and libel issued thereon, shall be  
15 subject to the provisions of section 21 of this act, and dis-  
16 posed of as therein provided. Whenever on such warrant  
17 or libel, where intoxicating liquors have been seized, the  
18 county commissioners do not allow the costs as taxed by the

19 magistrate, the person aggrieved may appeal to the judge of  
 20 the superior court for said county, whose decision thereon  
 21 shall be final.'

'Sect. 28. All existing acts, public and private, incon-  
 2 sistent herewith, are hereby modified so as to conform to  
 3 the provisions of the nine preceding sections.'

'Sect. 29. No person shall participate in any caucus of any  
 2 political party unless qualified therefor by enrollment as  
 3 hereinafter provided. Any person violating this section, or  
 4 making any wilfully false statement of fact in his declara-  
 5 tion of enrollment, shall be punished by fine not exceeding  
 6 five hundred dollars or by imprisonment not exceeding six  
 7 months. Any person who is a legally qualified voter, may  
 8 enroll himself as a member of any political party by filing  
 9 with the city clerk a declaration in writing, signed by him,  
 10 of his election to enroll himself as a member of the party  
 11 designated by him, which declaration shall be substantially  
 12 as follows: I, \_\_\_\_\_ being a legally qualified voter of  
 13 the \_\_\_\_\_ of \_\_\_\_\_ hereby elect to enroll myself as a  
 14 member of the \_\_\_\_\_ party. The following statement of  
 15 name, residence, place of last enrollment if any, and party  
 16 of last enrollment, if any, is true.

17	Name.	Street.	Number.	Place of last	Party of last
18				enrollment.	enrollment.

19	Date_____,	Signature_____
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20 A new enrollment may be made at any time. No person  
 21 shall vote in any caucus in said city unless he has been  
 22 enrolled as herein provided as a member of the party hold-  
 23 ing such a caucus for a period of at least six months preced-  
 24 ing such caucus. The city clerk, where the enrollment is  
 25 made as above provided shall receive and file the same,  
 26 indorsing thereon the date of filing, and shall record the  
 27 name, residence, place of last enrollment, party of last enroll-

28 ment, and date of filing, in a separate book, entering the  
29 names alphabetically. Suitable blanks for filing such enroll-  
30 ment shall be provided by the city clerk, and in addition  
31 thereto he shall provide books with proper headings embody-  
32 ing the enrollment statements above provided, which the  
33 person desiring to enroll may sign and fill out, thereby  
34 enrolling himself with the same effect as by filing such  
35 enrollment paper. Such books shall be public records, and  
36 shall at all times be open to public inspection, and kept in  
37 the office of the city clerk.'

'Sect. 30. For the purpose of holding elections, said city  
2 shall be divided into eight wards, to contain as near as con-  
3 veniently may be, an equal number of voters; and it shall  
4 be the duty of the city council once in ten years, and not  
5 oftener than five years, to review, and if it be needful to  
6 alter said wards, in such manner as to preserve, as nearly as  
7 may be, an equal number of inhabitants in each. Said wards  
8 are hereby established according to the following bound-  
9 aries: Ward one embraces all the territory south of the  
10 following line; beginning at the Kennebec river on the north  
11 line of Court street extended; thence westerly on said line  
12 to the east line of Water street; thence on the east line of  
13 Water street and of Grove street to the north line of Western  
14 avenue; thence on the north line of Western avenue to the  
15 Manchester line. Ward two is on the north side of the divi-  
16 sion line described in ward one, and comprises the balance  
17 of ward one as it existed prior to the passage of chapter 520  
18 of the Private and Special Laws of 1897, after deducting  
19 therefrom ward one as hereby established. Ward three  
20 embraces the same territory and has the same boundaries  
21 as the old ward two, ward four the same as the old ward  
22 three, ward five the same as the old ward four, ward six the  
23 same as the old ward five, ward seven the same as the old  
24 ward six, and ward eight the same as the old ward seven.

25 The words "old ward" in this description mean the ward as  
26 it existed prior to the passage of said chapter 520, and the  
27 words "the same as" mean "embraces the same territory and  
28 has the same boundaries as." In each of said wards there  
29 shall annually, on the second Monday of March, be chosen  
30 by ballot a warden and clerk, who shall enter on the duties  
31 of their respective offices on the Monday next following  
32 their election, and hold their offices for one year therefrom,  
33 and until others shall have been chosen and qualified in their  
34 places. Said warden and clerk shall be sworn to the faith-  
35 ful performance of their respective duties by any justice of  
36 the peace of said city; and a certificate of such oaths having  
37 been administered shall be entered by the clerk on the records  
38 of the ward. The wardens shall preside at all ward meet-  
39 ings, with the power of moderators of town meetings, and  
40 if at any meeting the warden should not be present the clerk  
41 of such ward shall call the meeting to order and preside until  
42 a warden, pro tempore, shall be chosen. If neither of them  
43 should be present, any legal voter in the ward may preside  
44 until a clerk, pro tempore, shall be elected. In case no jus-  
45 tice of the peace shall be present, the person presiding may  
46 administer the oath to the warden and clerk. The clerk shall  
47 record all the proceedings and certify the votes given, and  
48 deliver over to his successor in office all such records and  
49 journals, together with all other documents and papers held  
50 by him in said capacity. The inhabitants of each ward may  
51 choose two persons to assist the warden in receiving, sorting  
52 and counting the votes. The list of the names of the legal  
53 voters in each ward shall be prepared as provided by the laws  
54 of this State; and all regular ward meetings shall be noti-  
55 fied and called by the mayor and aldermen, in the manner  
56 prescribed by the laws of this State for notifying and calling  
57 town meetings by the selectmen of the several towns, except-  
58 ing that ward meetings for the election of mayor, after the

59 second trial, may be called within the time provided in such  
60 cases in this act.'

'Sect. 31. The mayor shall be elected from the citizens at  
2 large, by the qualified electors of the city, voting in their  
3 respective wards; one alderman 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 their  
7 offices one year from the third Monday in March, and until  
8 others shall be elected in their places.'

'Sect. 32. At the annual election, holden for the choice of  
2 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 city council  
6 shall annually on the third Monday in March, or as soon  
7 thereafter as conveniently may be, elect or appoint a city  
8 marshal, who shall hold office for one year from the first day  
9 of April, and until his successor shall be elected and quali-  
10 fied. The city marshal so elected shall be city constable,  
11 with all the powers, duties and liabilities appertaining to the  
12 office of constable. The city marshal may be removed by  
13 the city council. The municipal officers may also appoint  
14 one or more constables who shall be denominated city  
15 constables, with all the powers, duties and liabilities apper-  
16 taining to the office of constable.'

'Sect. 33. On the second Monday of March, annually,  
2 immediately after a warden and clerk shall have been elected  
3 and sworn, the qualified electors of each ward shall ballot  
4 for a mayor, one alderman and two common councilmen; all  
5 the votes given for the said several officers respectively, shall  
6 be sorted, counted, declared and registered in open ward  
7 meeting, by causing the names of persons voted for, and the

8 number of votes given to each, to be written on the ward  
9 record at length. The ward clerk, within twenty-four hours  
10 after such election, shall deliver to the persons elected alder-  
11 man and common councilmen, certificates of their election,  
12 and shall forthwith deliver to the city clerk, a certified copy  
13 of the record of such election; provided, however, that if the  
14 choice of aldermen and common councilmen cannot con-  
15 veniently be effected on that day, the meeting may be  
16 adjourned from day to day to complete such election. If  
17 on the second balloting for any alderman, common council-  
18 man, constable, warden or clerk, a choice shall not be  
19 effected by a majority vote, then the persons receiving the  
20 highest number of votes for any of those offices at the sub-  
21 sequent trial, shall be declared elected; if no one shall then  
22 have such highest number, the balloting shall be continued  
23 from day to day until a choice is thus effected. The board  
24 of aldermen shall, as soon as conveniently may be, examine  
25 the copies of the records of the several wards, certified as  
26 aforesaid, and shall cause the person who shall have been  
27 elected mayor, by a majority of votes given in all wards, to  
28 be notified in writing of his election; but if it shall appear  
29 that no person shall have been elected, or if the person  
30 elected shall refuse to accept the office, the said board shall  
31 issue their warrants for another election and in case the  
32 citizens should fail on the second ballot to elect a mayor, the  
33 said board shall again issue their warrants for a third elec-  
34 tion, to be held not less than three nor more than four days  
35 thereafter, at which election the candidate having the great-  
36 est number of votes shall be declared elected, and notified  
37 as aforesaid; if no one shall then have such number, further  
38 elections shall in the same manner be ordered, till a choice  
39 shall be made, by some one having the highest number of  
40 votes; and in case of a vacancy in the office of mayor by

41 death, resignation or otherwise, it shall be filled for the  
42 remainder of the term by a new election, in the manner here-  
43 inbefore provided for the choice of said officer; and in the  
44 meantime the president, pro tempore, of the board of alder-  
45 men shall perform the duties of mayor. The oath prescribed  
46 by this act shall be administered to the mayor by the city  
47 clerk, or any justice of the peace in said city. The aldermen  
48 and common councilmen elect, shall, on the third Monday  
49 of March, at ten of the clock in the forenoon, meet in con-  
50 vention, when the oath required by this act shall be admin-  
51 istered to the members of the two boards present, by the  
52 mayor or any justice of the peace, and thereupon the two  
53 boards shall separate, and the board of common council shall  
54 be organized by the election of a president and clerk.'

'Sect. 34. The city clerk shall be the clerk of the board of  
2 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 exercise  
5 all the powers by law incumbent upon, or vested in, the town  
6 clerk of the town of Augusta; he shall give notice in one  
7 or two of the papers printed in said city, of the time and  
8 place of regular ward meetings; but the place of regular  
9 ward meetings, and also the day and hour, when not fixed  
10 by law, shall be determined by the board of aldermen. The  
11 board of aldermen may choose a president pro tempore, who,  
12 in the absence of the mayor, shall preside at joint meetings  
13 of the two boards. Each board shall keep a record of its  
14 proceedings, and judge of the election of its own members;  
15 and in case of failure of election, or vacancy by death, resig-  
16 nation or otherwise, may order new elections. A quorum  
17 for the transaction of business shall, in each board, consist  
18 of a majority of the members thereof; all meetings of the  
19 aldermen and common council, and all meetings of the two



20 boards in convention, shall be open and public, and the pre-  
21 siding officer of each of them shall have the power of mod-  
22 erators of town meetings. At either of said meetings, when  
23 any two members shall request it, the vote shall be taken  
24 by 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 public  
4 convenience to require, which shall be used exclusively for  
5 sidewalks, and any damages arising from said laying out  
6 shall be appraised for the easement of a sidewalk, in manner  
7 provided by this charter for appraising damages on roads  
8 laid out in said city; and the laying out and establishing  
9 said sidewalks may be conditional in relation to any portion  
10 thereof which may be covered with buildings, that when  
11 said buildings are removed therefrom the same shall be used  
12 as a sidewalk and the damages appraised shall not be pay-  
13 able until said buildings are removed; provided, however,  
14 that said city may at any time remove said buildings, and  
15 the damages caused thereby shall be appraised in the man-  
16 ner provided for appraising damages caused by the laying  
17 out and widening roads in said city.'

Sect. 36. General meetings of the citizens qualified to vote  
2 in city affairs, may, from time to time, be held to consult  
3 upon the public good; to instruct their representatives, and  
4 to take all lawful measures to obtain redress of any griev-  
5 ances according to the right secured to the people by the  
6 constitution of this State; and such meetings may, and shall  
7 be duly warned by the mayor and aldermen upon the requis-  
8 tion of thirty qualified voters of said city.'

Sect. 2. Sections 11 and 12 of the revised charter embodied  
2 in section 1 of this act shall take effect only when accepted,  
3 as hereinafter provided, by the electors of said city qualified

4 to vote in a municipal election. Said sections shall be sub-  
5 mitted to be voted upon by the qualified electors of said city  
6 at the election to be especially called and held on Monday,  
7 the nineteenth day of June, A. D. 1905, for the purpose of  
8 voting upon the questions specified in section 5 of the act  
9 of 1905 entitled "An Act to abolish the common council of  
10 the city of Augusta, and otherwise to amend the charter of  
11 said city." In addition to the questions specified in said  
12 section 5 of said last mentioned act, the following question,  
13 to be numbered question five, shall be placed upon the same  
14 ballot as the four questions therein specified, and voted upon  
15 in like manner as provided in that act: "Shall the city have  
16 authority to provide for street sprinkling, the property bene-  
17 fitted to pay therefor?" The city clerk of said city of  
18 said city of Augusta shall prepare the ballots to be used in  
19 the form therein provided, and shall likewise post printed  
20 copies of said sections 11 and 12 in the manner therein pro-  
21 vided. If said sections so submitted shall have more affirm-  
22 ative than negative votes at said election, they shall be  
23 deemed to have been accepted. If accepted, said sections  
24 shall take effect on June 20, 1905.

Sect. 3. All existing acts, public and private, (except said  
2 act entitled "An Act to abolish the common council of the  
3 city of Augusta and otherwise to amend the charter of said  
4 city,") and all ordinances of the city of Augusta inconsistent  
5 herewith, are hereby modified so as to conform to the pro-  
6 visions of this act; but this section shall take effect as to  
7 said sections 11 and 12 only in case said sections shall be  
8 accepted in manner aforesaid, and when said sections take  
9 effect.

Sect. 4. The sections of said revised charter, and all  
2 numerical references therein, shall be appropriately re-num-

3 bered, if and so far as rendered necessary by the result of  
4 said election.

Sect. 5. Except as specified in sections 2 and 3, this act  
2 shall take effect when approved.



STATE OF MAINE.

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HOUSE OF REPRESENTATIVES,  
Augusta, March 15, 1905.

Reported by Mr. JOHNSON from Committee on Judiciary and  
ordered printed under joint rules.

E. M. THOMPSON, *Clerk.*