

MAINE STATE LEGISLATURE

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RESOLVES

OF THE

SIXTEENTH LEGISLATURE

OF THE

STATE OF MAINE,

PASSED AT THE SESSION

Which commenced on the sixth day of January, and ended on the fifth day of April,
one thousand eight hundred and thirty-six.

PUBLISHED AGREEABLY TO THE RESOLVE OF JUNE 28, 1820.

AUGUSTA:

SMITH & ROBINSON,.....PRINTERS TO THE STATE.

1836.

Chapter 7.

Resolve in favor of Proprietors of Township Number Six in the third Range west from the east line of the State.

Approved February 8, 1836.

RESOLVED, That, the Land Agent be, and he is, hereby authorized, to make and execute a deed of Township number six in the Third Range, West from the East line of the State to Ivory Jefferds, and others, Proprietors of said Township, upon their giving a good and satisfactory bond to the State, in the penal sum of Twenty thousand dollars, conditioned, that they do and perform, all that was required by the original Resolves, granting said Township to Nehemiah Leavitt and his assigns—*Provided*, That all conditions, on which said Land was originally granted, have been observed and performed up to this time.

Chapter 8.

Resolve authorizing the constructing of a stone flagging on the State Lot North of the State House.

Approved February 8, 1836.

RESOLVED, That a stone flagging be laid under the direction and superintendence of the Treasurer of State, commencing at the South East corner of James Hall's land and terminating at or near the Gate in front of the State House—*Provided* the expense thereof shall not exceed the sum of Two hundred and fifty dollars.

RESOLVED, That the Treasurer be required to cause an additional Window to be made and placed [in] in the north west corner of the Senate Chamber against the Assistant Secretary's Desk, the expense thereof to be paid out of any monies in the Treasury not otherwise appropriated.

STATE OF MAINE.

IN SENATE, January 21st, 1836.

The Joint Select Committee to whom was referred so much of the Governor's Message as relates to the appointment of Electors of President and Vice President of the United States, by an order of the fourteenth inst. have had the same under consideration, and ask leave to Report,

That as all the States in the Union, with the exception of Maryland and South Carolina, the former of which choose their Electors by Districts, and the latter by the Legislature, have adopted the general ticket system, and, as it was adopted by the Legislature of eighteen hundred and thirty two, your Committee do not hesitate to recommend its continuance. In coming to this conclusion, your Committee disclaim all party considerations. To have been thus influenced in recommending a system which has been practised upon by nearly every State in the Union, and by both political parties, and which is designed to continue through a long series of years to come, and to have an important bearing on the public interest, would have been unworthy of the high character which as men and legislators, your Committee felt bound to sustain. The Constitution of the United States provides that in case no choice of President shall be effected by the people, the House of Representatives shall choose, by ballot, the President; but the votes shall be taken by States, the representation from each State having one vote. This provision was based upon the principles of the Federal Union, by which the sovereignty of the States was recognized in the election of President by the popular branch of the National Legislature. The general ticket system preserves an undivided vote of each State adopting it, in this important selection, either on the one side or the other. It is virtually voting by States, each State, however, preserving and exercising its numerical strength. And when all adopt it, it operates equally, while it reminds us of an important principle incorporated into the Union of the States, and contributes very essentially to its perpetuity. It is important also in another point of view, for should we adopt the District System, the other States would give an undivided support to the candidate of their choice, while we should, probably, be divided, and should to that extent defeat the wishes of the People of Maine, and deprive them of an important right. With these views, your Committee ask leave to Report a Resolve, which is herewith submitted.

T. PURRINGTON, Chairman.

Chapter 9.

Resolve providing for the choice of Electors of President and Vice President of the United States.

Approved February 10, 1836.

RESOLVED, That on the first Monday of November next there shall be chosen, at large, out of the whole State, ten Electors of President and Vice President of the United States, one of which shall be chosen from each County. And it shall be the duty of the Aldermen of the several

Cities, the Selectmen of the several Towns, and the Assessors of the several Plantations in this State, in the manner prescribed by law for calling City Town and Plantation meetings to cause the inhabitants of their respective Cities Towns and Plantations, duly qualified to vote for Representatives to the Legislature of this State, to assemble on Monday, the seventh day of November next, to give in their ballots to the Wardens, Selectmen and Assessors, whose duty it shall be to preside in said meetings, for ten Electors as aforesaid, not being Senators or Representatives in Congress, or persons holding any office of trust or profit under the United States. And said Wardens, Selectmen or Assessors, or the major part of them, shall, in open Ward, Town or Plantation meeting, receive, sort and count the votes, and form a list of the persons voted for, with the number of votes for each person against his name, and shall make a public declaration thereof in said meeting, and shall, in presence of the inhabitants, seal up copies of said list, and transmit the same to the office of the Secretary of State of this State, on or before the twentieth day of November next, at which time it shall be the duty of the Governor and Council to be in session, and to examine said returns and determine and declare who are elected by a majority of all the votes; and in case the requisite number of persons shall not have received a majority of all the votes, it shall be the duty of the Governor and Council to ascertain from said returns the person or persons, as the case may be, who have the highest number of votes, and to declare the said person or persons, having such plurality of votes to be duly elected.

RESOLVED, That the Secretary of State is hereby directed forthwith, to transmit to each person so chosen an Elector a certificate of his election; and that the said Electors be, and hereby are directed to meet on the first Wednesday in December next, at the Senate Chamber in Augusta; and in case of the death or absence of any of the Electors, or in case the number of Electors to which the State is entitled shall, from any cause, be deficient, the deficiencies shall immediately be supplied from the People by a majority of the votes of the Electors present. And said Electors shall vote by ballot on the said first Wednesday of December next, for one person for President and one person for Vice President of the United States, and shall make and sign three certificates of all the votes by them given, each of which certificates shall contain two distinct lists, one of the votes given for Pres-

ident, and the other of the votes given for Vice President, and shall seal up the same, certifying on each, that a list of the votes of such State for President and Vice President, is contained therein; and shall, by writing, under their hands, or under the hands of a majority of them, appoint a person to take charge of, and deliver to the President of the Senate of the United States, at the seat of Government, before the first Wednesday in January next, one of the said certificates; and the said Electors shall forthwith forward, by the Post Office, to the President of the United States, at the seat of Government, one other of the said certificates; and shall forthwith cause the other of the said certificates to be delivered to the Judge of that district in which such Electors shall assemble. And the said Electors for their travel and attendance shall be paid from the Treasury of the State, the same compensation allowed to members of the Legislature.

RESOLVED, That if the Aldermen of any City the Selectmen of any Town or the Assessors of any Plantation shall neglect to transmit the list of votes of said City, Town or Plantation by the time above appointed for that purpose, or refuse or neglect to do any of the duties required by this Resolve, each of said Aldermen Selectmen and Assessors so refusing or neglecting shall forfeit and pay to the use of the State a sum not exceeding two hundred, or less than fifty Dollars.

RESOLVED, That the return of votes for Electors, given as before prescribed, shall be in substance in the following form, viz:

At a legal meeting of the inhabitants of the — of — in the County of — qualified by the constitution to vote for Senators and Representatives in the Legislature of the State, holden on the seventh day of November in the year of our Lord, one thousand eight hundred and thirty-six, the said inhabitants gave in their votes for Electors of President and Vice President, for this State, and the same were received, sorted, counted and declared in open City, Town (or Plantation) meeting by the Aldermen, Selectmen (or Assessors) who presided, and in the presence of the Clerk who formed a list of the persons voted for, and made a record thereof as follows, viz:

For	— —	} Aldermen } Selectmen (or Assessors)
	— —	
	— —	

Attest, — — City, Town (or Plantation) Clerk.

RESOLVED, That it shall be the duty of the Secretary of State to procure and seasonably to furnish blank returns in the form aforesaid to the several Cities, Towns and Plantations in the State.