

MAINE STATE LEGISLATURE

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ACTS AND RESOLVES

OF THE

SIXTY-SECOND LEGISLATURE

OF THE

STATE OF MAINE.

1885.

Published by the Secretary of State, agreeably to Resolves of June 28, 1820,
February 18, 1840, and March 16, 1842.

AUGUSTA :
SPRAGUE & SON, PRINTERS TO THE STATE.
1885.

OPINIONS OF THE SUPREME JUDICIAL COURT.

The following opinion of the Supreme Judicial Court was received by the Secretary of State, December 3, 1883, addressed to the Speaker of the House of Representatives, and bearing the date of August 21, 1883 :

An order of the House of Representatives was passed requiring the justices of the Supreme Judicial Court to give to the House their opinion whether the apportionment bill then before that body "if passed by the Legislature as proposed will be in accordance with the Constitution of the State."

Before the order was forwarded to the undersigned, the apportionment bill, "as proposed" became by the action of the Legislature, the law of the land and presumably constitutional. The inquiry proposed by the order had relation to the future action of the House. It applied to a law which might or might not be passed, not to one in force. The future action, to which alone it related, was had before the order was transmitted to the undersigned, so that when received, the occasion on which and the purpose for which it was passed, had ceased to exist.

Inasmuch as the action of the House was had before the order was received or a reply could have been given, as the apportionment bill is one resting on the sound judgment and discretion of the Legislature, we have regarded the action of the House as clearly indicating that a reply was neither required or desired, and that if in the future a question should by any possibility arise as to the validity of the bill in question, it could best be heard and determined upon agreement and in the usual course of judicial procedure.

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