

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

SIXTY-FIRST LEGISLATURE.

HOUSE.

No. 2.

STATE OF MAINE.

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

AN ACT to cause the number of the inhabitants of
the state to be ascertained, exclusive of foreigners
not naturalized and Indians not taxed.

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

SECT. 1. The assessors of each city, town and
2 plantation within said state, shall on the first day
3 of February, eighteen hundred and eighty-three,
4 ascertain the number of all persons who are on
5 that day inhabitants of their respective cities,
6 towns and plantations, exclusive of foreigners not
7 naturalized and Indians not taxed, and shall make
8 in writing three true and perfect lists of the names
9 of said inhabitants so ascertained, indicating upon
10 said lists those persons who are legal voters; and

11 the said assessors shall compute and enter upon
12 said lists the whole number of said inhabitants and
13 of said legal voters respectively, and shall sign and
14 certify the same to be true and perfect lists of all
15 the inhabitants and of all legal voters within their
16 respective cities, towns and plantations, on the said
17 first day of February, exclusive of foreigners not
18 naturalized and Indians not taxed. The said asses-
19 sors shall on or before the twentieth day of Feb-
20 ruary, eighteen hundred and eighty-three, forward
21 by mail to the office of the secretary of state one
22 of said lists, and shall at the same time deposit
23 with the clerk of their respective cities, towns and
24 plantations, one of said lists, and shall retain the
25 other said list to be forwarded by special messen-
26 ger to the secretary of state in case of notice from
27 time to time that the said list sent by mail shall
28 not have been received.

SECT. 2. In ascertaining the number of said in-
2 habitants as provided in the foregoing section, no
3 person shall be included in said list, who is or was
4 on said first day of February absent from the state,
5 unless such person is or was in the civil or military
6 service of the state or of the United States, or at-
7 tending school or otherwise temporarily absent

8 without having changed his residence, and no per-
9 son of foreign birth shall be included in said list,
10 except persons naturalized, their wives, and such
11 children as were minors at the time of or since said
12 naturalization, and excepting also the widows of
13 deceased naturalized persons; provided that the
14 exhibition of a certificate of naturalization, or proof
15 that the name of such person has been borne upon
16 the list of voters in the place of his legal residence,
17 or that such person has voted at an annual state
18 election shall be evidence of naturalization.

SECT. 3. In all inhabited plantations not hav-
2 ing assessors, the duties imposed by the foregoing
3 sections upon the assessors of cities, towns and
4 plantations, shall be in like manner and at the
5 times therein specified performed by the sheriffs
6 or their deputies of the several counties in which
7 such unorganized plantations are embraced; pro-
8 vided, however, that the list therein required to be
9 deposited with the clerk of the city, town or planta-
10 tion, shall in the case of lists made by said sheriffs
11 or their deputies be deposited with the clerk of
12 courts of their respective counties.

SECT 4. If no enumeration as hereinbefore pro-
2 vided of the inhabitants of any city, town or plan-
3 tation shall have been made and returned to the

4 office of the secretary of state before the twenty-
5 fifth day of February next by the assessors or
6 sheriffs according to the requirements of this act,
7 then it shall be the duty of the governor forthwith
8 to empower and direct the sheriff or either of his
9 deputies of the county wherein such default has
10 occurred to do all the acts hereinbefore required of
11 the assessors or sheriffs, to complete said enumer-
12 ation record and return within ten days there-
13 afterwards.

SECT. 5. There shall be paid out of the state
2 treasury on accounts to be audited and allowed by
3 the governor and council to the assessors and sher-
4 iffs respectively for their services under this act, a
5 sum equivalent to two cents for each inhabitant
6 enumerated, tabulated, and returned of any city,
7 town or plantation having less than five thousand
8 inhabitants, and to one cent for each inhabitant of
9 any city, town or plantation having more than
10 five thousand inhabitants, which sum shall be in full
11 compensation for all services required to be per-
12 formed by this act; provided that sheriffs taking
13 the enumeration of inhabitants of plantations, or
14 of towns or cities whose assessors have been de-
15 linquent, shall be allowed in addition for their nec-
16 essary travel, such sum not exceeding that allowed

17 by law on the service of legal precepts as the gov-
18 ernor and council shall allow.

SECT. 6. If the assessors of any city, town or
2 plantation, shall neglect or refuse to perform the
3 duties imposed upon them by this act, they shall
4 on conviction thereof be punished by a fine of not
5 more than one thousand dollars each, or by im-
6 prisonment not more than one year; and they
7 shall also be jointly and severally liable to the state
8 of Maine for a sum equal to the expense incurred
9 by the state in procuring the enumeration required
10 of them, and actually made by the sheriff on
11 account of their default. It shall be the duty of
12 the governor and council to adjust and audit the
13 accounts for such expense, and of the secretary of
14 state to certify the same to the several county
15 attorneys of the counties wherein such expense has
16 been incurred, who shall sue for and recover the
17 same in any court having jurisdiction of the sub-
18 ject matter.

SECT. 7. It shall be the duty of the secretary of
2 state, in case a list of inhabitants shall not have
3 been returned by the twentieth day of February,
4 eighteen hundred and eighty-three, as hereinbefore
5 provided, from any city, town or plantation, to
6 notify the assessors and sheriffs required to make

7 the same, of that fact, who shall immediately on
8 receiving said notice, forward by messenger the
9 list retained by them for that purpose.

SECT. 8. The secretary of state is hereby re-
2 quired to prepare, as soon as practicable, blank
3 tables in such form as the governor and council
4 shall approve, and to forward on or before the first
5 day of February, eighteen hundred and eighty-
6 three, to the assessors of each city, town and
7 plantation in this state, and also to the sheriffs of
8 the several counties, a sufficient number of said
9 blank tables, to be used by said assessors and
10 sheriffs in the manner hereinbefore prescribed, in
11 taking an enumeration of the inhabitants of this
12 state. And upon said blank tables this act shall
13 be printed, together with the form of certificate
14 required therein, to be signed by the assessors and
15 sheriffs.

SECT. 9. This act shall take effect from and after
2 its approval by the governor.

STATE OF MAINE.

IN HOUSE OF REPRESENTATIVES, }
January 10, 1883. }

Mr. TALBOT of East Machias, presented bill "an act entitled an act to cause the number of the inhabitants of the State to be ascertained, exclusive of foreigners not naturalized and Indians not taxed," and on his motion it was ordered printed.

ORAMANDAL SMITH, *Clerk.*