

MAINE STATE LEGISLATURE

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THE
REVISED STATUTES

OF THE
STATE OF MAINE,

PASSED OCTOBER 22, 1840;

TO WHICH ARE PREFIXED

THE CONSTITUTIONS

OF THE

United States and of the State of Maine,

AND TO WHICH ARE SUBJOINED THE OTHER

PUBLIC LAWS OF 1840 AND 1841,

WITH AN

APPENDIX.

PRINTED AND PUBLISHED IN COMPLIANCE WITH A RESOLVE OF OCTOBER 22, 1840.

Augusta:

PUBLISHED BY WILLIAM R. SMITH & Co., PRINTERS TO THE STATE.

.....
1841.

CONSTITUTION
OF
THE UNITED STATES.

ARTICLE

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WE, the people of the United States, in order to form a more perfect union, establish justice, insure domestic tranquility, provide for the common defence, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity, do ordain and establish this constitution for the United States of America. Preamble.

ARTICLE I.

SECTION I.

1. All legislative powers herein granted shall be vested in a congress of the United States, which shall consist of a senate and house of representatives. Legislative powers vested in congress.

SECTION II.

1. The house of representatives shall be composed of members chosen every second year by the people of the several states; and the electors in each state shall have the qualifications requisite for electors of the most numerous branch of the state legislature. House of representatives how composed. 11 Mass. 424.

Qualification of a representative.

2. No person shall be a representative, who shall not have attained to the age of twenty five years and been seven years a citizen of the United States; and who shall not, when elected, be an inhabitant of that state in which he shall be chosen.

Apportionment of representatives and direct taxes.

3. Representatives and direct taxes shall be apportioned among the several states, which may be included within this Union, according to their respective members, which shall be determined by adding to the whole number of free persons, including those bound to service for a term of years, and excluding Indians not taxed, three fifths of all other persons. The actual enumeration shall be

Census.

made within three years after the first meeting of the congress of the United States, and within every subsequent term of ten years, in such manner as they shall by law direct. The number of representatives shall not exceed one for every thirty thousand; but each state shall have at least one representative; and until such enumeration shall be made, the state of *New Hampshire* shall be entitled to choose three, *Massachusetts* eight, *Rhode Island* and *Providence plantations* one, *Connecticut* five, *New York* six, *New Jersey* four, *Pennsylvania* eight, *Delaware* one, *Maryland* six, *Virginia* ten, *North Carolina* five, *South Carolina* five, and *Georgia* three.

Vacancies to be filled.

4. When vacancies happen in the representation from any state, the executive authority thereof shall issue writs of election to fill such vacancies.

House of representatives to choose their own officers. Power of impeachment.

5. The house of representatives shall choose their speaker and other officers; and shall have the sole power of impeachment.

SECTION III.

Senate, how composed.

1. The senate of the United States shall be composed of two senators from each state, chosen by the legislature thereof, for six years; and each senator shall have one vote.

How classified.

2. Immediately after they shall be assembled in consequence of the first election, they shall be divided as equally as may be into three classes. The seats of the senators of the first class shall be vacated at the expiration of the second year; of the second class, at the expiration of the fourth year; and of the third class, at the expiration of the sixth year; so that one third may be chosen every second year; and if vacancies happen by resignation or otherwise, during the recess of the legislature of any state, the executive thereof may make temporary appointments, until the next meeting of the legislature, which shall then fill such vacancies.

Of temporary appointments.

Qualifications of a senator.

3. No person shall be a senator, who shall not have attained to the age of thirty years, and been nine years a citizen of the United States, and who shall not, when elected, be an inhabitant of that state for which he shall be chosen.

4. The vice president of the United States shall be president of the senate, but shall have no vote, unless they be equally divided. Vice president to be president of the senate.

5. The senate shall choose their other officers, and also a president pro-tempore, in the absence of the vice president, or when he shall exercise the office of president of the United States. President pro tem. and other officers may be chosen.

6. The senate shall have the sole power to try all impeachments. When sitting for that purpose, they shall be on oath or affirmation. When the president of the United States is tried, the chief justice shall preside; and no person shall be convicted without the concurrence of two thirds of the members present. Power to try impeachments.

7. Judgment in cases of impeachment shall not extend further than to removal from office, and disqualification to hold and enjoy any office of honor, trust or profit under the United States; but the party convicted shall nevertheless be liable and subject to indictment, trial, judgment and punishment, according to law. Effect of judgment in such cases.

SECTION IV.

1. The times, places and manner of holding elections for senators and representatives, shall be prescribed in each state by the legislature thereof; but the congress may at any time, by law, make or alter such regulations, except as to the places of choosing senators. Times, places and manner of electing members of congress.

2. The congress shall assemble at least once in every year, and such meeting shall be on the first Monday in December, unless they shall by law appoint a different day. Sessions annual, at least.

SECTION V.

1. Each house shall be the judge of the elections, returns and qualifications of its own members, and a majority of each shall constitute a quorum to do business; but a smaller number may adjourn from day to day, and may be authorized to compel the attendance of absent members, in such manner, and under such penalties as each house may provide. Membership. Quorum. Adjournments.

2. Each house may determine the rules of its proceedings, punish its members for disorderly behavior, and with the concurrence of two thirds expel a member. Rules and orders. Censure and expulsion.

3. Each house shall keep a journal of its proceedings, and from time to time publish the same, excepting such parts as may in their judgment require secrecy; and the yeas and nays of the members of either house, on any question, shall, at the desire of one fifth of those present, be entered on the journal. Journals of each house.

4. Neither house, during the session of congress, shall, without the consent of the other, adjourn for more than three days, nor Limitation of the right to adjourn.

to any other place than that in which the two houses shall be sitting.

SECTION VI.

Compensation and privileges.

1. The senators and representatives shall receive a compensation for their services, to be ascertained by law, and paid out of the treasury of the United States. They shall in all cases, except treason, felony and breach of the peace, be privileged from arrest during their attendance at the session of their respective houses, and in going to, or returning from the same; and for any speech or debate in either house, they shall not be questioned in any other place.

To what offices members of congress may not be appointed.

2. No senator or representative shall, during the time for which he was elected, be appointed to any civil office under the authority of the United States, which shall have been created, or the emoluments whereof shall have been increased during such time; and no person holding any office under the United States, shall be a member of either house during his continuance in office.

SECTION VII.

Of bills for raising revenue.

1. All bills for raising revenue shall originate in the house of representatives; but the senate may propose or concur with amendments, as on other bills.

Of the president's veto, in case of bills.

2. Every bill, which shall have passed the house of representatives and the senate, shall, before it become a law, be presented to the president of the United States. If he approve, he shall sign it; but if not he shall return it, with his objections, to that house in which it shall have originated, who shall enter the objections at large on their journal, and proceed to re-consider it. If after such re-consideration, two thirds of the house shall agree to pass the bill, it shall be sent, together with the objections, to the other house, by which it shall likewise be reconsidered; and if approved by two thirds of that house, it shall become a law. But in all such cases, the votes of both houses shall be determined by yeas and nays; and the names of the persons voting for and against the bill, shall be entered on the journal of each house respectively. If any bill shall not be returned by the president, within ten days (Sundays excepted) after it shall have been presented to him, the same shall be a law, in like manner as if he had signed it, unless the congress, by their adjournment, prevent its return; in which case it shall not be a law.

Also in case of concurrent orders, resolutions or votes.

3. Every order, resolution or vote, to which the concurrence of the senate and house of representatives may be necessary (except on a question of adjournment) shall be presented to the president of the United States; and, before the same shall take effect, shall be

approved by him ; or being disapproved by him, shall be re-passed by two thirds of the senate and house of representatives, according to the rules and limitations prescribed in the case of a bill.

SECTION VIII.

The congress shall have power,

1. To lay and collect taxes, duties, imposts and excises ; to pay the debts and provide for the common defence and general welfare of the United States ; but all duties, imposts and excises shall be uniform throughout the United States ; Powers of congress.
3 Dall. 171.
2. To borrow money on the credit of the United States : 2 Peters 449, 468.
3. To regulate commerce with foreign nations, and among the several states, and with the Indian tribes : 9 Wheat. 1, 209.
11 Peters 102.
4. To establish an uniform rule of naturalization, and uniform laws on the subject of bankruptcies, throughout the United States : 2 Wheat. 259.
4 Wheat. 122, 209.
12 Wheat. 213.
5. To coin money ; regulate the value thereof and of foreign coin ; and fix the standard of weights and measures :
6. To provide for the punishment of counterfeiting the securities and current coin of the United States :
7. To establish post offices and post roads :
8. To promote the progress of science and useful arts, by securing for limited times to authors and inventors, the exclusive right to their respecting writings and discoveries :
9. To constitute tribunals inferior to the supreme court : To define and punish piracies and felonies committed on the high seas, and offences against the law of nations : 5 Wheat. 153.
10. To declare war ; grant letters of marque and reprisal ; and make rules concerning captures on land and water : 8 Cranch 110.
11. To raise and support armies ; but no appropriation of money to that use shall be for a longer term than two years :
12. To provide and maintain a navy :
13. To make rules for the government and regulation of the land and naval forces :
14. To provide for calling forth the militia to execute the laws of the Union, suppress insurrections and repel invasions :
15. To provide for organizing, arming and disciplining the militia, and for governing such part of them as may be employed in the service of the United States ; reserving to the states respectively, the appointment of the officers and the authority of training the militia, according to the discipline prescribed by congress : 12 Wheat. 19.
16. To exercise exclusive legislation, in all cases whatsoever, over such district (not exceeding ten miles square) as may, by cession of particular states, and the acceptance of congress, become the seat of the government of the United States ; and to exercise 8 Mass. 72.

like authority over all places purchased by the consent of the legislature of the state in which the same shall be, for the erection of forts, magazines, arsenals, dock-yards and other needful buildings: and

2 Cranch 358.
4 Wheat. 316.

17. To make all laws, which shall be necessary and proper for carrying into execution the foregoing powers, and all other powers vested by this constitution in the government of the United States, or in any department or officer thereof.

SECTION IX.

Restrictions
upon the pow-
ers of congress.
1 Wash. C. C.
R. 499.

1. The migration or importation of such persons, as any of the states now existing shall think proper to admit, shall not be prohibited by the congress, prior to the year one thousand eight hundred and eight; but a tax or duty may be imposed on such importation, not exceeding ten dollars for each person.

2. The privilege of the writ of habeas corpus shall not be suspended, unless when, in cases of rebellion or invasion, the public safety may require it.

3. No bill of attainder, or ex post facto law, shall be passed.

4. No capitation or other direct tax shall be laid, unless in proportion to the census or enumeration, herein before directed to be taken.

5. No tax or duty shall be laid on articles exported from any state. No preference shall be given, by any regulation of commerce or revenue, to the ports of one state over those of another; nor shall vessels, bound to or from one state, be obliged to enter, clear, or pay duties in another.

6. No money shall be drawn from the treasury, but in consequence of appropriations made by law; and a regular statement and account of the receipts and expenditures of all public money shall be published from time to time.

7. No title of nobility shall be granted by the United States; and no person, holding any office of profit or trust under them, shall, without the consent of the congress, accept of any present, emolument, office or title, of any kind whatever, from any king, prince or foreign state.

SECTION X.

Powers with
held from the
individual
states.

1. No state shall enter into any treaty, alliance, or confederation; grant letters of marque and reprisal; coin money; emit bills of credit; make any thing but gold and silver coin a tender in payment of debts; pass any bill of attainder, ex post facto law, or law impairing the obligation of contracts; or grant any title of nobility.

5 Wheat. 420.
3 Peters 88.

2 Gall. C. C. R. 138. 3 Peters 289. 4 Peters 431, 514. 6 Cranch 87. 6 Pick. 440.
3 Wash. C. C. R. 313. 7 Peters 243. 4 Wheat. 518. 12 Wheat. 370. 11 Peters 420, 257.
15 Mass. 447. 16 Mass. 245. 2 Fairf. 118.

2. No state shall, without the consent of the congress, lay any imposts or duties on imports or exports, except what may be absolutely necessary for executing its inspection laws; and the net produce of all duties and imposts, laid by any state on imports or exports, shall be for the use of the treasury of the United States; and all such laws shall be subject to the revision and control of the congress. No state shall, without the consent of congress, lay any duty of tonnage, keep troops or ships of war in time of peace, enter into any agreement or compact with another state or with a foreign power, or engage in war, unless actually invaded or in such imminent danger as will not admit of delay.

Congress may permit certain acts, otherwise prohibited to the states.
12 Wheat. 419

ARTICLE II.

SECTION I.

1. The executive power shall be vested in a President of the United States of America. He shall hold his office during the term of four years, and together with the vice president, chosen for the same term, be elected as follows:

President and vice president.

2. Each state shall appoint, in such manner as the legislature thereof may direct, a number of electors, equal to the whole number of senators and representatives to which the state may be entitled in the congress; but no senator or representative, or person holding an office of trust or profit under the United States, shall be appointed an elector.

Electors of those officers.

3. *The electors shall meet in their respective states, and vote by ballot for two persons, of whom one at least shall not be an inhabitant of the same state with themselves: and they shall make a list of all the persons voted for, and of the number of votes for each; which list they shall sign and certify, and transmit, sealed, to the seat of the government of the United States, directed to the president of the senate. The president of the senate shall, in the presence of the senate and house of representatives, open all the certificates, and the votes shall then be counted. The person having the greatest number of votes shall be the president, if such number be a majority of the whole number of electors appointed; and if there be more than one who have such majority, and have an equal number of votes, then the house of representatives shall immediately choose by ballot one of them for president: and if no person have a majority, then from the five highest on the list, the said house shall in like manner choose the president: but in choosing the president, the votes shall be taken by states, the representation from each state having one vote; a quorum for this purpose shall consist of a member or members from two thirds of the states, and a majority of all the states shall be necessary to a choice. In every case, after the choice of the*

Original mode of electing president and vice president.

Amendment 12 substituted for the third clause in art. 2, sec. 1.

president, the person having the greatest number of votes of the electors, shall be the vice president. But if there should remain two or more, who have equal votes, the senate shall choose from them by ballot, the vice president.

Time of choosing electors and when they shall vote.

4. The congress may determine the time of choosing the electors, and the day on which they shall give their votes ; which day shall be the same throughout the United States.

Qualifications of president.

5. No person, except a natural born citizen, or a citizen of the United States at the time of the adoption of this constitution, shall be eligible to the office of president : neither shall any person be eligible to that office, who shall not have attained to the age of thirty five years, and been fourteen years a resident within the United States.

Provisions for cases of vacancy in that office.

6. In case of the removal of the president from office, or of his death, resignation, or inability to discharge the powers and duties of the said office, the same shall devolve on the vice president ; and the congress may by law provide for the case of removal, death, resignation or inability, both of the president and vice-president, declaring what officer shall then act as president, and such officer shall act accordingly, until the disability be removed, or a president shall be elected.

President's compensation.

7. The president shall, at stated times, receive for his services a compensation, which shall neither be increased nor diminished during the period for which he shall have been elected ; and he shall not receive, within that period, any other emolument from the United States, or any of them.

8. Before he enter on the execution of his office, he shall take the following oath or affirmation :

His oath.

9. " I do solemnly swear (or affirm) that I will faithfully execute the office of president of the United States, and will, to the best of my ability, preserve, protect and defend the constitution of the United States."

SECTION II.

President to be commander in chief.

May require the opinion of the heads of departments.

Reprieves and pardons.

Of treaties and foreign intercourse.

1. The president shall be commander in chief of the army and navy of the United States, and of the militia of the several states, when called into the actual service of the United States. He may require the opinion, in writing, of the principal officer in each of the executive departments upon any subject, relating to the duties of their respective offices ; and he shall have power to grant reprieves and pardons for offences against the United States, except in cases of impeachment.

2. He shall have power, by and with the advice and consent of the senate, to make treaties, provided two thirds of the senators

present concur; and he shall nominate, and by and with the advice and consent of the senate, shall appoint ambassadors, other public ministers and consuls, judges of the supreme court and all other officers of the United States, whose appointments are not herein otherwise provided for, and which shall be established by law: but the congress may by law vest the appointment of such inferior officers, as they think proper, in the president alone, in the courts of law, or in the heads of departments.

Appointment of public officers.
2 Brockenb. C. R. 96.

3. The president shall have power to fill up all vacancies, that may happen during the recess of the senate, by granting commissions, which shall expire at the end of their next session.

Of vacancies in the recess of the senate.

SECTION III.

1. He shall from time to time give to the congress information of the state of the Union, and recommend to their consideration such measures as he shall judge necessary and expedient; he may, on extraordinary occasions, convene both houses, or either of them, and in case of disagreement between them with respect to the time of adjournment, he may adjourn them to such time as he shall think proper; he shall receive ambassadors and other public ministers; he shall take care that the laws be faithfully executed; and shall commission all the officers of the United States.

Further powers and duties.

SECTION IV.

1. The president, vice president and all civil officers of the United States shall be removed from office on impeachment for, and conviction of, treason, bribery, or other high crimes and misdemeanors.

Of removal of officers of the U. S. by impeachment.

ARTICLE III.

SECTION I.

1. The judicial power of the United States shall be vested in one supreme court, and in such inferior courts as the congress may, from time to time, ordain and establish. The judges, both of the supreme and inferior courts, shall hold their offices during good behavior, and shall, at stated times, receive for their services a compensation, which shall not be diminished during their continuance in office.

Judicial power, how vested.

Tenure of office.

Compensation.

SECTION II.

1. The judicial power shall extend to all cases, in law and equity, arising under this constitution, the laws of the United States, and treaties made, or which shall be made, under their authority; to all cases affecting ambassadors, other public ministers and consuls; to all cases of admiralty and maritime jurisdiction; to controversies to which the United States shall be a party; to controversies between two or more states, *between a state and citizens of another state*,

Extent of the judicial power.
1 Wheat. 304.
6 Peters 515.

5 Cranch 61.
2 Gall. C. C. R. 398, 474, 5.
3 Wheat. 336.
9 Wheat. 738.
See amendment 11.

between citizens of different states, between citizens of the same state claiming lands under grants of different states, and between a state, or the citizens thereof, and foreign states, citizens or subjects.

Original and appellate jurisdiction of the supreme court.
5 Peters 1.

2. In all cases affecting ambassadors, other public ministers and consuls, and those in which a state shall be a party, the supreme court shall have original jurisdiction. In all the other cases before mentioned, the supreme court shall have appellate jurisdiction, both as to law and fact, with such exceptions and under such regulations, as the congress shall make.

Of trial by jury.

3. The trial of all crimes, except in cases of impeachment, shall be by jury, and such trials shall be held in the state where the said crimes shall have been committed; but when not committed within any state, the trial shall be at such place or places as the congress may by law have directed.

Where to be held.

SECTION III.

Definition of treason and mode of proof.

1. Treason against the United States shall consist only in levying war against them, or in adhering to their enemies, giving them aid and comfort. No person shall be convicted of treason, unless on the testimony of two witnesses to the same overt act, or on confession in open court.

Its punishment.

2. The congress shall have power to declare the punishment of treason, but no attainder of treason shall work corruption of blood, or forfeiture, except during the life of the person attainted.

ARTICLE IV.

SECTION I.

Mutual credit to be given to the public acts of the states. Mode of authenticating.
7 Cranch 481.
17 Mass. 521.
9 Mass. 462.
1 Caines 460.
1 Fairf. 278.

Full faith and credit shall be given in each state to the public acts, records and judicial proceedings of every other state. And the congress may by general laws prescribe the manner in which such acts, records and proceedings shall be proved, and the effect thereof.

SECTION II.

Reciprocal right of citizenship.
6 Pick. 89.
Fugitives from justice.

1. The citizens of each state shall be entitled to all privileges and immunities of citizens in the several states.

2. A person charged in any state with treason, felony or other crime, who shall flee from justice and be found in another state, shall, on demand of the executive authority of the state from which he fled, be delivered up, to be removed to the state having jurisdiction of the crime.

Fugitives from service or labor, required under the laws of certain states to be delivered up.

3. No person held to service or labor in one state, under the laws thereof, escaping into another, shall, in consequence of any law or regulation therein, be discharged from such service or labor;

but shall be delivered up on claim of the party, to whom such service or labor may be due.

1 Wash. C. C. R. 499.
2 Pick. 11.

SECTION III.

1. New states may be admitted by the congress into this Union ; but no new state shall be formed or erected within the jurisdiction of any other state ; nor any state be formed by the junction of two or more states, or parts of states, without the consent of the legislatures of the states concerned, as well as of the congress.

Admission of new states.

2. The congress shall have power to dispose of, and make all needful rules and regulations, respecting the territory or other property belonging to the United States ; and nothing in this constitution shall be so construed, as to prejudice any claims of the United States, or of any particular state.

Power of congress as to the territory and other property of the U. S.
1 Peters 511, 546.

SECTION IV.

The United States shall guarantee to every state in the Union a republican form of government ; and shall protect each of them against invasion ; and on application of the legislature, or of the executive (when the legislature cannot be convened,) against domestic violence.

Obligation of the U. States to protect the several states.

ARTICLE V.

The congress, whenever two thirds of both houses shall deem it necessary, shall propose amendments to this constitution ; or, on the application of the legislatures of two thirds of the several states, shall call a convention for proposing amendments, which, in either case, shall be valid to all intents and purposes as part of this constitution, when ratified by the legislatures of three fourths of the several states, or by conventions in three fourths thereof, as the one or the other mode of ratification may be proposed by the congress : *Provided*, that no amendment, which may be made prior to the year one thousand eight hundred and eight, shall in any manner affect the first and fourth clauses in the ninth section of the first article ; and that no state, without its consent, shall be deprived of its equal suffrage in the senate.

How the constitution may be amended.

Proviso.

ARTICLE VI.

1. All debts contracted, and engagements entered into, before the adoption of this constitution, shall be as valid against the United States under this constitution, as under the confederation.

Debts under the confederation assumed by the U. States.

2. This constitution and the laws of the United States which shall be made in pursuance thereof, and all treaties made, or which shall be made, under the authority of the United States, shall be the supreme law of the land : and the judges in every state shall be

Supremacy of U. States' constitution and laws.
4 Wheat. 316.
Peters C. C. R. 390.

1 Wash. C C.
R. 322.
6 Peters 515.
Oath required
of public offi-
cers.

bound thereby, any thing in the constitution or laws of any state to the contrary notwithstanding.

3. The senators and representatives before mentioned, and the members of the several state legislatures, and all executive and judicial officers, both of the United States and of the several states, shall be bound, by oath or affirmation, to support this constitution; but no religious test shall ever be required as a qualification to any office or public trust under the United States.

No religious
test.

ARTICLE VII.

Ratification of
this constitu-
tion.

The ratification of the conventions of nine states shall be sufficient for the establishment of this constitution, between the states so ratifying the same.

DONE IN CONVENTION, by the unanimous consent of the states present, the seventeenth day of September in the year of our Lord, one thousand seven hundred and eighty seven, and of the independence of the United States of America, the twelfth.

NOTE.—The foregoing constitution was by the votes of nine states represented in congress, on the thirteenth day of September, one thousand seven hundred and eighty eight, declared to have been ratified in the manner therein prescribed; and the first Wednesday of March then next was designated as the time for commencing proceedings under the same.

AMENDMENTS TO THE CONSTITUTION

Adopted in pursuance of the fifth article of the original constitution.

Religious free-
dom, and the
rights of speech,
the press and
petition.

ART. 1. Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the government for a redress of grievances.

Right to bear
arms.

ART. 2. A well regulated militia being necessary to the security of a free state, the right of the people to keep and bear arms shall not be infringed.

Restrictions on
quartering
troops.

ART. 3. No soldier shall, in time of peace, be quartered in any house, without the consent of the owner; nor in time of war, but in a manner to be prescribed by law.

Restrictions on
search and sei-
zure.

ART. 4. The right of the people to be secure in their persons, houses, papers and effects, against unreasonable searches and seizures, shall not be violated; and no warrants shall issue, but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

ART. 5. No person shall be held to answer for a capital or otherwise infamous crime, unless on a presentment or indictment of a grand jury, except in cases arising in the land or naval forces, or in the militia, when in actual service, in time of war or public danger; nor shall any person be subject for the same offence to be twice put in jeopardy of life or limb; nor shall be compelled, in any criminal case, to be a witness against himself, nor be deprived of life, liberty or property, without due process of law; nor shall private property be taken for public use without just compensation.

Rights of persons charged with crimes and of private property.

7 Peters 243.
2 Dall. 304.
2 Peters 380,
657.

ART. 6. In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the state and district, wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor; and to have the assistance of counsel for his defence.

Mode of trial in criminal cases.

ART. 7. In suits at common law, where the value in controversy shall exceed twenty dollars, the right of trial by jury shall be preserved; and no fact tried by jury shall be otherwise re-examined in any court of the United States, than according to the rules of the common law.

Of trial by jury in civil actions.
1 Gall. C. C. R. 19.
2 Peters 523.
14 Mass. 412.

ART. 8. Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted.

Of bail. Of fines or other punishments.

ART. 9. The enumeration in the constitution of certain rights, shall not be construed to deny or disparage others retained by the people.

Rights reserved to the people.

ART. 10. The powers not delegated to the United States by the constitution, nor prohibited by it to the states, are reserved to the states respectively, or to the people.

Powers retained by the states and people.
3 Wash. C. C. R. 313.

ART. 11. The judicial power of the United States shall not be construed to extend to any suit in law or equity, commenced or prosecuted against one of the United States by citizens of another state, or by citizens or subjects of any foreign state.

11 Peters 257.
U States' courts not to have jurisdiction of suits brought by individuals against one of the states.
3 Dall. 378.

ART. 12. The electors shall meet in their respective states, and vote by ballot for president and vice president, one of whom, at least, shall not be an inhabitant of the same state with themselves; they shall name in their ballots the person voted for as president, and in distinct ballots the person voted for as vice president; and they shall make distinct lists of all persons voted for as president, and of all persons voted for as vice president, and of the number of votes for each; which lists they shall sign and certify, and transmit sealed to the seat of the government of the United States, directed to the president of the senate; the president of the senate shall, in

Manner of choosing president and vice president.

Choice by
house of repre-
sentatives in
case of no elec-
tion by the elec-
tors.

the presence of the senate and house of representatives, open all the certificates, and the votes shall then be counted; the person having the greatest number of votes for president shall be the president, if such number be a majority of the whole number of electors appointed; and if no person have such majority, then from the persons having the highest numbers, not exceeding three, on the list of those voted for as president, the house of representatives shall choose, immediately, by ballot the president. But, in choosing the president, the votes shall be taken by states, the representation from each state having one vote; a quorum for this purpose shall consist of a member or members from two thirds of the states, and a majority of all the states shall be necessary to a choice: and if the house of representatives shall not choose a president, whenever the right of choice shall devolve upon them, before the fourth day of March next following, then the vice president shall act as president, as in the case of the death or other constitutional disability of president.

Choice of vice
president by the
senate, in case
of no election
by the electors.

The person having the greatest number of votes as vice president, shall be the vice president, if such number be a majority of the whole number of electors appointed; and if no person have a majority, then from the two highest numbers on the list, the senate shall choose the vice president; a quorum for the purpose shall consist of two thirds of the whole number of senators, and a majority of the whole number shall be necessary to a choice.

His qualifica-
tions.

But no person constitutionally ineligible to the office of president, shall be eligible to that of vice president of the United States.

NOTE.—The first ten of the foregoing amendments were proposed at the first session of the first congress, held under the constitution; the eleventh amendment was proposed at the second session of the third congress; and the twelfth at the first session of the eighth congress: they were all adopted by the number of states required by the fifth article of the original constitution.