

MAINE STATE LEGISLATURE

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Wm. F. Hill
DOCUMENTS

PRINTED BY ORDER OF

THE LEGISLATURE

OF THE

STATE OF MAINE,

DURING ITS SESSION

A. D. 1856.

PART SECOND.

Augusta:

FULLER & FULLER, PRINTERS TO THE STATE.

1856.

THIRTY-FIFTH LEGISLATURE.

SENATE.

No. 29.

STATE OF MAINE.

IN SENATE, March 19, 1856.

Resolved, That the senate, after due notice given
2 according to the constitution, will proceed to con-
3 sider the adoption of an address to the governor, for
4 the removal of Woodbury Davis, one of the justices
5 of the supreme judicial court, for the causes follow-
6 ing :

7 Because, the said Woodbury Davis, at the terms of
8 the supreme judicial court, holden by him for the
9 county of Cumberland, in the month of January last,
10 and in the present month of March, has refused to
11 recognize the official authority and privilege of Daniel
12 C. Emery, who had before been duly appointed, com-
13 missioned and qualified as the sheriff of said county,
14 and then held that office ;

15 Because, the said Woodbury Davis, in his capacity
16 as judge, has assumed, without legal issue or judicial
17 trial thereof, to deny the lawful and actual validity of
18 the commission issued to the said sheriff, under the
19 hand of the governor and the seal of the state ;

20 Because, the said Woodbury Davis, not regarding
21 the lawful and actual custody, held by the said sheriff,
22 of prisoners confined in the jail of said county, for
23 trial at the present term of said court, has undertaken
24 to remove said prisoners from jail, and has removed
25 them by proceeding not warranted by law ;

26 Because, the said Woodbury Davis, at the times
27 aforesaid, has recognized as the sheriff of said county,
28 another person, who had before been lawfully removed
29 from that office, and has undertaken to issue the orders
30 and precepts of the said court, to be executed by the
31 person, who had been so removed from office ;

32 All of which acts and proceedings are, and have
33 been, open and notorious, and are persisted in, hith-
34 erto ;

35 Because, the continuance of such acts, proceedings
36 and assumptions of the said Woodbury Davis, tends
37 to produce insubordination, confusion and violence ;
38 is of dangerous and pernicious example ; confounds
39 the distribution of the powers of government, and

40 tends to the subversion of the actual, constituted and
41 lawful authority of the state.

Resolved, That these resolutions and statement of
2 causes of removal, be entered on the journal of the
3 senate ;

4 And that a copy of the same be signed by the pres-
5 ident of the senate, and served upon the said Wood-
6 bury Davis, by such person as the president of the
7 senate shall appoint for that purpose, who shall make
8 return of such service, upon his personal affidavit,
9 without delay ;

10 And that Friday, the 28th day of the present month,
11 at nine o'clock in the forenoon, be assigned as the
12 time when the said Woodbury Davis may be admitted
13 to a hearing in his defense.

STATE OF MAINE.

IN SENATE, March 19, 1856.

ORDERED, That 2,100 copies of these resolutions be printed for the use of the Legislature.

WM. G. CLARK, *Secretary.*