

# MAINE STATE LEGISLATURE

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# DOCUMENTS

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# THE LEGISLATURE

OF THE

# STATE OF MAINE,

DURING ITS SESSION

**A. D. 1836.**

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*AUGUSTA:*  
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1836.

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## SIXTEENTH LEGISLATURE.

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**No. 10.**

**SENATE.**

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### STATE OF MAINE.

IN SENATE, January 21st, 1836.

The Joint Select Committee to whom was referred so much of the Governor's Message as relates to the appointment of Electors of President and Vice President of the United States, by an order of the 14th inst. have had the same under consideration, and ask leave to Report,

That as all the States in the Union, with the exception of Maryland and South Carolina, the former of which choose their Electors by Districts, and the latter by the Legislature, have adopted the general ticket system, and, as it was adopted by the Legislature of eighteen hundred and thirty-two, your Committee do not hesitate to recommend its continuance. In coming to this conclusion, your Committee disclaim all party considerations. To have been thus influenced in recommending a system which has been practised upon by nearly every State in the Union, and by both political parties, and which is designed to continue through a long series of years to come, and to have an important bearing on the public interest, would have been un-

worthy of the high character which as men and legislators, your Committee felt bound to sustain. The Constitution of the United States provides that in case no choice of President shall be effected by the People, the House of Representatives shall choose, by ballot, the President; but the votes shall be taken by States, the representation from each State having one vote. This provision was based upon the principles of the Federal Union, by which the sovereignty of the States was recognised in the election of President by the popular branch of the National Legislature. The general ticket system preserves an undivided vote of each State adopting it, in this important selection, either on the one side or the other. It is virtually voting by States, each State, however, preserving and exercising its numerical strength. And when all adopt it, it operates equally, while it reminds us of an important principle incorporated into the Union of the States, and contributes very essentially to its perpetuity. It is important also in another point of view, for should we adopt the District System, the other States would give an undivided support to the candidate of their choice, while we should, probably, be divided, and should to that extent defeat the wishes of the People of Maine, and deprive them of an important right. With these views, your Committee ask leave to Report a Resolve, which is herewith submitted.

T. PURRINGTON, Chairman.

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## STATE OF MAINE.

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**RESOLVE** providing for the choice of Electors of President and Vice President of the United States.

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**RESOLVED**, That on the first Monday of November next there shall be chosen, at large, out of the whole State, ten Electors of President and Vice President of the United States, one of which shall be chosen from each County. And it shall be the duty of the Selectmen of the several Towns, and the Assessors of the several Plantations in this State, in the manner prescribed by law for calling Town and Plantation meetings, to cause the inhabitants of their respective Towns and Plantations, duly qualified to vote for Representatives to the Legislature of this State, to assemble on Monday, the seventh day of November next, to give in their written votes to the said Selectmen and Assessors, whose duty it shall be to preside in said meetings,

for ten Electors as aforesaid, not being Senators or Representatives in Congress, or persons holding any office of trust or profit under the United States. And said Selectmen or Assessors, or the major part of them, shall in open Town or Plantation meeting, receive, sort and count the votes, and form a list of the persons voted for, with the number of votes for each person against his name, and shall make a public declaration thereof in said meeting, and shall, in presence of the inhabitants, seal up copies of said list, and transmit the same to the office of the Secretary of State of this State, on or before the twentieth day of November next, at which time it shall be the duty of the Governor and Council to be in session, and to examine said returns and determine and declare who are elected by a majority of all the votes, and in case the requisite number of persons shall not have received a majority of all the votes, it shall be the duty of the Governor and Council to ascertain from said returns the person or persons, as the case may be, who have the highest number of votes, and to declare the said person or persons, having such plurality of votes, to be duly elected.

**RESOLVED,** That the Secretary of State is here-

by directed forthwith, to transmit to each person so chosen an **Elector**, a certificate of his election; and that the said **Electors** be, and hereby are directed to meet on the first **Wednesday** in **December** next, at the **Senate Chamber** in **Augusta**; and in case of the death or absence of any of the **Electors**, or in case the number of **Electors** to which the **State** is entitled shall, from any cause, be deficient, the deficiencies shall immediately be supplied from the **People** by a majority of the votes of the **Electors** present. And said **Electors** shall vote by ballot on the said first **Wednesday** of **December** next, for one person for **President** and one person for **Vice President** of the **United States**, and shall make and sign three certificates of all the votes by them given, each of which certificates shall contain two distinct lists, one of the votes given for **President**, and the other of the votes given for **Vice President**, and shall seal up the same, certifying, on each, that a list of the votes of such **State** for **President** and **Vice President**, is contained therein; and shall, by writing, under their hands, or under the hands of a majority of them, appoint a person to take charge of, and deliver to the **President** of the **Senate** of the **Unit-**

ed States, at the seat of government, before the first Wednesday in January next, one of the said certificates; and the said Electors shall forthwith forward, by the Post Office, to the President of the United States, at the seat of government, one other of the said certificates; and shall forthwith cause the other of the said certificates to be delivered to the Judge of that district in which such Electors shall assemble. And the said Electors for their travel and attendance shall be paid from the Treasury of the State, the same compensation allowed to members of the Legislature.

**RESOLVED,** That if the Selectmen of any Town or Assessors of any Plantation shall neglect to transmit the list of votes of said Town or Plantation by the time above appointed for that purpose, or refuse or neglect to do any of the duties required by this Resolve, each of said Selectmen and Assessors so refusing or neglecting shall forfeit and pay to the use of the State a sum not exceeding two hundred, or less than fifty dollars.

**RESOLVED,** That the return of votes for Electors, given as before prescribed, shall be in substance in the following form, viz :



At a legal meeting of the inhabitants of the \_\_\_\_\_ of  
 \_\_\_\_\_ in the County of \_\_\_\_\_ qualified by the  
 Constitution to vote for Senators and Representatives in the  
 Legislature of the State, holden on the seventh day of November  
 in the year of our Lord, one thousand eight hundred and thirty  
 six, the said inhabitants gave in their votes for Electors of  
 President and Vice President, for this State, and the same  
 were received, sorted, counted and declared in open Town (or  
 Plantation) meeting by the Selectmen (or Assessors,) who  
 presided, and in the presence of the Clerk who formed a list  
 of the persons voted for, and made a record thereof as follows :

viz :

For

\_\_\_\_\_, ) Selectmen,  
 \_\_\_\_\_, ) (or Assessors.)

Attest, \_\_\_\_\_, Town (or Plantation) Clerk.

**RESOLVED,** That it shall be the duty of the  
 Secretary of State to procure and seasonably to  
 furnish blank returns in the form aforesaid to the  
 several Towns and Plantations in the State.

STATE OF MAINE.

IN SENATE, Jan. 12, 1836.

ORDERED, That the foregoing Report and Resolve lie on the table and that three hundred copies of the same be printed for the use of the Legislature.

[Extract from the Journal.]

Attest,

WILLIAM TRAFTON, *Secretary.*