

MAINE STATE LEGISLATURE

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THE LEGISLATURE,

OF THE

STATE OF MAINE,

DURING ITS SESSION

A. D. 1833.

STATE OF MAINE.

IN SENATE, *February 8, 1833.*

The Joint Select Committee, to whom was referred so much of the Governor's Message as relates to the choice of Representatives in the next Congress of the United States, have had the same under consideration, and ask leave to

REPORT:

That, in the establishment of districts for the choice of eight members of Congress, to which Maine is by law entitled, your Committee have performed the duty assigned them, with that care and deliberation which the importance of a fair and just representation of all parts of the State in the next National Legislature seemed to require. It has been deemed desirable so to arrange the districts as that each should contain within itself, as far as possible, a business intercourse among its inhabitants, similar interests to be represented, and a pop-

ulation who have been accustomed to act together in the election of their public officers. Having these objects in view, it has been thought better to preserve counties entire, where practicable, although the districts might vary in population, than to form disjointed parts into districts, thereby throwing together portions of citizens who are strangers to each other, and who have different interests to be subserved. In one instance only have your Committee found it necessary to dispense with this rule. The counties of Oxford, Somerset and Penobscot contain an aggregate population entitling them to two Representatives, while *neither*, alone, has sufficient for one. The counties lie side by side, and are so situated, if made single districts, as to render a division of Somerset unavoidable; but in annexing the western part to Oxford, and the eastern to Penobscot, the Kennebec river, with some variation, has been found a natural and convenient division.

The counties of Lincoln and Waldo comprise a population of similar habits and pursuits. A large portion of Waldo was, until recently, a part of the county of Lincoln, and by the last apportionment, constituted a part of that congressional district. The convenience *here* of preserving county lines, and the objection to the dismemberment of a county, have led your Committee to the determination to make no division. They, therefore, recommend, that these counties remain entire, and constitute a double district, for the choice of two Representatives.

Trusting that the districts proposed will, under all circumstances, be acceptable, both to the Legislature and the people, the Committee have directed me to report a Bill, which is herewith respectfully submitted.

JOSEPH WILLIAMSON, *Chairman.*

STATE OF MAINE.

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

AN ACT providing for the choice of Representatives to Congress.

SEC. 1. *Be it enacted by the Senate and*
2 *House of Representatives, in Legislature as-*
3 *sembled,* That the State be and it hereby is
4 divided into seven districts for the purpose of
5 choosing Representatives to represent this State
6 in the Congress of the United States after the
7 present Congress, in manner following.

SEC. 2. *Be it further enacted,* That the
2 County of York shall compose one district, and
3 be called the York district. The County of
4 Cumberland shall compose one district, and be
5 called the Cumberland district. The County

6 of **Kennebec** shall compose one district, and be
7 called the **Kennebec** district. The Counties of
8 **Hancock** and **Washington** shall compose one
9 district, and be called the **Hancock** and **Wash-**
10 **ington** district. The County of **Oxford** and
11 also all the towns [and] plantations which lie upon
12 the west side of the **Kennebec** river in the
13 County of **Somerset**, except the towns of **Nor-**
14 **ridgewock**, **Fairfield** and **Bloomfield**, shall com-
15 pose one district, and be called the **Oxford** and
16 **Somerset** district. The County of **Penobscot**,
17 together with the towns of **Norridgewock**, **Fair-**
18 **field** and **Bloomfield**, in the County of **Somerset**,
19 and all the towns within said County of **Somer-**
20 **set** which lie upon the eastern side of the **Ken-**
21 **nebec** river, except the town of **Norridgewock**,
22 shall compose one district and be called the **Pe-**
23 **nobscot** and **Somerset** district. In each of the
24 foregoing districts one **Representative** shall be
25 chosen. The Counties of **Lincoln** and **Waldo**
26 shall compose one district, and be called the
27 **Lincoln** and **Waldo** district, in which two **Rep-**
28 **resentatives** shall be chosen on one list. The

29 Representatives chosen in the several districts
30 shall at the time of their election be resident
31 therein and shall be chosen in manner following.

SEC. 3. *Be it further enacted,* That the
2 Selectmen of the several towns, and Assessors
3 of the several plantations and
4 of the city of Portland shall in manner prescrib-
5 ed by law for calling electors' meetings cause
6 the Inhabitants of their several towns and plan-
7 tations and of said city, duly qualified to vote
8 for Representatives in the Legislature of the
9 State, to assemble on the first Monday of April
10 next, to give in their votes, to the said Select-
11 men and Assessors and to
12 of the city of Portland, for the Representatives
13 to the Congress of the United States to which
14 the district, in which said town, plantation or
15 city may lie, may be entitled according to the
16 second section of this Act. And the said Se-
17 lectmen, Assessors
18 or the major part of them, shall preside in said
19 meetings, and in open meeting count and sort
20 the votes, and shall form a list of the names of

21 the persons voted for, with the number of votes
 22 for each person, written in words at length
 23 against his name. And the town or plantation
 24 clerk and
 25 shall make record thereof. And said Selectmen,
 26 Assessors and
 27 shall in such meeting make public declaration of
 28 the persons voted for, and the number of votes
 29 they respectively have, and shall in open town
 30 or plantation meeting seal
 31 up said list certified by said Selectmen or As-
 32 sessors and
 33 express upon the outside of said list the district
 34 in which the votes were given, and shall trans-
 35 mit the same within forty days next after such
 36 meeting to the Secretary of State. And the
 37 return of votes for Representatives, given in
 38 manner before directed shall be in substance in
 39 the following form; viz:—At a legal meeting of
 40 the inhabitants of the town [plantation]
 41 in the County of
 42 qualified by the Constitution to vote for Repre-
 43 sentatives in the Legislature of the State, hold-

SEC. 4. *Be it further enacted,* That, in case
2 there shall be no choice of the Representative
3 or Representatives to which any district may be
4 entitled, by a majority of the votes returned
5 therefrom, the Governor shall cause precepts to
6 issue to the Selectmen of the several towns and
7 Assessors of the several plantations, and the mu-
8 nicipal authorities of any city within such dis-
9 trict, directing and requiring them to cause the
10 inhabitants of such towns, plantations or city,
11 qualified as aforesaid, to assemble as aforesaid,
12 on a day in such precept to be appointed, to give
13 in their votes for a Representative or Representa-
14 tives in Congress for said district, as aforesaid;
15 which precept shall be accompanied with a list
16 of persons voted for in said district, showing the
17 number of votes for each person, according to
18 the first return. And the same proceedings shall
19 be had thereon, in all respects, as before directed
20 in this Act. And the returns of the votes giver
21 on said second trial shall be returned into the
22 Secretary's office within the time limited in said
23 precept. And the Secretary shall lay the lists,

24 so returned to his office, before the Governor
 25 and Council; and the Governor shall cause the
 26 person or persons, who may be chosen as afore-
 27 said, to be notified thereof. And like proceed-
 28 ings shall be again had, in case any district shall
 29 fail, on said second trial, to elect the Representa-
 30 tive or Representatives, to which said district
 31 shall be entitled. And the like proceedings
 32 shall be had as often as occasion may require.

SEC. 5. *Be it further enacted*, That, when-
 2 ever any vacancies shall happen in the Repre-
 3 sentation of the State in Congress, the Governor
 4 shall cause precepts to issue as aforesaid, for as-
 5 sembling in town, plantation or city meetings the
 6 qualified voters aforesaid, in the district in which
 7 the vacancy may happen, to give in their votes
 8 for a Representative to supply such vacancy;
 9 and like proceedings shall, from time to time, be
 10 had, in all respects as in this Act provided.

SEC. 6. *Be it further enacted*, That the
 2 Sheriffs of the several counties, on receiving
 3 copies of this Act or any precept from the Gov-
 4 ernor, for the aforesaid purposes, shall transmit the

5 same seasonably to the Selectmen of the towns,
 6 Assessors of the plantations or
 7 of the city of Portland, to whom the same may
 8 be directed, and shall be entitled to receive
 9 therefor, out of the treasury of the State, fifty
 10 cents for each of the copies and of the precepts,
 11 so by them distributed. *Provided*, that no
 12 Sheriff, who shall neglect seasonably to transmit
 13 all and every of the precepts and copies afore-
 14 said, shall be entitled to compensation for dis-
 15 tributing any part thereof.

SEC. 7. *Be it further enacted*, That any
 2 Sheriff, who shall neglect to perform the duties
 3 which by this Act he is directed to perform,
 4 shall, for each neglect, forfeit a sum not exceed-
 5 ing two thousand dollars, nor less than two hun-
 6 dred dollars. And if the Selectmen of any town,
 7 or Assessors of any plantation
 8 shall neglect to perform any of the duties,
 9 required of them by this Act, each Selectman or
 10 Assessor so neglecting,
 11 shall forfeit a sum not exceeding two hundred
 12 dollars, nor less than thirty dollars, for any such

13 neglect. And any of said forfeitures may be re-
14 covered by indictment before the Supreme Judi-
15 cial Court or Court of Common Pleas, to the
16 use of the State.

SEC. 8. *Be it further enacted,* That, after
2 the first election, which shall take place on the
3 first Monday of April next, the election for Rep-
4 resentatives to the Congress of the United
5 States shall take place and be on the second
6 Monday of September, one thousand eight hun-
7 dred and thirty-four; and then biennially, so
8 often as the State shall be entitled to elect said
9 Representatives.

SEC. 9. *Be it further enacted,* That this
2 Act shall be construed to extend to those plant-
3 ations only, which shall choose Assessors to as-
4 sess the public taxes which shall be set to such
5 plantation in the Tax Act, next preceding the
6 several elections.

SEC. 10. *Be it further enacted,* That this
2 Act shall continue and be in force until a new ap-
3 portionment of Representatives, among the sever-
4 al States, shall be made, and for the purpose of

5 supplying any vacancy or vacancies which may
6 happen in the Representatives of this State in
7 the Congress of the United States, which shall
8 make such apportionment.

STATE OF MAINE.

IN SENATE, February 8, 1835.

ORDERED, That three hundred copies of this Report with the accompanying Bill be printed for the use of the Legislature.

[Extract from the Journal.]

Attest,

T. J. CARTER, *Secretary.*