

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

THIRTEENTH LEGISLATURE,

At its Session, held in January, 1833.

PUBLISHED AGREEABLY TO THE RESOLVE OF JUNE 28, 1820.

AUGUSTA :

I. BERRY & CO. PRINTERS TO THE STATE.

1833.

Chapter 68.

AN ACT providing for the choice of Representatives to Congress.

SECT. 1. *Be it enacted by the Senate and House of Representatives, in Legislature assembled,* That the State be and it hereby is divided into eight districts for the purpose of choosing Representatives to represent this State in the Congress of the United States after the present Congress, in manner following.

State divided
into eight Dis-
tricts.

SECT. 2. *Be it further enacted,* That the county of York shall compose one district and be called the York District. That the county of Cumberland, excepting Bridgton, Harrison, Otisfield and Minot, shall compose one district and be called the Cumberland District. The county of Lincoln, excepting the towns of Wales, Lewiston, Litchfield and Lisbon, shall compose one district and be called the Lincoln District. The county of Kennebec, excepting Windsor, Vassalborough, China, Clinton, Winslow, Albion, the Territory north of Albion, the Gore between Pittsfield and Clinton, Greene, Leeds, Wilton and Temple, and all of the county of Somerset west of the Kennebec River, excepting Norridgewock and Bloomfield, and Litchfield in the county of Lincoln, shall compose one district and be called the Kennebec and Somerset District. The county of Oxford, with the towns of Bridgton, Harrison, Otisfield and Minot, in the county of Cumberland, and Wales, Lewiston and Lisbon in the county of Lincoln, and Greene, Leeds, Wilton and Temple in the county of Kennebec, shall compose one district, and be called the Oxford District. The county of Penobscot, and all of that part of Somerset county on the east side of the Kennebec River, including Norridgewock and Bloomfield, on the west side of the Kennebec River, shall compose one district, and be called the Penobscot and Somerset District. The counties of Hancock and Washington shall compose one district, and be

called the Hancock and Washington District. The county of Waldo, with the towns of Windsor, Vassalborough, China, Clinton, Winslow, Albion, the unincorporated place north of Albion, and the Gore between Pittsfield and Clinton, shall compose one district, and be called the Waldo District. The Representatives chosen in the several districts shall at the time of their election be resident therein and shall be chosen in manner following.

SECT. 3. *Be it further enacted,* That the Selectmen of the several towns, Assessors of the several plantations and Aldermen of the city of Portland shall in manner prescribed by law for calling electors' meetings cause the inhabitants of their several towns and plantations and of said city, duly qualified to vote for Representatives in the Legislature of the State, to assemble on the second Monday of September next, to give in their votes, to the said Selectmen, Assessors and to Aldermen of the city of Portland, for the Representatives to the Congress of the United States to which the district, in which said town, plantation or city may lie, may be entitled according to the second section of this Act. And the said Selectmen, Assessors and Aldermen, or the major part of them, shall preside in said meetings, and in open meeting count and sort the votes, and shall form a list of the names of the persons voted for, with the number of votes for each person, written in words at length against his name. And the town, plantation and city clerk shall make record thereof. And said Selectmen, Assessors and Aldermen shall in such meeting make public declaration of the persons voted for, and the number of votes they respectively have, and shall in open town or plantation meeting seal up said list certified by said Selectmen, Assessors or Aldermen and express upon the outside of said list the district in which the votes were given, and shall transmit the same within forty days next after such meeting to the Secretary of State. And

Meeting for the
choice of Repre-
sentatives to
Congress—
How to be
called—when.

Duty of Select-
men and Asses-
sors.

the return of votes for Representatives, given in manner before directed shall be in substance in the following form, viz:—At a legal meeting of the inhabitants of the town [plantation] in the county of qualified by the Constitution to vote for Representatives in the Legislature of the State, holden on the day of being the day of said month in the year of our Lord one thousand eight hundred and the said inhabitants gave in their votes for a Representative [or Representatives] to represent the inhabitants of this State in the Congress of the United States for the district, and the same were received, sorted and counted and declared in open meeting by the Selectmen, [Assessors] who presided, in presence of the clerk, who formed a list of persons voted for, and made a record thereof as follows; viz:

Form of the Return to be made to the Secretary of State.

For } Selectmen [or Assessors.]

Attest : Clerk.

And said returns shall be laid before the Governor and Council, by the Secretary of State, and in case of an election for any district, by a majority of votes returned from such district, the Governor shall forthwith transmit to the person or persons so chosen a certificate of such choice, signed by the Governor and countersigned by the Secretary.

Secretary of State shall lay the returns before the Gov. and Council. Gov. shall transmit certificate of the election to the persons chosen.

SECT. 4. *Be it further enacted,* That in case there shall be no choice of the Representative or Representatives to which any district may be entitled, by a majority of the votes returned therefrom, the Governor shall cause precepts to issue to the Selectmen of the several towns and Assessors of the several plantations, and the municipal authorities of any city within such district, directing and requiring them to cause the inhabitants of such towns, plantations or city, qualified as aforesaid, to assemble as aforesaid, on a day in such precept to be appointed, to give in their votes for a Representative or Rep-

In case there be no choice—what proceedings shall be had.

representatives in Congress for said district, as aforesaid; which precept shall be accompanied with a list of persons voted for in said district, shewing the number of votes for each person, according to the first return. And the same proceedings shall be had thereon, in all respects, as before directed in this Act. And the returns of the votes given on said second trial shall be returned into the Secretary's office within the time limited in said precept. And the Secretary shall lay the lists so returned to his office before the Governor and Council; and the Governor shall cause the person or persons, who may be chosen as aforesaid, to be notified thereof. And like proceedings shall be again had, in case any district shall fail, on said second trial, to elect the Representative or Representatives, to which said district shall be entitled. And the like proceedings shall be had as often as occasion may require.

SECT. 5. *Be it further enacted*, That, whenever any vacancies shall happen in the representation of the State in Congress, the Governor shall cause precepts to issue as aforesaid for assembling in town, plantation or city meetings the qualified voters aforesaid, in the district in which the vacancy may happen, to give in their votes for a Representative to supply such vacancy; and like proceedings shall, from time to time, be had, in all respects as in this Act provided.

SECT. 6. *Be it further enacted*, That the Sheriffs of the several counties, on receiving copies of this Act or any precept from the Governor, for the aforesaid purposes, shall transmit the same seasonably to the Selectmen of the towns, Assessors of the plantations or Aldermen of the city of Portland, to whom the same may be directed, and shall be entitled to receive therefor, out of the Treasury of the State, fifty cents for each of the copies and of the precepts, so by them distributed. *Provided*, That no Sheriff, who shall neglect seasonably to

In case of a vacancy, what proceeding shall be had.

Duty of Sheriff in the distribution of this Act, &c.

Their compensation.

Proviso.

transmit all and every of the precepts and copies aforesaid, shall be entitled to compensation for distributing any part thereof.

SECT. 7. *Be it further enacted,* That any Sheriff, who shall neglect to perform the duties which by this Act he is directed to perform, shall, for each neglect, forfeit a sum not exceeding Two Thousand Dollars, nor less than Two Hundred Dollars. And if the Selectmen of any town, Assessors of any plantation or Aldermen of any city shall neglect to perform any of the duties, required of them by this Act, each Selectman, Assessor or Alderman, so neglecting, shall forfeit a sum not exceeding Two Hundred Dollars, nor less than Thirty Dollars, for any such neglect. And any of said forfeitures may be recovered by indictment before the Supreme Judicial Court or Court of Common Pleas, to the use of the State.

Forfeiture by Sheriff for non-performance of duty.

Forfeiture by Selectmen, &c.

SECT. 8. *Be it further enacted,* That the election for Representatives to the Congress of the United States shall take place and be on the second Monday of September one thousand eight hundred and thirty-three, and on the second Monday of September one thousand eight hundred and thirty-four, and then biennially, so often as the State shall be entitled to elect said Representatives. *Provided,* however, That the Governor by and with the advice of Council, may issue his proclamation and order the first election to take place at any time after the first Monday in April, and previous to the second Monday of September next.

When Elections of member to Congress shall take place.

Proviso.

SECT. 9. *Be it further enacted,* That this Act shall be construed to extend to those plantations only, which shall choose Assessors to assess the public taxes which shall be set to such plantation in the Tax Act, next preceding the several elections.

How far this Act shall be construed to extend.

SECT. 10. *Be it further enacted,* That this Act shall continue and be in force until a new apportionment of Representatives, among the several

This Act shall continue in force until a new apportionment.

States, shall be made, and for the purpose of supplying any vacancy or vacancies which may happen in the Representatives of this State in the Congress of the United States, which shall make such apportionment.

[Approved by the Governor, February 28, 1833.]

Chapter 69.

AN ACT in addition to an Act for organizing and governing the Militia.

Be it enacted by the Senate and House of Representatives, in Legislature assembled, That the ninth section of an Act, entitled "an additional act for organizing and governing the Militia," passed the ninth day of March one thousand eight hundred and thirty two, be and the same hereby is repealed. And all the proceedings, which the Selectmen of any towns or Assessors of any plantations may have had, by virtue of said section, in defining the limits of any company of infantry, are hereby declared void and of no effect, so far as any alteration or change has been made in the limits of any such company of infantry, which were in existence, at the time of the passage of the act aforesaid, to which this is additional.

[Approved by the Governor, February 28, 1833.]

Chapter 70.

AN ADDITIONAL ACT respecting Public Shows and Exhibitions.

SECT. 1. *Be it enacted by the Senate and House of Representatives, in Legislature assembled,* That if any person or persons shall, for money or any other valuable article, in any city, town or plantation in this State, exhibit any living animal or collection of animals, or exhibit any feats of

9th Section of
Act of 1832
repealed.

Fine for exhibiting animals, &c., without obtaining license.