

MAINE STATE LEGISLATURE

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PUBLIC ACTS

OF THE

STATE OF MAINE,

PASSED BY THE

THIRD LEGISLATURE,

AT ITS SESSION, HELD IN JANUARY, 1823.

PUBLISHED AGREEABLY TO THE RESOLVE OF JUNE 20, 1820.

PORTLAND:

BY TODD AND SMITH.....PRINTERS TO THE STATE:

1823.

CHAPTER CCXXIII.

AN ACT to divide the State into Districts for the choice of Representatives in the Congress of the United States, and prescribing the mode of election.

SECT. 1. *Be it enacted by the Senate and House of Representatives, in Legislature assembled,* That the State be, and it hereby is divided into seven Districts, for the purpose of choosing Representatives to represent this State in the Congress of the United States, after the present Congress; in each of which Districts one Representative, being an inhabitant of the District for which he shall be elected, shall be chosen in the manner hereinafter prescribed.

Number of Districts.

SECT. 2. *Be it further enacted,* That the said seven Districts shall be formed in the manner following: The County of York shall compose one District, and be called York District: The County of Cumberland, excepting the towns of Baldwin, Bridgton, Harrison, Otisfield and Minot, shall compose one District, and be called Cumberland District: The County of Lincoln, excepting Wales, Lewiston, Lisbon, Montville, Palermo, Plantation of Montville, Washington, Plantation of Appleton and Plantation of Patricktown, shall compose one District, and be called Lincoln District: The County of Kennebec, excepting the towns of Temple, Wilton and Greene, and including Montville, Palermo, Plantation of Montville, Washington, Plantation of Appleton and Plantation of Patricktown, in the county of Lincoln, shall compose one District, and be called Kennebec District: The County of Oxford, with the towns of Baldwin, Bridgton, Harrison, Otisfield and Minot, in the County of Cumberland; Wales, Lewiston and Lisbon, in the County of Lincoln; Temple, Wilton and Greene in the County of Kennebec, shall compose one District, and be called Oxford District: The Counties of Hancock and Washington shall compose one District, and be called Hancock and Washington District: The Counties of Somerset and Penobscot shall compose one District, and be called Somerset and Penobscot District.

Names & bounds of Districts.

Town and plantation meetings how called and proceedings therein.

SECT. 3. *Be it further enacted,* That the Selectmen of the several towns, and the Assessors of the several Plantations, within this State, shall in manner prescribed by law for calling town and plantation meetings, cause the inhabitants of their respective towns and plantations, duly qualified to vote for Representatives in the Legislature of this State, to assemble on the first Monday of April next, to give in their votes for a Representative, to the Selectmen or Assessors, who shall preside at said meetings ; and the Selectmen or Assessors, or a major part of them, shall in open town or plantation meeting, sort and count the votes, and shall form a list of the names of the persons voted for, with the number of votes for each person, written in words at length against his name ; and the town or plantation Clerk shall make record thereof : And the Selectmen or Assessors shall in such meeting, make public declaration of the persons voted for, and of the number of votes they respectively have ; and shall, in open town or plantation meeting, seal up the said list, certified by the Selectmen or Assessors, and express upon the outside of said list, the District in which the votes were given ; and shall transmit the same within forty days next after such meeting, to the Secretary of State. And the returns of votes for Representatives, given in manner before directed, shall be in substance in the following form, viz. At a legal meeting of the inhabitants of the town [or plantation as the case may be] of—, in the county of —, qualified by the constitution to vote for Representatives in the Legislature of this State, holden on the — day of —, being the — day of said month, in the year of our Lord one thousand eight hundred and twenty —. The said inhabitants gave in their votes for a Representative to represent the inhabitants of this State, in the Congress of the United States, for —, District ; and the same were received, sorted and counted, and declared in open town [or plantation] meeting, by the Selectmen [or Assessors] who presided, and in presence of the town [or plantation] Clerk, who formed a list of persons voted for, and made a record

Form of returns

thereof as follows, viz. For —, —, Selectmen [or Assessors as the case may be.] Attest —, Town Clerk: which returns shall be laid before the Governor and Council, by the Secretary of State; and in case of an election for any district, by a majority of the votes returned from such district, the Governor shall forthwith transmit to the person so chosen, a certificate of such choice, signed by the Governor, and countersigned by the Secretary.

Persons elected, how notified.

SECT. 4. *Be it further enacted*, That in case no person should be chosen by a majority of all the votes returned from any district, the Governor shall cause precepts to issue to the Selectmen of the several towns, and Assessors of the several plantations, within such District, directing and requiring such Selectmen and Assessors, to cause the inhabitants of their respective towns and plantations, qualified as aforesaid, to assemble as aforesaid, on a day in such precept to be appointed, to give in their votes for a Representative in Congress as aforesaid—which precept shall be accompanied with a list of persons voted for in such District, shewing the number of votes for each person, according to the first return; and the same proceedings shall be had thereon, in all respects, as before directed in this act; and the Selectmen of such towns, and the Assessors of such plantations, shall return such lists to the Secretary's office, within the time required by such precept; and the Secretary shall lay the lists, so returned to his office, before the Governor and Council; and the Governor shall cause the person or persons who shall be chosen as aforesaid, to be notified thereof; and like proceedings shall be again had, in case any District shall fail of effecting the choice of a Representative; and the Governor shall issue his precepts accordingly to the Selectmen of those towns, and Assessors of those plantations, in such Districts, wherein the choice of Representatives shall not have been made, and like proceedings shall be had as often as occasion may require.

Proceedings in case of no choice

SECT. 5. *Be it further enacted*, That whenever any vacancies shall happen in the Representation of this

Proceeding in cases of vacancy.

State in the Congress of the United States, the Governor shall cause precepts to issue to the Selectmen of the several towns, and Assessors of the several plantations, within any District in which a vacancy may happen, directing and requiring them to cause the inhabitants of their respective towns and plantations, to assemble on a day in such precept to be appointed, to give in their votes for a Representative to supply such vacancy ; and like proceedings shall from time to time, in all respects be had as herein provided.

Sheriffs to distribute precepts &c. for elections.

SECT. 6. *Be it further enacted*, That it shall be the duty of the several Sheriffs of the several counties of the State, on receiving copies of this act or any precept from the Governor, for the purpose herein mentioned, to transmit the same seasonably to the Selectmen of the several towns, and Assessors of the several plantations, within their respective counties, to whom such copies or precepts may be respectively directed. And the several Sheriffs shall for the said service, be entitled to receive out of the Treasury of the State, fifty cents for each of the copies and of the precepts, so by them distributed, to the Selectmen of the towns, and Assessors of the plantations: *Provided*, That no Sheriff who shall neglect seasonably to transmit all and every of the copies and precepts by him received in manner aforesaid, shall be entitled to any compensation for distributing any of such copies or precepts.

Penalties for neglect of duties required by this act.

SECT. 7. *Be it further enacted*, That any Sheriff, who shall neglect to perform the duties which by this act, he is directed to perform, shall for each neglect, forfeit and pay a sum not exceeding two thousand, nor less than two hundred dollars, for any such neglect ; and if the Selectmen or Assessors shall neglect to perform any of the duties, which by this Act, they are required to perform, each Selectman and Assessor so neglecting, shall forfeit and pay a sum not exceeding two hundred dollars, nor less than thirty dollars for any such neglect : Any of the forfeitures aforesaid to be recovered by indictment before the Supreme Judicial Court, or Court of Common Pleas; which forfeiture shall be for the use of the State.

SECT. 8. *Be it further enacted,* That after the first election, which shall take place on the first Monday of April next, the elections for Representatives to the Congress of the United States, shall take place and be, on the second Monday of September, eighteen hundred and twenty-four, and then biennially, so often as the said State shall be entitled to elect said Representatives.

Times of election of representatives.

SECT. 9. *Be it further enacted,* That this act shall be construed to extend to those plantations only, which shall choose assessors to assess the public taxes, which shall be set to such plantation in the tax act, next preceding the several elections.

Extent of the provisions of this act.

SECT. 10. *Be it further enacted,* That this act shall continue and be in force, until a new apportionment of Representatives among the several States shall be made, and for the purpose of supplying any vacancy or vacancies which may happen in the Representatives of this State in the Congress of the United States, which shall make such apportionment.

Limitation.

[*This Act passed February 8, 1823.*]

CHAPTER CCXXIV.

AN ACT additional to An Act to regulate the jurisdiction and proceedings of Courts of Probate.

BE it enacted by the Senate and House of Representatives, in Legislature assembled, That the several Courts, having power, by law, to grant license for the sale of real estate belonging to persons under guardianship, for the payment of their debts, may order the sale of so much of such real estate as may be necessary for the payment of said debts and incidental charges, notwithstanding there may be personal estate belonging to such persons under guardianship: *Provided,* it shall appear to the satisfaction of the Courts aforesaid, that the interest of such persons under guardianship, will be promoted thereby; any provisions in the Act, to which this is additional, to the contrary notwithstanding.

Courts may grant license to sell real estate of wards, although there be personal estate, in certain cases.

[*This Act passed February 8, 1823.*]