

MAINE STATE LEGISLATURE

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THE
REVISED STATUTES

OF THE
STATE OF MAINE,

PASSED OCTOBER 22, 1840;

TO WHICH ARE PREFIXED

THE CONSTITUTIONS

OF THE

United States and of the State of Maine,

AND TO WHICH ARE SUBJOINED THE OTHER

PUBLIC LAWS OF 1840 AND 1841,

WITH AN

APPENDIX.

PRINTED AND PUBLISHED IN COMPLIANCE WITH A RESOLVE OF OCTOBER 22, 1840.

Augusta:

PUBLISHED BY WILLIAM R. SMITH & Co., PRINTERS TO THE STATE.

.....
1841.

ERRATA.

PAGE 65, section 27, line 18, after "not," read "to."

92,	46,	1, for "She," read "The."
119,	5,	3, after "fife," for "a," read "or."
138,	62,	6, for "offier," read "officer."
405,	13,	1, for "28," read "13."
414,	3,	3, for "couaty," read "county."
440,	31,	4, in a few copies, for "on," read "or."
453,	28,	2, _____ for "necessay," read "necessary."
500,	23,	2, of the margin, for "dease," read "cease."
619,	24,	2, for "administrator of any contractors," read "administrators of any contractor."

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837, 2d column,	1, dele "MILITIA," so as to read OFFICERS of the state prison.
842, 2d	46, for "527," read "537."
851, 1st	62, for "610," read "616."
857, 2d	14, for "163," read "162."
867, 2d	49, for "568," read "508."
875, 1st	14, for "wrunq," read "rung."
880, 1st	54, for "775," read "475."

CHAP. 5.

perambulated
once in ten
years only.
1838, 340.

prescribed, and have established, or shall establish and set up stone monuments, at least two feet high, at all the corners and several angles, and where the line shall cross highways, or on or near the banks of all rivers, bays, lakes or ponds, which said lines may cross, or which are the boundaries of said lines, shall be exempted from the duty of perambulating said lines, except once in every ten years, commencing in ten years from the time, the stone monument has been erected, in the manner above described.

Commissioners
appointed by
the S. J. C. to
settle lines.
1832, 43, § 1.

SECT. 27. When a town shall petition the supreme judicial court, stating that a controversy exists between such town and an adjoining one, and praying, that the same may be run by commissioners, to be appointed by such court, the court may, after due notice being given to all parties concerned; appoint three commissioners, who shall, after giving notice to all persons interested of the time and place of meeting, ascertain and determine the line or lines in dispute, and describe the same by courses and distances, and make, set, and mention in their return, suitable monuments and marks for the permanent establishment of such lines, and make duplicate returns of their proceedings; one of which shall be returned to the court, and the other to the office of the secretary of state; and such line or lines, so established and accepted, shall be deemed, in every court of law, and for every purpose, the true dividing line or lines between such towns.

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ARTICLE I. OF LISTS OF ELECTORS.

SECTION 1. The selectmen of every town shall, on or before the eleventh day of August in each year, make out a correct alphabetical list of such inhabitants of their respective towns, as shall appear to them to be constitutionally qualified to vote in the election of governor, senators and representatives in the state government.

SECT. 2. In every town, where the selectmen are not the assessors, the assessors shall, on or before the first day of August in each year, make out, according to their best judgment, a correct list of the persons qualified as aforesaid, and deliver the same to the selectmen, for their information, and to be by them revised and corrected.

List of voters to be prepared by selectmen by eleventh of August, annually. 1821, 115, § 1. 12 Pick. 485.

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1821, 115, § 2.

Same subject.
1831, 518, § 2.
1837, 300, § 1.

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1821, 115, § 1.
3 Greenl. 305.

List of electors of town officers.

SECT. 3. In every town, having, by the census of the United States then last taken, more than three thousand inhabitants, the selectmen shall be in open session, for the purpose of receiving evidence of the qualifications of persons claiming the right to vote in any such election, and for correcting their said list, for a reasonable time, not exceeding two days, between the eleventh and eighteenth days of August of each year; and shall give notice of the time and place of their session, in the same manner, as meetings of the inhabitants of said town may be notified.

SECT. 4. On or before the twentieth day of August, annually, the selectmen of every town shall deposit in the office of the town clerk, and shall also post up, in one or more public places in the town, a list of electors prepared and revised as in the preceding sections.

SECT. 5. The selectmen, at any regular session for correcting such list, shall place thereon the name of every person known by, or proved to them to be qualified as aforesaid, whether such person applies therefor or not.

SECT. 6. After such list is prepared and deposited with the clerk, and posted up, as provided in the preceding sections of this chapter, the selectmen shall not add thereto, nor strike out the name of any person, except as provided in the four following sections.

SECT. 7. In every town, containing, by such last census, more than three thousand inhabitants, the selectmen shall be in open session for a reasonable time, for the purpose of correcting such list, on the Friday and Saturday next preceding the second Monday of September, annually.

SECT. 8. In every town, containing more than two thousand qualified electors, the selectmen shall be in open session for a reasonable time, on the day preceding any election of governor, senators, representatives in the state legislature, or in congress, or of electors, of president and vice president of the United States, and previously, if they see cause, for the purpose of hearing and deciding on applications of persons claiming the right to vote at such election; provided, that if the election be appointed for Monday, such previous session shall be held on Saturday, instead of such preceding day.

SECT. 9. In every town, the selectmen shall be in session on the day of any such election, to receive and decide on such applications at some convenient place, for so long a time immediately preceding the opening of the polls, as they shall think necessary, and shall hear and determine any such application, at any time before the polls are closed; provided, that when the town contains five thousand inhabitants, or more, no such application shall be received after three o'clock in the afternoon of said day.

SECT. 10. The selectmen shall order notice of the time and place of all their sessions, required or authorized in the three preceding sections, to be given in the warrant for calling the respective town meetings.

SECT. 11. The selectmen of every town shall make out a correct and alphabetical list of the inhabitants in their respective

towns, qualified to vote in the choice of town officers, and deposit such list in the office of the town clerk, and put up a copy thereof, in one or more public places in such town, on or before the twentieth day of February, annually.

SECT. 12. The said selectmen shall be in session, at some convenient time and place, to be by them notified in the warrant for calling the meeting in such town, on the day next preceding the day of annual election of town officers, in the month of March or April, annually, unless the same happen on the Lord's day, in which case, the selectmen shall be in session on the Saturday preceding, or the morning of the day of election, and for so long a time, as they may judge necessary, to receive evidence of the qualifications of persons claiming to have their names entered on said list.

SECT. 13. The aldermen and assessors of the cities shall prepare lists of the qualified voters for governor, senators and representatives in the state legislature, in and for the several wards in their respective cities, in the same manner, as selectmen and assessors are required to prepare them for towns, the aldermen performing the duties of selectmen, and the city wardens shall be governed by said lists.

ARTICLE II. OF NOTIFYING MEETINGS, AND PROCEEDINGS AT ELECTIONS, AND RETURNS.

SECT. 14. The selectmen of every town, by their warrant, shall cause the inhabitants thereof, qualified according to the constitution, to be notified and warned, seven days at least before the second Monday of September, annually, to meet at some suitable place, to be designated in said warrants, to give in their votes for governor, senators and representatives, as the constitution requires; and such meeting shall be warned in the manner legally established for warning other town meetings, in such town.

SECT. 15. No such meeting shall be opened before ten o'clock in the forenoon, on the day of the election aforesaid, unless the number of qualified voters in such town shall exceed five hundred; in which case, an earlier and suitable time in the day may be appointed by the selectmen.

SECT. 16. The selectmen, or other officers authorized and required by the constitution and laws to preside at any such meeting, shall then and there have all the powers of moderators of town meetings, as provided in chapter five, and it shall be their duty to refuse the vote of any person not qualified to vote.

SECT. 17. If the selectmen, or a majority of them, be absent from any such meeting duly warned, or, being present, shall neglect or refuse to act as such, and to do all the duties required of them at such meeting, the qualified voters at such meeting may choose so many selectmen pro tempore, as may be necessary, to constitute, or to complete the number competent to do the duties.

SECT. 18. During the choice of such selectmen pro tempore, any selectman present may act as moderator; if there be no selectmen present, or in case those present should neglect or refuse to act as such, the town clerk shall preside; and the person so acting or presiding shall have all the powers, and discharge the duties of a moderator.

CHAP. 6.

1821, 115, § 14.
3 Greenl. 290.

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1821, 115, § 14.

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1835, 189, § 2.

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1821, 115, § 4.

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1821, 115, § 3.

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1821, 115, § 5.

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1833, 81, § 1.

Who shall preside at such choice.
1833, 81, § 1.

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Duties of selectmen pro tem.
1833, 81, § 1.

SECT. 19. The selectmen pro tempore, having accepted the trust, shall be sworn faithfully to discharge the duties of the said office, so far as relates to such meeting and election; and, in making a record and return of the votes, as the constitution or laws may require, and in all matters incidental to the trust, shall have the powers of permanent selectmen, and be subject to the same duties and liabilities.

What votes may be offered on one list.
1831, 518, § 3.
1834, 109, § 1.

SECT. 20. At every meeting for the choice of governor, senators, representatives, and other public officers, requiring the like qualifications in the electors, the selectmen, or other officer presiding, shall require the qualified electors to give in their votes, for the officer or officers to be chosen, on one list or ballot, or so many of such officers, as the person voting may determine to vote for; designating the intended office of each person voted for; provided, that, if the meeting so decide, they may vote for the representative or representatives to the state legislature on a separate ballot.

Check lists and suitable ballot boxes to be used.
1821, 115, § 1, 7, 15.
1838, 348, § 1, 3, 4.

SECT. 21. The selectmen, or other officers presiding at any election, as aforesaid, shall keep and use the check list required by this chapter, at the polls, during the election of any of the officers aforesaid; and they shall also have and use suitable ballot boxes, to be furnished at the expense of the town; and no vote shall be received, unless delivered by the voter in person, nor until the presiding officer or officers shall have had opportunity to be satisfied of his identity, and shall find his name on the list, and mark it, and ascertain that his vote be single.

Of votes marked or on colored paper.
1831, 518, § 3.

SECT. 22. No ballot shall be received at any election of state or town officers, unless in writing or printing, upon clean white paper, without any distinguishing mark or figures thereon, besides the name of the persons voted for, and the offices to be filled, but no vote shall be rejected on this account, after it shall have been received into the ballot box.

When no choice of representative can be effected, the meeting to be adjourned.
1833, 81, § 3.

SECT. 23. Whenever it satisfactorily appears to the selectmen, at any town meeting, held for the choice of representatives to the legislature, after a reasonable number of trials, that a choice cannot conveniently be effected, of any or all the representatives, to which the town is entitled, the presiding selectmen shall declare their judgment to the inhabitants at such meeting, within a reasonable time after the last trial, and notify them accordingly; of which decision and notice, the clerk shall then make a record, and in no case shall a new balloting commence after six o'clock in the afternoon.

Same subject.
1833, 81, § 3.

SECT. 24. On such notice being given and recorded, or after six o'clock in the afternoon, there being no balloting then pending, the meeting shall be considered as adjourned to the same day of the next week following, and at the hour and place, for which the first meeting was notified, and the selectmen shall make proclamation thereof to the meeting.

Same subject.
1833, 81, § 3.

SECT. 25. At such adjournment, a further trial or trials shall be had, and, if no choice then be made, the like proceedings shall be had, as are provided in the preceding section, and the meeting shall be considered as further adjourned to the same day and hour of the next week, at the same place, and such meetings and adjourn-

ments to successive weeks may be continued to be had, until a choice shall be effected and declared.

SECT. 26. All town meetings required to be held for the election of county treasurer or register of deeds, or of representatives to congress, or of electors of president and vice president of the United States, or for the determination of questions expressly submitted to the people by the legislature, so far as it respects the calling and notifying the meetings, and conducting the same, shall be subject to the regulations made in this chapter for the election of governor, senators and representatives, unless otherwise provided by law.

SECT. 27. In order to determine the result of any election in this state, the whole number of persons, who voted at such election, shall first be ascertained, by counting the whole number of separate ballots given in ; and no person shall be deemed or declared to be elected, who shall not have received a majority of the whole number of ballots ; and in all returns of elections, the whole number of ballots given in shall be distinctly stated ; but blank pieces of paper, and votes for persons not eligible to the office, shall not be counted as ballots ; yet they shall be recorded and return thereof made : and if, at any election, a greater number of candidates than the number to be elected shall severally receive a majority of the whole number of ballots, a number, equal to the number to be elected, of such as have the greatest excess over such majority, shall be deemed and declared to be elected ; but if the whole number to be elected cannot be completed thus, by reason of any two or more of such candidates having received an equal number of ballots, the candidates, having such equal number, shall be deemed not elected.

SECT. 28. The clerks of the several towns in the state shall deliver, or cause to be delivered, at the office of the secretary of state, the returns of votes, given in their respective towns, for governor, senators, representatives to congress, and electors of president and vice president of the United States, within thirty days next succeeding any meeting for the election of such officers, or shall deposit the same in some post office in this state, directed to the secretary of state, within fourteen days after such meeting, to be transmitted by mail.

SECT. 29. If any such return shall not have been received by the secretary of state, within thirty days next succeeding such meeting, the secretary of state shall forthwith notify the county attorney of the county, in which such town is situated, whose duty it shall be to give immediate notice thereof to the clerk of such town, and, unless he receives satisfactory evidence that said clerk has complied with the requirements of the preceding section, to prosecute for the penalty hereinafter provided.

SECT. 30. Whenever any such original return shall, in any way, be lost or destroyed, the selectmen and clerk of such town, on receiving information of such loss or destruction, shall forthwith cause a copy of the record of the meeting, at which such vote was given, to be made, with their certificate upon the same sheet, that the same is a true copy of the record, that it truly exhibits the names of all the persons voted for, for the offices designated, and

Provisions for the choice of certain other officers, and determining questions submitted to the people.

How the result of balloting shall be ascertained.

1 Pick. 148.

Clerks to transmit returns of votes to the secretary of state. 1836, 249, § 1.

In case of failure, secretary to notify the attorney for the county. Proceedings. 1836, 249, § 2.

New certificates to be returned in case of loss. 1831, 518, § 6.

CHAP. 6.

How authenticated.
1831, 518, § 6.

the number of votes given to each, at such meeting, and that said copy contains all the facts, which were stated in the original return.

SECT. 31. The selectmen and town clerk, who were present at the meeting, and signed the original return, shall sign the certificate mentioned in the preceding section, designating their office against their names, as in the original return, and shall make oath, that said copy and certificate are true, before some justice of the peace of the county, who shall also make certificate of such oath on the same paper.

How sealed and returned.
1831, 518, § 6.

SECT. 32. Such copy and certificates shall then be sealed up, and directed to the secretary of state, with the nature of the contents written on the outside, and the clerk of such town shall cause the same to be delivered into the office of the secretary of state, as soon as may be.

Of filling vacancies by towns not classed for representatives.
1833, 81, § 4.

SECT. 33. Whenever the selectmen of any town, not classed with others as a representative district, shall, by any means, have knowledge, that the seat of any representative thereof has been vacated by death, resignation, or otherwise, they shall forthwith issue their warrant, giving at least seven days notice, for the meeting of the qualified electors of said town; to choose some person to supply such vacancy; and, at such meeting, the like proceedings shall be had, as at any meeting held on the second Monday in September for the like purpose; and, if necessary, the meeting may be adjourned, as provided in the twenty fourth and twenty fifth sections.

ARTICLE III. SPECIAL PROVISIONS AFFECTING CITIES, PLANTATIONS AND REPRESENTATIVE DISTRICTS.

Foregoing provisions extended to organized plantations.

SECT. 34. Except when otherwise specially provided, the regulations made in this chapter, in reference to towns and town officers, shall be applicable to organized plantations and their officers; and the assessors of any such plantation shall be considered selectmen, for all the purposes of this chapter, and liable to perform the duties, under the like penalties.

And cities except where express provision is made.
Private laws,
1832, 248, § 1,
13.
1834, 436, § 18.

SECT. 35. For all the purposes of electing the governor, senators, representatives to the state legislature, or any of the offices, except where other provision is expressly made, the inhabitants of any city in this state shall remain and continue a town, and shall possess all the rights and powers, and shall be subject to all the duties, obligations and liabilities of other towns.

Duties of city officers in elections.
Private laws,
1832, 248, § 1,
13.
1834, 436, § 18.

SECT. 36. The aldermen of any such city, by virtue of such office, shall be selectmen of said town, and the city clerk and assessors, shall, with the exception aforesaid, be town clerk and assessors, for the purposes of such election, and they shall be deemed to have been elected, as aforesaid, both city and town officers, and shall be duly sworn as town officers respectively.

Same subject.
Private laws,
1832, 248, § 1,
13.
1834, 436, § 18.

SECT. 37. The city constables shall, with the like exception, be deemed constables of the town, for the purposes of notifying all ward meetings for such elections, and of maintaining order in said meetings.

Electors in cities to meet in wards.

SECT. 38. For all the purposes mentioned in the fourteenth and twenty sixth sections, the inhabitants of cities shall meet, as the

constitution requires, in ward meetings, to be notified and warned, as is provided for town meetings for similar purposes. The warden shall preside, and the clerk shall make such record as the constitution requires.

SECT. 39. If the warden be absent from any such meeting, or refuse or neglect to preside, a warden pro tempore shall be chosen, during which choice the clerk of the ward shall preside; and the warden elected pro tempore, having accepted the trust, shall be duly sworn, and have the power, and perform the duties of warden of such meeting, and be liable to the penalties.

Choice of warden pro tem.

SECT. 40. The qualified electors of the ward, composed of the islands within the city of Portland, may meet as provided in the thirty eighth section, and also for the choice of city officers, on either of said islands, which a majority of such qualified electors may designate, or may have designated, at any meeting legally held for the purpose.

Special regulations for voters on islands in Portland. 1837, 281.

SECT. 41. The warden of the said ward shall preside impartially at such meetings, receive the votes of all the qualified electors present, sort, count and declare them in open meeting, and in the presence of the clerk, who shall make a list of the persons voted for, with the number of votes for each person against his name, and the offices respectively, and in open meeting, and in the presence of the warden, shall make a fair record thereof; a fair copy of this list shall be attested by the warden and clerk, sealed up in open meeting, and delivered to the clerk of ward number one in said Portland, within eighteen hours after the closing of the polls, and the votes thus thrown shall be deemed as thrown in and belonging to the last mentioned ward.

Proceedings at their meetings.

How the votes shall be returned. 1837, 281.

SECT. 42. In voting for representatives to the state legislature, in the wards of any city, the names shall be on the same ballot with the other officers to be chosen at the meeting, by electors of like qualifications, unless the board of aldermen, in their warrant notifying the meeting, shall require a separate ballot or ballots, which they are hereby authorized to do.

When representatives may be voted for on a separate ticket in cities.

SECT. 43. When a choice of any such representative is not effected, the aldermen shall call new meetings of the wards for the purpose, to be held at one and the same time, within two weeks after any former meeting, and the like proceedings shall be had at such meetings, as at the time first appointed, until a choice shall be effected.

If no choice be made, further meetings. 1840, 60.

SECT. 44. It shall be the duty of the aldermen in their respective cities, on all days of election, for which a list of qualified voters is required, to be in session at some central and convenient place, from nine o'clock in the forenoon to one o'clock in the afternoon, and notice of such place shall be given in the warrant for calling the meeting for such election, for the purpose of receiving evidence of the qualification of voters, whose names have not been entered on the list: and, on satisfactory evidence being produced by any inhabitant, the aldermen shall deliver to such inhabitant a certificate under their hands, directed to the warden of the proper ward, requiring him to enter the name of such person upon his ward list; and the warden shall thereupon add the name of such person to said list, and receive his vote.

Aldermen to meet on days of election to revise lists of voters. 1837, 300, § 2.

CHAP. 6.

Three to constitute a quorum. 1837, 300, § 3. When towns are classed, meetings of selectmen to examine votes for representative, how called. 1831, 518, § 9.

SECT. 45. At any session required by the preceding section, any number of aldermen, if not less than three, shall be considered a quorum.

SECT. 46. Whenever two or more towns are classed, agreeably to the constitution of this state, for the purpose of choosing a representative to the legislature, the selectmen of the oldest town in such district shall appoint a time and place of meeting of the selectmen of the several towns in such district, and give reasonable notice thereof to such selectmen, for the purpose of examining copies of the lists of votes for representatives, in the manner prescribed by the constitution, where no time nor place of meeting has been otherwise established. When thus assembled, the selectmen of the towns so classed shall, by a majority of votes, reckoned by towns, determine the time and place for their future meetings in said district, for the purpose aforesaid, and such time and place shall continue fixed, until altered by a like vote.

If no choice be made, new meetings to be called. 1832, 2, § 1, 2.

SECT. 47. Whenever, at any such meeting of selectmen, on comparing the lists of votes, it shall appear that no person has been elected, the selectmen of the several towns shall issue their warrant, in legal form, for another meeting, to be held three weeks after such first meeting, in their respective towns, at the same hour, and at the same place; and the selectmen of such towns shall again meet, within four days after such second trial, as provided in the constitution. If, at such meeting of the selectmen, it shall still appear that no choice has resulted, the same proceedings shall be repeated every three weeks, until a choice shall be made and declared.

If a choice, copies of the lists to be furnished to the person elected. 1823, 222.

SECT. 48. Whenever an election of a representative shall appear to the selectmen, assembled as aforesaid, to have been made, they shall deliver to the person, so elected, certified copies of the lists of votes, within ten days after election, or sooner, if required by the person so elected; but it shall not be necessary for the clerks of the towns to seal them up, nor to cause such copies to be delivered into the secretary's office.

If a vacancy happen, further proceedings. 1833, 81, § 5.

SECT. 49. Whenever, in any district, the selectmen of the oldest town shall be duly notified, or be otherwise satisfied that the seat of the representative of such district has been vacated, they shall, as soon as may be, leaving a convenient time for calling meetings in the several towns, appoint a day for another election to supply such vacancy, and shall notify the selectmen of the other towns, accordingly.

Same subject. 1833, 81, § 5.

SECT. 50. The selectmen of the several towns shall call meetings upon the day appointed, and the like proceedings shall then be had, as is required by the constitution and laws, for the election of representatives on the second Monday of September, and shall meet, within four days thereafter, to examine the lists of votes, and if a choice be effected, shall deliver copies of the lists to the person elected, as provided in section forty eight; otherwise such proceedings shall be had, as are provided in section forty seven.

Of notice in contested elections. 1825, 310. 1830, 479.

SECT. 51. Whenever any person shall intend to contest, before the house of representatives of this state, the right of any person to his seat therein, who shall have been duly returned as a member thereof, he shall notify the person, so returned, of such intention, at least twenty days before the first Wednesday of January, by

delivering to him in hand, or leaving at his last and usual place of abode, in writing, a specification of his objections to the validity of such return; provided, the meeting, at which the person returned claims to have been elected, shall have been held at least thirty days before the first Wednesday of January; and depositions may be then taken, as provided in section twenty four, of chapter one hundred and thirty three.

SECT. 52. Whenever any person, resident in any unincorporated place, adjacent to any town or organized plantation in a representative district, shall give or send in his name to the selectmen of such town, or assessors of such plantation, on or before the first day of June, he shall be entitled to vote in all elections of state or county officers, members of congress, electors of president and vice president; provided, he be in other respects a qualified elector, and continues his residence as aforesaid, or if he removes to said town; and the selectmen shall place his name on the list of voters, and receive his vote accordingly.

Of voters in unincorporated places.
1833, 72, § 2.

ARTICLE IV. PENAL PROVISIONS AND REGULATIONS AFFECTING THE PURITY OF ELECTIONS.

SECT. 53. If any selectman, or other town, city or plantation officer, or any selectman or other such officer chosen pro tempore, shall wilfully neglect or refuse to perform any of the duties required of him, or shall wilfully authorize, or permit to be done, any thing prohibited, either by the constitution of this state, or by the several provisions of this chapter, he shall, for each offence, forfeit a sum not less than fifty, nor exceeding five hundred dollars, to be recovered by indictment, to the use of the state, and suffer imprisonment in the county jail, not longer than nine, nor less than three months, or either of said punishments; except where otherwise expressly provided in this chapter.

General provisions in case of neglect or misconduct of selectmen and certain other officers.
1821, 115, § 3,
9, 11, 17.
1822, 187.
1833, 81, § 2.
1836, 249, § 1.
1 Fairf. 109.

SECT. 54. If any constable, or other person legally required to summon the qualified voters of any city, town or plantation, to give in their votes for governor, senators, representatives to the legislature of this state, or to congress, or for a county treasurer or register of deeds, or of electors of president and vice president of the United States, shall wilfully refuse, or neglect to summon such voters, agreeably to law, and make due return of such warrant within the proper time, he shall forfeit a sum not less than fifty, nor more than two hundred dollars, to be recovered by indictment, one half to the use of the state, and the other half to the use of the complainant.

Punishment for neglect of the warning officer.
1830, 472.

SECT. 55. If the selectmen of any town, or assessors of any plantation, shall wilfully neglect to deposit lists of qualified voters with the town or plantation clerk, and to post up such lists as are required in section four, they shall severally forfeit, for such offence, not less than fifty dollars, nor more than one hundred dollars; and for each day's neglect, after the twentieth day of August, and until the election then next ensuing, they shall severally forfeit the sum of thirty dollars.

Also of selectmen for not preparing and publishing lists of voters.
1831, 518, § 1.

SECT. 56. If such selectmen or assessors shall wilfully neglect or refuse to keep and use a check list, as provided in section twenty

And for not using check lists and for receive

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ing illegal votes.
1831, 518, § 3.
1838, 348, § 1, 3.
Penalties in the two preceding sections, how recovered.
1831, 518, § 3
1838, 348, § 1, 3.

Penalties for neglect of requirements of sections 30, 31 and 32.
1831, 518, § 6.

Also for false certificates in such case.
1831, 518, § 6.

Neglect of person entrusted with returns.
1831, 518, § 7.

County attorney's duty, when notified of the failure of any return.
1831, 518, § 4.

Liability of town officers modified.
1831, 518, § 5.

one, or shall wilfully receive any vote prohibited by the twenty second section, they shall severally forfeit not less than fifty, nor more than one hundred dollars.

SECT. 57. The penalties in the two preceding sections shall be recovered, in an action of debt, in the name, and to the use, of the inhabitants of the town or plantation where the offence is committed; to be commenced and prosecuted to final judgment, at the request of any qualified voter in such town or plantation, by the treasurer thereof, unless he be one of the delinquent officers, and in that case, by one of the constables.

SECT. 58. If any selectman or other officer of any city, town or plantation, or selectman or other officer thereof, chosen pro tempore, shall wilfully neglect or refuse to perform the duties required by the thirtieth, thirty first and thirty second sections, on notice of the loss and destruction of any such return, as is therein described, he shall forfeit not less than one hundred, nor more than five hundred dollars, to be recovered by indictment, to the use of the state.

SECT. 59. Any such selectman, or other officer, whether permanent or pro tempore, who shall, in such case, make a false certificate, and make oath to the truth thereof, shall, on conviction thereof, suffer the pains and penalties provided against the crime of perjury, in section one, of chapter one hundred and fifty eight, and be also disqualified from holding any office under the constitution and laws of this state, for ten years.

SECT. 60. Every person, to whom the returns of votes of any city, town, or plantation, for governor, senators, or representatives in congress, shall be entrusted, by the clerk thereof, for the purpose of forwarding them to the office of the secretary of state, who shall wilfully neglect to use all proper means for the delivery thereof, within the time required by the constitution and laws, shall forfeit, for such neglect, not less than one hundred, nor more than five hundred dollars, to the use of the state, to be recovered by indictment, or be imprisoned in the county jail, for a term, not less than two, nor more than six months, at the discretion of the court having cognizance thereof.

SECT. 61. Every county attorney, who shall receive from the secretary of state a certificate, that the return of the votes of any town, city or plantation in his county, for governor, senators, or representatives in congress, has not been duly received at the secretary's office, shall immediately ascertain, so far as he may be able, by the default of what officer of such town, or other person, such neglect may have happened, and demand of such officer, or other person, if he finds such default wilful, or caused by culpable negligence, the sum or sums forfeited by such neglect; and, if the same be not immediately paid, prosecute such delinquent according to law; and all sums, thus recovered, shall enure to the use of the state.

SECT. 62. In no case, shall any officer of any city, town, or plantation, incur any punishment or penalty, or be made to suffer in damages, by reason of his official acts or neglects, unless the same shall be unreasonable, corrupt, or wilfully oppressive; provided, that the neglect to prepare the list of voters, to deposit it in

the town clerk's office, or to post it up, as required in this chapter, or to call town, city, or plantation meetings for elections, or to cause returns of votes, or copies thereof, to be delivered into the office of the secretary of state, as required by the constitution and laws of this state, or to make the records by law required, shall be deemed unreasonable, unless the contrary be made to appear.

SECT. 63. If, at any meeting for the election of any public officer, where a list of voters is necessary, any person shall wilfully cast his vote before the presiding officer shall have had opportunity to find his name on said list, or if he shall vote, knowing that his name is not on said list, or shall wilfully give any false answer or statement to the selectmen, or other officers previously preparing such list, or presiding at such meeting, in order that his name may be entered on such list, or his vote received; or if any person shall give in more than one vote at any one balloting, or be disorderly at any such meeting, he shall forfeit, for each offence, not exceeding one hundred dollars, nor less than ten dollars.

Punishment for the misconduct of any elector. 1821, 115, § 7, 10, 15, 16.

SECT. 64. If any officer of the militia shall parade his men, or exercise any military command, on any day of election of any public officer, such as is described in section seventy eight of chapter sixteen, and not thereby excepted, or except in time of war or public danger, he shall, for each offence, forfeit not less than ten, nor more than three hundred dollars.

Forfeiture by military officers' parading their men on days of election. 1821, 115, § 13. 1834, 121, § 31.

SECT. 65. The penalties, provided in the two preceding sections, may be recovered by indictment, one half to the use of the state, and the other half to the use of the complainant.

How the penalties in the two preceding sections shall be recovered. 1821, 115, § 17.

SECT. 66. If any person shall, by bribery, menace, wilful falsehood, or other corrupt means, directly or indirectly, attempt to influence any elector of this state in giving his vote or ballot, or to induce him to withhold the same, or disturb or hinder him in the free exercise of the right of suffrage, at any election in this state, held under any of the provisions of the constitution, or of this chapter, he shall, on indictment and conviction thereof, be deemed guilty of a misdemeanor, and be fined, not more than five hundred dollars, or be imprisoned, for a term not exceeding one year, or both, at the discretion of the court, and shall also be ineligible to any office in this state, for the term of ten years.

Punishment for bribery and corruption at elections. 1835, 190, § 1.

SECT. 67. No person shall sell, or expose to sell, or furnish to be drunken, within the distance of two hundred rods from any place, where the inhabitants of any town or plantation in this state shall be assembled in legal town meeting, for the purposes of state, county, town or plantation elections, or choice of electors of president of the United States, or other public business, any rum, gin, wine, or any other strong liquors, or erect any booth or tent for that purpose, unless he be a licensed innholder or retailer, in pursuit of his ordinary business, at his usual place of prosecuting the same.

Sale of ardent spirits prohibited within 200 rods of any meeting. 1826, 333, § 1.

SECT. 68. Any justice of the peace, or selectman of such town, or assessors of such plantation, who may be present, or have knowledge of the violation of any of the provisions of the preceding section, may, in writing, order any constable of the town to seize any such liquors, or any carriages, or vessels, containing the same, or any booths or tents erected within said limits, for the purpose of exposing such strong liquors for sale.

Liquors and other materials to be seized and detained. 1826, 333, § 1.

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Same subject.
1826, 333, § 1.

The same may
be sold.
1826, 333, § 2.

How avails of
sale may be dis-
posed of.
1826, 333, § 2.

SECT. 69. The constable, to whom such order shall be delivered, shall thereupon seize all such liquors, carriages, vessels, and the materials of any such tent or booth, and hold and detain the same, until twenty four hours after the adjournment of the meeting, then to be delivered, on demand, to the person, from whom the said articles were taken, or to the lawful owner, on payment of three dollars for the safe keeping of the articles.

SECT. 70. If the same be not thus demanded, within twenty four hours after the seizure thereof, the same shall be exposed to sale by auction, by the constable seizing them, after forty eight hours notice of the time and place of sale shall have been posted up in two or more public places in such town or plantation, unless in the mean time redeemed, by payment of said sum, and the reasonable expense of advertising.

SECT. 71. The proceeds of the sale, after deducting the aforesaid expenses, and the charges of sale, to be taxed as on a sale of personal property taken on execution, shall be paid over to the person, from whom such articles were taken, or the lawful owner thereof.

CHAPTER 7.

OF THE SECRETARY OF STATE

SECT. 1. Secretary's oath and duties.

2. Acting secretary, in case of vacancy.

3. Bonds required of secretary and acting secretary.

4. Secretary to give notice of appointments, and deliver commissions.

5. Annual certificates of duties paid on commissions.

6. Distribution of the laws.

7. To prepare commissions for the governor's signature.

SECT. 8. Registry of commissions delivered, and certificates of qualification filed.

9. Bills to be engrossed under his direction.

10. What proceedings to be had, when commissioner of the treasury is appointed.

11. Blank election returns to be furnished to towns.

Secretary's
oath and duties.
1823, 212.

Acting secre-
tary in case of
vacancy.
1822, 195.

SECTION 1. The secretary of state shall take and subscribe the oath or affirmation prescribed by the constitution, and shall keep his office at the seat of government, and shall keep and preserve in such office, at the expense of the state, all the records, as required by the constitution, and have the custody of the state seal.

SECT. 2. When a vacancy shall happen in the office of secretary, in the recess of the legislature, by death, resignation, or otherwise, the governor, with advice of the council, shall appoint a suitable person to act as secretary of state, until one shall be elected by the legislature, and he shall take the oath required to be taken by the elected secretary; and the person thus appointed shall have the same compensation, to be paid quarter yearly, as the secretary of the state would be entitled to, in proportion to the time, such person shall perform the duties of his appointment.