

MAINE STATE LEGISLATURE

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DOCUMENTS

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THE LEGISLATURE

OF THE

STATE OF MAINE.

1864.



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1864.

FORTY-THIRD LEGISLATURE.

HOUSE.

No. 28.

STATE OF MAINE.

RESOLVES proposing amendments to the constitution of
the United States.

Whereas, grave differences of opinion respecting the
2 constitutional powers of the federal government of the
3 United States, and the reserved rights of the several
4 states, and of the people of the several states, have
5 existed for a long series of years, resulting in an armed
6 rebellion against the laws and government of the Uni-
7 ted States by a majority of the people in several of
8 said states; and said rebellion has been, and still is
9 being conducted, for the avowed purpose of destroying
10 the constitutional, limited authority of the federal
11 government over said states, and of destroying the
12 union :

And whereas, it is desirable to all good citizens of the
2 loyal states, and in the rebellious states also, that this

3 rebellion should speedily cease, and the union and the
4 sovereignty of the federal government should be re-
5 stored and preserved, peaceably if it can be done, but
6 forcibly if it must be done ; and in a manner to unite
7 the support of the masses of the people of all the
8 states, and be, at the same time, just and beneficent,
9 in the eyes of a judging world, towards the citizens of
10 the rebellious states, coupled with provisional reme-
11 dies against the recurrence of like events :

And whereas, the constitution of the United States,
2 as it is, contains ample provisions for restoring and
3 preserving the union against foreign invasion and
4 domestic rebellion, and through duly authorized legal
5 enactments, or constitutional amendments, and by force
6 of arms :

Therefore resolved by the senate and house of repre-
2 *sentatives of the State of Maine in legislature assem-*
3 *bled*, as follows :

4 That the senators and representatives of this state in
5 the congress of the United States, be requested to
6 bring to the consideration of each branch of congress,
7 with suitable forms of enactment therefor, propositions
8 to amend the constitution of the United States, to
9 provide in substance as follows, viz :

First—The right of seceding from the federal union

2 is not among the reserved rights of any state, or of the
3 people of any state ; but is a surrendered right, that
4 necessarily enters into the basis of the union.

Second—The right of nullifying, or suspending, under
2 any pretext whatever, by any state, or the people of
3 any state, the operation of any act of congress, ap-
4 proved by the president of the United States, or that
5 has otherwise become a law, is not among the reserved
6 rights of any state, or of the people of any state ; but
7 is a surrendered right, that necessarily enters into the
8 basis of the union.

Third—The federal government shall exercise all
2 requisite powers by legislation, and force of arms con-
3 ducted pursuant to such legislation, to subdue all at-
4 tempts at invasion of, or rebellion in any state, or
5 against the laws of the United States, or of any state.
6 But the writ of habeas corpus shall be suspended only
7 by an act of congress.

Fourth—When a majority of the people of any state
2 shall be in armed rebellion against the laws and gov-
3 ernment of the United States, or aiding and abetting
4 therein, and the president shall, by his proclamation,
5 declare the existence of such fact ; unless the people
6 of that state shall, within ninety days from the publi-
7 cation of such proclamation, peaceably and quietly

8 return to their allegiance to the laws and government
9 of the United States, and cause such rebellion to
10 cease, then, and forever thereafter, such state shall
11 forfeit and become divested of all constitutional and
12 popular right to legalize, or continue in any manner,
13 slavery or involuntary servitude, except for crime,
14 within the limits of such state. And if the federal
15 government shall be compelled to suppress such rebel-
16 lion in any state by force of arms, after said ninety
17 days, then such state, and the constitution thereof,
18 and all legislative, executive and judicial organiza-
19 tions under the same, shall thenceforth wholly and
20 forever cease to exist; and the territory of said state,
21 and the people residing thereon, shall thenceforth be
22 holden and governed by and under the laws and con-
23 stitution of the United States, as a territory thereof,
24 and be so regarded and treated by the legislative,
25 executive and judicial departments of the government
26 of the United States, until reconstructed into a state,
27 and duly admitted into the union upon an equality
28 with the other states of the union.

Fifth—In order to invite and restore peace among
2 the several states at the present time, a full condona-
3 tion and pardon of all offences against the laws of the
4 United States, prior to the adoption of this amend-

5 ment, is hereby extended, by the people of the United
6 States, to the people of each state heretofore declared
7 by the President of the United States to be in rebel-
8 lion as aforesaid; *provided*, the people of such state
9 shall, within the ninety days named in these amend-
10 ments, return to their allegiance to the government of
11 the United States, by a suppression of such rebellion.

Sixth—No property whatever, nor the income of any
2 property, shall be exempted from equal taxation with
3 other property taxed, by any law of the United States,
4 under any condition of the public credit, or wants.

Seventh—Nothing but gold and silver shall hereafter
2 by law be made a legal tender in payment of private
3 debts, within the United States, or any state; but, for
4 limited periods, congress may suspend the payment of
5 private debts in gold and silver in the United States
6 collectively, without in any degree affecting the valid-
7 ity of such debts, or of legal remedies for the enforce-
8 ment of the same in any other property, or currency
9 than gold and silver.

Eighth—The presidential term of office shall be ex-
2 tended to six years, and the incumbent of the office
3 after the year eighteen hundred and sixty-five, shall
4 be ineligible for a second term, whether elected to the
5 office, or succeeding to it for an unexpired term. The

6 secretaries of the several departments of the executive
7 government shall be elected by the house of represent-
8 atives of the United States at the first session of each
9 congress, and each secretary shall continue in office
10 until a successor shall be elected. And each shall be
11 entitled to hold a seat on the floor of the house of rep-
12 resentatives, with the privileges of debate, but without
13 the right to vote on any question. Until a first elec-
14 tion of secretaries, after the adoption of this amend-
15 ment, said secretaries shall be appointed by the presi-
16 dent, with the advice and consent of the senate. And
17 in case of a vacancy in such department, the president
18 may fill the same by appointment until the house of
19 representatives shall at its next session elect a secre-
20 tary in the stead of such temporary appointment.

Ninth—These amendments shall take effect whenever
2 and as soon as the president of the United States shall
3 proclaim their adoption by the requisite number of
4 states, pursuant to the existing constitution, and all
5 existing laws in contravention thereof shall thereupon
6 become void.

And be it further resolved, That the governor of the
2 state be requested to transmit to the president of the
3 United States, and to each branch of congress, and to

4 each senator and representative of this state in con-
5 gress, and to the governor of each loyal state, a copy
6 of the preceding preamble and resolves.

STATE OF MAINE.

HOUSE OF REPRESENTATIVES, }
March 11, 1864. }

Presented by Mr. SMITH of Westbrook, and on his motion, laid on the table, and 350 copies ordered to be printed for the use of the Legislature.

HORACE STILSON, *Clerk.*