

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.

APPENDIX.

An act for the admission of the State of Maine into the Union.

Whereas, by an act of the state of Massachusetts, passed on the nineteenth day of June, in the year one thousand eight hundred and nineteen, entitled "an act relating to the separation of the District of Maine from Massachusetts proper, and forming the same into a separate and independent state," the people of that part of Massachusetts, heretofore known as the District of Maine, did, with the consent of the legislature of said state of Massachusetts, form themselves into an independent state, and did establish a constitution for the government of the same, agreeably to the provisions of said act, therefore,

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, from and after the fifteenth day of March, in the year one thousand eight hundred and twenty, the state of Maine is hereby declared to be one of the United States of America, and admitted into the Union on an equal footing with the original states, in all respects whatever.

[APPROVED MARCH 3, 1820.]

Selections and extracts, from un repealed and unrevised laws of Massachusetts and Maine, republished in this volume for more convenient reference.

An act relating to the separation of the district of Maine from Massachusetts proper, and forming the same into a separate and independent state.

Note. The preamble and section, one, may be found recited in the fifth section of Article X, of the constitution of Maine. See page 37.

SECT. 2. *Be it further enacted,* That the inhabitants of the several towns, districts and plantations, in the district of Maine, qualified to vote for governor or senators, shall assemble in regular meeting, to be notified by warrants of the proper officers, on the fourth Monday of July next, and shall, in open meeting, give in their votes, on this question: "Is it expedient, that the district of Maine shall become a separate and independent state, upon the terms and conditions, provided in an act, entitled, "an act relating to the separation of the District of Maine from Massachusetts proper, and forming the same into a separate and independent state?" And the selectmen of the towns and districts, and the assessors of the plantations, shall, in open meeting, receive, sort, count and declare, and the clerks thereof, respectively, shall record the votes given for and against the measure; and the said selectmen, assessors and clerks, respectively, shall make out an exact return thereof, under their hands, and shall seal up and transmit the same to the office of the secretary of this Commonwealth, on or before the fourth Monday of August next. And all returns, not then made, shall be rejected in the counting; and the governor and council shall open and examine the said returns, made as aforesaid, and shall count the votes given on the said question: And the governor shall, by public proclamation, to be made as soon as the state of the votes can be ascertained, after the said fourth Monday of August next, make known the result, by declaring the number of votes appearing in favor of the separation of said District, as aforesaid, and the number of votes appearing against it. And, if the number of votes for the measure shall exceed the number of votes against it by fifteen hundred, then, and not otherwise, the people of said District shall be deemed to have expressed their consent and agreement, that the said District shall become a separate and independent state, upon the terms and conditions above stated; and, in case of such majority, the governor, in his said proclamation, shall call upon the people of said District to choose delegates to meet in convention for the purposes, and in the manner hereinafter provided; and, in addition to publish said proclamation, in one or more of the public newspapers printed in Boston, and in the District of Maine, copies of the same, duly authenticated, shall, as soon as can conveniently be done, after the making of the same, be transmitted to the office of the clerks of the courts of common pleas, in the several counties of the District of Maine, for public examination; and one such copy, at least, shall be transmitted to the convention of delegates hereinafter mentioned, when said convention shall be formed.

SECT. 3. *Be it further enacted*, That, if it shall be declared by said proclamation, that the said majority of fifteen hundred votes appeared by the said returns to be in favor of the separation of the said District, as aforesaid, the inhabitants of the several towns and districts, now entitled to send one or more representatives to the General Court, and all other incorporated towns, shall, on the third Monday of September next, assemble in town meeting, to be notified by warrant of the selectmen, and shall elect one or more delegates, not exceeding the number of representatives which such town is now entitled to, each town, however, to be at liberty to elect at least one, to meet delegates from other towns within the said District, in convention, for the purpose of forming a constitution or frame of government, for the said District. And, at such meeting of the said inhabitants, every person qualified to vote for senators, shall have a right to vote in the choice of delegates. And the selectmen shall preside at such meeting, and shall, in open meeting, receive, sort, count and declare the votes, and the clerk shall make a record thereof, in presence of the selectmen, and in open meeting. And fair copies of the said record shall be attested by the selectmen and town clerk, and one such copy shall be delivered by the selectmen to each of the persons, duly elected a delegate.

SECT. 4. *Be it further enacted*, That the persons, so elected delegates, shall meet in convention, at the court house in Portland in the county of Cumberland, on the second Monday of October next, and they shall be the judges of the returns and elections of their own members, and may adjourn from time to time, and sixty of the persons elected shall constitute a quorum for the transaction of business; and the said delegates shall, as soon as may be, proceed to organize themselves in convention, by choosing a president, and such other officers as they may judge expedient, and establishing proper rules of proceedings; and it shall be the duty of the said convention, to apply to the congress of the United States, for its assent to be given, before the last day of January next, that the said District should be admitted into the Union, as a separate and independent state. And it shall also be the duty of the said convention, to form a constitution, or frame of government, for said new state, and to determine the style and title of the same; and such constitution, when adopted, and ratified by the people of said District, in the manner hereinafter mentioned, shall, from and after the fifteenth day of March, in the year of our Lord one thousand eight hundred and twenty, the consent of the congress of the United States then being first had as aforesaid, be the constitution of said new state. And the said convention shall, as soon as may be, after having formed such constitution or frame of government, for such new state, cause the same to be published, and sent to the several towns, districts and plantations, within the said District of Maine; and there shall be a meeting of the inhabitants, in each of said towns, districts and plantations, to be called and warned by the selectmen and assessors, respectively, in due course of law, and, on the day named by said convention; at which meeting every male inhabitant, having the personal qualifications, herein declared requisite in the election of delegates to said convention, shall have a right to vote; and the people, so assembled, shall give in their votes in writing, expressing their approbation or disapprobation of the constitution, so prepared and proposed by said convention. And the selectmen of the several towns, and the assessors of the several districts and plantations, respectively, shall preside at such meetings, and shall receive the votes of all the inhabitants duly qualified as aforesaid, and shall sort and count them in open meeting of the town, district or plantation; and the same shall be, then and there, recorded in the books of the town, district or plantation; and a fair copy of such record shall be attested by the selectmen or assessors, and the clerk of the town, district or plantation, respectively, and shall be, by the said selectmen or assessors, transmitted and delivered to the said convention, or to the president thereof for the time being, or to any committee appointed to receive the same, on or before the first day of January next; on which day, or within ten days thereafter, the said convention shall be in session, and shall receive and count all the votes returned, and declare and publish the result; and, if a majority of the votes so returned shall be in favor of the constitution proposed, as aforesaid, the said constitution shall go into operation, according to its own provisions; otherwise the constitution of Massachusetts, with the addition of the terms and conditions herein provided, shall be, and be considered as the constitution of the said proposed state, in manner as hereafter provided. And, to the end that no period of anarchy may happen to the people of said proposed state, in case a new constitution shall not be so adopted and ratified by the people of said District of Maine, the present constitution of the Commonwealth of Massachusetts, shall, with the terms and conditions aforesaid, and with the exception hereinafter made, be provisionally the constitution or frame of government, for said District; except only such parts of said constitution of Massachusetts, as relate to the style or title of said state, or may be otherwise inconsistent with, or repugnant to the situation and condition of said new state; and except, that the people of said District shall choose in their senatorial districts, as now established, three times the number of senators now allowed them, and that the legislature shall choose such a number of counsellors, not exceeding nine, as they shall determine to be proper. And the said convention shall designate the place for the first meeting of the legislature of said new state, and for the organization of its government, and shall

appoint a secretary pro tempore, for said new state; and the said convention shall regulate the pay of its members; and the person, authorized by said convention, may draw upon the treasury of the Commonwealth for the amount of the pay roll, not, however, to exceed the amount of the money paid into the treasury by the several banks within said District, for the tax upon the same, due and payable on the first Monday of October next; and the sum or sums, so drawn for and paid out of the treasury, shall be a charge upon the new state in the division of the property, provided for in the fourth article of the terms and conditions, stated in the first section of this act.

SECT. 5. *Be it further enacted*, That until a governor of the proposed state shall be chosen and qualified according to the constitution, which may be in operation in said state, the person, last chosen president of the said convention, shall, from and after the fifteenth day of March next, have all the power of the governor and council under the constitution of Massachusetts, until a new governor shall be chosen and qualified in the said proposed state; excepting only, that the said president shall not have the power to remove from office any officer, who may be duly qualified, and executing the duties of his office, according to the intent and meaning of this act.

And, in order that there may be no failure of justice, and that no danger may arise to the people of the said District of Maine, after the fifteenth day of March next, and before the government of the said state shall be fully organized; therefore,

SECT. 6. *Be it further enacted*, That all the laws which shall be in force within said District of Maine, upon the said fifteenth day of March next, shall still remain and be in force, within the said proposed state, until altered or repealed by the government thereof, such parts only excepted, as may be inconsistent with the situation and condition of said new state, or repugnant to the constitution thereof. And all officers, who shall, on the said fifteenth day of March next, hold commissions, or exercise any authority within the said District of Maine, under the Commonwealth of Massachusetts, or by virtue of the laws thereof, excepting only the governor, lieutenant governor and council, the members of the legislature, and the justices of the supreme judicial court of the said Commonwealth of Massachusetts, shall continue to have, hold, use, exercise and enjoy all the powers and authority to them respectively granted or committed, until other persons shall be appointed in their stead, or until their respective offices shall be annulled by the government of said proposed state. And all courts of law, whatsoever, within the said proposed state, excepting only the supreme judicial court, shall proceed to hear and determine all causes, matters and things, which are or may be commenced or depending before them, respectively, upon the said fifteenth day of March next, or at any time afterwards, and before the government of the said proposed state shall establish new courts within the same; and shall continue, from and after the said fifteenth day of March next, to exercise the like power and authority, and in like manner as they now by law may do, until such new courts shall be so established in their stead.

SECT. 7. *Be it further enacted*, That all actions, suits and causes, civil and criminal, and all matters and things whatsoever, that shall, on the said fifteenth day of March next, be in any manner depending in the supreme judicial court of the said Commonwealth of Massachusetts, then last holden within any county in the said District of Maine, and all writs, recognizances and other processes whatsoever, that may be then returnable to the said supreme judicial court, shall be respectively transferred, and returned to, have day in, and be heard, tried and determined in the highest court of law, that shall be established in the said new state, by the government thereof, and at the first term of such court, that shall be held within the county in which such action, writ, process, or other matter or thing, may be so pending or returnable. And, in all cases of appeals from any circuit court of common pleas, or probate or other court, which shall be made after the said fifteenth day of March next, in any action, cause, or suit, whatsoever, and which would by law be made to the said supreme judicial court thereof, it shall be sufficient for the appellant to claim an appeal, without naming or designating the court appealed to; and such appeal shall be entered at the supreme or superior judicial court, or highest court of law, to be established by the government of the said new state, which shall first thereafter be held within or for the county in which such action, cause or suit may be pending, and shall there be heard, tried and determined, according to law.

Provided however, That nothing contained in this section shall be understood or construed to control, in any degree, the right of the people of the said new state, or the government thereof, to establish judicial courts, in such manner, and with such authority as they shall see fit; nor to prevent the said people or their government from making any other provisions, pursuant to their constitution, and not repugnant to the terms and conditions above set forth, respecting all the said actions, suits, processes, matters and things, herein above mentioned, as they shall think most proper, to prevent the discontinuance thereof, and to avoid any delay or failure of justice.

[PASSED JUNE 19, 1819.]