

MAINE STATE LEGISLATURE

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DOCUMENTS

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THE LEGISLATURE

OF THE

STATE OF MAINE,

DURING ITS SESSION

A. D. 1839.

VOL. 2.

AUGUSTA:
SMITH & ROBINSON, PRINTERS TO THE STATE.

1839.

NINETEENTH LEGISLATURE.

NO. 23.

SENATE.

RESOLVE

TO AMEND

THE CONSTITUTION

RELATIVE TO

THE JUDICIARY.

[SMITH & ROBINSON,.....Printers to the State.]

STATE OF MAINE.

IN SENATE, Feb. 12, 1839.

Ordered, That 500 copies of this Resolve, with Mr. Littlefield's proposed substitute, be printed for the use of the Legislature.

WILLIAM TRAFTON, *Secretary*.

STATE OF MAINE.

RESOLVE to amend the Constitution relative to
the Judiciary.

Resolved, That the first section of article sixth,
2 part fourth, of the Constitution of the State,
3 shall be so amended as to read as follows, viz :

SEC. 1. The Judicial power of this State
2 shall be vested in a Supreme Court, to be
3 established by the Legislature, and in such other
4 Courts as the Legislature shall from time to
5 time establish.

6 And that the fourth section of article sixth,
7 part fourth, of the Constitution, be stricken out,
8 and the fifth section of the same article be so
9 altered and amended as to read as follows, viz :

SEC. 4. All Judicial officers shall hold their
2 offices during seven years, if they shall so long
3 behave themselves well, at the expiration of
4 which term they may receive a re-appointment,

5 or others be appointed in their stead, as the
6 public interest may require. *Provided*, That
7 a majority of the inhabitants of this State who
8 are constitutionally qualified to vote for State
9 officers, shall, at their annual meeting on the
10 second Monday of September next, decide in
11 favor of that amendment.

Resolved further, That it shall be the duty of
2 the Aldermen, Selectmen and Assessors of the
3 several cities, towns and plantations in this
4 State, to insert an article in the warrant for
5 calling city, town and plantation meetings, res-
6 pectively, on the second Monday of September
7 next, to require the qualified voters as aforesaid,
8 in the several cities, towns and plantations, to
9 give in their votes on the question: Shall the
10 proposed amendments of the Constitution be
11 adopted? And the manner of voting shall be
12 by ballot; those voting in favor of the amend-
13 ments shall have written on their ballots the
14 word *yes*, and those voting against the amend-
15 ments shall have written on their ballots the
16 word *no*. And the duties of the said Alder-
17 men, Selectmen, Assessors and Clerks of the

18 several cities, towns and plantations, in receiving, sorting, counting, declaring, recording, sealing up and returning said votes so given in on the question of amending the Constitution, shall be the same as their duties are in relation to votes given in for the Governor of this State. And it shall be the duty of the Secretary of State to lay the returns of said votes before the next Legislature, at the commencement of their session. And if on examination it shall be found that a majority of the votes so returned shall be in favor of the amendments proposed as aforesaid, then said amendments shall be considered as adopted, and shall form a part of the Constitution of the State. And it shall be the duty of the Secretary of State to furnish the several cities, towns and plantations, with a suitable number of convenient blank returns, twenty days at least previous to the said second Monday of September next.

MR. LITTLEFIELD'S PROPOSED SUBSTITUTE.

Strike out all after the words "State of Maine," and insert the following :

RESOLVE proposing an Amendment of the Constitution of the State.

Resolved, Two thirds of both Houses of the
2 Legislature concurring, That the Constitution
3 of the State be amended by striking out the
4 fourth section of the sixth article thereof, and
5 substituting in room thereof, the words follow-
6 ing, viz :

7 "SEC. 4. All Judicial officers shall, from and
8 after the first day of March, in the year eighteen
9 hundred and forty, hold their offices for the term
10 of seven years, and no longer, unless re-appointed
11 thereto."

Resolved, That the Selectmen of the several
2 towns, Assessors of the several plantations, and
3 Aldermen of the cities, are hereby empowered
4 and directed to notify the inhabitants of said
5 towns, plantations and cities, in the manner

6 prescribed by law, at their next annual meeting
7 in September, to give in their votes upon the
8 following question, viz: “ Shall the Constitu-
9 tion of the State be so amended as to strike out
10 the fourth section of the sixth article, and sub-
11 stitute in room thereof the words following, viz:
12 ‘**SEC. 4.** All Judicial officers shall, from and
13 after the first day of March, in the year eighteen
14 hundred and forty, hold their offices for the term
15 of seven years, and no longer, unless re-appoint-
16 ed thereto? ’ ”

Resolved, That the inhabitants of said towns,
2 plantations and cities, shall vote by ballot upon
3 said question; those in favor of said amendment
4 expressing it by the word *yes* upon their ballots,
5 and those opposed to the amendment expressing
6 it by the word *no* upon their ballots.

Resolved, That the Selectmen, Assessors and
2 Aldermen shall preside at said meetings, receive,
3 count and declare the votes in open meeting ;
4 and the Clerks of said towns, plantations and
5 cities shall make a record of said proceedings,
6 and of the number of votes, in the presence of the
7 Selectmen, Assessors and Aldermen aforesaid,
8 and transmit a true and attested copy of said

9 record, sealed up, to the Secretary of State, and
10 cause the same to be delivered to said Secretary
11 on or before the first Wednesday of January
12 next.

Resolved, That the Secretary of State shall
2 cause this Resolve to be published in all the
3 newspapers printed in the State, for three
4 months at least before the second Monday of
5 September next; and also cause copies thereof,
6 with a suitable form of a return, to be sent
7 forthwith to the Selectmen of all the towns,
8 and to the Assessors of all the plantations, and
9 to the Aldermen of all the cities in the State.
10 And said Secretary shall, as early as may be, in
11 the next session of the Legislature, lay all said
12 returns before said Legislature, with an abstract
13 thereof, showing the number and state of the
14 votes.