

# MAINE STATE LEGISLATURE

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ACTS AND RESOLVES

OF THE

SIXTY-SECOND LEGISLATURE

OF THE

STATE OF MAINE.

1885.

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Published by the Secretary of State, agreeably to Resolves of June 28, 1820,  
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PRIVATE AND SPECIAL LAWS  
OF THE  
STATE OF MAINE.

1885.

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**Chapter 398.**

An Act to amend the charter of the city of Augusta, relating to the Common Council.

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

SECT. 1. Chapter sixty-three of the private and special laws of the year one thousand eight hundred and seventy-eight, entitled "An Act to amend the charter of the city of Augusta," approved February fifteen, one thousand eight hundred and seventy-eight, is hereby repealed.

Ch. 63, Private  
Laws of 1878,  
repealed.

SECT. 2. All powers, rights and privileges granted and all duties and obligations imposed by said charter, and subsequent amendments thereto, upon the common council of the city of Augusta, are hereby revived and shall hereafter be exercised and performed by the common council.

Common Council  
restored.

SECT. 3. The common council, first hereafter to exercise the powers, rights and privileges, and duties and obligations imposed by the city charter, shall be elected at the municipal election to be held in March, in the year of our Lord one thousand eight hundred and eighty-five, in accordance with the provisions of "An Act to incorporate the city of Augusta," approved July twenty-three, one thousand eight hundred and forty-nine, and the amendments thereto.

—election of.

SECT. 4. Section seventeen of "An Act to incorporate the city of Augusta," approved July twenty-three, eighteen hundred and forty-nine is hereby amended by striking out the word "three" before the words "common councilmen," and inserting instead thereof the word 'two,' so that said section as amended shall read as follows:

Sec. 17, ch. 224,  
Private Laws of  
1849, amended.

'SECT. 17. The mayor shall be elected from the citizens at large by the inhabitants of the city, voting in their respective wards; one alderman and two common councilmen shall be elected by each ward, being residents in the wards where elected; all said officers shall be elected by ballot, by a majority of the votes given, and shall hold their offices one year from the third Mouday in March, and until others shall be elected in their places.'

Election of  
mayor, aldermen  
and common  
councilmen.

SECT. 5. Section nineteen of said "Act to incorporate the city of Augusta," approved July twenty-three, eighteen hundred and forty-nine, is hereby amended by striking out the word "three" wherever it occurs before the words "com-

Sec. 19, amended.

## CHAP. 398

mon councilmen," and inserting instead thereof the word 'two,' so that said section as amended shall read as follows:

Time of holding annual election.

'SECT. 19. On the second Monday of March, annually, immediately after a warden and clerk shall have been elected and sworn, the qualified electors of each ward shall ballot for a mayor, one alderman and two common councilmen; all the votes given for the said several officers respectively, shall be sorted, counted, declared and registered in open ward meeting by causing the names of persons voted for, and the number of votes given to each, to be written on the ward record at length. The ward clerk, within twenty-four hours after such election, shall deliver to the persons elected alderman and common councilmen, certificates of their election, and shall forthwith deliver to the city clerk a certified copy of the record of such election; *provided, however*, that if the choice of alderman and common councilmen cannot conveniently be effected on that day, the meeting may be adjourned from day to day to complete such election. If on the second balloting for any alderman, common councilmen, constable, warden or clerk, a choice shall not be effected by a majority vote, then the persons receiving the highest number of votes for any of those offices at the subsequent trial, shall be declared elected; if no one shall then have such highest number, the balloting shall be continued from day to day until a choice is thus effected. The board of aldermen shall, as soon as conveniently may be, examine the copies of the records of the several wards certified as aforesaid, and shall cause the person who shall have been elected mayor, by a majority of votes given in all the wards, to be notified in writing of his election; but if it shall appear that no person shall have been elected, or if the person elected shall refuse to accept the office, the said board shall issue their warrants for another election, and in case the citizens should fail on the second ballot to elect a mayor, the said board shall again issue their warrants for a third election, to be held not less than three nor more than four days thereafter, at which election the candidate having the greatest number of votes shall be declared elected, and notified as aforesaid; if no one shall then have such number, further elections shall, in the same manner be ordered, till a choice shall be made by some one

—votes to be counted in open ward meetings.

—ward clerk to deliver certificate of election within twenty-four hours.

Annual meeting may be adjourned from day to day to complete election.

On second ballot, persons receiving highest number of votes declared elected.

Aldermen to notify mayor of his election.

—issue warrant for another election if there is no choice.

On third trial, person having greatest number of votes declared elected.

having the highest number of votes; and in case of a vacancy in the office of mayor by death, resignation or otherwise, it shall be filled for the remainder of the term by a new election, in the manner hereinbefore provided for the choice of said officer; and in the meantime the president, pro tempore, of the board of aldermen shall perform the duties of mayor. The oath prescribed by this act shall be administered to the mayor by the city clerk, or by any justice of the peace in said city. The aldermen and common councilmen elect, shall on the third Monday of March, at ten of the clock in the forenoon, meet in convention, when the oath required by the second section of this act shall be administered to the members of the two boards present, by the mayor or any justice of the peace, and thereupon the two boards shall separate, and the board of common council shall be organized by the election of a president and clerk.'

Vacancy in office of mayor, how filled.

Oaths of office, by whom administered.

SECT. 6. This act shall take effect when approved.

Approved February 16, 1885.

### Chapter 399.

An Act to incorporate Trustees of the First, Tenth, Twenty-ninth Maine Regiment Association.

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

SECT. 1. John M. Gould, Ezekiel H. Hanson, Charles Walker, George L. Beal, Elijah M. Shaw, and their successors, are hereby created a corporation by the name of trustees of the first, tenth, twenty-ninth Maine regiment association, for the purpose of holding, leasing, improving, furnishing and managing grounds, wharves, buildings and apartments for the use of the first, tenth, twenty-ninth Maine regiment association, and for that purpose may borrow money if they deem it necessary. And said corporation may receive by gift, grant, purchase or otherwise, and may hold real and personal estate and property, not exceeding in value ten thousand dollars, in trust for said first, tenth, twenty-ninth Maine regiment association.

Corporators.

Corporate name.

Purposes.

May hold real and personal property.

SECT. 2. The place of any member of the corporation, which may become vacant by death, resignation, or otherwise,

Vacancies, how filled.