

# MAINE STATE LEGISLATURE

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*Charles F. Rice*

DOCUMENTS

PRINTED BY ORDER OF

THE LEGISLATURE,

OF THE

STATE OF MAINE,

DURING ITS SESSION

A. D. 1840.

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AUGUSTA:

WM. R. SMITH & CO., PRINTERS TO THE STATE.

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1840.

RULES AND ORDERS

OF THE

**HOUSE OF REPRESENTATIVES**

OF THE

**STATE OF MAINE.**

**1840.**

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*AUGUSTA:*

SMITH & ROBINSON, PRINTERS TO THE STATE.

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1840.

## STATE OF MAINE.

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HOUSE OF REPRESENTATIVES, }  
January 7, 1840. }

ORDERED, That the Clerk of this House, cause eight hundred copies of the Rules and Orders, together with the Constitution of the United States, and of this State ; the names of the members of the House, and the number of their seats ; the names of the members of the Senate ; of the several officers of each House ; of the Governor and Council, and of the officers of the several Departments of the State Government ; with a list of the Standing Committees of each House, and of the Joint Standing Committees, to be printed for the use of the House.

[Extract from the Journal.]

ATTEST :

ELBRIDGE GERRY, *Clerk.*

CONSTITUTION  
OF THE  
UNITED STATES.

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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.

**ARTICLE I.**

SECTION 1.

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.

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.

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.

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 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.

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

5. The House of Representatives shall choose their Speaker and other officers; and shall have the sole power of impeachment.

### SECTION III.

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.

2. Immediately after they shall be assembled in consequence of their 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.

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.

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.

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.

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.

#### 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.

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.

#### 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.

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.

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.

4. Neither House, during the session of Congress, shall, without the consent of the other, adjourn for more than three days, nor to any other place than that in which the two Houses shall be sitting.

#### SECTION VI.

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.

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.

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.

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 that 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 re-considered ; 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 its adjournment, prevent its return; in which case it shall not be a law.

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:

2. To borrow money on the credit of the United States:

3. To regulate commerce with foreign nations, and among the several States, and with the Indian tribes;

4. To establish an uniform rule of naturalization, and uniform laws on the subject of bankruptcies, throughout the United States:

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 respective 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:

10. To declare war; grant letters of marque and reprisal; and make rules concerning captures on land and water:

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.

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 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

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.

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.

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.

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.

### 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:

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.

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 the number of votes for each; which they will 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 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.

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.

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.

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.

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:

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.

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 shall think proper, in the President alone, in the Courts of Law, or in the Heads of Departments.

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.

## 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.

#### 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.

### 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.

#### 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, 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.

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 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.

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 places as the Congress may, by law, have directed.

### SECTION III.

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.

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.

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.

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.

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.

## 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.

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 States.

## SECTION IV.

1. 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.

## 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 suffrages in the Senate.

## 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.



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 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.

### **ARTICLE VII.**

The ratification of the Conventions of nine States shall be sufficient for the establishment of this Constitution between the States so ratifying the same.

**AMENDMENTS**  
TO THE  
**CONSTITUTION.**

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**ARTICLE I.**

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.

**ARTICLE II.**

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.

**ARTICLE III.**

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.

**ARTICLE IV.**

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.

## ARTICLE V.

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.

## ARTICLE VI.

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.

## ARTICLE VII.

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.

## ARTICLE VIII.

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

## ARTICLE IX.

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

## ARTICLE X.

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.

## ARTICLE XI.

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.

## ARTICLE XII.

1. 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 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 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.

2. 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.

3. But no person constitutionally ineligible to the office of President, shall be eligible to the office of Vice-President of the United States.

# CONSTITUTION OF MAINE.

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WE, the people of Maine, in order to establish justice, ensure tranquility, provide for our mutual defence, promote our common welfare, and secure to ourselves and our posterity the blessings of liberty, acknowledging with grateful hearts the goodness of the Sovereign Ruler of the Universe in affording us an opportunity, so favorable to the design; and, imploring his aid and direction in its accomplishment, do agree to form ourselves into a free and independent State, by the style and title of the State of Maine, and do ordain and establish the following Constitution for the government of the same.

## ARTICLE I.

### DECLARATION OF RIGHTS.

Sec. 1. All men are born equally free and independent, and have certain natural, inherent and unalienable rights, among which are those of enjoying and defending life and liberty, acquiring, possessing and protecting property, and of pursuing and obtaining safety and happiness.

Sec. 2. All power is inherent in the people; all free governments are founded in their authority and instituted for their benefit; they have therefore an unalienable and indefeasible right to institute government, and to alter, reform, or totally change the same, when their safety and happiness require it.

Sec. 3. All men have a natural and unalienable right to worship Almighty God according to the dictates of their own consciences, and no one shall be hurt, molested or restrained

in his person, liberty or estate, for worshipping God in the manner and season most agreeable to the dictates of his own conscience, nor for his religious professions or sentiments, provided he does not disturb the public peace, nor obstruct others in their religious worship;—and all persons demeaning themselves peaceably, as good members of the State, shall be equally under the protection of the laws, and no subordination nor preference of any one sect or denomination to another shall ever be established by law, nor shall any religious test be required as a qualification for any office or trust under this State; and all religious societies in this State, whether incorporate or unincorporate, shall at all times have the exclusive right of electing their public teachers, and contracting with them for their support and maintenance.

SEC. 4. Every citizen may freely speak, write and publish his sentiments on any subject, being responsible for the abuse of this liberty; no laws shall be passed, regulating or restraining the freedom of the press; and in prosecutions for any publication respecting the official conduct of men in public capacity, or the qualifications of those who are candidates for the suffrages of the people, or where the matter published is proper for public information, the truth thereof may be given in evidence, and in all indictments for libels the jury, after having received the direction of the court, shall have a right to determine, at their discretion, the law and the fact.

SEC. 5. The people shall be secure in their persons, houses, papers and possessions from all unreasonable searches and seizures; and no warrant to search any place, or seize any person or thing, shall issue without a special designation of the place to be searched, and the person or thing to be seized, nor without probable cause—supported by oath or affirmation.

SEC. 6. In all criminal prosecutions, the accused shall have a right to be heard by himself and his counsel, or either, at his election;

To demand the nature and cause of the accusation and have a copy thereof;

To be confronted by the witnesses against him;

To have compulsory process for obtaining witnesses in his favor;

To have a speedy, public and impartial trial, and, except in trials by martial law or impeachment, by a jury of the vicinity. He shall not be compelled to furnish or give evidence against

himself, nor be deprived of his life, liberty, property or privileges, but by judgment of his peers or the law of the land.

SEC. 7. No person shall be held to answer for a capital or infamous crime, unless on a presentment or indictment of a grand jury, except in cases of impeachment, or in such cases of offences, as are usually cognizable by a justice of the peace, or in cases arising in the army or navy, or in the militia when in actual service in time of war or public danger. The Legislature shall provide by law a suitable and impartial mode of selecting juries, and their usual number and unanimity, in indictments and convictions, shall be held indispensable.

SEC. 8. No person, for the same offence, shall be twice put in jeopardy of life or limb.

SEC. 9. Sanguinary laws shall not be passed; all penalties and punishments shall be proportioned to the offence: excessive bail shall not be required, nor excessive fines imposed, nor cruel nor unusual punishments inflicted.

SEC. 10. All persons, before conviction, shall be bailable, except for capital offences, where the proof is evident or the presumption great. And 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.

SEC. 11. The Legislature shall pass no bill of attainder, *ex post facto* law, nor law impairing the obligation of contracts, and no attainder shall work corruption of blood nor forfeiture of estate.

SEC. 12. Treason against this State shall consist only in levying war against it, adhering to its 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 confession in open court.

SEC. 13. The laws shall not be suspended but by the Legislature or its authority.

SEC. 14. No person shall be subject to corporeal punishment under military law, except such as are employed in the army or navy, or in the militia when in actual service in time of war or public danger.

SEC. 15. The people have a right at all times in an orderly and peaceable manner to assemble to consult upon the common good, to give instructions to their Representatives, and to request, of either department of the government by petition or remonstrance, redress of their wrongs and grievances.



SEC. 16. Every citizen has a right to keep and bear arms for the common defence ; and this right shall never be questioned.

SEC. 17. No standing army shall be kept up in time of peace without the consent of the Legislature, and the military shall, in all cases, and at all times, be in strict subordination to the civil power.

SEC. 18. No soldier shall, in time of peace be quartered in any house without the consent of the owner or occupant, nor in time of war, but in a manner to be prescribed by law.

SEC. 19. Every person, for an injury done him in his person, reputation, property, or immunities, shall have remedy by due course of law : and right and justice shall be administered freely and without sale, completely and without denial, promptly and without delay.

SEC. 20. In all civil suits, and in all controversies concerning property, the parties shall have a right to a trial by jury, except in cases where it has heretofore been otherwise practised : the party claiming the right may be heard by himself and his counsel, or either, at his election.

SEC. 21. Private property shall not be taken for public uses without just compensation ; nor unless the public exigencies require it.

SEC. 22. No tax or duty shall be imposed without the consent of the people or of their Representatives in the Legislature.

SEC. 23. No title of nobility or hereditary distinction, privilege, honor or enolument, shall ever be granted or confirmed, nor shall any office be created, the appointment to which shall be for a longer time than during good behavior.

SEC. 24. The enumeration of certain rights shall not impair nor deny others retained by the people.

## **ARTICLE II.**

### **ELECTORS.**

SEC. 1. Every male citizen of the United States of the age of twenty-one years and upwards, excepting paupers, persons under guardianship, and Indians not taxed, having his residence established in this State for the term of three months next preceding any election, shall be an elector for Governor, Senators and Representatives, in the town or plantation where his resi-

dence is so established; and the election shall be by written ballot. But persons in the military, naval or marine service of the United States, or this State, shall not be considered as having obtained such established residence by being stationed in any garrison, barrack, or military place, in any town or plantation; nor shall the residence of a student at any seminary of learning entitle him to the right of suffrage in the town or plantation where such seminary is established.

SEC. 2. Electors shall, in all cases, except treason, felony or breach of the peace, be privileged from arrest on the days of election, during their attendance at, going to, and returning therefrom.

SEC. 3. No elector shall be obliged to do duty in the militia on any day of election, except in time of war or public danger.

SEC. 4. The election of Governor, Senators and Representatives, shall be on the second Monday of September annually forever.

### ARTICLE III.

#### DISTRIBUTION OF POWERS.

SEC. 1. The powers of this Government shall be divided into three distinct departments, the *Legislative, Executive and Judicial*.

SEC. 2. No person or persons, belonging to one of these departments, shall exercise any of the powers properly belonging to either of the others, except in the cases herein expressly directed or permitted.

### ARTICLE IV.—Part First.

#### LEGISLATIVE POWER—HOUSE OF REPRESENTATIVES.

SEC. 1. The Legislative power shall be vested in two distinct branches, a House of Representatives, and a Senate, each to have a negative on the other, and both to be styled the *Legislature of Maine*, and the style of their Acts and Laws, shall be, "*Be it enacted by the Senate and House of Representatives in Legislature assembled.*"

SEC. 2. The House of Representatives shall consist of not less than one hundred nor more than two hundred members, to be elected by the qualified electors for one year from the day next preceding the annual meeting of the Legislature. The

Legislature which shall first be convened under this Constitution, shall, on or before the fifteenth day of August in the year of our Lord one thousand eight hundred and twenty-one, and the Legislature within every subsequent period of at most ten years and at least five, cause the number of the inhabitants of the State to be ascertained, exclusive of foreigners not naturalized, and Indians not taxed. The number of Representatives shall, at the several periods of making such enumeration, be fixed and apportioned among the several counties, as near as may be, according to the number of inhabitants, having regard to the relative increase of population. The number of Representatives shall, on said first apportionment, be not less than one hundred nor more than one hundred and fifty; and, whenever the number of Representatives shall be two hundred, at the next annual meetings of elections, which shall thereafter be had, and at every subsequent period of ten years, the people shall give in their votes, whether the number of Representatives shall be increased or diminished, and if a majority of votes are in favor thereof, it shall be the duty of the next Legislature thereafter to increase or diminish the number by the rule hereinafter prescribed.

SEC. 3. Each town having fifteen hundred inhabitants may elect one Representative; each town having three thousand seven hundred and fifty may elect two; each town having six thousand seven hundred and fifty may elect three; each town having ten thousand five hundred may elect four; each town having fifteen thousand may elect five; each town having twenty thousand two hundred and fifty may elect six; each town having twenty-six thousand two hundred and fifty inhabitants may elect seven; but no town shall ever be entitled to more than seven Representatives: and towns and plantations duly organized, not having fifteen hundred inhabitants, shall be classed, as conveniently as may be, into districts containing that number, and so as not to divide towns; and each such district may elect one representative; and when on this apportionment the number of representatives shall be two hundred, a different apportionment shall take place upon the above principle; and in case the fifteen hundred shall be too large or too small to apportion all the Representatives to any county, it shall be so increased or diminished as to give the number of Representatives according to the above rule and proportion; and whenever any town or towns, plantation or plantations not entitled to

elect a Representative shall determine against a classification with any other town or plantation, the Legislature may, at each apportionment of Representatives, on the application of such town or plantation, authorize it to elect a Representative for such portion of time and such periods, as shall be equal to its portion of representation: and the right of representation, so established, shall not be altered until the next general apportionment.

SEC. 4. No person shall be a member of the House of Representatives, unless he shall, at the commencement of the period for which he is elected, have been five years a citizen of the United States, have arrived at the age of twenty-one years, have been a resident in this State one year, or from the adoption of this Constitution; and, for the three months next preceding the time of his election shall have been, and, during the period for which he is elected, shall continue to be a resident in the town or district which he represents.

SEC. 5. The meetings for the choice of Representatives shall be warned in due course of law by the selectmen of the several towns seven days at least before the election, and the selectmen thereof shall preside impartially at such meetings, receive the votes of all the qualified electors present, sort, count and declare them in open town meeting, and in the presence of the town clerk, who shall form a list of the persons voted for, with the number of votes for each person against his name, shall make a fair record thereof in the presence of the selectmen, and in open town meeting; and a fair copy of this list shall be attested by the selectmen and town clerk, and delivered by said selectmen to each Representative within ten days next after such election. And the towns and plantations organized by law, belonging to any class herein provided, shall hold their meetings at the same time in the respective towns and plantations; and the town and plantation meetings in such towns and plantations shall be notified, held and regulated, the votes received, sorted, counted and declared in the same manner. And the assessors and clerks of plantations shall have all the powers, and be subject to all the duties, which selectmen and town clerks have, and are subject to by this Constitution. And the selectmen of such towns, and the assessors of such plantations, so classed, shall, within four days next after such meeting, meet at some place, to be prescribed and notified by the selectmen or assessors of the eldest town, or plantation in

such class, and the copies of said lists shall be then examined and compared; and in case any person shall be elected by a majority of all the votes, the selectmen or assessors shall deliver the certified copies of such lists to the person so elected, within ten days next after such election; and the clerks of towns and plantations respectively shall seal up copies of all such lists and cause them to be delivered into the Secretary's office twenty days at least before the first Wednesday in January annually; but in case no person shall have a majority of votes, the selectmen and assessors shall, as soon as may be, notify another meeting, and the same proceedings shall be had at every future meeting until an election shall have been effected: *Provided*, That the Legislature may by law prescribe a different mode of returning, examining and ascertaining the election of Representatives in such classes.

SEC. 6. Whenever the seat of a member shall be vacated by death, resignation, or otherwise, the vacancy may be filled by a new election.

SEC. 7. The House of Representatives shall choose their Speaker, Clerk and other officers.

SEC. 8. The House of Representatives shall have the sole power of impeachment.

## ARTICLE IV.—Part Second.

### SENATE.

SEC. 1. The Senate shall consist of no less than twenty, nor more than thirty-one members, elected at the same time, and for the same term, as the Representatives, by the qualified electors of the districts, into which the State shall from time to time be divided.

SEC. 2. The Legislature, which shall be first convened under this Constitution, shall, on or before the fifteenth day of August, in the year of our Lord one thousand eight hundred and twenty-one, and the Legislature at every subsequent period of ten years, cause the State to be divided into districts for the choice of Senators. The districts shall conform, as near as may be, to county lines, and be apportioned according to the number of inhabitants. The number of Senators shall not exceed twenty at the first apportionment, and shall at each apportionment be increased, until they shall amount to thirty-one, according to the increase in the House of Representatives.

SEC. 3. The meetings for the election of Senators, shall be notified, held and regulated, and the votes received, sorted, counted, declared and recorded, in the same manner as those for Representatives. And fair copies of the list of votes shall be attested by the selectmen and town clerks of towns, and the assessors and clerks of plantations, and sealed up in open town and plantation meetings; and the town and plantation clerks respectively shall cause the same to be delivered into the Secretary's office thirty days at least before the first Wednesday of January. All other qualified electors living in places unincorporated, who shall be assessed to the support of the government by the assessors of an adjacent town, shall have the privilege of voting for Senators, Representatives and Governor in such town; and shall be notified by the selectmen thereof for that purpose accordingly.

SEC. 4. The Governor and Council shall, as soon as may be, examine the returned copies of such lists, and, twenty days before the said first Wednesday of January, issue a summons to such persons, as shall appear to be elected by a majority of the votes in each district, to attend that day and take their seats.

SEC. 5. The Senate shall, on the said first Wednesday of January, annually, determine who are elected by a majority of votes to be Senators in each district; and in case the full number of Senators to be elected from each district shall not have been so elected, the members of the House of Representatives, and such Senators as shall have been elected, shall, from the highest numbers of the persons voted for, on said lists, equal to twice the number of Senators deficient, in every district, if there be so many voted for, elect by joint ballot, the number of Senators required; and in this manner all vacancies in the Senate shall be supplied, as soon as may be, after such vacancies happen.

SEC. 6. The Senators shall be twenty-five years of age at the commencement of the term for which they are elected, and in all other respects their qualifications shall be the same as those of the Representatives.

SEC. 7. The Senate shall have full power to try all impeachments, and when setting for that purpose shall be on oath or affirmation, and no person shall be convicted without the concurrence of two thirds of the members present. Their judgment, however, shall not extend farther than to removal from office, and disqualification to hold or enjoy any office of honor,

trust or profit under this State. But the party, whether convicted or acquitted, shall nevertheless be liable to indictment, trial, judgment and punishment according to law.

SEC. 8. The Senate shall choose their President, Secretary and other officers.

## **ARTICLE IV.**—Part Third.

### LEGISLATIVE POWER.

SEC. 1. The Legislature shall convene on the first Wednesday of January annually, and shall have full power to make and establish all reasonable laws and regulations for the defence and benefit of the people of this State, not repugnant to this Constitution nor to that of the United States.

SEC. 2. Every bill or resolution, having the force of law, to which the concurrence of both Houses may be necessary, except on a question of adjournment, which shall have passed both Houses, shall be presented to the Governor, and if he approve, he shall sign it; if not, he shall return it with his objections to the House, in which it shall have originated, which shall enter the objections at large on its journals, and proceed to reconsider it. If, after such reconsideration two thirds of that House shall agree to pass it, it shall be sent, together with the objections, to the other House, by which it shall be reconsidered, and, if approved by two thirds of that House, it shall have the same effect, as if it had been signed by the Governor; but in all such cases, the votes of both Houses shall be taken by yeas and nays, and the names of the persons, voting for and against the bill or resolution, shall be entered on the journals of both Houses respectively. If the bill or resolution shall not be returned by the Governor within five days (Sundays excepted) after it shall have been presented to him, it shall have the same force and effect, as if he had signed it, unless the Legislature by their adjournment, prevent its return, in which case it shall have such force and effect, unless returned within three days after their next meeting.

SEC. 3. Each House shall be the judge of the elections and qualifications of its own members, and a majority shall constitute a quorum to do business; but a smaller number may adjourn from day to day, and may compel the attendance of absent members, in such manner and under such penalties as each House shall provide.

SEC. 4. 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, but not a second time for the same cause.

SEC. 5. Each House shall keep a journal, and from time to time publish its proceedings, except such parts as in their judgment may 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 journals.

SEC. 6. Each House, during its session, may punish by imprisonment any person not a member, for disrespectful or disorderly behavior in its presence, for obstructing any of its proceedings, threatening, assaulting or abusing any of its members for any thing said, done, or doing in either House: *Provided*, that no imprisonment shall extend beyond the period of the same session.

SEC. 7. The Senators and Representatives shall receive such compensation, as shall be established by law; but no law increasing their compensation shall take effect during the existence of the Legislature, which enacted it. The expenses of the members of the House of Representatives in travelling to the Legislature, and returning therefrom, once in each session and no more, shall be paid by the State out of the public Treasury to every member, who shall seasonably attend, in the judgment of the House, and does not depart therefrom without leave.

SEC. 8. The Senators and Representatives shall, in all cases except treason, felony or breach of the peace, be privileged from arrest during their attendance at, going to, and returning from each session of the Legislature, and no member shall be liable to answer for any thing spoken in debate in either House, in any court or place elsewhere.

SEC. 9. Bills, orders or resolutions, may originate in either House, and may be altered, amended or rejected in the other; but all bills for raising a revenue shall originate in the House of Representatives, but the Senate may propose amendments as in other cases; *Provided*, that they shall not, under color of amendment, introduce any new matter, which does not relate to raising a revenue.

SEC. 10. No Senator or Representative shall, during the term for which he shall have been elected, be appointed to any civil office of profit under this State, which shall have been



created, or the emoluments of which increased during such term, except such offices as may be filled by elections by the people: *Provided*, that this prohibition shall not extend to the members of the first Legislature.

SEC. 11. No member of Congress, nor person holding any office under the United States, (post officers excepted,) nor office of profit under this State, Justices of the Peace, Notaries Public, Coroners and officers of the Militia excepted, shall have a seat in either House during his being such member of Congress, or his continuing in such office.

SEC. 12. Neither House shall during the session, without the consent of the other, adjourn for more than two days, nor to any other place than that in which the Houses shall be sitting.

## ARTICLE V.—Part First.

### EXECUTIVE POWER.

SEC. 1. The supreme executive power of this State shall be vested in a Governor.

SEC. 2. The Governor shall be elected by the qualified Electors, and shall hold his office one year from the first Wednesday of January in each year.

SEC. 3. The meetings for election of Governor shall be notified, held and regulated, and votes shall be received, sorted, counted, declared and recorded, in the same manner as those for Senators and Representatives. They shall be sealed and returned into the Secretary's office in the same manner, and at the same time, as those for Senators. And the Secretary of State for the time being shall, on the first Wednesday of January, then next, lay the lists before the Senate and House of Representatives to be by them examined, and, in case of a choice by a majority of all the votes returned, they shall declare and publish the same. But, if no person shall have a majority of votes, the House of Representatives shall, by ballot, from the persons having the four highest numbers of votes on the lists, if so many there be, elect two persons, and make return of their names to the Senate, of whom the Senate shall by ballot, elect one, who shall be declared the Governor.

SEC. 4. The Governor shall, at the commencement of his term, be not less than thirty years of age; a natural born citizen of the United States, have been five years, or from the adoption of this Constitution, a resident of the State; and at

the time of his election, and during the term for which he is elected, be a resident of said State.

SEC. 5. No person holding any office or place under the United States, this State, or any other power, shall exercise the office of Governor.

SEC. 6. The Governor shall, at stated times, receive for his services a compensation, which shall not be increased or diminished during his continuance in office.

SEC. 7. He shall be commander in chief of the army and navy of the State, and of the Militia, except when called into the actual service of the United States; but he shall not march nor convey any of the citizens out of the State without their consent or that of the Legislature, unless it shall become necessary, in order to march or transport them from one part of the State to another for the defence thereof.

SEC. 8. He shall nominate, and, with the advice and consent of the Council, appoint all judicial officers, the Attorney General, the Sheriffs, Coroners, Registers of Probate, and Notaries Public; and he shall also nominate, and with the advice and consent of the Council appoint all other civil and military officers, whose appointment is not by this Constitution, or shall not by law be otherwise provided for; and every such nomination shall be made seven days, at least, prior to such appointment.

SEC. 9. He shall from time to time give the Legislature information of the condition of the State, and recommend to their consideration such measures, as he may judge expedient.

SEC. 10. He may require information from any military officer, or any officer in the executive department, upon any subject relating to the duties of their respective offices.

SEC. 11. He shall have power, with the advice and consent of the Council, to remit, after conviction, all forfeitures and penalties, and to grant reprieves and pardons, except in cases of impeachment.

SEC. 12. He shall take care that the laws be faithfully executed.

SEC. 13. He may, on extraordinary occasions, convene the Legislature, and in case of disagreement between the two Houses with respect to the time of adjournment, adjourn them to such time, as he shall think proper, not beyond the day of the next annual meeting; and if, since the last adjournment, the place where the Legislature were next to convene shall

have become dangerous from an enemy or contagious sickness, may direct the session to be held at some other convenient place within the State.

SEC. 14. Whenever the office of Governor shall become vacant by death, resignation, removal from office or otherwise, the President of the Senate shall exercise the office of Governor until another Governor shall be duly qualified; and in case of the death, resignation, removal from office or other disqualification of the President of the Senate, so exercising the office of Governor, the Speaker of the House of Representatives shall exercise the office, until a President of the Senate shall have been chosen; and when the office of Governor, President of the Senate, and Speaker of the House shall become vacant, in the recess of the Senate, the person, acting as Secretary of State for the time being, shall, by proclamation, convene the Senate, that a President may be chosen to exercise the office of Governor. And whenever either the President of the Senate, or Speaker of the House shall so exercise said office, he shall receive only the compensation of Governor, but his duties as President or Speaker shall be suspended; and the Senate or House, shall fill the vacancy, until his duties as Governor shall cease.

## **ARTICLE V. — Part Second.**

### **COUNCIL.**

SEC. 1. There shall be a Council, to consist of seven persons, citizens of the United States, and residents of this State, to advise the Governor in the executive part of government, whom the Governor shall have full power, at his discretion, to assemble; and he, with the Counsellors, or a majority of them, may from time to time, hold and keep a Council, for ordering and directing the affairs of State according to law.

SEC. 2. The Counsellors shall be chosen annually, on the first Wednesday of January, by joint ballot of the Senators and Representatives in Convention; and vacancies, which shall afterwards happen, shall be filled in the same manner; but not more than one Counsellor shall be elected from any district, prescribed for the election of Senators; and they shall be privileged from arrest in the same manner as Senators and Representatives.

SEC. 3. The resolutions and advice of Council shall be recorded in a register, and signed by the members agreeing

thereto, which may be called for by either House of the Legislature; and any Counsellor may enter his dissent to the resolution of the majority.

SEC. 4. No member of Congress, or of the Legislature of this State, nor any person holding any office under the United States, (post officers excepted,) nor any civil officers under this State, (Justices of the Peace and Notaries Public excepted,) shall be Counsellors. And no Counsellor shall be appointed to any office during the time for which he shall have been elected.

### **ARTICLE V.—Part Third.**

#### SECRETARY.

SEC. 1. The Secretary of State shall be chosen annually, at the first session of the Legislature, by joint ballot of the Senators and Representatives in Convention.

SEC. 2. The records of the State shall be kept in the office of the Secretary, who may appoint his deputies, for whose conduct he shall be accountable.

SEC. 3. He shall attend the Governor and Council, Senate and House of Representatives, in person or by his deputies, as they shall respectively require.

SEC. 4. He shall carefully keep and preserve the records of all the official acts and proceedings of the Governor and Council, Senate and House of Representatives, and, when required, lay the same before either branch of the Legislature, and perform such other duties as are enjoined by this Constitution, or shall be required by law.

### **ARTICLE V.—Part Fourth.**

#### TREASURER.

SEC. 1. The Treasurer shall be chosen annually, at the first session of the Legislature, by joint ballot of the Senators and Representatives in Convention, but shall not be eligible more than five years successively.

SEC. 2. The Treasurer shall, before entering on the duties of his office, give bond to the State, with sureties, to the satisfaction of the Legislature, for the faithful discharge of his trust.

SEC. 3. The Treasurer shall not, during his continuance in office, engage in any business of trade or commerce, or as a broker, nor as an agent or factor for any merchant or trader.

SEC. 4. No money shall be drawn from the Treasury, but by warrant from the Governor and Council, and in consequence of appropriations made by law; and a regular statement and accounts of the receipts and expenditures of all public money, shall be published at the commencement of the annual session of the Legislature.

## ARTICLE VI.

### JUDICIAL POWER.

SEC. 1. The Judicial power of this State shall be vested in a Supreme Judicial Court, and such other courts as the Legislature shall from time to time establish.

SEC. 2. The Justices of the Supreme Judicial Court shall, at stated times, receive a compensation, which shall not be diminished during their continuance in office, but they shall receive no other fee or reward.

SEC. 3. They shall be obliged to give their opinions upon important questions of law, and upon solemn occasions, when required by the Governor, Council, Senate or House of Representatives.

\* SEC. 4. All Judicial Officers, now in office, or who may be hereafter appointed, shall from and after the first day of March, in the year eighteen hundred and forty, hold their offices for the term of seven years from the time of their respective appointments, (unless sooner removed by impeachment or by address of both branches of the Legislature to the Executive) and no longer unless re-appointed thereto.

SEC. 5. Justices of the Peace and Notaries Public, shall hold their offices during seven years if they so long behave themselves well, at the expiration of which term, they may be re-appointed or others appointed, as the public interest may require.

SEC. 6. The Justices of the Supreme Judicial Court shall hold no office under the United States, nor any State, nor any other office under this State, except that of Justice of the Peace.

## ARTICLE VII.

### MILITARY.

SEC. 1. The captains and subalterns of the Militia shall be elected by the written votes of the members of their respective companies. The field officers of Regiments by the written

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\*Amendment adopted January, 1840.

votes of the captains and subalterns of their respective regiments. The Brigadier Generals in like manner, by the field officers of their respective brigades.

SEC. 2. The Legislature shall, by law, direct the manner of notifying the electors, conducting the elections, and making the returns to the Governor of the officers elected; and, if the electors shall neglect or refuse to make such elections, after being duly notified according to law, the Governor shall appoint suitable persons to fill such offices.

SEC. 3. The Major Generals shall be elected by the Senate and House of Representatives, each having a negative on the other. The Adjutant General and Quarter-Master General shall be appointed by the Governor and Council; but the Adjutant General shall perform the duties of Quarter-Master General, until otherwise directed by law. The Major Generals and Brigadier Generals, and the commanding officers of regiments and battalions shall appoint their respective staff officers; and all military officers shall be commissioned by the Governor.

SEC. 4. The militia, as divided into divisions, brigades, regiments, battalions and companies, pursuant to the laws now in force, shall remain so organized, until the same shall be altered by the Legislature.

SEC. 5. Persons of the denomination of Quakers and Shakers, Justices of the Supreme Judicial Court and Ministers of the Gospel may be exempted from military duty, but no other person of the age of eighteen and under the age of forty-five years, excepting officers of the militia, who have been honorably discharged, shall be so exempted, unless he shall pay an equivalent to be fixed by law.

## ARTICLE VIII.

### LITERATURE.

A general diffusion of the advantages of education being essential to the preservation of the rights and liberties of the people; to promote this important object, the Legislature are authorized, and it shall be their duty to require, the several towns to make suitable provision, at their own expense, for the support and maintenance of public schools; and it shall further be their duty to encourage and suitably endow, from time to time, as the circumstances of the people may authorize, all

academies, colleges and seminaries of learning within the State: *Provided*, That no donation, grant or endowment shall at any time be made by the Legislature, to any Literary Institution now established, or which may hereafter be established, unless, at the time of making such endowment, the Legislature of the State shall have the right to grant any further powers to, alter, limit, or restrain any of the powers vested in, any such Literary Institution, as shall be judged necessary to promote the best interests thereof.

## ARTICLE IX.

### GENERAL PROVISIONS.

SEC. 1. Every person elected or appointed to either of the places or offices provided in this Constitution, and every person elected, appointed or commissioned to any Judicial, Executive, Military, or other office under this State, shall, before he enter on the discharge of the duties of his place or office, take and subscribe the following oath or affirmation: "I do swear, that I will support the Constitution of the United States and of this State, so long as I shall continue a citizen thereof. So help me God."

"I do swear, that I will faithfully discharge, to the best of my abilities, the duties incumbent on me as according to the Constitution and the laws of the State. So help me God." *Provided*, That an affirmation in the above forms may be substituted, when the person shall be conscientiously scrupulous of taking and subscribing an oath.

The oaths or affirmations shall be taken and subscribed by the Governor and Counsellors before the presiding officer of the Senate, in the presence of both Houses of the Legislature, and by the Senators and Representatives before the Governor and Council, and by the residue of said officers before such persons as shall be prescribed by the Legislature; and whenever the Governor or any Counsellor shall not be able to attend during the session of the Legislature to take and subscribe said oaths or affirmations, such oaths or affirmations may be taken and subscribed in the recess of the Legislature before any Justice of the Supreme Judicial Court: *Provided*, that the Senators and Representatives, first elected under this Constitution, shall take and subscribe such oaths or affirmations before the President of the Convention.

**SEC. 2.** No person holding the office of Justice of the Supreme Judicial Court, or of any inferior Court, Attorney General, County Attorney, Treasurer of the State, Adjutant General, Judge of Probate, Register of Probate, Register of Deeds, Sheriffs or their deputies, Clerks of the Judicial Courts, shall be a member of the Legislature; and any person holding either of the foregoing offices, elected to, and accepting a seat in the Congress of the United States, shall thereby vacate said office; and no person shall be capable of holding or exercising, at the same time, within this State, more than one of the offices before mentioned.

**SEC. 3.** All Commissions shall be in the name of the State, signed by the Governor, attested by the Secretary or his deputy, and have the seal of the State thereto affixed.

**SEC. 4.** And in case the elections, required by this Constitution on the first Wednesday of January annually, by the two Houses of the Legislature, shall not be completed on that day, the same may be adjourned from day to day, until completed, in the following order: the vacancies in the Senate shall first be filled; the Governor shall then be elected, if there be no choice by the people; and afterwards the two Houses shall elect the Council.

**SEC. 5.** Every person holding any civil office under this State, may be removed by impeachment, for misdemeanor in office; and every person holding any office, may be removed by the Governor, with the advice of the Council, on the address of both branches of the Legislature. But before such address shall pass either House, the causes of removal shall be stated and entered on the journal of the House in which it originated, and a copy thereof served on the person in office, that he may be admitted to a hearing in his defence.

**SEC. 6.** The tenure of all offices, which are not or shall not be otherwise provided for, shall be during the pleasure of the Governor and Council.

**SEC. 7.** While the public expenses shall be assessed on polls and estates, a general valuation shall be taken at least once in ten years.

**SEC. 8.** All taxes upon real estate, assessed by authority of this State, shall be apportioned and assessed equally, according to the just value thereof.



**ARTICLE X.**

## SCHEDULE.

**SEC. 1.** The first Legislature shall meet on the last Wednesday in May next. The elections on the second Monday in September annually shall not commence until the year one thousand eight hundred and twenty-one, and in the mean time the election for Governor, Senators and Representatives shall be on the first Monday in April, in the year of our Lord one thousand eight hundred and twenty, and at this election the same proceedings shall be had as are required at the elections, provided for in this Constitution on the second Monday in September annually, and the lists of the votes for the Governor and Senators shall be transmitted, by the town and plantation clerks respectively, to the Secretary of State *pro tempore*, seventeen days at least before the last Wednesday in May next, and the President of the Convention shall, in presence of the Secretary of State, *pro tempore*, open and examine the attested copies of said lists so returned for Senators, and shall have all the powers, and be subject to all the duties, in ascertaining, notifying, and summoning the Senators, who appear to be elected, as the Governor and Council have, and are subject to by this Constitution: *Provided*, he shall notify said Senators fourteen days at least before the last Wednesday in May, and vacancies shall be ascertained and filled in the manner herein provided: and the Senators to be elected on the said first Monday of April, shall be apportioned as follows:

The County of York shall elect three.

The County of Cumberland shall elect three.

The County of Lincoln shall elect three.

The County of Hancock shall elect two.

The County of Washington shall elect one.

The County of Kennebec shall elect three.

The County of Oxford shall elect two.

The County of Somerset shall elect two.

The County of Penobscot shall elect one.

And the members of the House of Representatives shall be elected, ascertained, and returned in the same manner as herein provided at elections on the second Monday of September, and the first House of Representatives shall consist of the following number, to be elected as follows:

## COUNTY OF YORK.

The towns of York and Wells may *each* elect two representatives; and each of the remaining towns may elect one.

## COUNTY OF CUMBERLAND.

The town of Portland may elect three representatives; North Yarmouth, two; Brunswick, two; Gorham, two; Freeport and Pownal, two; Raymond and Otisfield, one; Bridgton, Baldwin and Harrison, one; Poland and Danyille, one; and each remaining town one.

## COUNTY OF LINCOLN.

The towns of Georgetown and Phippsburg, may elect one representative; Lewiston and Wales, one; St. George, Cushing and Friendship, one; Hope and Appleton Ridge, one; Jefferson, Putnam and Patricktown Plantation, one; Alna and Whitefield, one; Montville, Palermo and Montville plantation, one; Woolwich and Dresden, one; and each remaining town one.

## COUNTY OF HANCOCK.

The town of Bucksport may elect one representative; Deer Island, one; Castine and Brooksville, one; Orland and Penobscot, one; Mount Desert and Eden, one; Vinalhaven and Islesborough, one; Sedgwick and Bluehill, one; Gouldsborough, Sullivan and plantations No. 8 and 9 north of Sullivan, one; Surry, Ellsworth, Trenton and plantation of Mariaville, one; Lincolnville, Searsmont and Belmont, one; Belfast and Northport, one; Prospect and Swanville, one; Frankfort and Monroe, one; Knox, Brooks, Jackson and Thorndike, one.

## COUNTY OF WASHINGTON.

The towns of Steuben, Cherryfield and Harrington, may elect one representative; Addison, Columbia and Jonesborough, one; Machias, one; Lubec, Dennysville, plantations No. 9, No. 10, No. 11, No. 12, one; Eastport one; Perry, Robinston, Calais, plantations No. 3, No. 6, No. 7, No. 15, and No. 16, one.

## COUNTY OF KENNEBEC.

The towns of Belgrade and Dearborn may elect one representative; Chesterville, Vienna and Rome, one; Wayne and

Fayette, one; Temple and Wilton, one; Winslow and China, one; Fairfax and Freedom, one; Unity, Joy and Twenty-five mile pond plantation, one; Harlem and Malta, one; and each remaining town one.

#### COUNTY OF OXFORD.

The towns of Dixfield, Mexico, Weld and plantations No. 1 and 4, may elect one representative; Jay and Hartford, one; Livermore, one; Rumford, East Andover and Plantations Nos. 7 and 8, one; Turner, one; Woodstock, Paris and Greenwood, one; Hebron and Norway, one; Gilead, Bethel, Newry, Albany and Howard's Gore, one; Porter, Hiram and Brownfield, one; Waterford, Sweden and Lovell, one; Denmark, Fryeburg, and Fryeburg addition, one; Buckfield and Sumner, one.

#### COUNTY OF SOMERSET.

The town of Fairfield may elect one representative; Norridgewock and Bloomfield, one; Starks and Mercer, one; Industry, Strong and New Vineyard, one; Avon, Phillips, Freeman and Kingfield, one; Anson, New Portland, Embden and Plantation No. 1, one; Canaan, Warsaw, Palmyra, St. Albans and Corinna, one; Madison, Solon, Bingham, Moscow and Northhill, one; Cornville, Athens, Harmony, Ripley and Warrenstown, one.

#### COUNTY OF PENOBSCOT.

The towns of Hampden and Newburg may elect one representative; Orrington, Brewer and Eddington and plantations adjacent on the east side of Penobscot river, one; Bangor, Orono and Sunkhaze plantation, one; Dixmont, Newport, Carmel, Hermon, Stetson, and plantation No. 4, in the 6th range, one; Levant, Corinth, Exeter, New Charlestown, Blakesburg, plantation No. 1 in 3d range, and plantation No. 1 in 4th range, one; Dexter, Garland, Guilford, Sangerville, and plantation No. 3, in 6th range, one; Atkinson, Sebec, Foxcroft, Brownville, Williamsburg, plantation No. 1, in the 7th range, and plantation No. 3, in the 7th range, one.

An the Secretary of State *pro tempore* shall have the same powers, and be subject to the same duties, in relation to the votes for Governor, as the Secretary of State has, and is subject to, by this Constitution; and the election of Governor

shall, on the said last Wednesday in May, be determined and declared, in the same manner, as other elections of Governor are by this Constitution; and in case of vacancy in said office, the President of the Senate, and Speaker of the House of Representatives, shall exercise the office, as herein otherwise provided, and the Counsellors, Secretary and Treasurer, shall also be elected on said day, and have the same powers, and be subject to the same duties, as is provided in this Constitution; and in case of the death or other disqualification of the President of this Convention, or of the Secretary of State *pro tempore*, before the election and qualification of the Governor or Secretary of State under this Constitution, the persons to be designated by this Convention at their session in January next, shall have all the powers and perform all the duties, which the President of this Convention, or the Secretary *pro tempore*, to be by them appointed, shall have and perform.

SEC. 2. The period for which the Governor, Senators and Representatives, Counsellors, Secretary and Treasurer, first elected or appointed, are to serve in their respective offices and places, shall commence on the last Wednesday in May, in the year of our Lord one thousand eight hundred and twenty, and continue until the first Wednesday of January, in the year of our Lord one thousand eight hundred and twenty-two.

SEC. 3. All laws now in force in this State, and not repugnant to this Constitution, shall remain, and be in force, until altered or repealed by the Legislature, or shall expire by their own limitation.

SEC. 4. The Legislature, whenever two thirds of both Houses shall deem it necessary, may propose amendments to this Constitution; and when any amendments shall be so agreed upon, a resolution shall be passed and sent to the selectmen of the several towns, and the assessors of the several plantations, empowering and directing them to notify the inhabitants of their respective towns and plantations, in the manner prescribed by law, at their next annual meetings in the month of September, to give in their votes on the question, whether such amendment shall be made; and if it shall appear that a majority of the inhabitants voting on the question are in favor of such amendment, it shall become a part of this Constitution.

SEC. 5. All officers provided for in the sixth section of an act of the Commonwealth of Massachusetts, passed on the nineteenth day of June, in the year of our Lord 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," shall continue in office as therein provided; and the following provisions of said act shall be a part of this Constitution, subject however to be modified or annulled as therein is prescribed, and not otherwise, to wit:

"SEC. 1. Whereas it has been represented to this Legislature, that a majority of the people of the District of Maine, are desirous of establishing a separate and Independent Government within said District: Therefore,

*"Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same,* That the consent of this Commonwealth be, and the same is hereby given, that the District of Maine may be formed and erected into a separate and Independent State, if the people of the said District shall in the manner and by the majority hereinafter mentioned, express their consent and agreement thereto, upon the following terms and conditions: And, provided the Congress of the United States shall give its consent thereto, before the fourth day of March next: which terms and conditions are as follows, viz:

*"First.* All the lands and buildings belonging to the Commonwealth, within Massachusetts Proper, shall continue to belong to said Commonwealth, and all the lands belonging to the Commonwealth, within the District of Maine, shall belong, the one half thereof, to the said Commonwealth, and the other half thereof, to the State to be formed within the said District, to be divided as is hereinafter mentioned; and the lands within the said District, which shall belong to the said Commonwealth, shall be free from taxation, while the title to the said lands remains in the Commonwealth; and the rights of the Commonwealth to their lands, within said District, and the remedies for the recovery thereof, shall continue the same, within the proposed State, and in the Courts thereof, as they now are within the said Commonwealth, and in the Courts thereof; for which purposes, and for the maintenance of its rights, and recovery of its lands, the said Commonwealth shall be entitled to all other proper and legal remedies, and may appear in the Courts of the proposed State and in the Courts of the United States, holden therein; and all rights of action for, or entry into lands, and of actions upon bonds, for the breach of the per-

formance of the condition of settling duties, so called, which have accrued, or may accrue, shall remain in this Commonwealth, to be enforced, commuted, released, or otherwise disposed of, in such manner as this Commonwealth may hereafter determine: *Provided however*, That, whatever this Commonwealth may hereafter receive or obtain on account thereof, if any thing, shall after deducting all reasonable charges relating thereto, be divided, one third part thereof to the new State, and two third parts thereof to this Commonwealth.

*Second.* All the arms which have been received by this Commonwealth from the United States, under the law of Congress, entitled "An act making provisions for arming and equipping the whole body of militia of the United States," passed April the twenty-third, one thousand eight hundred and eight, shall, as soon as the said District shall become a separate State, be divided between the two States, in proportion to the returns of the militia, according to which, the said arms have been received from the United States, as aforesaid.

*Third.* All money, stock, or other proceeds, hereafter derived from the United States, on account of the claim of this Commonwealth, for disbursements made, and expenses incurred, for the defence of the State, during the late war with Great Britain, shall be received by this Commonwealth, and when received, shall be divided between the two States, in the proportion of two thirds to this Commonwealth, and one third to the new State.

*Fourth.* All other property, of every description, belonging to the Commonwealth, shall be holden and receivable by the same, as a fund and security, for all debts, annuities, and Indians subsidies, or claims due by said Commonwealth; and within two years after the said District shall have become a separate State, the Commissioners to be appointed as herein-after provided, if the said States cannot otherwise agree, shall assign a just portion of the productive property, so held by said Commonwealth as an equivalent and indemnification to said Commonwealth, for all such debts, annuities, or Indian subsidies or claims, which may then remain due, or unsatisfied: and all the surplus of the said property, so holden, as aforesaid, shall be divided between the said Commonwealth and the said District of Maine, in the proportion of two thirds to the said Commonwealth, and one third to the said District—and if, in the judgment of the said Commissioners, the whole of said property, so

held, as a fund and security, shall not be sufficient indemnification for the purpose, the said District shall be liable for and shall pay to said Commonwealth, one third of the deficiency.

“*Fifth.* The new State shall, as soon as the necessary arrangements can be made for that purpose, assume and perform all the duties and obligations of this Commonwealth, towards the Indians within said District of Maine, whether the same arise from treaties, or otherwise; and for this purpose shall obtain the assent of said Indians, and their release to this Commonwealth of claims and stipulations arising under the treaty at present existing between the said Commonwealth and said Indians; and as an indemnification to such new State, therefor, this Commonwealth, when such arrangements shall be completed, and the said duties and obligations assumed, shall pay to said new State, the value of thirty thousand dollars, in manner following, viz: The said Commissioners shall set off by metes and bounds, so much of any part of the land, within the said District, falling to this Commonwealth, in the division of the public lands, hereinafter provided for, as in their estimation shall be of the value of thirty thousand dollars; and this Commonwealth shall, thereupon, assign the same to the said new State, or in lieu thereof, may pay the sum of thirty thousand dollars at its election; which election of the said Commonwealth, shall be made within one year from the time that notice of the doings of the Commissioners, on this subject, shall be made known to the Governor and Council; and if not made within that time, the election shall be with the new State.

“*Sixth.* Commissioners, with the powers and for the purposes mentioned in this act, shall be appointed in manner following: The Executive authority of each State shall appoint two; and the four so appointed or the major part of them, shall appoint two more; but if they cannot agree in the appointment, the Executive of each State shall appoint one in addition; not however, in that case, to be a citizen of its own State. And any vacancy happening with respect to the Commissioners, shall be supplied in the manner provided for their original appointment; and, in addition to the powers herein before given to said Commissioners, they shall have full power and authority to divide all the public lands within the District, between the respective States, in equal shares, or moieties, in severalty, having regard to quantity, situation and quality; they shall determine what lands shall be surveyed and divided, from time

to time, the expense of which surveys and of the Commissioners, shall be borne equally by the two States. They shall keep fair records of their doings, and of the surveys made by their direction, copies of which records, authenticated by them, shall be deposited from time to time, in the archives of the respective States; transcripts of which, properly certified, may be admitted in evidence, in all questions touching the subject to which they relate. The Executive authority of each State may revoke the power of either or both his Commissioners; having, however, first appointed a substitute, or substitutes, and may fill any vacancy happening with respect to its own Commissioners; four of said Commissioners shall constitute a quorum, for the transaction of business; their decision shall be final, upon all subjects within their cognizance. In case said commission shall expire, the same not having been completed, and either State shall request the renewal or filling up of the same, it shall be renewed or filled up in the same manner, as is herein provided for filling the same, in the first instance, and with the like powers; and if either State shall after six month's notice, neglect or refuse to appoint its Commissioners, the other may fill up the whole commission.

*Seventh.* All grants of land, franchises, immunities, corporate or other rights, and all contracts for, or grants of land not yet located, which have been or may be made by the said Commonwealth, before the separation of said District shall take place, and having or to have effect within the said District, shall continue in full force, after the said District shall become a separate State. But the grant which has been made to the President and Trustees of Bowdoin College, out of the tax laid upon the Banks within this Commonwealth, shall be charged upon the tax upon the Banks within the said District of Maine, and paid according to the terms of said grant; and the President and Trustees, and the Overseers of said College, shall have, hold and enjoy their powers and privileges in all respects; so that the same shall not be subject to be altered, limited, annulled or restrained, except by judicial process, according to the principles of law; and in all grants hereafter to be made by either State, of unlocated land within the said District, the same reservations shall be made for the benefit of Schools, and of the Ministry, as have heretofore been usual, in grants made by this Commonwealth. And all lands heretofore granted by this Commonwealth, to any religious, literary, or



eleemosynary corporation, or society, shall be free from taxation, while the same continues to be owned by such corporation, or society.

“*Eighth.* No laws shall be passed in the proposed State, with regard to taxes, actions, or remedies at law, or bars, or limitations thereof, or otherwise making any distinction between the lands and rights of property of proprietors not resident in, or not citizens of the proposed State, and the lands and rights of property of the citizens of said proposed State, resident therein; and the rights and liabilities of all persons, shall, after the said separation, continue the same as if the said District was still a part of this Commonwealth, in all suits pending, or judgments remaining unsatisfied on the fifteenth day of March next, where the suits have been commenced in Massachusetts Proper, and process has been served within the District of Maine; or commenced in the District of Maine, and process has been served in Massachusetts Proper, either by taking bail, making attachments, arresting and detaining persons, or otherwise, where execution remains to be done; and in such suits, the Courts within Massachusetts Proper, and within the proposed State, shall continue to have the same jurisdiction as if the said District had still remained a part of the Commonwealth. And this Commonwealth shall have the same remedies within the proposed State, as it now has, for the collection of all taxes, bonds or debts, which may be assessed, due, made, or contracted, by, to, or with the Commonwealth, on or before the said fifteenth day of March, within the said District of Maine; and all officers within Massachusetts Proper and the District of Maine shall conduct themselves accordingly.

“*Ninth.* These terms and conditions, as here set forth, when the said District shall become a separate and independent State, shall, *ipso facto* be incorporated into, and become and be a part of any Constitution, provisional or other, under which the Government of the said proposed State, shall, at any time hereafter be administered; subject however, to be modified, or annulled by the agreement of the Legislature of both the said States; but by no other power or body whatsoever.”

SEC. 6. This Constitution shall be enrolled on parchment, deposited in the Secretary's Office, and be the supreme law of the State, and printed copies thereof shall be prefixed to the books containing the laws of this State.



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**RULES AND ORDERS**

**OF THE**

**HOUSE OF REPRESENTATIVES.**

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## RULES AND ORDERS.



### DUTIES AND POWERS OF THE SPEAKER.

1. The Speaker shall take the Chair every day at the hour to which the House shall have adjourned; shall call the members to order; and on the appearance of a quorum shall cause the Journal of the preceding day to be read.

2. He shall preserve decorum and order; may speak to points of order in preference to other members, shall decide all questions of order, subject to an appeal to the House, on motion regularly seconded; and may vote in all cases.

3. He shall declare all votes; but if any member doubt the vote, the Speaker shall order a return of the House, with the number voting for and against the question, and declare the result.

4. He shall rise to put a question, or to address the House, but may read sitting.

5. When the House shall determine to go into a committee of the whole House, the Speaker shall appoint the member who shall take the Chair.

6. When any member shall demand a question to be determined by yeas and nays, the Speaker shall take the sense of the House in that manner, provided one fifth of the members present are in favor of it.

7. He shall propound all questions in the order they were moved, unless the subsequent motion be previous

in its nature; except that in naming sums, and fixing times, the largest sum and longest time shall be put first.

8. He shall consider a motion to adjourn as always first in order, and it shall be decided without debate.

9. He shall put the previous question in the following form: "Shall the main question be now put?" and all amendment or further debate of the main question shall be suspended until the previous question shall be decided, and the previous question shall not be put unless one third of the members present are in favor of it.

10. When two or more members rise at the same time, the Speaker shall name the person to speak; but in all cases the member who shall first rise and address the Chair, shall speak first.

11. All committees, except such as the House shall from time to time determine to select by ballot, shall be nominated by the Speaker, unless a majority of members shall be in favor of a nomination by the House, in which case the nomination shall be made by the House.

12. The Speaker shall have a right to name a member to perform the duties of the Chair during his absence, but such substitution shall not extend beyond an adjournment.

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#### DUTIES OF THE CLERK.

13. All messages from the House to the Senate, and to the Governor, or Governor and Council, shall be carried by the Clerk, unless when the House shall otherwise decide.

14. All papers shall be transmitted to the Governor and Council, and to the Senate, by the Clerk or the Assistant Clerk.

15. In case the Speaker shall be absent, the Clerk shall preside until a Speaker pro tem. be chosen.

**OF THE CHAPLAIN.**

16. A Chaplain or Chaplains, shall be appointed at the commencement of the session, in such manner as the House may direct, who shall perform religious services every morning immediately after the reading of the Journal. They may exchange with the Chaplain or Chaplains of the Senate, when it may be convenient to themselves.

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**DECORUM OF MEMBERS.**

17. Every seat which shall be drawn by any member, in person, at the beginning of any session, shall be his seat during that session, unless he shall have leave of the Speaker to change it.

18. No person shall sit at the desk of the Speaker or Clerk, except by permission of the Speaker.

19. No member shall speak out his place without leave from the Chair, nor without first rising and addressing the Speaker; and he shall sit down as soon as he has done speaking.

20. No member shall interrupt another while speaking, except to call to order, or to correct a mistake.

21. No member shall speak more than twice to one question, without having first obtained leave of the House; nor more than once, until the other members who have not spoken, shall speak, if they desire it.

22. When a motion is made and seconded, it shall be received and considered by the House, and not otherwise; and no member shall be permitted to lay a motion in writing on the table, until he shall have read the same in his place, and the same shall have been seconded; and no new bill or resolve of a public nature shall be received, except it be reported by a committee, unless the House otherwise order; and all bills and resolves,

not reported by a committee, shall lay upon the table one day, before further action thereon.

23. No member shall nominate more than one person for one committee, provided the person nominated by him be chosen.

24. When a motion has been once made and carried in the affirmative, or negative, it shall not be in order for any member who voted in the minority, to move for a reconsideration thereof; but any member who voted with the majority may move to reconsider on the same or the succeeding day.

25. No member shall be obliged to be on more than two committees at the same time, nor chairman of more than one. No member of this House shall act as counsel for any party, before a joint committee of the Legislature, or a committee of this House.

26. No member shall be permitted to stand up, to the interruption of another, while any member is speaking, or pass unnecessarily between the Speaker of the House and the person speaking. Nor shall any member or other person be permitted to stand in the alleys, during the session of the House.

27. Every member shall keep an account of his own attendance and travel, and deliver the same to the Clerk, or to the committee appointed to make up the pay-roll; and on failure thereof, shall not be made up in the roll.

28. When the galleries shall be ordered to be cleared or shut, the matter which may occasion such order, shall be kept secret by each member, until the House shall order such injunction of secrecy to be taken off.

29. Every member who shall neglect to give his attendance in the House for more than six days after the session commences, shall, on making his appearance therein, be held to render the reason of such neglect; and in case the reason assigned shall be deemed by the



House sufficient, such member shall be entitled to receive pay for his travel, and not otherwise ; and no member shall be absent more than two days without leave of the House ; and no leave of absence shall avail any member who retains his seat, more than five days from the time the same was obtained.

30. When any member shall be guilty of a breach of any of the Rules and Orders of the House, and the House has determined he has so transgressed, he shall not be allowed to vote or speak, unless by way of excuse for the same, until he has made satisfaction.

31. No member shall be permitted to vote in any question where his private right, distinct from public interest, is immediately concerned.

32. Every member who shall be in the House when a question is put where he is not excluded by interest, shall give his vote, unless the House for special reasons, shall excuse him, and when the yeas and nays are ordered, no member shall leave his seat until the vote is declared.

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#### ORDER IN PROCEEDINGS AND DEBATES.

33. Every motion shall be reduced to writing if the Speaker direct, or any member request it.

34. On the previous question, no member shall speak more than once, without leave.

35. A motion for commitment, until it is decided, shall preclude all amendment of the main question.

36. Motions and reports may be amended, committed or recommitted, at the pleasure of the House.

37. No new motions or propositions shall be admitted under color of amendment, as a substitute for the motion or question under debate.

28. Propositions to amend by striking out and inserting dates, numbers, and sums, are not divisible; but all propositions, otherwise divisible, shall be divided at the request of any ten members.

39. When the reading of a paper is called for, which has been before read to the House, and the same is objected to by any member, it shall be determined by a vote of the House.

40. After a motion is stated or read by the Speaker, and seconded, it shall be deemed to be in the possession of the House and shall be disposed of by vote of the House: but the mover may withdraw it at any time before a decision or amendment.

41. When a question is under debate, no motion shall be received but

1st—To adjourn;

2d—To lie on the table;

3d—For the previous question;

4th—To commit;

5th—To amend;

6th—To postpone to a day certain;

7th—To postpone indefinitely;

Which several motions shall have precedence in the order in which they are arranged.

42. The unfinished business in which the House was engaged, at the time of the last adjournment, shall have preference in the orders of the day, and no motion or other business shall be received, without special leave of the House, until the former is disposed of.

43. No Rule or Order of the House shall be dispensed with, unless two thirds of the members present shall consent thereto.

44. When a vote, having been declared by the Speaker, is doubted, the members for and against the question, when called on by the Speaker, shall rise and

stand uncovered till they are counted, and the vote made certain without any further debate.

45. One Monitor shall be appointed by the Speaker for each division of the House, whose duty it shall be, to see to the due observance of the Orders of the House, and on demand of the Speaker, to return the number of votes and members in their respective divisions.

46. If any member shall transgress any of the Rules and Orders of the House, and persist therein, after being notified thereof by any Monitor, it shall be the duty of such Monitor to give information thereof to the House.

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#### PETITIONS, MEMORIALS, &c.

47. All Petitions, Memorials, and other papers addressed to the House, shall be presented by the Speaker, or by a member in his place, and shall be endorsed with the name of the person presenting it, and the subject matter of the same. They shall be read by the Speaker, Clerk, or such other person as the Speaker may request, and shall be taken up in the order they were first presented, unless when the House shall otherwise direct.

48. No Petition of a private nature shall be received after the expiration of thirty days from the commencement of the session, unless by order of the House.

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#### BILLS, RESOLUTIONS AND GRANTS.

49. No resolution for a grant of money shall pass without being read on two several days, the second time to be assigned by the House.

50. No engrossed bill or resolve shall be sent to the

Senate without notice thereof being given to the House by the Speaker.

51. No bill shall pass to be engrossed until it shall have had three several readings, the time for the last reading shall be assigned by the House; the second reading shall be by the title, and at the time of the first, unless objected to, in which case a time shall be assigned.

52. No act or resolve shall be passed affecting the rights of individuals or corporations, without previous notice to such individuals or corporations.

53. All bills in their third reading and resolves in their second reading shall be committed to the Standing Committee on bills in the third reading, to be by them examined, corrected, and so reported to the House.

54. All engrossed bills and resolves shall be committed to the Standing Committee on Engrossed Bills, to be strictly examined; and if found by them to be truly and strictly engrossed, they shall so report to the House, and the same shall pass to be enacted without any further reading, unless on motion of any member, a majority of the House shall be in favor of reading the same as engrossed.

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#### COMMITTEES.

55. The following Standing Committees shall be appointed at the commencement of the session, with leave to report by bill or otherwise, viz :

On Elections,  
On Engrossed Bills,  
On Finance,  
On County Estimates,  
On Bills in the Third Reading,  
On Leave of Absence.

- On the Pay Roll,  
 To consist of seven members each.  
 On Change of Names,  
 To consist of three members.
- 

**JOINT STANDING COMMITTEES.**

- On the Judiciary,  
 On Literary Institutions,  
 On Banks and Banking,  
 On Incorporation of Towns,  
 On Division of Towns,  
 On Division of Counties,  
 On State Lands,  
 On State Roads,  
 On the State Prison,  
 On Roads and Bridges,  
 On Canals and Rail Roads,  
 On Interior Waters,  
 On the Militia,  
 On Agriculture,  
 On Manufactures,  
 On Accounts,  
 On Parishes,  
 On Claims,  
 On Public Buildings,  
 On Interior Fisheries,  
 On Military Pensions,  
 On Indian Affairs,  
 On the Library,

To consist of seven members each on the part of the House, except on the Library, which shall consist of three.

56. In all elections by ballot, of committees of the House, the person having the highest number of votes, shall act as chairman.

57. Any member having obtained leave of absence,

and having in his possession any papers relative to the business before the House, shall leave the same with the Clerk.

58. The chairman of every committee, other than of the Standing Committees, who shall have business referred to them, shall make report of their doings therein, within four days after their appointment.

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#### ELECTIONS.

59. In all elections by ballot of the House, a time shall be assigned for such election, at least one day previous thereto.

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#### OF THE REPRESENTATIVES' HALL.

60. No person, not a member or officer of the House, except members of the Senate, their Secretary and Assistants, the Governor and Council, State's Treasurer, Secretary of State, Land Agent, Adjutant General, Judges of the S. J. Court, and C. C. Pleas, Chaplains of the House and Senate, and Reporters of the proceedings and debates of the House, shall be admitted within the Representatives' Hall, unless invited by the Speaker, or some member of the House.

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#### JOINT RULES.

1. All endorsements on papers on their passage between the two Houses (excepting bills and resolves on their final passage) shall be under the signature of the Clerk of the House, or Secretary of the Senate, respectively.

2. Whenever a select committee shall be appointed by the House, and be joined by the Senate, it shall be the duty of the Secretary of the Senate to transmit to the Clerk of the House the names of the members of the Senate, so joined, in order that they may be entered upon the Journal of the House.

**CIVIL GOVERNMENT**  
OF THE  
**STATE OF MAINE,**  
FOR THE POLITICAL YEAR  
**1840.**

—  
**JOHN FAIRFIELD, S A C O,**  
GOVERNOR.

—  
**COUNCIL.**

GOWEN WILSON,  
JOHN WEBB,  
BENJAMIN F. EASTMAN,  
ALPHEUS LYON,  
NATHAN C. FLETCHER,  
JOHN BURNHAM,  
MICAH J. TALBOT,

—  
THOMAS WHITE, *Messenger*  
*to the Governor and Council.*

—  
PHILIP C. JOHNSON, *Secretary of State.*  
*Treasurer.*

ABNER B. THOMPSON, *Adjutant General.*

RUFUS McINTIRE, *Land Agent.*

THOMAS SAWYER, *Surveyor General.*

**SENATE.**

**STEPHEN C. FOSTER, *President.***

- 1st Sen. Dist. TIMOTHY SHAW,  
SIMEON BARKER,  
JOHN G. PERKINS,
- 2d " " OTIS C. GROSS,  
IRA CROCKER,  
PHILIP EASTMAN,  
LEVI L. TOTMAN,
- 3d " " WILLIAM M. REED,  
JAMES ERSKINE,  
ISAAC REED,  
MOSES TIBBETTS.
- 4th " " RICHARD H. VOSE,  
ELIJAH BARRELL,  
JOSEPH EATON.
- 5th " " JOHN TRUE,  
JONATHAN MERRILL.
- 6th " " JONAH HOLT.
- 7th " " THOMAS ROBINSON.
- 8th " " STEPHEN C. FOSTER, *President.*
- 9th " " LEVI BRADLEY,  
SAMUEL H. BLAKE.
- 10th " " FRANKLIN SMITH,  
JOSEPH PHILBRICK.
- 11th " " ALVAN BOLSTER,  
DAVID HAMMONS.

**WILLIAM TRAFTON, *Secretary.***

**ALBERT G. FOBES, *Assistant Secretary.***

**ELISHA KEEN, *Messenger.***

**WILLARD BRACKETT, *Assistant Messenger.***



# SENATE.

## ARRANGEMENT

OF THE MEMBERS AT THE SENATE BOARD.



**STEPHEN C. FOSTER, Esq., President.**

No of Seat.	Left.	No. of Seat.	Right.
1. Levi Bradley,		2. Isaac Reed,	
3. Franklin Smith,		4. William M. Reed,	
5.		6. Richard H. Vose,	
7.		8. Joseph Eaton,	
9. Joseph Philbrick,		10. Timothy Shaw,	
12. Thomas Robinson,		11. Jonah Holt,	
14. Elijah Barrell,		13. Alvan Bolster,	
16. Simeon Barker,		15. David Hammons,	
18. John True,		17. Samuel H. Blake,	
20. Jonathan Merrill,		19. Moses Tibbetts,	
22. Otis C. Gross,		21. James Erskine,	
24. Ira Crocker,		23. John G. Perkins.	
26. Philip Eastman,		25.	
28. Levi L. Totman,		27.	
30.		29.	

STANDING COMMITTEES OF THE SENATE.  

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**ON BILLS IN THE SECOND READING.**

Messrs. Shaw,  
Barker,  
Perkins,  
Smith,  
Vose,  
Crocker,  
Eaton,  
Robinson,  
I. Reed,  
Erskine,  
Eastman,  
Bradley.

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**ON ENGROSSED BILLS.**

Messrs. Totman,  
Hammond,  
Bolster,  
Philbrick,  
Blake,  
Tibbetts,  
Gross,  
Barrell,  
Merrill,  
Holt,  
W. M. Reed,  
True.

## HOUSE OF REPRESENTATIVES.

HANNIBAL HAMLIN, Esq., Speaker.

### County of York.

76	Gilman L. Bennet,	Parsonsfield
108	Abner Burbank,	Limerick
165	Samuel Dam,	Newfield
9	Isaac Deering,	Waterborough
140	William Foss,	Buxton
137	Tristram Goldthwaite,	Biddeford
84	Nathaniel Hanscom,	Eliot
115	Levi Hanscom, 3d,	North Berwick
51	William McIntyre,	York
92	Daniel Jones,	Kittery
134	Hiram Joy,	Limington
116	Jesse Kimball,	Lyman
100	Joseph M. Littlefield,	Wells
67	Lyman Littlefield,	Alfred
42	John P. Lord,	South Berwick
32	Nathaniel J. Miller,	Hollis
133	John T. Paine,	Sanford
80	James Perkins,	Kennebunk Port
135	Samuel Thompson,	Acton
63	Samuel Trafton,	Cornish
157	Stephen Webber,	Shapleigh
79	Thomas Wentworth,	Lebanon

### County of Cumberland.

59	David Allen,	New Gloucester
178	William Buxton,	North Yarmouth
161	Theodore Curtis,	Freeport
110	Oliver B. Dorrance,	Portland
57	Ebenezer Everett,	Brunswick
70	William Pitt Fessenden,	Portland
131	Ebenezer Hayden,	Raymond
127	Jacob Hazen, Jr.,	Bridgton

16 Samuel Ingalls,	Baldwin
22 Robert Johnson, Jr.,	Gorham
194 Joseph Larrabee,	Scarborough
105 Sylvanus R. Lyman,	Portland
20 John Megquier,	Poland
14 Samuel Merrill,	Cumberland
196 Daniel Merrill,	Falmouth
114 Charles Millet,	Minot
163 George Perley,	Gray
52 Benjamin Quinby,	Westbrook
152 Paul Randall,	Harpwell
66 Lemuel Rich, 3d,	Standish
150 Amos Sawyer,	Pownal
83 Sargent Shaw,	Windham
174 Hiram Staples,	Cape Elizabeth
149 Jonathan Strout,	Durham
50 Elisha Trowbridge,	Portland
160 Ebenezer Witham,	Danville
7 Daniel Weston,	Otisfield

### County of Lincoln.

121 Nathaniel Carlton,	Whitefield
147 Joseph Clark,	Waldoborough
95 Simon Elliot,	Bristol
120 Jason Fuller,	Boothbay
142 Philip M. Garcelon,	Lisbon
12 Benjamin Goodwin,	Dresden
13 Job Gray,	Bowdoinham
23 Nathaniel Green,	Topsham
158 Samuel Hills,	Union
53 Wait W. Keene,	Bremen
113 Iddo K. Kimball,	Thomaston
96 Joshua Linnekin,	Washington
26 Freeman H. Morse,	Bath
28 Barker Neal,	Wiscasset
119 Edward O'Brien,	Warren
25 Ebenezer Otis,	St. George

94 Norton P. Parsons,	Edgecomb
192 William Perry,	Bowdoin
27 Benjamin W. Plummer,	Alna
97 John Q. Reed,	Nobleborough
11 Samuel Sewall,	Phipsburg
132 Joel Small,	Wales
117 John Thwing,	Woolwich
85 Thaddeus Weeks,	Jefferson
5 Life Wilson,	Thomaston

### County of Hancock.

199 Robert Berry,	Trenton
21 Jacob Dodge,	Sedgwick
18 John S. Dodge,	Mt Desert
54 Aaron P. Emerson,	Orland
186 Roswell Pitts,	Dedham
48 Sewall Lake,	Bucksport
86 Benjamin Moore,	Gouldsborough
173 Solomon J. Treworgy,	Ellsworth
31 Samuel Whitmore,	Deer Isle
151 Jeremiah Wardwell,	Penobscot

### County of Washington.

168 Henry Bailey,	Columbia
71 Ichabod R. Chadbourne,	Eastport
40 Benjamin D. Eastman,	East Machias
39 Ebenezer Fisher, Jr.,	Charlotte
33 Sanford M. Hunt,	Lubec
139 Elias Kelsey,	Calais
15 William Nichols,	Cherryfield
34 Isaac J. Stevens,	Machias

### County of Kennebec.

164 John Blanchard,	Pittston
2 John B. Clifford,	Sidney
82 Ebenezer F. Deane,	Gardiner
169 John Haynes,	Readfield
119 Ezekiel Holmes,	Winthrop
148 Jacob Main,	Belgrade

45 Benjamin F. Melvin,	Hallowell
17 David McGaffy,	Mt. Vernon
118 John Otis,	Hallowell
159 David W. Perry,	Litchfield
166 Luther Severance,	Augusta
176 Amos Stickney,	Vassalborough
170 Benjamin Swan,	Augusta
61 John B. Swanton,	Windsor
89 Joshua S. Turner,	Leeds
138 Matthias Weeks,	Clinton
35 Erastus O. Wheeler,	Waterville

### County of Oxford.

155 Charles Andrews,	Turner
49 John W. Dana,	Fryeburg
122 James H. Farnum,	Rumford
62 Peter Gerry,	Waterford
162 Lazarus Hathaway,	Paris
55 Timothy Hastings,	Bethel
112 John Higgins,	Porter
64 Willard Kelsey,	Livermore
56 Asa Kimball,	Gilead
156 John J. Perry,	Oxford
3 Noah Prince,	Buckfield
175 Ebenezer Seavey,	Brownfield
102 Simon Stevens,	Norway
179 Joseph Tobin,	Hartford
136 Farewell Walton,	Peru

### County of Somerset.

43 Allen Baker,	Solon
104 Jonathan Blake,	Athens
24 Abner Coburn,	Bloomfield
107 Thomas Conner,	Fairfield
29 Benjamin Daggett,	Palmyra
36 George C. Getchell,	Anson
184 Warren Hill,	New Portland

46 Josiah Hinkley,	Mercer
183 Melzer Lindsey,	Norridgewock
111 John Morrill,	Madison
103 Richard Person,	Canaan
40 John Ward,	Ripley

### County of Penobscot.

87 Elisha H. Allen,	Bangor
123 Noah Barker,	Exeter
78 Charles Beal,	Kirkland
10 Zebulon Bradley,	Charleston
154 Joseph W. Eaton,	Plymouth
Hannibal Hamlin, <i>Speaker</i> ,	Hampden
6 William C. Hammatt,	Howland
77 Isaac P. Haynes,	Passadumkeag
38 Abiel W. Kennedy,	Orono
185 Samuel W. McMahan,	Eddington
143 Nathan Nickerson,	Orrington
75 John L. Robinson.	Corinth

### County of Waldo.

93 Stephen Barrows,	Camden
128 Benjamin F. Blackstone,	Belfast
126 John Croxford,	Jackson
19 Jason Dodge,	Liberty
141 William Doyle,	Northport
182 John Durham,	Waldo Plantation
41 Bradford S. Foster,	Freedom
99 Ebenezer Haley,	Frankfort
180 George Lermound,	Hope
1 Dennis L. Milliken,	Burnham
172 Lewis Pitcher,	Belmont
72 James Smith,	Vinalhaven
31 Henry Staples,	Prospect
4 Ebenezer H. Thomas,	Lincolntonville
§ Moses True,	Montville

**County of Franklin.**

88	Alanson B. Caswell,	Farmington
101	Philip A. Eastman,	Strong
167	Roger Ela,	New Sharon
129	John Gilkey,	Freeman
90	Charles Heath,	Madrid
47	Francis Lawrence,	Canton
65	David Mitchell,	Temple
125	Cyrus Pierce,	Chesterville
106	John Toothaker, Jr.,	Phillips
30	Josiah Willard,	Wilton

**County of Piscataquis.**

91	Hiram Douty,	Sangerville
153	Thomas Proctor,	Dover

**County of Aroostook.**

73	Shepard Carey,	Houlton
44	Nehemiah Leavett,	Smyrna

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ELBRIDGE GERRY, of Waterford, *Clerk.*  
 JOSEPH HOCKEY, of Freedom, *Ass't Clerk.*

---

WILLIAM M. SAUNDERS, *Messenger.*  
 BENJAMIN PARTRIDGE, } *Ass't Messengers.*  
 CLARK MEGQUIER, }  
 PHILIP C. JOHNSON, Jr., *Page.*

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The CLERGYMEN of Augusta and Hallowell officiate as Chaplains in rotation.

**MONITORS.**

1st	Division,	Mr. Prince of Buckfield.
2d	“	“ Wheeler of Waterville.
3d	“	“ Dodge of Sedgwick.
4th	“	“ Fisher of Charlotte.
5th	“	“ Mitchell of Temple.
6th	“	“ Morse of Bath.



STANDING COMMITTEES OF THE HOUSE.

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*On Elections.*

Messrs. Andrews of Turner,  
Deane of Gardiner,  
Main of Dearborn,  
Kimball of Lyman,  
Eaton of Plymouth,  
Allen of New Gloucester,  
Otis St. George.

*On County Estimates.*

Messrs. Treworgy of Surry,  
Bradley of Charleston,  
Sewall of Phipsburg,  
Dodge of Liberty,  
Gilkey of Freeman,  
Watson of Otisfield,  
Thompson of Acton.

*On Engrossed Bills.*

Messrs. Trafton of Cornish,  
Hayden of Raymond,  
Perry of Bowdoin,  
Blanchard of Pittston,  
Seavey of Brownfield,  
Lindsey of Norridgewock,  
Pitcher of Belmont.

*On Change of Names.*

Messrs. Sawyer of Pownal,  
Hinkley of Mercer,  
Wentworth of Lebanon.

*On the Pay Roll.*

Messrs. Hill of New Portland,  
 Plummer of New Castle,  
 Clifford of Sidney,  
 Kennedy of Orono,  
 Moore of Gouldsborough,  
 Gray of Bowdoinham,  
 Mitchell of Temple.

*On Bills in the Third Reading.*

Messrs. Dane of Kennebunk,  
 Caswell of Farmington,  
 Barker of Exeter.  
 Severance of Augusta,  
 Paine of Sanford,  
 Dana of Fryeburg,  
 Getchell of Anson.

*On Leave of Absence.*

Messrs. Randall of Harpswell,  
 Hanscom of North Berwick,  
 Swanton of Windsor,  
 Walton of Peru,  
 Proctor of Dover,  
 Whitmore of Deer Isle,  
 Hills of Union.

*On Finance.*

Messrs. Otis of Hallowell,  
 Lord of South Berwick,  
 Chadbourne of Eastport,  
 Wilson of Thomaston,  
 Carey of Houlton,  
 Coburn of Bloomfield,  
 Blackstone of Belfast.

JOINT STANDING COMMITTEES.

*On the Judiciary.*

Messrs. Blake, }  
Vose, } *Of the Senate.*  
Crocker, }

Messrs. Paine of Sanford, }  
Fessenden of Portland, }  
Weeks of Clinton, } *Of the House.*  
Allen of Bangor, }  
Delesdernier of Baileyville, }  
Everett of Brunswick, }  
Tobin of Hartford, }

*On Literature and Literary Institutions.*

Messrs. Eastman, }  
Robinson, } *Of the Senate.*  
Shaw, }

Messrs. Getchell of Anson, }  
Millet of Minot, }  
Deering of Waterboro', } *Of the House.*  
Chadbourne of Eastport, }  
Caswell of Farmington, }  
Eastman of Wesley, }  
Haines of Readfield, }

*On Banks and Banking.*

Messrs. Perkins, }  
Erskine, } *Of the Senate.*  
Eastman, }

Messrs. Carey of Houlton, }  
Lyman of Portland, }  
Dana of Fryeburg, } *Of the House.*  
Lord of South Berwick, }  
Kimball of Thomaston, }  
Blackstone of Belfast, }  
Stickney of Vassalboro', }

*On Incorporation of Towns.*

Messrs. Wm. M. Reed, }  
 Tibbetts, } *Of the Senate.*  
 Totman, }

Messrs. Carlton of Whitefield, }  
 Trowbridge of Portland, }  
 Smith of Vinalhaven, } *Of the House.*  
 Hanscom of Eliot, }  
 Proctor of Dover, }  
 Wardwell of Penobscot, }  
 Hathaway of Paris, }

*On Division of Towns.*

Messrs. Barker, }  
 Tibbetts, } *Of the Senate.*  
 Holt, }

Messrs. Megquier of Poland, }  
 Eastman of Strong, }  
 Foss of Buxton, } *Of the House.*  
 Person of Canaan, }  
 Foster of Freedom, }  
 Swan of Augusta, }  
 Thwing of Woolwich, }

*On State Lands.*

Messrs. Smith, }  
 Eaton, } *Of the Senate.*  
 True, }

Messrs. Bennet of Parsonsfield, }  
 Kelsey of Livermore, }  
 Barker of Exeter, } *Of the House.*  
 Bradley of Charleston, }  
 Emerson of Orland, }  
 Kelsey of Calais, }  
 Small of Wales, }

*On State Roads.*

Messrs. Bradley, }  
 Tibbetts, } *Of the Senate.*  
 Gross, }

Messrs. Daggett of Palmyra, }  
 Hazen of Bridgton, }  
 Hammatt of Howland, } *Of the House.*  
 Baker of Moscow, }  
 Toothaker of Phillips, }  
 Ward of Wellington, }  
 Fitts of Dedham, }

*On State Prison.*

Messrs. Erskine, }  
 Gross, } *Of the Senate.*  
 Bolster, }

Messrs. Otis of St. George, }  
 Perry of Litchfield, }  
 Lermond of Hope, } *Of the House.*  
 O'Brien of Warren, }  
 Goldthwaite of Biddeford, }  
 Willard of Wilton, }  
 Beal of Kirkland, }

*On Rail Roads and Canals.*

Messrs. Isaac Reed, }  
 Vose, } *Of the Senate.*  
 Barker, }

Messrs. Garcelon of Lisbon, }  
 Johnson of Gorham, }  
 Durham of Waldo, } *Of the House.*  
 Heath of Berlin, }  
 Conner of Fairfield, }  
 Prince of Buckfield, }  
 Witham of Danville, }

*On Roads and Bridges.*

Messrs. Tibbetts, }  
 Barrell, } *Of the Senate.*  
 Holt, }

Messrs. Lawrence of Jay, }  
 Perley of Gray, }  
 Merrill of Cornville, } *Of the House.*  
 Dam of Newfield, }  
 Hastings of Bethel, }  
 Weeks of Jefferson, }  
 Croxford of Jackson, }

*On Interior Waters.*

Messrs. Holt, }  
 Smith, } *Of the Senate.*  
 I. Reed, }

Messrs. Quinby of Westbrook, }  
 Morse of Bath, }  
 Farnum of Rumford, } *Of the House.*  
 Miller of Hollis, }  
 Read of Nobleborough, }  
 Joy of Limington, }  
 Nichols of Cherryfield, }

*On the Militia.*

Messrs. Merrill, }  
 Isaac Reed, } *Of the Senate.*  
 Bolster, }

Messrs. Burbank of Limerick, }  
 Dorrance of Portland, }  
 Perry of Oxford, } *Of the House.*  
 Haley of Frankfort, }  
 Douty of Sangerville, }  
 Littlefield of Alfred, }  
 Hunt of Lubec, }

*On Agriculture.*

- Messrs. Shaw, }  
 Eaton, } *Of the Senate.*  
 Bolster, }
- Messrs. Holmes of Winthrop, }  
 McIntire of York, }  
 Haynes of Passadumkeag, } *Of the House.*  
 Pierce of Chesterville, }  
 Rich of Standish, }  
 Barrows of Camden, }  
 Berry of Trenton, }

*On Manufactures.*

- Messrs. Crocker, }  
 Wm. M. Reed, } *Of the Senate.*  
 Perkins, }
- Messrs. Keene of Bremen, }  
 Webber of Shapleigh, }  
 Goodwin of Dresden, } *Of the House.*  
 Dodge of Mt. Desert, }  
 Bailey of Columbia, }  
 Jones of Kittery, }  
 Larrabee of Scarboro', }

*On Accounts.*

- Messrs. Eaton, }  
 Gross, } *Of the Senate.*  
 Barker, }
- Messrs. Buxton of North Yarmouth, }  
 Robinson of Corinth, }  
 Milliken of Burnham, } *Of the House.*  
 Melvin of Hallowell, }  
 Kimball of Lyman, }  
 Perkins of Kennebunk Port, }  
 Clark of Waldoborough, }

*On Parishes.*

Messrs. True,  
 Totman, } *Of the Senate.*  
 Barrell,

Messrs. Shaw of Windham,  
 Ela of New Sharon,  
 True of Montville,  
 Linnekin of Washington,  
 Gerry of Waterford,  
 Hinkley of Mercer,  
 Merrill of Falmouth, } *Of the House.*

*On Claims.*

Messrs. Hammons,  
 Isaac Reed, } *Of the Senate.*  
 Bradley,

Messrs. Fuller of Boothbay,  
 Curtis of Freeport,  
 Blake of Mayfield,  
 Littlefield of Wells,  
 McGaffy of Mt. Vernon,  
 Ingalls of Baldwin,  
 Dodge of Liberty, } *Of the House.*

*On Public Buildings.*

Messrs. Barrell,  
 Gross, } *Of the Senate.*  
 Tibbetts,

Messrs. Severance of Augusta,  
 Strout of Durham,  
 Trafton of Cornish,  
 O'Brien of Warren,  
 Allen of Bangor,  
 Thomas of Lincolnville,  
 Dodge of Sedgwick, } *Of the House.*



*On Interior Fisheries.*

Messrs. Philbrick,  
 W. M. Reed, } *Of the Senate.*  
 Crocker,

Messrs. Lake of Bucksport,  
 Green of Topsham,  
 McMahon of Eddington,  
 Staples of Prospect,  
 Wheeler of Waterville,  
 Doyle of Northport,  
 Stevens of Cutler, } *Of the House.*

*On Military Pensions.*

Messrs. Gross,  
 Erskine, } *Of the Senate.*  
 Merrill,

Messrs. Neal of Wiscasset,  
 Turner of Leeds,  
 Staples of Cape Elizabeth,  
 Higgins of Porter,  
 Swanton of Windsor,  
 Thompson of Acton,  
 Whitmore of Deer Isle, } *Of the House.*

*On Division and Alteration of Counties.*

Messrs. Bolster,  
 Robinson, } *Of the Senate.*  
 Shaw,

Messrs. Smith of Vinalhaven,  
 Parsons of Westport.  
 Deane of Gardiner,  
 Merrill of Cumberland,  
 Andrews of Turner,  
 Eaton of Plymouth,  
 Stevens of Norway, } *Of the House.*

*On Indian Affairs.*

Messrs. Robinson, }  
 Hammons, } *Of the Senate.*  
 Bradley, }

Messrs. Kennedy of Orono, }  
 Wilson of Thomaston, }  
 Otis of Hallowell, } *Of the House.*  
 Elliot of Bristol, }  
 Fisher of Charlotte, }  
 Main of Dearborn, }  
 Hanscom of Eliot, }

*On the Library.*

Messrs. Vose, }  
 Hammons, } *Of the Senate.*

Messrs. Dane of Kennebunk, }  
 Nickerson of Orrington, } *Of the House.*  
 Pitcher of Belmont, }

JOINT SELECT COMMITTEES.

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*On the Amendment of the Constitution relative to  
Judicial Tenure.*

Messrs. W. M. Reed, }  
Eastman, } *Of the Senate.*  
Blake, }  
Barrell, }  
Erskine, }

Messrs. Deering, }  
Buxton, } *Of the House.*  
Carey, }  
Fuller, }  
Nickerson, }  
Blake, }  
Ela, }

*On the North Eastern Boundary.*

Messrs. Eastman, }  
Vose, } *Of the Senate.*  
Blake, }  
Perkins, }  
Robinson, }

Messrs. Paine of Sanford, }  
Lyman of Portland, }  
Kimball of Thomaston, } *Of the House.*  
Tobin of Hartford, }  
Allen of Bangor, }  
Lake of Bucksport, }  
Coburn of Bloomfield, }  
Kennedy of Orono, }  
McGaffy of Mt. Vernon, }  
Leavitt of Smyrna, }

*On Military Accounts.*

Messrs. Eastman,  
Robinson, } *Of the Senate.*  
Bradley, }

Messrs. Barker of Exeter,  
Dorrance of Portland,  
Douty of Sangerville,  
Severance of Augusta, } *Of the House.*  
Blackstone of Belfast,  
Farnum of Rumford,  
Hunt of Lubec, }

*On Treasurer's Report.*

Messrs. Hammons,  
Erskine, } *Of the Senate.*  
True, }

Messrs. Otis of Hallowell,  
Lord of South Berwick,  
Chadbourne of Eastport,  
Wilson of Thomaston, } *Of the House.*  
Carey of Houlton,  
Coburn of Bloomfield,  
Blackstone of Belfast, }

*On Slavery.*

Messrs. Eastman,  
Vose, } *Of the Senate.*  
Barker, }

Messrs. Fisher of Charlotte,  
Dana of Fryeburg,  
Deering of Waterborough, } *Of the House.*  
Clifford of Sidney,  
Robinson of Corinth, }

## MEMORANDA.

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1. Orders, Motions in writing, and Reports of Committees should never be presented on less than a half sheet of paper.
2. When a *Report* of a Committee is made to the House, it should be accompanied by the *order* appointing said Committee.
3. Petitions, Memorials and Remonstrances from towns in their *corporate capacity*, should be endorsed thus, "*Petition of the town of ———*," [stating concisely the subject matter thereof.]
4. Petitions, Memorials and Remonstrances from individuals should be endorsed thus, "*Petition of ———, others, of the town of ———*," [stating concisely the subject matter thereof.]
5. Petitions, Memorials and Remonstrances from Corporations should be endorsed thus, "*Petition of ———*," [naming the Corporation, and stating the subject matter thereof.]
6. The name of the member presenting Petitions, Memorials and Remonstrances should be endorsed on the back thereof, *near the bottom*.
7. The member presenting an *Order* should put his name thereto, on the inside, at the bottom of the page, on the left.
8. Petitions, Memorials and Remonstrances on which *leave to withdraw* was ordered by a former Legislature, cannot be called from the files with a view of being again referred. The *original*, however, may be taken from the files, and the subject presented *de novo*.

9. Bills and Resolves *refused a passage, rejected, or postponed indefinitely* by a former Legislature, cannot be called from the files with a view of being considered by the present Legislature.
10. All Bills, Resolves, Petitions, Memorials and Remonstrances before a preceding Legislature, not acted upon *definitely*, are, *as a matter of course*, brought forward and referred to appropriate Committees.
11. The Heading or Caption of BILLS, should be as follows :

**STATE OF MAINE.**

In the year of our Lord one thousand eight hundred  
and forty.

An Act ———

The Caption of RESOLVES, as follows :

**STATE OF MAINE.**

[*Omitting* the year as in Bills.]

Resolve ———

## ERRATA.

- Page 71, In the Committee on Elections, for "Main of Dearborn," read Main of *Belgrade*.
- " 80, In the Committee on Indian Affairs, for "Main of Dearborn," read Main of *Belgrade*.
- " 71, In the Committee on County Estimates, for "Watson of Otisfield," read *Weston* of Otisfield.
- " 77, In the Committee on Accounts, for "Kimball of Lyman," read Kimball of *Gilead*.
- " 76, In Committee on Roads and Bridges, for "Merrill of Cornville," read *Morrill* of Cornville.
- " 67, In List of Members' names, Norton P. Parsons, for "Edgecomb," read *Westport*.
- " 67, In List of Members' names, Benjamin W. Plummer, for "Alna," read *Newcastle*.
- " 67, In List of Members' names, Solomon J. Treworgy, for "Ellsworth," read *Surry*.
- " 67, In List of Members' names, Benjamin D. Eastman, for "East Machias," read *Wesley*.
- " 68, In List of Members' names, Jona. Blake, for "Athens" read *Mayfield*.
- " 69, In List of Members' names, John Morrill, for "Madison," read *Cornville*.
- " 70, In List of Members' names, Francis Lawrence, for "Canton," read *Jay*.
- " 67, In List of Members' names, for "Roswell Pitts," read *Roswell Fitts*.
- " 69, In List of Members' names, for John Ward of "Ripley, Somerset" County, read John Ward of *Welling-ton, Piscataquis* County.

Names of Members who have been qualified and taken their seats since the Rules and Orders were printed.

No. of seats.

200	Joseph Dane, Kennebunk, York County,		
177	Wm. Delesdernier, Baileyville, Washington County,		
58	Augustine Blake, Monmouth, Kennebec	"	
195	Sidney Keith, Winslow,	"	"
	John Briggs, Coriuna, Penobscot	"	"