

MAINE STATE LEGISLATURE

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DOCUMENTS

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THE LEGISLATURE,

OF THE

STATE OF MAINE,

DURING ITS SESSION

A. D. 1837.

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1837.

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SEVENTEENTH LEGISLATURE.

No. 17.

SENATE.

STATE OF MAINE.

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

AN ACT providing for the disposition and repayment of the public money, apportioned to the State of Maine, on deposit, by the government of the United States.

WHEREAS under the combined operation of
2 the existing Tariff laws, and the laws regulat-
3 ing the sale of the public lands, an unavoidable
4 surplus of public money, not necessary nor sus-
5 ceptible of an economical expenditure, in the ordi-
6 nary requirements of the National Government,
7 has accumulated in the Treasury of the United
8 States; and by a law of Congress, passed on
9 the twenty-third day of June, eighteen hundred

10 and thirty-six, entitled "An Act to regulate
 11 the deposite of the public money," said surplus
 12 is directed to be apportioned among the several
 13 States of the Union, on deposite, until repay-
 14 ment thereof shall be required by the Secretary
 15 of the Treasury, for the purpose of defraying
 16 the wants of the public Treasury:

And whereas the Legislature of this State, by
 2 an Act passed January twenty-sixth, eighteen
 3 hundred and thirty seven, providing for the ac-
 4 ceptance of that portion of said surplus to which
 5 Maine, by the provision of said Act of the Unit-
 6 ed States, shall be entitled, authorized the
 7 Treasurer to receive the same: Therefore,

SECTION 1. *Be it enacted by the Senate*
 2 *and House of Representatives in Legisla-*
 3 *ture assembled,* That the portion of the public
 4 money of the United States, which shall be re-
 5 ceived by the Treasurer of this State, in pursu-
 6 ance of the aforesaid Act of Congress, shall be
 7 divided among the several cities, towns and
 8 plantations thereof, upon the conditions and in
 9 the manner specified in this Act.

SECT. 2. *Be it further enacted,* That the

2 condition on which any city, town or plantation
 3 shall receive its proportion of said money, shall
 4 be, that, whenever the whole or any part thereof
 5 shall be required for the purposes, and demand-
 6 ed in the manner prescribed in the aforesaid
 7 Act of Congress, it shall be promptly and faith-
 8 fully refunded to the State within days
 9 after notice for such repayment shall have been
 10 given it by the Treasurer of this State.

SECT. 3. *Be it further enacted,* That if
 2 any city, town or plantation, shall neglect or re-
 3 fuse, for the period of days, after no-
 4 tice as aforesaid shall have been received by the
 5 Clerk or Treasurer thereof, from the State
 6 Treasurer, that said money, or any part thereof
 7 is required, by the State, to pay the amount so
 8 required, into the Treasury of the State, said
 9 Treasurer is hereby authorized to issue an exe-
 10 cution for the amount so required to be paid, re-
 11 turnable within sixty days, against the Inhabi-
 12 tants of such city, town or plantation, directed
 13 to the Sheriff of the County in which such de-
 14 linquent city, town or plantation may be situat-
 15 ed; and it shall be the duty of such Sheriff to

16 collect such execution in the manner in which
 17 he is authorized by law to collect executions,
 18 issued from the Judicial Courts against a city,
 19 town or plantation.

SECT. 4. *Be it further enacted,* That it
 2 shall be the duty of the Treasurer of the State,
 3 as soon as may be, after the Census of the State
 4 shall have been completed, as hereinafter provid-
 5 ed, to assign to each city, town and plantation
 6 thereof, its due share of the public money which
 7 shall have been received by him, in proportion
 8 to the population of such city, town or planta-
 9 tion, as ascertained by said Census; and he
 10 shall thereupon, notify the several Treasurers
 11 of said cities, towns and plantations, of the
 12 amount thus apportioned to them.

SECT. 5. *Be it further enacted,* That the
 2 inhabitants of any city, town or plantation in
 3 this State, who shall by a vote, in legal town
 4 meeting assembled, determine to draw the sum
 5 apportioned to them as aforesaid, from the
 6 Treasury of the State, and shall duly authorize
 7 an Agent to receive the same, shall be entitled
 8 to receive from the Treasurer of the State said

9 sum, on depositing such certified copy, and
 10 receipt therefor, signed by said Agent, as are
 11 prescribed in this Act.

SECT. 6. *Be it further enacted,* That the
 2 same notice shall be given for calling all city,
 3 town and plantation meetings, held for the pur-
 4 pose of acting on any of the provisions of this
 5 Act, as is required by law for the annual meet-
 6 ings for the choice of city, town and plantation
 7 officers; at which meetings all the inhabitants
 8 of such cities, towns and plantations, shall be
 9 deemed legal voters, who are qualified to vote
 10 in town affairs.

SECT. 7. *Be it further enacted,* That the
 2 form of the vote of each city, town or planta-
 3 tion agreeing as aforesaid to receive its propor-
 4 tion of the said money from the State, upon
 5 the conditions specified in this Act, shall be in
 6 substance as follows :

7 At a legal meeting of the inhabitants of the
 8 _____ of _____ qualified to vote in _____
 9 affairs, held on the _____ day of _____ the
 10 following vote was accepted.

11 *Voted,* That this _____ will receive

12 its proportion of the money which is, or may
 13 be, deposited with this State, by the United
 14 States, in pursuance of "an Act to regulate the
 15 deposite of the public money," on the condition
 16 specified in the Act of this State, entitled "An
 17 Act providing for the disposition and repayment
 18 of the public money, apportioned to the State
 19 of Maine, on deposite, by the Government of the
 20 United States."

21 *Voted*, That _____ be and
 22 hereby is appointed the Agent of this _____
 23 to demand and receive from the Treasurer of
 24 this State, the proportion of said money be-
 25 longing to this _____. And the said _____
 26 _____ is authorized to sign a receipt therefor,
 27 conformably to the requirements of said Act
 28 of this State, which shall be obligatory upon
 29 this _____.

30 And such Agent shall lodge with the State
 31 Treasurer, an attested copy of the aforesaid
 32 votes, upon the back of which, he shall make
 33 and sign a receipt substantially as follows :

34 Received on the _____ day of _____ from
 35 _____ Treasurer of Maine, the

36 sum of _____ being a portion of the
37 public money received by said State, from
38 the United States, to which the _____ of
39 _____ is entitled; which is received by said
40 _____ in pursuance of the within vote,
41 and when required, the same sum is to be repaid
42 by said _____ of _____ into the Treasury of the
43 State, in all respects conformably to the Act en-
44 titled “ An Act providing for the disposition and
45 repayment of the public money, apportioned to
46 the State of Maine, on deposit, by the govern-
47 ment of the United States.”

48 A. B. Agent for the _____
49 of _____

SECT. 8. *Be it further enacted,* That the
2 Treasurer of the State shall cause a suitable
3 number of Blanks of the forms aforesaid, to be
4 prepared, and seasonably distributed, together
5 with copies of this Act, to each city, town and
6 organized plantation in this State.

SECT. 9. *Be it further enacted,* That in
2 case any city, town, or plantation shall neglect
3 to vote upon the question, or shall vote not to
4 receive its proportion of said money, on the
5 terms specified in this Act, the Treasurer of the

6 State, shall, at the expense and risk of such
 7 city, town, or plantation, loan the same on such
 8 terms, not exceeding the rate of six per cent.
 9 per annum, and on such security as he shall con-
 10 sider safe and expedient; and such security shall
 11 be held in trust for such city, town, or plantation.
 12 And the interest received therefrom shall be
 13 payable annually, on the first day of January,
 14 at the State Treasury, to such Agent or Attor-
 15 ney as may be appointed by such city, town or
 16 plantation for that purpose.

SECT. 10. *Be it further enacted,* That if
 2 any city, town or plantation shall not, on or
 3 before the first day of May next, give notice
 4 to the Treasurer of the State, of its intention
 5 to draw from the Treasury its proportion of said
 6 money, said Treasurer shall, as soon as the
 7 proportion of said city, town or plantation shall
 8 be ascertained, proceed to loan the same in the
 9 manner prescribed in the ninth Section of this
 10 Act.

SECT. 11. *Be it further enacted,* That for
 2 the purpose of ascertaining the population of the
 3 several cities, towns and plantations in this
 4 State, the Aldermen of cities, the Selectmen of

5 towns, and the Assessors of plantations, are
 6 hereby authorized, at the expense of their re-
 7 spective cities, towns and plantations, to cause
 8 the number of the inhabitants thereof, (omit-
 9 ting in such enumeration, foreigners not natur-
 10 alized and Indians not taxed) to be taken, ac-
 11 cording to the directions of this Act. The said
 12 enumeration shall distinguish all persons under
 13 the age of four years; those of four and under
 14 twenty one; and those of twenty one and up-
 15 wards belonging to each city, town and planta-
 16 tion in this State, on the first day of March,
 17 eighteen hundred and thirty seven.

SECT. 12. *Be it further enacted, That*
 2 said Aldermen, Selectmen or Assessors, or such
 3 person or persons as shall be appointed by them
 4 for that purpose, shall respectively, before enter-
 5 ing upon the performance of their duty as afore-
 6 said, take and subscribe an oath or affirmation,
 7 before some Justice of the Peace, for the faith-
 8 ful performance of their duties, in substance as
 9 follows:—

10 I ——— of ——— do solemnly swear,
 11 (or affirm,) that I will truly and faithfully make
 12 a full and perfect enumeration and description

13 of the persons resident within the ——— of
 14 ——— on the first day of March, eighteen
 15 hundred and thirty-seven, and return the same
 16 to the Treasurer of Maine, agreeably to the
 17 directions of an Act, entitled “An Act provid-
 18 ing for the disposition and repayment of the
 19 public money apportioned to the State of Maine,
 20 on deposit, by the government of the United
 21 States,” according to the best of my ability—
 22 and that I will make said enumeration and de-
 23 scription by actual enquiry at every dwelling
 24 house in said ——— or personal enquiry of the
 25 head of every family, and not otherwise.

SECT. 13. *Be it further enacted, That*
 2 said enumeration shall be fully completed, and
 3 accurate returns thereof made to the Treasurer
 4 of the State, on or before the first day of ———
 5 which returns shall be made in a schedule, the
 6 form of which (with the form of the oath speci-
 7 fied in this section) shall be provided and fur-
 8 nished by said Treasurer, and they shall dis-
 9 tinguish the several families by the name of
 10 their master, mistress or head. And the per-
 11 son taking such enumeration, shall take and
 12 subscribe upon the returns rendered by him, an
 13 oath or affirmation as follows:—

14 I ——— do solemnly swear (or affirm)
 15 that the number of persons set forth in the re-
 16 turn made by me agreeably to the provisions of
 17 the Act entitled “An Act providing for the
 18 disposition and repayment of the public money,
 19 apportioned to the State of Maine, on deposit,
 20 by the government of the United States,” has
 21 been ascertained by an actual enquiry at every
 22 dwelling house, or a personal enquiry of the head
 23 of every family, in conformity with the provis-
 24 ions of said Act; and that the return aforesaid
 25 is correct and true according to the best of my
 26 knowledge and belief. A. B.

27 And the blank forms which the Treasurer
 28 is to transmit, shall be forwarded to the Sheriffs
 29 of the respective Counties, whose duty it shall
 30 be to cause the same to be, forthwith, dis-
 31 tributed to the clerks of the respective cities,
 32 towns, and plantations.—And the Sheriffs’ bills
 33 therefor shall be presented to the Legislature
 34 for allowance.

SECT. 14. *Be it further enacted*, That every
 2 person whose usual place of abode shall be in
 3 any family on said first day of March next,
 4 shall be returned as of such family.

SECT. 15. *Be it further enacted*, That each
 2 and every individual of the age of sixteen years
 3 and upwards, belonging to any family, who is
 4 liable to be enumerated pursuant to the provis-
 5 ions of this Act, whether such individual be the
 6 head of the family or not, shall be, and hereby
 7 is required to render to the person appointed
 8 to take the enumeration in the city, town, or
 9 plantation where such individual resides, if
 10 required, a true account, to the best of his or her
 11 knowledge, of the persons belonging to such
 12 family, respectively, according to the several
 13 descriptions aforesaid, on pain of forfeiting
 14 to be sued for and recovered in
 15 an action of debt, by such person, appointed
 16 as aforesaid, to the use of the city, town, or
 17 plantation in which the parties reside.

SECT. 16. *Be it further enacted*, That in
 2 case any city, town, or organized plantation shall
 3 neglect to have the enumeration provided for in
 4 this Act, made and returned according to the
 5 provision thereof, it shall be the duty of the
 6 Treasurer of the State, as soon as may be, after
 7 the time for making said returns shall have ex-
 8 pired, to cause such enumeration to be taken,

9 at the expense of such delinquent city, town or
10 plantation.

SECT. 17. *Be it further enacted*, That in
2 computing the number of inhabitants on which
3 the distribution is to be made, the Treasurer
4 shall include all persons resident in any part
5 of the State, upon lands not included within
6 the bounds of any city, town or organized plan-
7 tation. And for the purpose of ascertaining the
8 number of such inhabitants, it shall be the duty
9 of the County Commissioners, of the County
10 in which said lands are situated, forthwith to
11 appoint some person or persons, whose duty it
12 shall be to take and return to the State Treas-
13 urer the enumeration of persons resident on said
14 lands, conforming in the mode of procedure to
15 the requirements of this Act, relative to the
16 enumerations to be taken in cities or towns.—
17 And the expenses thereof, having been first au-
18 dited and allowed by said County Commission-
19 ers, shall be paid from the Treasury of the
20 State.

STATE OF MAINE.

IN SENATE, FEBRUARY 6, 1837.

THE foregoing Bill, (reported by Mr. GREENE,) was laid upon the table, and *Ordered*, that 1000 copies of the same be printed for the use of the Legislature.

(Extract from the Journal.)

Attest, WILLIAM TRAFTON, *Secretary*