

# MAINE STATE LEGISLATURE

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# DOCUMENTS

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# THE LEGISLATURE

OF THE

# STATE OF MAINE,

DURING ITS SESSION

**A. D. 1843.**

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*AUGUSTA:*

WM. R. SMITH & Co., PRINTERS TO THE STATE.



1843.

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TWENTY-THIRD LEGISLATURE.

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No. 17.]

[SENATE.

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REPORTS

IN RELATION TO AFFORTIONMENT OF

REPRESENTATIVES TO CONGRESS.

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[WM. R. SMITH & Co.....Printers to the State.]

# STATE OF MAINE.

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IN SENATE, Jan. 31, 1813.

The Joint Select Committee to which was referred so much of the Governor's Message as relates to the apportionment of Representatives to Congress, have had the same under consideration, and ask leave to

## R E P O R T

a Bill, which is herewith submitted.

VIRGIL D. PARRIS, *Chairman.*

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# STATE OF MAINE.

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

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AN ACT providing for the choice of Representatives to  
Congress.

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*Be it enacted by the Senate and House of Representa-  
2 tives in Legislature assembled*—as follows :

3 SECTION 1. The County of York shall compose the  
4 first district, and be entitled to one Representative.

5 The County of Cumberland, together with the  
6 towns of Phipsburg and Georgetown from the County  
7 of Lincoln, shall compose the second district, and be  
8 entitled to one Representative.

9 The County of Kennebec, together with the towns  
10 of Lewiston, Lisbon, Webster, Bowdoin, Bowdoin-  
11 ham, Topsham, Bath, Woolwich, Richmond, Dres-  
12 den, Alna and Whitefield, from the County of Lin-  
13 coln, shall compose the third district, and be entitled  
14 to one Representative.

15 The County of Waldo, together with the remainder  
16 of the County of Lincoln, shall compose the fourth  
17 district, and be entitled to one Representative.

18 The Counties of Oxford, Franklin and Somerset,  
19 except the towns hereinafter annexed to the sixth  
20 district, shall compose the fifth district, and be enti-  
21 tled to one Representative.

22 The Counties of Penobscot and Piscataquis, togeth-

23 er with the towns of Cambridge, Ripley, St. Albans,  
24 Palmyra, Detroit, Pittsfield, Canaan, Hartland and  
25 Harmony, from the County of Somerset, shall compose  
26 the sixth district, and be entitled to one Representative.  
27 The Counties of Hancock, Washington and Aroos-  
28 took, shall compose the seventh district, and be enti-  
29 tled to one Representative.

SEC. 2. The Representatives chosen in the several  
2 districts, shall at the time of their election be residents  
3 therein. The foregoing division of the State into  
4 Representative districts, shall be and continue in  
5 force until an apportionment of Representatives  
6 among the several States shall be made by Congress,  
7 after the taking of the seventh census.

SEC. 3. The election of Representatives to Con-  
2 gress shall take place and be on the second Monday  
3 of September, one thousand eight hundred and forty  
4 three, and one thousand eight hundred and forty four,  
5 and thereafter biennially.

SEC. 4. So much of section three of an act en-  
2 titled "an act providing for the choice of Represen-  
3 tatives to Congress," approved February 23th, A. D.  
4 1833, as relates to the manner of calling meetings  
5 for the choice of Representatives to Congress, and  
6 the duties of officers of towns, in presiding in said  
7 meetings and making returns of votes, and also sec-  
8 tions four, five, six and seven, of said act, shall con-  
9 tinue and be in force, except so far as the same may  
10 have been changed by the revised statutes of this  
11 State.

## STATE OF MAINE.

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HOUSE OF REPRESENTATIVES, }  
January 31, 1843. }

THE minority of the committee appointed to district the State, for Congressional representation, agreeable to a law of the present Congress, entertaining different views from the majority of said committee upon the subject, and feeling deeply impressed with the importance of the duty assigned them, as members of said committee, and of the interests that the several sections of the State, have therein, have given careful, deliberate, and mature attention to the plan proposed to be submitted to the Legislature, and feel compelled from considerations that are deemed sufficient, to dissent therefrom.

Temperate, but firm resistance to encroachments and unreasonable demands, is justifiable ; each portion of the State is entitled to its due share of respect and regard, and each County ought to be treated with equal fairness, candor, and justice. The plan which the majority of the committee have agreed upon, is considered by the undersigned, not to be in accordance with these great and paramount principles.

One County is selected as a portion to be divided among the others, and that County is one of the oldest and most populous in the State. It is proposed to partition and dismember the County of Lincoln, and we are assured that such partition is contrary to the wishes of

her citizens, and believe it to be uncalled for by the public convenience and benefit.

The districts as classed and arranged in the report of the majority of the committee, make the County of York, with a population of 54,023, one district.

The County of Cumberland, with Phippsburg and Georgetown, from Lincoln County, with a population of 71,674, to constitute a district.

Kennebec, with twelve towns from Lincoln County, containing a population of 75,425, to constitute a district.

Waldo County entire, and the balance of Lincoln County, containing 77,269, a district.

Oxford, Franklin and Somerset Counties, except nine towns from the East side of Somerset, with a population of 84,109, to comprise a district.

Hancock, Washington and Aroostook, a district.

Penobscot, Piscataquis, and nine towns from Somerset, with a population of 67,368, a district.

If it is thought advisable and necessary to divide Counties, the undersigned are of the opinion, that a more just and equitable division could be made than that reported by the majority of the committee.

The objections to the plan of the majority of the committee are obvious. It divides two Counties, one of which, being the second County in age and population, into three parts, totally destroying its identity in the Congress of the United States.

It gives to the County of York a Representative in Congress, with a deficiency in population of 17,662, and with an increase of population from 1830 to 1840, of only  $4\frac{1}{4}$  per cent.

The contrast in the treatment of Lincoln and York,



is most striking. The first, with a population of 63,512, and a relative increase of 16 per cent., is broken into three fragments.

The second, with a population of 54,023, or 9,489 less than that of Lincoln, and with a relative increase of only  $4\frac{1}{4}$  per cent., is allowed a separate and entire representative.

If these inequalities were unavoidable, they might be submitted to, although not without regret.

But in the opinion of the undersigned, they may be easily obviated, and another plan be adopted, which respecting County lines, will at the same time better preserve the equality of population, and the convenience of the people.

The plan which is recommended by the undersigned, may be understood at once, from the following table of the districts proposed in the accompanying Bill, and of their population respectively.

1st—York and Oxford, . . . . .	92,362
2d—Cumberland, . . . . .	68,660
3d—Kennebec and Franklin, . . . . .	76,604
4th—Lincoln, . . . . .	63,512
5th—Waldo and Somerset, . . . . .	75,147
6th—Penobscot and Piscataquis, . . . . .	59,137
7th—Hancock, Washington and Aroostook,	66,368

From a comparison of this plan with that of the majority of the committee, the following facts are presented:—First, the smallest district, according to the plan of the undersigned, has a deficiency of only 12,547, and embraces Counties, having the large relative increase of 75 per cent. In the smallest district, according to the plan of the majority of the committee, there is a deficiency of 17,662, and this district embraces a County

having a relative increase of only  $4\frac{1}{2}$  per cent. Secondly, in the plan of the minority, the largest district consists of two Counties, having only the small relative increase of 12 per cent. In the plan of the majority, on the other hand, the largest district has a relative increase of 30 per cent.

From these points of comparison, and others which might be added to them, it will be seen that the plan of the minority preserves the equality of population, much nearer than does that of the majority, and it has in addition, the decisive recommendation of adhering, in all cases, to the lines of Counties.

In the provision of the Constitution, in respect to the formation of Senatorial districts, we have a decided popular expression in regard to the justice and expediency of paying respect to County lines.

That provision does not in its letter, apply to Congressional districts, but in its spirit, and as indicative of the settled opinions of the people, it cannot but be considered as furnishing a rule of action in regard to them.

All the reasons which require County lines to be respected in the formation of Senatorial districts, apply with undiminished force to Congressional districts.

To avoid all just cause of murmuring and complaint, is the obvious duty of those who are appointed to recommend for adoption, measures involving important interests, and for establishing boundaries, deemed by the people the most important of any within the limits of the State. This important and deeply interesting subject, should be disposed of only in such manner as a high, just and honorable regard to the wishes, the rights and interests of the separate sections, and the requirements of law demand.

The undersigned consider this subject one deserving the most careful and unbiased attention and regard, and of sufficient importance to justify them in reporting a Bill, which is herewith submitted.

W. R. FRYE,  
EBENEZER OTIS.

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# STATE OF MAINE.

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AN ACT providing for the choice of Representatives to  
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*Be it enacted by the Senate and House of Represen-  
tatives in Legislature assembled*—as follows :

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4 shall compose the first district, and be entitled to one  
5 representative.

6 The county of Cumberland, shall constitute the  
7 second district, and be entitled to one representative.

8 The counties of Kennebec and Franklin, shall  
9 compose the third district, and be entitled to one  
10 representative.

11 The county of Lincoln, shall constitute the fourth  
12 district, and be entitled to one representative.

13 The counties of Waldo and Somerset, shall com-  
14 pose the fifth district, and be entitled to one repre-  
15 sentative.

16 The counties of Penobscot and Piscataquis, shall  
17 compose the sixth district, and be entitled to one  
18 representative.

19 The counties of Hancock, Washington and Aroos-  
20 took, to compose the seventh district, and be entitled  
21 to one representative.

SEC. 2. The Representatives chosen in the sev-  
2 eral districts shall at the time of their election, be  
3 residents therein. The foregoing division of the  
4 State into representative districts shall be, and con-  
5 tinue in force until an apportionment of Representa-  
6 tives among the several States shall be made by  
7 Congress, after the taking of the seventh census.

SEC. 3. The election of Representatives to Con-  
2 gress, shall take place and be on the second Monday  
3 of September, one thousand eight hundred and forty  
4 three, and one thousand eight hundred and forty four,  
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SEC. 4. So much of section three of an act enti-  
2 tled "an act providing for the choice of Represen-  
3 tatives to Congress," approved February 28th, A. D.  
4 1833, as relates to the manner of calling meetings  
5 for the choice of Representatives to Congress, and  
6 the duties of officers of towns in presiding in said  
7 meetings and making returns of votes, and also sec-  
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9 tinue and be in force, except so far as the same may  
10 have been changed by the revised statutes of this  
11 State.

# STATE OF MAINE.

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IN SENATE, January 31, 1843.

**ORDERED**, That 500 copies of the preceding Reports, and Bills, be printed for the use of the Legislature.

Attest :

**JERE HASKELL**, *Secretary*.