

MAINE STATE LEGISLATURE

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DOCUMENTS

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THE LEGISLATURE,

OF THE

STATE OF MAINE,

DURING ITS SESSION

A. D. 1837.

AUGUSTA:
SMITH & ROBINSON,.....PRINTERS.

1837.

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SEVENTEENTH LEGISLATURE.

No. 37.

HOUSE.

STATE OF MAINE.



RESOLVE to amend the Constitution relative to bail.

WHEREAS the Judges of the Supreme Judicial Court have given it as their opinion, in answer to a question propounded to them by the Legislature, that if the punishment of death should be abolished by the Legislature, the crimes of **Treason, Murder and Arson** would becomeailable offences by the Constitution, in consequence of the phrase "capital offences" being construed to mean those offences only which are punishable with death; and, whereas, the crimes of **Rape, Robbery with intent to kill, and Burglary**, which were punishable by the statute laws with death, prior to their repeal by an Act approved February 28th, 1829, are

15 now by this construction bailable offences :
 16 Therefore :

*Resolved by the Senate and House of Rep-
 2 resentatives in Legislature assembled, That
 3 the tenth section of article first of the Constitu-
 4 tion shall be so altered and amended as to read,
 5 That no person before conviction shall be baila-
 6 ble for any of the crimes which now are, or have
 7 been denominated capital offences since the
 8 adoption of the Constitution, "when the proof
 9 is evident or the presumption great" whatever
 10 the punishment of these crimes may be. Pro-
 11 vided, That a majority of the inhabitants of
 12 this State, who are constitutionally qualified
 13 to vote for State officers, shall at the annual
 14 meeting, on the second Monday of September
 15 next, decide in favor of such amendment.*

*Resolved further, That it shall be the duty
 2 of the Aldermen, Selectmen and Assessors, of
 3 the several cities, towns and plantations in this
 4 State, to insert an article in the warrant for
 5 calling city, town and plantation meetings,
 6 respectively, on the second Monday of Septem-
 7 ber next, to require the qualified voters as
 8 aforesaid in the several cities, towns and planta-*

9 tions to give in their votes on the question,—
10 Shall the proposed amendment of the Constitu-
11 tion be adopted? And the manner of voting shall
12 be by ballot, those voting in favor of the
13 amendment shall have written on their ballot
14 the word *Yes*, and those voting against the
15 amendment shall have written on their ballot
16 the word *No*. And the duties of the several
17 Aldermen, Selectmen, Assessors and Clerks of
18 the several cities, towns and plantations in
19 receiving, sorting, counting, declaring, record-
20 ing, sealing up and returning said votes so given
21 in on the question of amending the Constitution,
22 shall be the same as their duties are in relation
23 to votes given in for Governor of the State.
24 And it shall be the duty of the Secretary of
25 State to lay the returns of said votes before the
26 Legislature at the commencement of their next
27 session; and if on examination it shall be found
28 that a majority of the votes so returned shall be
29 in favor of the amendment proposed, as afore-
30 said, then said amendment shall be considered
31 as adopted, and shall form a part of the Con-
32 stitution of this State. And it shall be the duty
33 of the Secretary of State to furnish the several

34 cities, towns and plantations with a convenient
35 number of suitable blank returns twenty days
36 at least previous to the said second Monday of
37 September next.

STATE OF MAINE.

HOUSE OF REPRESENTATIVES, }
March 11, 1837. }

This Resolve was read once, and laid on the table; and five hundred copies ordered to be printed for the use of the Legislature.

(Extract from the Journal.)

Attest: CHARLES WATERHOUSE, Clerk.