

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

PUBLIC ACTS

OF THE

STATE OF MAINE,

PASSED BY THE

ELEVENTH LEGISLATURE,

AT ITS SESSION, HELD IN JANUARY, 1831.

—◆—
PUBLISHED AGREEABLY TO THE RESOLVE OF 28TH JUNE, 1820.
—◆—

Portland.

TODD AND HOLDEN.....PRINTERS TO THE STATE.

1831.

CHAPTER DXVII.

AN ACT respecting Colleges.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in Legislature assembled,* That no person now holding the office or place of President in any College in this State, shall hold said office or place, beyond the day of the next Commencement of the College, in which he holds the same unless he shall be re-elected.

And no person shall be elected or re-elected to the office or place of President unless he shall receive in each board, two thirds of all the votes given on the question of his election. And any person elected to said office or place after the passing of this Act, shall be liable to be removed, at the pleasure of the board of Trustees, or board of Trustees and Overseers, which shall elect him.

SECT. 2. *Be it further enacted,* That the fees, paid by any person for any diploma, or for any medical or academical degree, granted or conferred by the government of either of the Colleges in the State, shall be paid into the Treasury for the use of the College; and no part thereof shall be received by any officer of the College, as a perquisite of office.

[Approved by the Governor, March 31, 1831.]

CHAPTER DXVIII.

AN ADDITIONAL ACT regulating Elections.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in Legislature assembled,* That it shall be the duty of the Selectmen of each town, and of the Assessors of every plantation in this State, on or before the twentieth day of August, annually, to deposit in the

Duty of Selectmen of towns and Assessors of

office of the town or plantation Clerk, and also to post up, in one or more public place or places in their town or plantation, the list of voters, required to be prepared by the first section of an Act, entitled "An Act regulating elections," passed on the nineteenth day of March, in the year of our Lord one thousand eight hundred and twenty-one: and the Selectmen of any town and the Assessors of any plantation, who shall wilfully neglect or refuse to perform the duty aforesaid, shall, for each and every such offence, severally forfeit and pay a sum not less than fifty dollars nor more than one hundred dollars; and for each day they shall so neglect to perform said duty, after the twentieth day of August, and until the election then next ensuing, they shall severally forfeit and pay the sum of thirty dollars. And the sum or sums so forfeited, shall be recovered to the use of such town, or plantation, in an action of debt in the name of the inhabitants thereof; and it shall be the duty of the Treasurer of such town or plantation, if he be not one of such delinquent officers, and if he be one of them, then it shall be the duty of one of the Constables of such town, or plantation, at the request of any citizen thereof, to cause such action to be commenced and prosecuted to final judgment.

plantations, to deposit in Clerk's office, and to post up in one or more public places, list of voters on or before the 20th of August.

Penalty for wilful neglect \$50.

Penalty for each day's neglect from August 20th till day of election \$30.

How recovered and to whose use.

Treasurer or Constable to commence and prosecute the action.

SECT. 2. *Be it further enacted,* That, after said list of voters shall have been prepared, as required by the first section of the Act aforesaid it shall not be lawful for the Selectmen of towns or Assessors of Plantations, to alter said list by adding thereto, or striking therefrom, the name of any person, except at their sessions required to be holden by the first and second sections of the act aforesaid. And it shall be the duty of Selectmen of towns, and Assessors of plantations, at their sessions aforesaid, to place on said list the name of any person, whom they know to be a legal voter, or who shall be proved to be such, whether he do, or do not, personally appear and

List of voters not to be altered by adding thereto, or striking therefrom, names of voters, except at regular sessions for that purpose. Duty of Selectmen, and Assessors, to place on the list the name of every person known or proved to be a legal voter, whether he apply personally, or not.

In towns and plantations having less than five thousand inhabitants, the officers may receive evidence of qualifications and add names of voters, during the day of election.

Votes for all officers to be chosen, shall be given in on one list.

Towns not classed, may vote for Representative in State Legislature separately, if town so determine by vote.

Ballots shall be written or printed. Officers liable to penalty of \$50, for receiving ballot on colored paper, or paper bearing distinguishing marks other than names of candidates and officers. Penalty how recovered.

request the same to be done: *Provided, however,* That it shall be lawful for Selectmen of towns and Assessors of Plantations having less than five thousand inhabitants, to receive evidence of qualifications of voters, and to add their names to said list at any time during the day of election.

SECT. 3. *Be it further enacted,* That the Selectmen and Assessors, authorized and required to preside in any meeting of a town or plantation, which shall be convened for the election of Governor, Senators, Representatives in the Legislature of this State, Representative in Congress, County Treasurer and Register of Deeds, be, and they are hereby required to call on the legal voters, in such meeting, directing them to give in their votes on one list, or ballot, for the officer or officers to be chosen, or for so many thereof as the person voting shall determine to vote for, designating, on the ballot against the name of each person voted for, the office, to which each is intended to be elected; *Provided however,* That in any town, not classed with another for the choice of a Representative, they may vote for a Representative to the State Legislature, on a separate ballot, if the town shall by vote so determine; and the ballots aforesaid shall be written in the mode usually called writing, or in that denominated printing, on clean white paper; and no ballot which shall be on colored paper of any description, or which shall bear any distinguishing mark or figures besides the names of the persons voted for, and of the officers aforesaid, shall be received by any Selectmen or Assessors, on pain of forfeiting for each offence the sum of fifty dollars, to be recovered in the manner and for the use provided in the first section of this Act.

SECT. 4. *Be it further enacted,* That whenever the returns of votes of any town, or plantation, for Governor, Senators or Representative in Congress, shall not be delivered into the office of the Secretary of State at the time required by

the Constitution and laws of the State, it shall be the duty of the Secretary of State forthwith to certify the fact to the County Attorney of the County, in which such town, or plantation, lies; and it shall be the duty of the County Attorney, to ascertain whether such returns were not so delivered by reason of the neglect of the Selectmen, or Assessors, to perform the duties required by law to be by them performed, or by reason of the neglect of the Town Clerk, or plantation Clerk, and to demand of the officer, or officers, who shall have neglected to perform his, or their duty, the sum, or sums, forfeited by such neglect; and, if the same shall not be paid, then it shall be the duty of the County Attorney to prosecute such delinquent officer, or officers, in the manner by law provided; and the sums so forfeited shall be recovered to the use of the State.

Duty of Secretary of State, when returns of votes are not seasonably delivered at his office, to notify County Attorney.
Duty of county Attorney, to prosecute delinquent officer, or officers.

Sums forfeited shall be recovered to use of the State.

SECT. 5. *Be it further enacted,* That, in no case, shall any town, or plantation officer incur a penalty, or be made to suffer in damages, by reason of his official acts, or neglects, unless the same shall be unreasonable, corrupt, or wilfully oppressive: *Provided, however,* That the neglect to prepare the list of voters, to deposit it in the Town Clerk's office, or to post it up, as by this act required, and the neglect to call town, or plantation, meetings for elections, or to cause returns of votes to be delivered into the office of the Secretary of State, as required by the Constitution, and Laws of the State, or to make the records by law required, shall be deemed unreasonable, unless the contrary shall be made to appear.

No officer liable to penalty or damages, for official acts, or neglects, unless unreasonable, corrupt, or wilfully oppressive.

What neglect shall be deemed unreasonable.

SECT. 6. *Be it further enacted,* That whenever the original returns of the votes of any town, or plantation, for Governor, Senators or Representative in Congress, shall in any way be lost or destroyed, it shall be the duty of the Selectmen and Clerk of such town, and of the Assessors and Clerk of such plantation, as soon as such loss or

When original returns of votes shall be lost, or destroyed, copy of record, to be made, with certificate of its truth, by the proper officers.

destruction shall be discovered, or as soon after as may be, to cause a copy of the record of the meeting of the town, or plantation, at which such votes were given, to be made, with a certificate, upon the same sheet, that the same is a true copy of the record of such meeting, that it truly exhibits the names of all the persons voted for, as Governor, Senators or Representative in Congress, (as the case may be) and the number of votes given for each person so voted for, at the meeting mentioned in said record, and that said copy contains all the facts, which were stated in the original return of votes lost or destroyed; and the Selectmen and Town Clerk, or the Assessors and plantation Clerk, who were present at such meeting, and attested the original return, so lost or destroyed, shall sign said certificate, designating their office against their names, as in the original return, and shall make oath, or affirmation, that said copy and certificate are true, before some Justice of the Peace for the county, in which they live, who shall make his certificate thereof on the same paper; which copy and certificates shall be sealed up and directed to the Secretary of State, with the nature of the contents written on the outside, and it shall be the duty of the Clerk of such town, or plantation, to cause the same to be delivered into the office of the Secretary of State, as soon as may be. And any Selectman, Assessor or Clerk, who shall neglect or refuse, on notice of such loss or destruction, to perform the duty aforesaid, shall forfeit and pay a sum, not less than one hundred dollars, nor more than five hundred dollars, to be recovered by indictment, in the Court of Common Pleas, or Supreme Judicial Court, to the use of the State; and any Selectman, Assessor or Clerk, who shall make a false certificate, in the case aforesaid, and make oath or affirmation, to the truth thereof, shall, upon conviction thereof in the Supreme Judicial Court, suffer all the

What facts to be certified in such case.

Certificate shall be signed and sworn to, by all the officers, who attested the original return.

Justice to make certificate of the oath, on the same paper.

Copy and certificates to be sealed up and directed to the Secretary of State.

Duty of Clerk.

Penalty, for neglect of said duty, not less than \$100, nor more than \$500.

How recovered.

Officer convicted, in S. J. C. of making and swearing to false certificate, in such case, shall suffer all the pains and pen-

pains and penalties by law provided against the crime of perjury, and shall, after such conviction, be disqualified from holding any office under the Constitution and laws of this State for the term of ten years.

alties of perjury.
Disqualified from holding office for term of ten years.

SECT. 7. *Be it further enacted,* That any person, to whom the returns of votes of any town, or plantation, for Governor, Senators or Representative in Congress, shall be entrusted by the Clerk for the purpose of forwarding them to the office of the Secretary of State, who shall wilfully neglect to use all proper means to cause them to be so delivered, within the time required by the Constitution, and laws of the State, shall forfeit and pay, for such neglect, a sum, not less than one hundred dollars nor more than five hundred dollars, to be recovered to the use of the State by indictment in the Court of Common Pleas, or Supreme Judicial Court; or upon conviction of said offence in manner aforesaid, such offender may be punished by imprisonment for a term, not less than two nor more than six months, at the discretion of the Court, before which such conviction shall be had.

Liability of person, to whom returns of votes shall be entrusted for the purpose of forwarding them to Secretary's office.

How recovered and to whose use.

Offender may be punished by imprisonment.

SECT. 8. *Be it further enacted,* That it shall be the duty of the Secretary of State, on the first Monday of November, annually, to make a list of the names of the towns and plantations, whose returns of votes for Governor or Senators shall not, at that time, have been received at his office, and, as soon as may be, to cause the same to be published in the public newspaper of the printer to the State.

Secretary of State to make list of towns and plantations, whose votes are not returned on first Monday of November.

Such list to be published in State Paper.

SECT. 9. *Be it further enacted,* That when towns and plantations are or may be classed for the purpose of choosing a Representative, it shall be the duty of the Selectmen of the oldest town in said District, or the Assessors of the oldest plantation, if there be no incorporated town in such District, to notify the Selectmen of towns, and Assessors of plantations in their respective

Mode of fixing time and place for meeting of officers of towns and plantations, classed for choice of Representative, to examine copies of lists of votes.

Districts, of the time and place of meeting for the purpose of examining copies of the lists of votes for Representative in the manner prescribed in the Constitution; and when thus assembled the Selectmen and Assessors of towns and plantations or Assessors of plantations, which may be so classed, shall by a majority of votes determine the place for their future meeting in said District to examine copies of lists of votes for a Representative in said District, which place shall continue to be the same annually, until otherwise ordered.

Officers present at first meeting, shall by major vote determine the place of future meetings.

Meetings shall be at place so fixed till otherwise ordered.

Repealing clause.

SECT. 10. *Be it further enacted*, That all Acts and parts of Acts inconsistent with the provisions of this Act, be, and the same are hereby repealed.

[*Approved by the Governor, March 31, 1831.*]

CHAPTER DXIX.

AN ACT to regulate Banks and Banking.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in Legislature assembled*, That from and after the passing of this Act, every Bank which shall receive a charter from or by authority of this State and every Bank whose capital shall be increased or diminished, or whose charter shall be extended, shall be governed by the following rules and subjected to all the duties, limitations, restrictions, liabilities and provisions contained in this Act.

What Banks subject to provisions of this Act.

SECT. 2. *Be it further enacted*, That every Bank incorporated by the authority aforesaid, shall be a Corporation by the name of the President, Directors and Company of the Bank (the blank to be filled as the law may require) capable in law to sue and be sued to final judgment and execution, to have and use a common seal, and the same at pleasure to revoke, al-

Powers of Banking Corporations.