

MAINE STATE LEGISLATURE

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THE
REVISED STATUTES

OF THE
STATE OF MAINE,

PASSED APRIL 17, 1857;

TO WHICH ARE PREFIXED
THE CONSTITUTIONS

OF THE
UNITED STATES AND OF THE STATE OF MAINE:

WITH AN
APPENDIX.

PUBLISHED BY AUTHORITY OF THE LEGISLATURE.

BANGOR:
WHEELER & LYNDEN.

1857.

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assessors, if assessors fail to make and return valuation, and such valuation shall be the basis for taxation.

Sections not to apply to islands on the coast; nor to Madawaska and Van Buren until 1860.

ation required, within the time fixed by said commissioners, and it shall be the basis of the assessment of county taxes on such plantation, which shall be collected as if the valuation had been made by the assessors of the plantation.

SEC. 39. The preceding six sections shall not apply to any islands lying on the sea coast of the state; and the plantations of Madawaska and Van Buren in the county of Aroostook are exempt therefrom for three years from the fifteenth day of April eighteen hundred and fifty-seven, but afterwards the county commissioners shall organize them as hereinbefore provided.

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LISTS OF VOTERS.

Assessors to prepare lists of voters and deliver to the selectmen.

SEC. 1. In every town, where the selectmen are not the assessors, the assessors on or before the first day of August in each year, shall prepare a list of the persons they judge to be constitutionally qualified to vote therein in the election of governor, senators, and representatives, and deliver it to the selectmen for their information.

Selectmen to prepare a corrected list.

SEC. 2. The selectmen of every town, on or before the eleventh day of August in each year, shall prepare a corrected list of persons qualified as aforesaid.

Meetings of selectmen to correct lists, notice of such meetings.
R. S., c. 6, § 3.

SEC. 3. In every town, having by the census of the United States, then last taken, more than three thousand inhabitants, the selectmen shall be in open session to receive evidence of the qualifications of persons claiming the right to vote in any such election, and for correcting said list, for a reasonable time, on not exceeding two days, between the eleventh and eighteenth days of August in each year, giving previous notice of the time and place of each session, as their town meetings are notified.

Lists to be deposited with clerk and posted.
R. S., c. 6, § 4.

SEC. 4. On or before the twentieth day of August annually, the selectmen shall deposit in the office of the town clerk, an alphabetical list of voters thus prepared and revised, and post up a similar list in one or more public places in the town.

Names not to be added or stricken out, except as provided.

SEC. 5. After such lists are thus prepared, deposited with the clerk, and posted up, the selectmen shall not add thereto, nor strike therefrom, the name of any person, except in open session

on one of the days prescribed by law for receiving evidence of the qualifications of voters; nor shall they strike from said list the name of any person residing in the town, without notice first given to him that his right to vote is questioned, and an opportunity for a hearing on one of such days. But at any regular session for receiving such evidence, the selectmen shall place on the list of voters, the name of every person known by, or proved to them to be so qualified, whether he applies therefor or not.

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R. S., c. 6, § 6.

Names may be added at regular session on evidence.

SEC. 6. When a person of foreign birth exhibits papers of naturalization, issued to him in due form by a court having jurisdiction, to the selectmen of his town, if satisfied of their genuineness, and that such person is entitled to vote, they shall approve such papers by a written indorsement thereon, with the date thereof, signed by one of them; register in a book kept for that purpose the name of the person, the date of the papers, the date of approval, and the name of the court by which they were issued; cause the name of such person to be entered on the list of voters; and continue his name on the successive lists so long as he continues to reside there and is in other respects qualified to vote. If they are of opinion, that such papers are not genuine, or were not issued to the person presenting them, or that he is not for other cause a legal voter, they shall not approve them or perform the other acts required; but he shall not, by their refusal to approve his papers, or to enter his name, be deprived of his right to vote, upon satisfactory proof of it.

Selectmen, duties respecting papers of naturalization.

1856, c. 277, § 1, 2.

SEC. 7. In every town containing more than one thousand voters, the selectmen shall be in open session for a reasonable time on each of two or more secular days next preceding any election of governor, representatives to congress, or electors of president and vice president, to hear and decide on the application of persons claiming the right to vote at such election.

Selectmen to be in session to decide on right of persons to vote.
R. S., c. 6, § 8.

SEC. 8. In every town containing more than five hundred voters, the selectmen shall be in open session on one or more secular days next preceding any such election, for the purpose aforesaid.

Same subject.

SEC. 9. In every town, the selectmen shall be in session on the day of any such election, to receive and decide on such applications, at some convenient place, for so long a time immediately preceding the opening of the polls, as they think necessary, and shall hear and determine any such application at any time before the polls are closed; but when the town contains five thousand inhabitants or more, no such application shall be received after three o'clock in the afternoon of said day.

Same subject.
R. S., c. 6, § 9.

SEC. 10. The selectmen shall order notice of the time and place of all their sessions, required or authorized in the three preceding sections, to be given in the warrant for calling the town meetings.

Notice of such meetings.
R. S., c. 6, § 10.
3 Greenl. 305.

SEC. 11. The selectmen shall make out a correct and alphabetical list of the inhabitants in their towns qualified to vote in the choice of town officers, and deposit it in the office of the

Lists of electors of town officers.
R. S., c. 6, § 11.
3 Greenl. 290.

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town clerk, and post up a copy thereof in one or more public places in such town, on or before the twentieth day of February annually.

Meetings to
correct lists.
R. S., c. 6, § 12.
1853, c. 42, § 1.

SEC. 12. They shall be in session at some convenient time and place, by them notified in the warrant for calling the meeting in such town, on the secular day next preceding the day of annual election of town officers in the month of March, or on the morning of the day of election, and for so long a time as they judge necessary, to receive evidence of the qualifications of persons claiming to have their names entered on said list.

These provis-
ions applica-
ble to cities.

R. S., c. 6, § 13.

SEC. 13. The aldermen and assessors of the cities shall prepare lists of the qualified voters in the several wards thereof for elections of governor, representatives to congress, and electors of president and vice president, and for the annual city elections, in the same manner as selectmen and assessors are required to prepare them for towns, the aldermen performing the duties of selectmen; and the wardens shall be governed by said lists.

NOTIFYING MEETINGS, PROCEEDINGS AT ELECTIONS, AND RETURNS.

Call of meet-
ings for elec-
tion of state
officers.

R. S., c. 6, § 14.

SEC. 14. The selectmen of every town, by their warrant, shall cause the inhabitants thereof, qualified according to the constitution, to be notified and warned seven days at least before the second Monday of September annually, to meet at some suitable place designated in said warrant to give in their votes for governor, senators, and representatives, as the constitution requires; and such meeting shall be warned in the manner legally established for warning other town meetings therein.

Meetings,
when opened.

R. S., c. 6, § 15.

SEC. 15. No such meeting shall be opened before ten o'clock in the forenoon on the day of the election, unless the number of voters in such town exceeds five hundred; if it does, an earlier and suitable time in the day may be appointed by the selectmen.

Officers presid-
ing have pow-
ers of modera-
tors.

R. S., c. 6, § 16.

SEC. 16. The selectmen or other officers, authorized and required by the constitution and laws to preside at any such meeting, shall have all the powers of moderators of town meetings, as provided in chapter three; and they shall refuse the vote of any person not qualified to vote.

Selectmen ab-
sent, others
may be chosen.

R. S., c. 6, § 17.

SEC. 17. If a majority of the selectmen is absent from any such meeting duly warned, or being present, neglect or refuse to act as such and to do all the duties required of them, the voters at such meeting may choose so many selectmen pro tempore, as are necessary to constitute or to complete the number competent to do the duties.

Who shall pre-
side.

R. S., c. 6, § 18.

SEC. 18. During the choice of such selectmen pro tempore any selectman present may act as moderator; if no selectmen are present, or if those present neglect or refuse to act as such, the town clerk shall preside; and the person so acting or presiding shall have all the powers and discharge the duties of moderator.

Duties and
powers of

SEC. 19. The selectmen pro tempore accepting the trust,

shall be sworn faithfully to discharge the duties of the said office, so far as relates to such meeting and election; and in making a record and return of the votes, as the constitution or laws require, and in all matters incidental to the trust shall have the powers of permanent selectmen, and be subject to the same duties and liabilities.

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selectmen, pro tempore.

R. S., c. 6, § 19.

SEC. 20. At every meeting for the choice of governor, senators, representatives, and other public officers requiring the like qualifications in the electors, the selectmen or other officer presiding shall require the electors to give in their votes for the officer or officers to be chosen on one list or ballot, or so many of such officers, as the voter determines to vote for; designating the intended office of each person voted for; if the meeting so decides, they may vote for representative to the state legislature on a separate ballot.

What votes shall be on one list.

R. S., c. 6, § 20.

SEC. 21. The selectmen or other officers presiding at any election shall keep and use the check list herein required at the polls during the election of any such officers; and have and use suitable ballot boxes to be furnished at the expense of the town; and no vote shall be received, unless delivered by the voter in person, nor until the presiding officer or officers have had opportunity to be satisfied of his identity, and shall find his name on the list, and mark it, and ascertain that his vote is single.

Check lists and ballot boxes to be used.

R. S., c. 6, § 21.

SEC. 22. No ballot shall be received at any election of state or town officers, unless in writing or printing upon clean white paper without any distinguishing mark or figures thereon, besides the name of the person voted for, and the offices to be filled, but no vote shall be rejected on this account, after it is received into the ballot box.

Votes to be on white paper without marks.

R. S., c. 6, § 22.

SEC. 23. When at a town meeting held for the election of representatives to the state legislature, by reason of two or more persons having an equal number of votes, a choice is not effected of any or all the representatives to which the town is entitled, the meeting shall be adjourned to the same day of the week following, and to the same hour and place at which the first meeting was called; and at such adjourned meeting, the voters shall give in their votes for so many representatives as are necessary to make up the number to which said town is entitled; and like adjournments shall be had until the full number is elected.

When no choice of representative is effected, meeting shall be adjourned one week, and from week to week.

R. S., c. 6, § 23.

R. S., c. 6, § 24.

R. S., c. 6, § 25.

SEC. 24. All town meetings, required to be held for the election of county treasurer, of register of deeds, or of representatives to congress, or of electors of president and vice president of the United States, or for the determination of questions expressly submitted to the people by the legislature, as to calling, notifying and conducting it, [them,] shall be subject to the regulations made in this chapter for the election of governor, senators, and representatives, unless otherwise provided by law.

Meetings for choice of certain officers and for determining questions.

R. S., c. 6, § 26.

SEC. 25. In order to determine the result of any election by ballot, the number of persons who voted at such election, shall first be ascertained by counting the whole number of separate ballots given in, which shall be distinctly stated, recorded, and

Result of balloting, how ascertained.

CHAP. 4.

R. S., c. 6, § 27.
1847, c. 23, § 1,
2. 1848, c. 68.

returned. Blank pieces of paper and votes for persons not eligible to the office shall not be counted as votes, but the number of such blanks and the number and names on ballots for persons not eligible shall be recorded and return made thereof. In case of representatives to congress, and to the state legislature, registers of deeds, county and state officers, except where a different rule is prescribed in the constitution, the person or persons, not exceeding the number to be voted for at any one time for any such office, having the highest number of votes given at such election shall be declared to be elected. If by reason of two or more of the persons having the highest number of votes, receiving an equal number, the election of the requisite number of officers cannot be declared, without declaring more than the requisite number elected, no one of those having an equal number of votes shall be declared to be elected. In all other cases no person shall be deemed or declared to be elected, who has not received a majority of the whole number of votes counted as aforesaid; and if a number greater than is required to be chosen receive a majority of the whole number of votes so given, the number so required, of those who have the greatest excess in votes over such majority, shall be declared to be elected. If the number to be elected cannot be so completed by reason of any two or more of such persons having received an equal number of votes, the persons having such equal numbers shall be declared not elected.

Clerk to transmit returns of votes to secretary of state.
R. S., c. 6, § 28.
1848, c. 50.

SEC. 26. The clerk of each town shall deliver or cause to be delivered at the office of the secretary of state, the returns of votes given in his town, for governor, senators, representatives to the legislature, representatives to congress, electors of president and vice president of the United States, and for county officers, within thirty days next succeeding any meeting for their election, or shall deposit them, post paid, in some post office, directed to the secretary of state, within fourteen days after such meeting, to be transmitted by mail; and shall also forward, as soon as practicable, to such office a statement attested by him of the number of votes for said several officers, given at such election in his town, which shall be opened and filed by the secretary, and kept for the examination of the public.

County attorney to be notified if return not received.

His duty.

R. S., c. 6, § 29.

SEC. 27. If any such return is not received by the secretary of state within thirty days next after such meeting, he shall forthwith notify the county attorney of the county in which such town is situated, who shall give immediate notice thereof to the clerk of such town; and unless he receives satisfactory evidence, that said clerk has complied with the requirements of the preceding section, he shall prosecute for the penalty hereinafter provided.

Loss of returns, how supplied.

R. S., c. 6, § 30.

SEC. 28. When any such original return is in any way lost or destroyed, the selectmen and clerk of such town, on receiving information of such loss or destruction, shall forthwith cause a copy of the record of the meeting, at which such vote was given, to be made with their certificate upon the same sheet, that it is a true copy of the record, that it truly exhibits the names of all

persons voted for for the offices designated, and the number of votes given for each at such meeting, and that said copy contains all the facts stated in the original return. CHAP. 4.

SEC. 29. The selectmen and town clerk, who were present at the meeting and signed the original return, shall sign the certificate mentioned in the preceding section, designating their office against their names as in the original return, and make oath that said copy and certificate are true, before some justice of the peace of the county, who shall make certificate of such oath on the same paper. Oath to be made to copy of record.
R. S., c. 6, § 31.

SEC. 30. Such copy and certificates shall then be sealed up, and directed to the secretary of state, with the nature of the contents written on the outside; and the clerk of such town shall cause the same to be delivered into the office of the secretary of state, as soon as may be. Certificate, how sealed and returned.
R. S., c. 6, § 32.

SEC. 31. When the selectmen of any town, not classed with others as a representative district, by any means have knowledge that the seat of a representative thereof has been vacated by death, resignation, or otherwise, they shall forthwith issue their warrant, giving at least seven days notice, for a meeting of the electors of said town to fill such vacancy; and at such meeting the like proceedings shall be had, as at any meeting held on the second Monday in September for the like purpose. Vacancies how filled in towns not classed for representatives.
R. S., c. 6, § 33.

ORGANIZED PLANTATIONS.

SEC. 32. Except when otherwise specially provided, the regulations made in this chapter in reference to towns and town officers shall be applicable to organized plantations and their officers; and the assessors thereof shall be considered selectmen for all the purposes of this chapter, and perform their duties under the like penalties. These provisions applicable to organized plantations.
R. S., c. 6, § 34.

ELECTIONS IN CITIES.

SEC. 33. For all the purposes mentioned in sections fourteen and *twenty-six*, [twenty-four,] the inhabitants of cities shall meet as the constitution requires, in ward meetings, to be notified and warned, as town meetings for similar purposes are. The warden shall preside; the clerk shall make such record as the constitution requires; and the city constables shall preserve order. Electors in cities to meet in wards.
R. S., c. 6, § 38.
Warden to preside.

SEC. 34. If the warden is absent from any such meeting, or refuses or neglects to preside, a warden pro tempore shall be chosen, and during such choice the ward clerk shall preside; and the warden pro tempore accepting the trust, shall be duly sworn, and have the power and perform the duties of warden of such meeting, and be liable to like penalties. Warden pro tempore may be chosen.
R. S., c. 6, § 39.

SEC. 35. The qualified electors of the ward composed of the islands within the city of Portland, may meet as provided in the forty-third section, and also for the choice of city officers, on either of said islands, which a majority of such electors designate at any meeting legally held for the purpose. Regulations for voters on islands in Portland.
R. S., c. 6, § 40.
1845, c. 266, § 1.

SEC. 36. The warden thereof shall preside impartially at Proceedings in their meetings.

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How the votes shall be returned.

R. S., c. 6, § 41.
1845, c. 266, § 1.

In cities, names of representatives on same lists as other officers.

R. S., c. 6, § 42.

If no choice, further meetings.

R. S., c. 6, § 43.

Aldermen of cities, when to be in session to correct lists of voters.

1856, c. 219, § 1.

Aldermen, when to be in session to receive application of persons claiming right to vote.

Three to be a quorum.

Notice of sessions to be given in warrant.

Polls to be closed at four o'clock.

R. S., c. 6, § 45.

such meetings, receive the votes of all the qualified electors present, sort, count, and declare them in open meeting and in the presence of the clerk, who shall make a list of the persons voted for with the number of votes for each person against his name, and the offices respectively, and in open ward meeting and in the presence of the warden, shall make a fair record thereof; a fair copy of this list shall be attested by the warden and clerk, sealed up in open meeting, and delivered to the clerk of ward number one in said Portland within eighteen hours after closing the polls, and the votes thus thrown shall be deemed as thrown in and belonging to the last mentioned ward.

SEC. 37. In voting for representatives to the state legislature in the wards of a city, the names shall be on the same ballot with the other officers to be chosen at the meeting by voters of like qualifications, unless the board of aldermen in their warrant notifying the meeting require a separate ballot or ballots, which they may do.

SEC. 38. When a choice of any such representative is not effected, the aldermen shall call new meetings of the wards for the purpose, to be held at the same time, within two weeks after any former meeting; and the like proceedings shall be had at such meetings, as at the first, until a choice is effected.

SEC. 39. In cities containing more than two thousand qualified voters, the aldermen shall be in session from nine o'clock forenoon to one o'clock afternoon, on each of not less than three secular days next preceding any day of election when a list of voters is required, at some central and convenient place, to receive evidence of the qualifications of voters whose names are not on the lists; and on satisfactory evidence produced at any such session, they shall enter the name of the person found qualified on the list for the proper ward. In cities containing a less number of voters, the aldermen shall hold, prior to the day of election, the same number of sessions for receiving such evidence, as selectmen of towns having a similar number of inhabitants are required to hold.

SEC. 40. In every city, the aldermen shall be in session on each day of election when a list of voters is required, from nine o'clock forenoon to one o'clock afternoon, to hear and decide on the applications of persons claiming the right to vote; and on satisfactory evidence produced, they shall deliver to each such person a written paper by them signed, directed to the proper warden, requiring him to enter the name of such person on his list; and it shall be entered, and his vote received. For the purposes of this and the preceding section, three aldermen shall be a quorum. Notice of the times and places of all sessions, required by this and the preceding section, shall be given in the warrant for calling the ward meetings. In all elections in cities, the polls shall be open until four o'clock afternoon, and then be closed.

REPRESENTATION DISTRICTS.

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SEC. 41. When two or more towns or plantations are classed for the purpose of choosing a representative to the legislature, the selectmen of the oldest town in such district shall appoint a time and place for the meeting of the selectmen of the several towns therein, and give reasonable notice thereof to the other selectmen, for the purpose of examining copies of the lists of votes for representatives as prescribed by the constitution, where no time or place of meeting has been otherwise established. When thus assembled, the selectmen of all the towns, by a majority of votes reckoned by towns, shall determine the time and place for their future meetings in said district for the purpose aforesaid, and such time and place shall continue fixed, until altered by a like vote.

Meetings of selectmen of classed towns to examine votes for representative.
R. S., c. 6, § 46.

SEC. 42. When, at any such meeting of selectmen, on comparing the lists of votes, it appears that no person is elected, they shall issue their warrant in legal form for another meeting, to be held three weeks after such first meeting in their respective towns, at the same hour and place as the former; and said selectmen shall again meet, within four days after such second trial, as provided in the constitution. If it still appears that no choice is made, the same proceedings shall be repeated every three weeks, until a choice is made.

When no choice, new meetings to be held three weeks after first meeting.
R. S., c. 6, § 47.

SEC. 43. When it appears to the selectmen so assembled that an election of a representative is made, they shall deliver to him certified copies of the lists of votes within ten days after election, or sooner, if required by him.

Copies of lists of votes to be delivered to person elected.
R. S., c. 6, § 48.

SEC. 44. When the selectmen of the oldest town in a district are duly notified, or otherwise satisfied, that the seat of their representative has been vacated, they shall, as soon as may be, leaving a convenient time for calling meetings in the several towns, appoint a day of election to fill such vacancy, and notify the selectmen of the other towns accordingly.

Vacancies, how filled.
R. S., c. 6, § 49.

SEC. 45. The selectmen of the several towns shall call meetings upon the day appointed, and proceedings shall then be had, as required by the constitution and laws for the election of representatives on the second Monday of September, and said selectmen shall meet within four days thereafter to examine the lists of votes, and if a choice has been made, shall deliver copies of the lists to the persons elected, as provided in section forty-three, otherwise such proceedings shall be had as are provided in section forty-two. The provisions of section forty-one, forty-two, forty-three, forty-four and forty-five, shall apply to and be observed by the assessors of plantations, as well as selectmen of towns.

Same subject.
R. S., c. 6, § 49.
R. S., c. 6, § 50.

CONTESTED ELECTIONS.

SEC. 46. When any person intends to contest, before the house of representatives of this state, the right of any person to his seat therein, who has been duly returned as a member thereof, he shall notify the person so returned of such intention,

Contested elections, notice of to be given, objections to be specified.

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R. S., c. 6, § 51.

at least twenty days before the first Wednesday of January, by delivering to him in hand, or leaving at his last and usual place of abode, a written specification of his objections to the validity of such return; if the meeting, at which the person returned claims to have been elected, was held at least thirty days before the first Wednesday of January; and depositions may be then taken as in actions pending.

VOTERS IN UNINCORPORATED PLACES.

Voters residing in places not incorporated, may vote in adjacent towns.
R. S., c. 6, § 52.

SEC. 47. When a person, resident in any unincorporated place adjacent to a town or organized plantation in a representative district, gives or sends in his name to the selectmen of such town, or assessors of such plantation, on or before the first day of June, he shall be entitled to vote in all elections of state or county officers, members of congress, electors of president and vice president, if in other respects he is a qualified elector and continues his residence as aforesaid, or removes to said town; and the selectmen or assessors shall place his name on the list of voters, and receive his vote accordingly.

PENAL PROVISIONS AND REGULATIONS AFFECTING PURITY OF ELECTIONS.

Penalty for neglect to perform duties required of selectmen.
R. S., c. 6, § 53.
10 Maine, 109.

SEC. 48. If any selectman, or other town, city, or plantation officer, or any such officer chosen pro tempore, willfully neglects or refuses to perform any of the duties required of him, or willfully does, authorizes, or permits to be done, any thing prohibited by the constitution or by the provisions of this chapter, he shall for each offence, forfeit not less than fifty, nor more than five hundred dollars, and be imprisoned in jail not more than nine, nor less than three months, except where otherwise expressly provided in this chapter.

Penalty for neglect of municipal officers to issue warrants for meetings for choice of officers.

SEC. 49. If the aldermen of cities, selectmen of towns, or assessors of plantations neglect to issue their warrant as required by law for a meeting for the choice of state or county officers, representatives to the legislature, or to congress, or of electors of president and vice president of the United States, they shall each forfeit fifty dollars to their city, town, or plantation, to be recovered in an action of debt by the treasurer thereof, or by any citizen thereof when said treasurer is a member of the delinquent board.

Penalty how recovered, and by whom.

Penalty for neglect of constable to summons voters.

SEC. 50. If any constable or other person legally required to summon the voters of a city, town, or plantation to assemble at any meeting for the choice of any officers mentioned in the preceding section, neglect to do so, or to make due return of the warrant therefor, he shall forfeit twenty-five dollars to his city, town, or plantation for each offence, to be recovered as provided in the preceding section; but if he willfully neglects or refuses to do so, he shall forfeit not less than fifty, nor more than two hundred dollars, half to the state and half to the prosecutor, to be recovered by indictment.

Penalty for willful neglect to be recovered by indictment.

SEC. 51. If the selectmen of a town or assessors of a plan-

tation willfully neglect to deposit a list of the voters with the town or plantation clerk, and to post up such lists, as are herein before required, they shall each forfeit not less than fifty, nor more than one hundred dollars; and for each day's neglect after the twentieth day of August, and until the election then next ensuing, they shall each forfeit thirty dollars.

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Penalty for neglect to deposit and post lists.
R. S., c. 6, § 55.

SEC. 52. If such selectmen or assessors willfully neglect or refuse to keep and use a check list, as provided in section twenty-one, or willfully receive any vote prohibited by section twenty-two, they shall each forfeit not less than fifty, nor more than one hundred dollars.

Penalty for neglect to keep check lists, or to reject illegal votes.
R. S., c. 6, § 56.

SEC. 53. The penalties in the two preceding sections may be recovered in an action of debt, in the name and to the use of the town or plantation, where the offence is committed, to be commenced and prosecuted to final judgment at the request of any voter therein, by the treasurer, unless he is one of the delinquent officers, and in that case, by one of the constables.

Penalties, how recoverable.
R. S., c. 6, § 57.

SEC. 54. If any municipal officer strikes from the list of voters, after it is prepared and posted, the name of any person residing in the town without the notice and opportunity for hearing provided in section five, he shall forfeit not less than twenty, nor more than one hundred dollars, to be recovered in an action on the case by the person whose name was struck out.

Penalty for municipal officer striking names from list without notice.

SEC. 55. If any person wrongfully alters, erases, or mutilates any name on a list of voters, or fraudulently votes in the name of another, or under an assumed name, he shall forfeit the sum named in the preceding section, half to the use of the prosecutor, and half to the state, and be imprisoned not more than six months in jail.

Penalty for altering, erasing or mutilating names on check list, and for voting in the name of another.

SEC. 56. If any selectman or other officer of a city, town, or plantation, or any such officer chosen pro tempore, willfully neglects or refuses to perform the duties required by sections twenty-eight, twenty-nine, and thirty, on notice of the loss and destruction of any return therein described, he shall forfeit not less than one hundred, nor more than five hundred dollars.

Penalty for neglect to supply lost return.
R. S., c. 6, § 58.

SEC. 57. Any such selectman or other officer, permanent or pro tempore, who in such case makes a false certificate and makes oath to its truth, shall suffer the punishment provided against the crime of perjury, and be disqualified from holding any office under the constitution and laws of this state for ten years.

Penalty for making false certificate.
R. S., c. 6, § 59.

SEC. 58. If a person, to whom the returns of votes of any city, town, or plantation, for governor, senators, or representatives in congress, are entrusted by the clerk thereof to be forwarded to the office of the secretary of state, willfully neglects to use all proper means for their delivery within the time required, he shall forfeit not less than one hundred, nor more than five hundred dollars, or be imprisoned in jail not less than two, nor more than six months.

Penalty for neglect of persons to whom returns are entrusted to deliver them.
R. S., c. 6, § 60.

SEC. 59. Every county attorney, who receives from the secretary of state a certificate that the return of the votes of any town, city, or plantation in his county, for governor, senators, or

County attorneys to prosecute, for willful negligence in

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not delivering
returns.
R. S., c. 6, § 61.

representatives in congress, has not been duly received at the secretary's office, shall immediately ascertain, so far as he can, by the default of what officer or person such neglect happened, and demand of him, if he finds such default willful or caused by culpable negligence, the sum thereby forfeited; and if it is not immediately paid he shall prosecute such delinquent according to law.

Liability of
town officers
limited.

SEC. 60. In no case, except as in sections forty-nine and fifty, shall any officer of a city, town or plantation, incur any punishment or penalty, or be liable in damages by reason of his official acts or neglects, unless they are unreasonable, corrupt, or willfully oppressive; but the neglect to prepare the list of voters; to deposit it in the town clerk's office; to post it up, as required herein; to call town, city, or plantation meetings for elections; to cause returns of votes, or copies thereof to be delivered into the office of the secretary of state, as required by the constitution and laws; or to make the records by law required, shall be deemed willful and unreasonable, unless the contrary is shown.

Neglect, to be
deemed willful
unless con-
trary is shown.
R. S., c. 6, § 62.

Punishment
for misconduct
of electors.
R. S., c. 6, § 63.

SEC. 61. At any meeting for the election of any public officer, where a list of voters is necessary, if any person willfully votes before the presiding officer has had opportunity to find his name on said list, or knowing that it is not on it, or willfully gives any false answer or statement to the selectmen or other officers when previously preparing such list, or presiding at such meeting, in order that his name may be entered on such list or his vote received; or casts more than one vote at one balloting; or is disorderly at such meeting, he shall forfeit, for each offence, not exceeding one hundred, nor less than ten dollars.

Penalty of
militia officers
for military
parades on
days of elec-
tion.
R. S., c. 6, § 64.

SEC. 62. If any officer of the militia parades his men, or exercises any military command on a day of election of a public officer, as described in section sixty-three of chapter ten, and not thereby excepted, or except in time of war or public danger, he shall for each offence forfeit not less than ten, nor more than three hundred dollars.

Penalties in
two preceding
sections, how
recovered.
R. S., c. 6, § 65.
Punishment
for bribery and
corruption at
elections.
R. S., c. 6, § 66.

SEC. 63. The penalties, provided in the two preceding sections, may be recovered by indictment, half to the use of the state, and half to the use of the prosecutor.

SEC. 64. If any person by bribery, menace, willful falsehood, or other corrupt means, directly or indirectly attempts to influence any voter of this state in giving his vote or ballot, or to induce him to withhold it, or disturbs or hinders him in the free exercise of the right of suffrage, at any election held under the provisions of the constitution or of this chapter, he shall be fined not more than five hundred dollars, or imprisoned not less than one year, and be ineligible to any office in this state for ten years.

Punishment
for knowingly
voting where
not entitled.
1842, c. 21.

SEC. 65. If a person, at an election of state and county officers, or of electors of president and vice president, knowingly votes in any city, town, or plantation, where he has no legal right to vote, he shall be punished by imprisonment in the county jail not less than three months, nor more than one year.

SEC. 66. No person shall make any bet or wager upon the result of any election of persons to be voted for in this state for any office or place, in money or in any kind of property, real or personal, under penalty of forfeiting the money or property so bet or wagered, to the city, town or plantation in which he resides, or if he does not reside in this state, then to the city, town or plantation, in which the bet or wager is made, to be recovered in an action on the case.

CHAP. 4.

Betting on elections prohibited and punished. Wager forfeited.

How recovered. 1841, c. 7, § 1, 4.

SEC. 67. The mayor of the city, or the treasurer of the town or plantation entitled to such forfeiture shall forthwith proceed to sue for and recover it, as soon as they have proper evidence of such betting or wagering.

Mayor or treasurer to sue for penalty.

1841, c. 7, § 3.

SEC. 68. Any party to such bet or wager, who has paid over or conveyed to the winning party the money or property so bet or wagered, may recover it, or its value, in an action on the case.

Money paid for bet or wager recoverable back.

1841, c. 7, § 2.

SEC. 69. All conveyances, by deed or otherwise, of any interest in real estate, made by reason of any such bet or wager, are absolutely void; the person making them, shall forfeit the full value of the interest so conveyed, to the city, town or plantation entitled to the forfeiture for such betting or wagering, to be recovered as aforesaid.

Conveyances for such purposes void; value forfeited to the town.

1841, c. 7, § 5.

PLANTATIONS ORGANIZED FOR ELECTION PURPOSES.

SEC. 70. One or more of the county commissioners, on written application to them signed by three or more persons qualified as the constitution requires to be voters, inhabitants of any unincorporated and unorganized place in their county, may issue a warrant to one of them requiring him to warn a meeting of the qualified voters of such place residing within the limits described in the warrant, to be held at some central place therein, and at a time therein specified, by posting up notices of the meeting and of its object in two or more public places within said limits, at least seven days before the day of meeting.

Plantations for purposes of elections, how organized.

Notices of meetings to be posted.

1840, c. 89, § 1.

SEC. 71. At the time and place so appointed, a moderator shall be chosen by ballot, by the voters present to preside at such meeting, and the person to whom the warrant was directed shall preside till he is chosen. A clerk and three assessors shall be chosen by ballot; he sworn by a justice of the peace, or the moderator; and forthwith make a written description of the limits of such plantation, sign it, and transmit it to the secretary of state, to be by him recorded.

Proceedings at their meetings.

1840, c. 89, § 1.

Limits to be described, and sent secretary of state.

1840, c. 89, § 1.

SEC. 72. On like application, and with similar proceedings on a warrant of such county commissioners, such plantation may be divided, and a part annexed to a similar adjoining plantation, or a new plantation be formed; and a like description of the newly formed plantation shall be transmitted by the assessors to the secretary of state.

May be divided, how.

Description of limits to be sent secretary of state.

1842, c. 25.

SEC. 73. The assessors of such plantation shall annually on or before the eleventh day of August, prepare a list of such inhabitants within its limits, as they judge to be constitutionally qualified to vote in the election of governor, senators and representatives to the legislature; deposit it in the office of the

List of voters prepared, posted, and corrected.

1840, c. 89, § 2.

R. S., c. 6, § 34.

CHAP. 4.

State officers, meetings to be called for their choice.

1840, c. 89, § 2.
R. S., c. 6, § 34.

Votes how received.

List of votes and of voters to be returned to secretary of state.

1840, c. 89, § 3.
1855, c. 121.

Votes to be allowed in elections same as in towns.

1840, c. 89, § 3.

Votes to be rejected on failure to comply with legal provisions.

Secretary of state to furnish blanks.

1855, c. 121, § 1, 2.

Annual meetings to be in March.

Constables to give bond.

plantation clerk; and post it up and correct it in the manner required in case of towns.

SEC. 74. They shall call a meeting of such voters, to be held on the second Monday of September annually, at some convenient and central place in the plantation, for the election of governor, senators, and representatives in the state legislature, by a warrant in due form by them signed, in which the time, place, and purposes of the meeting shall be set forth; and notice shall be given by posting up a copy thereof in one or more public places in the plantation at least seven days before the day of meeting. Similar notice shall be given of all meetings for choice of representatives to the legislature, or to congress, of any state and county officers, and of electors of president and vice president.

SEC. 75. Such assessors shall preside impartially at all such meetings, receive the votes of all qualified voters present, sort, count, and declare them in open plantation meeting and in presence of the clerk, who shall form a list of the persons voted for, with the number of votes for each person written out in words against his name, and make a full record thereof in presence of the assessors and in open plantation meeting. The clerk shall make out fair copies of the list of voters so posted up as corrected, and of the names of all voters on said list who were actually present and voted at said election, which shall be attested by the assessors and the clerk in open plantation meeting, and he shall cause the record of said votes to be delivered, within the time required by the constitution and the laws, to the proper person appointed to receive them, and the copy of the list of voters and of the names of the persons actually present, and voting at the election, to be transmitted to the secretary of state with the record of votes aforesaid.

SEC. 76. The votes so thrown shall be received and allowed for electors of president and vice president of the United States, for governor, senators, and representatives to the legislature, and to congress, and for county officers, the same as votes thrown in any town in said county.

SEC. 77. If it does not appear by the return of the list of voters so posted up, and of the names of the voters on said list, who were actually present and voted at such election, and by the other return required to be made by the assessors and clerk, duly made to the persons and within the time they are required to be made, that the provisions of sections seventy, seventy-one, and seventy-five have been complied with, the votes of such plantation shall be rejected, and not counted for any of said officers. The secretary of state shall furnish to the clerks of all such plantations suitable blanks for the returns herein required.

SEC. 78. All plantations organized as aforesaid shall hold their annual meeting in March, and choose three assessors, a clerk, one or more surveyors of lumber, two or more fence viewers, and one or more constables. Such constables shall give like bonds, have like powers and duties, and be subject to like

liabilities as constables of towns. The bond shall be approved by the assessors and deposited with the clerk of the plantation. All officers of such plantations shall be liable to the same penalties for official neglect or misconduct, as such officers of towns are, and voters therein shall be liable to the same penalties for unlawful voting as voters in towns are.

CHAP. 4.

Liability of plantation officers and voters.

1840, c. 89, § 4.
1843, c. 35.
1846, c. 182.
1850, c. 181.
1853, c. 42, § 1.

CHOICE OF ELECTORS OF PRESIDENT AND VICE PRESIDENT.

SEC. 79. In each year, when the election of president and vice president of the United States is to take place, there shall be chosen from the inhabitants of this state, as many electors of president and vice president as this state is then entitled to; and on Tuesday next after the first Monday in November of such year, the people of this state qualified to vote for senators in its legislature, shall assemble in town, plantation, city or ward meeting, to be notified, held, and regulated as prescribed by the constitution and laws for the election of such senators; and each voter shall bring in on a single ballot the names of so many of said electors, as he determines to vote for.

Electors of president to be chosen.

1847, c. 26, § 1.

Meetings for their choice, when and how called.

All names on one ballot.

1847, c. 26, § 23.

SEC. 80. The votes shall be sorted, counted, declared, and recorded; and the returns of the number of ballots, and of the votes given for each elector, shall be made as the constitution and laws require respecting the election of such senators, to the secretary of state on or before the second Thursday after such meeting; and on the third Thursday after such meeting, the governor and council shall be in session, and open, examine, and count the returns of votes so made, and the secretary of state shall forthwith send a messenger for each return not then received at his office; and when procured, it shall be counted like the others; and he shall forthwith send a certificate of his election to each elector who received the greatest number of votes, not exceeding the number to be then chosen.

Votes, how received and returned.

Governor and council to count votes.

Secretary to send for returns not received.

Secretary to notify persons elected.

1847, c. 26, § 4, 5.

SEC. 81. The expense of each such messenger shall be audited and allowed by the governor and council, and paid out of the state treasury; and unless they think the officers of any delinquent town have fully performed their duties in making the required returns, the amount so paid shall be added to the next state tax assessed on such town; but if the same messenger is sent to two or more towns in the same route, the amount to be paid by each of them, shall be apportioned by the governor and council according to their relative distances and the expense of traveling.

Expense of sending for returns to be paid by state, and added to state tax of delinquent towns.

SEC. 82. If it appears on such examination, that there has not been a choice of a majority of the whole number of electors, the governor, by proclamation, shall call the legislature together forthwith; and the legislature by joint ballot of the senators and representatives assembled in one room shall choose as many electors, as are necessary to complete the number to which this state is then entitled.

When no choice of majority of electors is made governor to assemble legislature.

1847, c. 26, § 6.

SEC. 83. The electors so chosen shall convene in the senate chamber at Augusta, on Tuesday preceding the first Wednesday

Meeting of electors.

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Vacancies
how filled.

1847, c. 26, § 7.

Their proceed-
ings.

1847, c. 26, § 8.

Their compen-
sation.

1847, c. 26, § 9.

Secretary to
furnish blanks.

1847, c. 26, § 10.

Town officers
to proceed as
in other meet-
ings.

1847, c. 26, § 11.

of December next after their election, at two of the clock in the afternoon; and if any elector so chosen, by reason of death or for any other cause, is not present, the electors then present, by a majority of votes, shall forthwith elect the requisite number of persons suitably qualified to supply such deficiency.

SEC. 84. Said electors, on said first Wednesday of December, shall vote by ballot for one person for president, and one person for vice president of the United States; one of whom, at least, shall not be an inhabitant of this state; they shall name in their ballots the person voted for as president, and in distinct ballots the person voted for as vice president; they shall make and subscribe three certificates of all the votes by them given, each of which shall contain two distinct lists, one of the votes given for president, and the other of the votes given for vice president; they shall seal them up and certify on each certificate, that a list of votes of the State of Maine for president and vice president of the United States is contained therein. They or a majority of them shall, under their hands, appoint a person to take charge of one of said certificates, and deliver it at the seat of government of the United States, to the president of the senate of the United States, before the first Wednesday of January then next; they shall forthwith forward, by the post-office another of said certificates, directed to the president of the same senate, at the same seat of government; and they shall forthwith cause the other certificate to be delivered to the judge of the district court of the United States for the district of Maine.

SEC. 85. The electors shall receive such compensation for their travel and attendance as the members of the legislature.

SEC. 86. The secretary of state shall procure blank returns of the proper form for such cities, towns, and plantations, and furnish them to the several clerks thereof at least thirty days before the day for the election of electors as aforesaid.

SEC. 87. All laws in force in relation to the duties of city, town, and plantation officers, and of voters in the election of governor, senators, and representatives to the legislature, and to the penalties incurred for their violation, shall, as far as applicable, apply and be in force in regard to the meetings to be held for the election of such electors, and to the returns thereof to be made.