

# MAINE STATE LEGISLATURE

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DOCUMENTS

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THE LEGISLATURE

OF THE

STATE OF MAINE.

DURING ITS SESSION

A. D. 1855.

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AUGUSTA:

STEVENS & BLAINE, PRINTERS TO THE STATE.

1855.

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# THIRTY-FOURTH LEGISLATURE.

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SENATE.

NO. 2.

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## STATE OF MAINE.

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SENATE, JANUARY 18, 1855.

The Joint Special Committee appointed to consider what further legislation, if any, is necessary in relation to Elections in Plantations, as provided in chapter 89 of the laws passed at Extra Session of 1840, have attended to that duty and ask leave to report.

They find that the law in relation to Elections in Plantations, as passed by the Legislature of 1840, is good and salutary in its provisions. The difficulty arises from the fact that the Plantations organized under the law have never regarded the provisions. The law provides a certain mode for organizing each Plantation. The directions are plain and explicit, but in many, if not most of the cases, have not been complied with, so that very few of the Plantations organized under said law have a legal right to vote. Upon strict technical principles, they have disfranchised themselves. The law of 1840 further provides that the Assessors shall make an alphabetical list of qualified Electors, and post said list up in two or more public places in said Plantation, seven days before the day of election. That they shall post up notice of each meeting seven days before the election, and the Assessors are bound to be present at the time and place of meeting, to receive evidence of qualifications of Electors and amend their list of voters. Said act further provides, that after receiving the votes upon said list of voters, the Clerk shall make a fair record of the same in open meeting, and

then make fair copies of the said list of votes and *names of voters to be attested by the Assessors and the Clerk, and be sealed up in open Plantation meeting, and cause the same to be delivered to the respective authorities whose duty it may be to receive them.* Your Committee report that in many of the above particulars, the officers of said Plantations have failed to perform their duties. In some they have met without posting up their warrants. In most they have not posted up lists of voters, and have not kept a check list, as provided by law, and in *every* case have neglected to return a list of voters attested by Assessors and made out by the Clerk and sealed up in open Town meeting, to the Secretary of State, as provided by law. Notwithstanding such defects appeared upon the face of the returns, the votes of said Plantations have been counted, while the Towns and Cities of the State have been disfranchised by their neglect to comply with the technicalities of the law. This has been done in most instances from too hasty examination of the returns, and perhaps from the consideration that the *general result* would not be affected by the reception of said votes, and from a disposition on the part of all not to disfranchise any of the voters of the State. Your Committee cannot however forbear to say that in any case where an election should turn upon the point, whether such votes should be received or rejected, they ought to be rejected.

As before stated, your Committee report that the provisions of the law of 1840 are salutary and ought to be strictly complied with, or the votes ought to be rejected.

Your Committee would submit the accompanying amendment to the act in relation to Elections, referred to them.

Per order of Committee,

GEORGE DOWNES, *Chairman.*

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## STATE OF MAINE.

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IN THE YEAR OF OUR LORD ONE THOUSAND EIGHT HUNDRED  
AND FIFTY-FIVE.

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AN ACT in addition to an Act in relation to Elections,  
passed at Extra Session 1840, and approved October  
2d, 1840.

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SECTION 1. *Be it enacted by the Senate and House  
2 of Representatives in Legislature assembled,* That the  
3 Act to which this is additional, be amended by  
4 inserting after the word "County," at the close of the  
5 third section thereof, as follows, viz: *Provided,*  
6 however, that in all cases where it does not appear by  
7 returns and list of voters duly made to the authorities  
8 whose duty it may be to receive the same, that the  
9 provisions of this Act have been complied with by  
10 any Plantation and the officers thereof, the votes of  
11 said Plantation shall be rejected.

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

2 of State be and he hereby is directed to procure a copy  
3 of the Act to which this is additional, and of this Act,  
4 also blank Returns and blanks for copies of List of  
5 Voters, as provided in the Act to which this is addi-  
6 tional, to be printed and forwarded to each of said  
7 Plantations as soon as may be, and from time to time  
8 as elections may occur.

SECT. 3. *Be it further enacted*, That this Act shall  
2 take effect from and after its approval by the Gov-  
3 ernor.

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STATE OF MAINE.

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IN SENATE, }  
January 18, 1855. }

ORDERED, That the within Report, and the bill accompanying the  
same, be laid upon the table, and 350 copies of the same be printed  
for the use of the Legislature.

LOUIS O. COWAN, *Secretary*.