

MAINE STATE LEGISLATURE

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REPORT
OF
THE COMMISSIONER
ON THE
REVISION AND CONSOLIDATION
OF THE
PUBLIC LAWS
OF THE
STATE OF MAINE,
UNDER
Resolve of March 21, 1901.

AUGUSTA
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CONSTITUTION

OF THE

UNITED STATES OF AMERICA.

1787.

PREAMBLE.

Objects of the constitution.

CONSTITUTION.

- ARTICLE I. Legislative power.
- II. Executive power.
 - III. Judicial power.
 - IV. Relative rights of states.
 - V. How the constitution may be amended.
 - VI. Of former debts; supremacy of the constitution and laws of the United States; and oath required of the public officers.
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AMENDMENTS.

- I. Religious freedom and the rights of speech, of the press, and of the people to assemble and petition.
- II. Right to bear arms.
- III. Restrictions on quartering troops.
- IV. Restrictions on the right of search and seizure.
- V. Rights of persons charged with crimes, and of private property.
- VI. Mode of trial in criminal cases.
- VII. Of trials by jury in civil actions at common law.
- VIII. Of excessive bail, and restrictions on fines and other punishments.
- IX. Rights retained by the people.
- X. Powers reserved to the states and to the people.
- XI. United States Courts have no jurisdiction of suits brought by individuals against one of the states.
- XII. Manner of choosing President and Vice-President.
- XIII. Slavery abolished.
- XIV. Citizens and their rights; representative apportionment; disability of persons engaged in the rebellion; validity of public debt; rebel debts and slave claims void, and the several states and the United States forbidden to assume them.
- XV. Right of impartial suffrage.

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. (a)

Preamble.

(a) 2 Dall., 419; 1 Wh., 324; 4 Wh., 316; 5 Wh., 158; 9 Wh., 187; 12 Wh., 419; 7 Pet., 243; 19 How., 393; 7 Wall., 71, 700; 12 Wall., 457; 21 Wall., 162; 140 U. S., 453; 56 Me., 276.

ARTICLE I.

SECTION I.

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. (a)

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 Numbers, 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 chuse 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 chuse 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 the 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.

(a) 110 U. S., 651; 134 U. S., 377; 179 U. S., 58.

Legislative powers vested in congress.
2 Dall., 409.
1 Wh., 329.
143 U. S., 649.

House of representatives, how composed.
(See Amendment, art. xv.)

Qualifications of a representative.

Apportionment of representatives and direct taxes.
8 Wall., 533.
23 Wall., 331.
102 U. S., 586.
157 U. S., 429.
158 U. S., 601.
(See Amendment, art. xiii; art. xiv, § 2.)
—census every ten years.

(Obsolete.)

Vacancies.
R. S. 1853, c. 4, §§ 33, 34.

House to choose its own officers: impeachment.
103 U. S., 190.

Senate, how composed.

Senators, how classified.

—vacancies, when filled by the legislature.

Of temporary appointments by the Executive.

Qualifications of a senator.

Vice president to be president of the senate.

5. The Senate shall chuse their other Officers, and also a President pro tempore, in the Absence of the Vice President, or when he shall exercise the Office of the President of the United States.

President pro temp. and other officers to be chosen.

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.

Power to try impeachments.
103 U. S., 190.

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.

Effect of judgment.
(See Amendment, art. xiv, § 3.)

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 chusing Senators.

Times, places and manner of electing congressmen.
100 U. S., 383, 399.
110 U. S., 651.
127 U. S., 731.
Sessions annual, at least.

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.

Membership.

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. (a)

—quorum.
103 U. S., 182.
144 U. S., 1.
—adjournments.

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.

Rules.
—censures and expulsions.

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.

Journals of each house.
—yeas and nays, when to be ordered.
143 U. S., 649.
144 U. S., 1.
Limitation of the right to adjourn.

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 and returning from the same; and for any Speech or Debate in either House, they shall not be questioned in any other Place.

Compensation and privileges.
3 Dall., 478.
103 U. S., 201.

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.

Congressmen ineligible to certain offices.

(a) 6 Wh., 204; 103 U. S., 182; 166 U. S., 661.

SECTION VII.

Revenue bills must originate in the House.

Of the president's veto, in case of bills.

Vetoed bills may be passed by two thirds.

143 U. S., 649.

Also in case of concurrent orders, resolutions or votes.

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 reconsider it. If after such Reconsideration 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 reconsidered, 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 their 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 repassed 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

Powers of congress. (See Amendment, art. xiv, § 4.)

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; (a)

2. To borrow Money on the credit of the United States; (b)

3. To regulate Commerce with foreign Nations, and among the several States, and with the Indian Tribes; (c)

(a) 3 Dall., 171; 4 Wh., 316; 5 Wh., 317; 9 Wh., 738; 2 Pet., 449, 468; 16 Pet., 435; 5 How., 504; 12 How., 299; 3 Wall., 387, 573; 4 Wall., 459; 5 Wall., 462, 475; 8 Wall., 123, 148, 533; 11 Wall., 113; 15 Wall., 111, 300; 17 Wall., 322; 18 Wall., 5; 23 Wall., 331; 101 U. S., 1; 104 U. S., 111; 106 U. S., 327, 703; 112 U. S., 580; 149 U. S., 210; 157 U. S., 429; 158 U. S., 601; 163 U. S., 427; 173 U. S., 509; 178 U. S., 41; 182 U. S., 222, 244; 54 Me., 544; 56 Me., 281.

(b) 4 Wh., 316; 2 Pet., 449; 2 Black, 620; 2 Wall., 200; 7 Wall., 16, 26; 8 Wall., 603; 9 Wall., 353; 12 Wall., 457; 110 U. S., 421.

(c) 9 Wh., 1, 209; 12 Wh., 419; 2 Pet., 245; 6 Pet., 515; 11 Pet., 102; 12 Pet., 72; 14 Pet., 504; 5 How., 504; 7 How., 283; 8 How., 73, 490; 9 How., 560; 12 How., 299, 443; 13 How., 518; 14 How., 568; 18 How., 71, 421; 22 How., 227, 244; 1 Black, 603; 3 Wall., 407, 713, 782; 6 Wall., 31, 35; 7 Wall., 646; 8 Wall., 110, 168; 9 Wall., 579; 10 Wall., 173, 454, 557, 566; 11 Wall., 411; 13 Wall., 236; 15 Wall., 232, 284; 16 Wall., 479; 17 Wall., 560; 18 Wall., 129, 206; 19 Wall., 581, 584; 21 Wall., 456, 558; 92 U. S., 259, 275; 93 U. S., 4, 99, 188; 94 U. S., 135, 246; 95 U. S., 459, 465, 485; 96 U. S., 1; 100 U. S., 385, 424, 432, 437, 491, 499; 102 U. S., 126, 543, 574, 606; 104 U. S., 467; 105 U. S., 464, 475, 563; 107 U. S., 38, 59, 365, 678, 691; 109 U. S., 385; 112 U. S., 69, 580; 114 U. S., 196, 387, 622; 116 U. S., 446, 517; 117 U. S., 34, 51; 118 U. S., 90, 455, 557; 119 U. S., 543; 120 U. S., 489, 502; 121 U. S., 230, 444; 122 U. S., 326, 347; 124 U. S.,

4. To establish an uniform Rule of Naturalization, (*a*) and uniform Laws on the subject of Bankruptcies throughout the United States; (*b*)

5. To coin Money, regulate the Value thereof, and of foreign Coin, and fix the Standard of Weights and Measures; (*c*)

6. To provide for the Punishment of counterfeiting the Securities and current Coin of the United States; 5 How., 410.
9 How., 560.

7. To establish Post Offices and post Roads; (*d*)

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; (*e*)

9. To constitute Tribunals inferior to the supreme Court; 3 Wh., 610.
98 U. S., 602.

10. To define and punish Piracies and Felonies committed on the high Seas, and Offences against the Law of Nations; (*f*)

11. To declare War, grant Letters of Marque and Reprisal, and make Rules concerning Captures on Land and Water; (*g*)

12. To raise and support Armies, but no Appropriation of Money to that Use shall be for a longer Term than two Years; 6 Wall., 35.

13. To provide and maintain a Navy; 3 Wh., 336.
20 How., 65.

14. To make Rules for the Government and Regulation of the land and naval Forces; 158 U. S., 109.
177 U. S., 496.

15. To provide for calling forth the Militia to execute the Laws of the Union, suppress Insurrections and repel Invasions; (*h*)

16. 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; 5 Wh., 1.
12 Wh., 19.
7 How., 1.
116 U. S., 252.

17. 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

465; 125 U. S., 1, 181, 465; 127 U. S., 1, 411, 640; 128 U. S., 1, 129, 174; 129 U. S., 217; 132 U. S., 472; 133 U. S., 587; 135 U. S., 100, 161, 641; 136 U. S., 104, 313; 138 U. S., 78; 140 U. S., 545; 141 U. S., 18, 36, 40, 47, 62, 679; 142 U. S., 217; 143 U. S., 305, 517; 144 U. S., 323; 145 U. S., 1, 192, 263; 147 U. S., 396; 153 U. S., 289, 436, 525, 692; 154 U. S., 204, 439, 447; 155 U. S., 461, 648; 156 U. S., 1, 296; 158 U. S., 431, 564; 161 U. S., 519; 162 U. S., 197, 650; 163 U. S., 1, 142, 299, 537; 165 U. S., 58, 194, 628; 166 U. S., 171, 290, 427; 169 U. S., 133, 264, 311, 466, 613; 170 U. S., 412, 438; 171 U. S., 1, 30, 345, 505, 578; 172 U. S., 1; 173 U. S., 285; 174 U. S., 445; 175 U. S., 211, 626; 176 U. S., 126; 177 U. S., 514, 584; 178 U. S., 389, 496; 179 U. S., 270, 287, 343, 388, 443; 24 Pick., 359; 4 Metc., 282; 5 Gray, 97; 32 Me., 361; 65 Me., 557; 83 Me., 422; 95 Me., 100, 142.

(*a*) 6 Pet., 761; 19 How., 393; 130 U. S., 581; 169 U. S., 649; 88 Me., 201.

(*b*) 2 Wh., 259; 4 Wh., 122, 209; 6 Wh., 131; 12 Wh., 213; 6 Pet., 348; 9 Pet., 329; 14 Pet., 67; 5 How., 295; 146 U. S., 303; 57 Me., 75; 70 Me., 154.

(*c*) 11 Pet., 257; 5 How., 410; 9 How., 560; 8 Wall., 548; 101 U. S., 1; 110 U. S., 421; 56 Me., 281.

(*d*) 18 How., 421; 96 U. S., 8; 143 U. S., 110; 158 U. S., 564.

(*e*) 6 Pet., 218; 8 Pet., 591; 104 U. S., 356, 358; 111 U. S., 53; 128 U. S., 244; 64 Me., 462.

(*f*) 3 Wh., 610; 5 Wh., 76, 153, 184; 120 U. S., 479.

(*g*) 8 Cr., 110; 1 Pet., 511; 2 Wall., 404; 11 Wall., 268, 331, 493; 21 Wall., 73; 92 U. S., 187; 106 U. S., 315; 182 U. S., 222.

(*h*) 5 Wh., 1; 12 Wh., 19; 7 How., 1; 6 Wall., 35; 7 Wall., 700.

which the Same shall be, for the Erection of Forts, Magazines, Arsenals, dock-Yards, and other needful Buildings; (a)—And

18. 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. (b)

SECTION IX.

Restrictions
upon the
powers of
congress.
(Obsolete.)

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.* (c)

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. (d)

3. No Bill of Attainder or ex post facto Law shall be passed. (e)

4. No Capitation, or other direct, tax shall be laid, unless in Proportion to the Census or Enumeration herein before directed to be taken. (f)

5. No Tax or Duty shall be laid on Articles exported from any State. (g)

6. 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.

7. 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.

8. 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.

12 How., 299.
18 How., 421.
94 U. S., 113.
100 U. S., 437.
118 U. S., 455.
156 U. S., 690.

SECTION X.

Powers
denied the
individual
states.

1. No State shall enter into any Treaty, Alliance, or Confederation; grant Letters of Marque and Reprisal; coin Money; emit Bills of Credit; (h) make any Thing but gold and silver Coin a Tender in Payment of

(a) 2 Cr., 444; 5 Wh., 317; 6 Wh., 264; 1 Pet., 511; 12 Pet., 524; 9 Wall., 41; 11 Wall., 610; 14 Wall., 676; 92 U. S., 130; 94 U. S., 320; 114 U. S., 525, 542; 117 U. S., 151; 129 U. S., 141; 147 U. S., 282; 160 U. S., 499; 170 U. S., 45; 8 Mass., 72; 76 Me., 333.

(b) 2 Dall., 304; 1 Cr., 137; 2 Cr., 358; 7 Cr., 116; 3 Wh., 172, 336; 4 Wh., 316; 6 Wh., 204; 9 Wh., 738; 10 Wh., 1, 51; 12 Wh., 136; 5 Pet., 115; 8 Wall., 603; 9 Wall., 353, 395, 579; 12 Wall., 457; 15 Wall., 195; 18 Wall., 5; 100 U. S., 263, 375; 106 U. S., 372; 110 U. S., 421; 153 U. S., 525; 177 U. S., 459; 180 U. S., 109; 56 Me., 276.

(c) 1 Wash., C. C. R., 499; 19 How., 393.

(d) 3 Dall., 17; 2 Cr., 445; 3 Cr., 448; 4 Cr., 75; 7 Wh., 38; 12 Wh., 19; 3 Pet., 192; 9 Pet., 704; 14 Pet., 540; 3 How., 103; 7 How., 1; 21 How., 506; 1 Wall., 243; 4 Wall., 2; 7 Wall., 506; 8 Wall., 85; 13 Wall., 397; 18 Wall., 163; 93 U. S., 18, 396; 100 U. S., 340, 374, 402; 105 U. S., 696.

(e) 3 Dall., 386; 6 Cr., 87; 12 Wh., 213; 7 Pet., 248; 8 Pet., 88; 17 How., 456; 4 Wall., 172, 277, 333; 8 Wall., 595; 13 Wall., 257; 16 Wall., 234; 107 U. S., 221; 152 U. S., 377; 170 U. S., 189.

(f) 2 Dall., 171; 5 Wall., 462; 157 U. S., 429; 158 U. S., 601; 178 U. S., 41.

(g) 12 How., 299; 92 U. S., 372; 100 U. S., 424; 117 U. S., 504.

(h) 4 Pet., 410, 431; 8 Pet., 40; 11 Pet., 257; 13 How., 12; 96 U. S., 182; 114 U. S., 269.

Debts; pass any Bill of Attainder, ex post facto Law, (a) or Law impairing the Obligation of Contracts, (b) 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 it's 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 Controul of the Congress. (c)

No state permitted to lay duties, &c., without the consent of congress.

3. 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. (d)

Nor to lay tonnage dues, keep war ships, or treat with other states or foreign powers.

(a) 3 Dall., 386; 4 Dall., 14; 8 Pet., 88; 10 How., 395; 17 How., 456; 4 Wall., 172, 277, 333; 9 Wall., 35; 107 U. S., 221; 110 U. S., 574; 124 U. S., 200; 134 U. S., 160; 138 U. S., 157; 162 U. S., 565; 170 U. S., 189, 343; 171 U. S., 380.

(b) 6 Cr., 87; 7 Cr., 164; 9 Cr., 43; 4 Wh., 122, 209, 518; 5 Wh., 420; 6 Wh., 131; 8 Wh., 1; 12 Wh., 213, 370; 2 Pet., 380, 627; 3 Pet., 280; 4 Pet., 514; 5 Pet., 457; 8 Pet., 281; 9 Pet., 329; 11 Pet., 420; 16 Pet., 281; 1 How., 311; 2 How., 608; 3 How., 133, 534, 707, 720; 5 How., 295; 6 How., 301, 507; 7 How., 279; 8 How., 163; 10 How., 190, 218, 395, 402, 511; 11 How., 185; 13 How., 71; 14 How., 268; 15 How., 304; 16 How., 369; 18 How., 331; 20 How., 527; 22 How., 364; 24 How., 300, 461; 1 Black, 436, 474; 2 Black, 448, 510; 1 Wall., 116; 2 Wall., 10; 3 Wall., 51, 210; 4 Wall., 177, 535; 7 Wall., 487; 8 Wall., 44, 430, 439, 575, 595, 603; 10 Wall., 511; 12 Wall., 457; 13 Wall., 68, 190, 264, 373, 646, 654; 15 Wall., 195, 300, 454, 460, 478, 500, 610; 16 Wall., 244, 314; 17 Wall., 596; 19 Wall., 1, 526; 20 Wall., 36; 21 Wall., 196, 249; 91 U. S., 3; 92 U. S., 631; 93 U. S., 116, 595; 95 U. S., 113, 170, 324, 632, 682; 96 U. S., 73, 183, 441, 599; 97 U. S., 29, 457, 666; 98 U. S., 360; 99 U. S., 320; 100 U. S., 499, 556; 101 U. S., 339, 792, 816, 832; 102 U. S., 206; 103 U. S., 8, 365, 714; 104 U. S., 4, 590, 674; 105 U. S., 16, 71, 258, 302, 369, 601, 623; 106 U. S., 132; 106 U. S., 95; 107 U. S., 365, 769; 108 U. S., 51, 143, 514; 109 U. S., 244, 285; 110 U. S., 53, 347; 111 U. S., 716; 113 U. S., 574; 114 U. S., 176, 270, 387; 115 U. S., 566, 650, 674, 683; 116 U. S., 131, 289, 307, 572, 585; 117 U. S., 52; 120 U. S., 64; 121 U. S., 102, 282; 122 U. S., 1, 284; 125 U. S., 18, 190; 128 U. S., 489; 129 U. S., 36; 130 U. S., 189; 131 U. S., 405, CLXV; 134 U. S., 515; 135 U. S., 662; 137 U. S., 245; 140 U. S., 1; 142 U. S., 79; 143 U. S., 1, 371; 145 U. S., 454; 146 U. S., 162, 258, 387; 148 U. S., 137, 397; 151 U. S., 556; 153 U. S., 628; 157 U. S., 219; 159 U. S., 103; 161 U. S., 134, 240, 256, 646, 677; 163 U. S., 118, 273, 416; 164 U. S., 662; 165 U. S., 1; 167 U. S., 646; 168 U. S., 488; 170 U. S., 57, 226, 243; 172 U. S., 102; 173 U. S., 592, 636; 176 U. S., 469, 646; 177 U. S., 66, 558; 2 Gall., C. C. R., 138; 3 Wash., C. C. R., 313; 15 Mass., 447; 16 Mass., 245; 6 Pick., 440; 23 Pick., 360; 7 Cush., 53; 11 Me., 118; 23 Me., 318; 59 Me., 25, 44, 72; 63 Me., 269; 65 Me., 129; 66 Me., 492; 67 Me., 581; 69 Me., 317; 70 Me., 410; 71 Me., 383; 80 Me., 469, 561; 81 Me., 459.

(c) 4 Wh., 316; 9 Wh., 1; 12 Wh., 419; 8 How., 490; 12 How., 299; 24 How., 169; 5 Wall., 462; 6 Wall., 35; 8 Wall., 110, 123, 148; 12 Wall., 204; 15 Wall., 284; 94 U. S., 242; 100 U. S., 437, 498, 676; 101 U. S., 1; 104 U. S., 467; 107 U. S., 38, 59; 114 U. S., 622; 117 U. S., 504; 156 U. S., 577, 590; 178 U. S., 496; 24 Pick., 359.

(d) 8 Wh., 1; 11 Pet., 185; 12 How., 299; 19 Wall., 581; 20 Wall., 577; 94 U. S., 242; 95 U. S., 84; 96 U. S., 182; 97 U. S., 458; 100 U. S., 424, 432, 677; 101 U. S., 1; 105 U. S., 561; 107 U. S., 365, 691; 118 U. S., 455; 119 U. S., 543; 121 U. S., 444; 148 U. S., 503; 153 U. S., 155.

ARTICLE II.

SECTION I.

President and
vice president.

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

Electors of
those officers.
2 Dall., 419.
20 How., 176.
146 U. S., 1.

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.

Original mode
of electing
president and
vice president.
(Superseded by
Amendment
xii.)

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 of the Number of Votes for each; which List 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 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 chuse 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 chuse the President. But in chusing 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 chuse from them by Ballot the Vice-President.*

Time of
choosing
electors and
when they
shall vote.
Qualifications
of President.
3 Pet., 99.
169 U. S., 649.

4. The Congress may determine the Time of chusing 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.

Provisions
for vacancies
in presidential
office.

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.

President's
compensation.

7. The President shall, at stated Times, receive for his Services, a Compensation, which shall neither be encreased 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:—

"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."

President's
oath.

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. (a)

President is
commander-
in-chief.

—may require
the opinion of
heads of
departments.
—reprieves
and pardons.

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 think proper, in the President alone, in the Courts of Law, or in the Heads of Departments. (b)

Of treaties
and foreign
intercourse.

Appointment
of public
officers.

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.

Of vacancies
in the recess
of the senate.
9 Wh., 720.

SECTION III.

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.

Further
powers and
duties.
1 Cr., 137.
12 Pet., 524.
7 How., 1.
4 Wall., 475.
11 Wall., 493.
135 U. S., 1.

SECTION IV.

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.

Of removal of
civil officers by
impeachment.

ARTICLE III.

SECTION I.

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 Behaviour, and shall at stated

Judicial
power, how
vested.

—tenure.

(a) 5 Wh., 1; 12 Wh., 19; 7 Pet., 150; 18 How., 307; 4 Wall., 333; 6 Wall., 766; 9 Wall., 129, 542; 13 Wall., 128, 152, 156; 21 Wall., 73; 22 Wall., 276; 92 U. S., 187, 202; 114 U. S., 411; 133 U. S., 92; 158 U. S., 109; 161 U. S., 591.

(b) 3 Dall., 199; 1 Cr., 137; 9 Wh., 720; 1 Pet., 511; 2 Pet., 253; 5 Pet., 1, 233; 6 Pet., 515; 9 Pet., 224; 12 Pet., 524; 13 Pet., 230, 415; 17 Wall., 211; 100 U. S., 397; 149 U. S., 698; 167 U. S., 324; 169 U. S., 331; 180 U. S., 371; 182 U. S., 1; 2 Brockenb., C. C. R., 96.

—compensation cannot be diminished.

Times, receive for their Services, a Compensation, which shall not be diminished during their Continuance in Office. (a)

SECTION II.

Extent of the judicial power.

(See Amendment xi.)

Original and appellate jurisdiction of the supreme court.

I. 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; (b)—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;—(c) *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. (d)

2. In all Cases affecting Ambassadors, other public Ministers and Consuls, and those in which a State shall be Party, the supreme Court shall have original Jurisdiction. (e) In all the 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. (f)

(a) 2 Dall., 419; 1 Cr., 299; 5 Cr., 115; 6 Cr., 264; 1 Wh., 304; 9 Wh., 738; 9 How., 235; 17 How., 525; 18 How., 272; 1 Wall., 243; 98 U. S., 602; 103 U. S., 168, 192; 147 U. S., 150.

(b) 3 Cr., 159; 5 Cr., 344; 1 Wh., 304; 9 Wh., 738; 6 Pet., 515, 691; 9 Pet., 224; 13 How., 40; 14 How., 103; 98 U. S., 602; 100 U. S., 264, 310, 318, 341, 374; 101 U. S., 30; 104 U. S., 603; 105 U. S., 647; 106 U. S., 95, 204, 276, 577, 616; 109 U. S., 485; 118 U. S., 109; 119 U. S., 473; 121 U. S., 186; 128 U. S., 132; 135 U. S., 1; 146 U. S., 1; 154 U. S., 447; 173 U. S., 592; 174 U. S., 168; 175 U. S., 423; 176 U. S., 1; 177 U. S., 404; 178 U. S., 436; 179 U. S., 126, 598; 180 U. S., 371, 402; 86 Me., 57.

(c) 3 Dall., 6, 19, 297, 411; 4 Cr., 241; 7 Cr., 32, 108, 112; 1 Wh., 304; 3 Wh., 336; 7 Wh., 38; 11 Wh., 467; 1 Pet., 511; 5 Pet., 284; 7 Pet., 276; 8 Pet., 312; 12 Pet., 657; 3 How., 236; 5 How., 441; 12 How., 443, 466; 17 How., 284; 18 How., 71, 272; 20 How., 558; 23 How., 491; 24 How., 66; 1 Black, 522, 574; 4 Wall., 411, 475, 555; 11 Wall., 1, 39; 21 Wall., 558; 104 U. S., 516, 520, 521; 105 U. S., 628; 108 U. S., 76; 114 U. S., 355; 141 U. S., 1; 143 U. S., 621; 148 U. S., 503; 174 U. S., 196; 2 Gall., C. C. R., 398.

(d) 2 Dall., 409, 419; 3 Dall., 6, 297, 378; 4 Dall., 12; 2 Cr., 444; 3 Cr., 159, 267; 4 Cr., 75, 241; 5 Cr., 61, 303, 344; 6 Cr., 307; 9 Cr., 292; 1 Wh., 304; 2 Wh., 377; 3 Wh., 336; 6 Wh., 264; 7 Wh., 38, 164; 9 Wh., 738; 1 Pet., 511; 2 Pet., 136; 5 Pet., 1; 6 Pet., 41, 691; 7 Pet., 276, 413; 8 Pet., 112; 9 Pet., 224; 13 Pet., 519; 14 Pet., 60, 67; 16 Pet., 539; 2 How., 497; 7 How., 1; 8 How., 441; 13 How., 268, 518; 16 How., 314; 18 How., 76; 19 How., 393; 20 How., 170, 558; 21 How., 481; 1 Black, 286; 1 Wall., 243; 4 Wall., 2; 5 Wall., 720; 6 Wall., 50; 7 Wall., 425, 571; 8 Wall., 85; 10 Wall., 553; 11 Wall., 172; 13 Wall., 270, 397, 581; 16 Wall., 203; 18 Wall., 553; 20 Wall., 445; 21 Wall., 41; 92 U. S., 10; 94 U. S., 445, 538; 104 U. S., 12, 210, 248, 409, 459; 105 U. S., 4, 180, 577; 106 U. S., 104, 120, 193, 395; 111 U. S., 252; 118 U. S., 375; 127 U. S., 265; 161 U. S., 545; 170 U. S., 511; 80 Me., 523.

(e) 2 Dall., 419; 3 Dall., 411; 1 Cr., 137; 7 Wh., 38; 9 Wh., 819; 11 Wh., 467; 3 Pet., 193; 5 Pet., 284; 7 Pet., 627; 12 Pet., 657; 24 How., 66; 1 Wall., 243; 10 Wall., 553; 111 U. S., 449; 127 U. S., 265.

(f) 2 Dall., 419; 3 Dall., 321; 1 Cr., 137; 3 Cr., 159, 268; 4 Cr., 75; 5 Cr., 344; 6 Cr., 307; 7 Cr., 108; 1 Wh., 304; 2 Wh., 363, 369; 3 Wh., 246, 433; 4 Wh., 311; 6 Wh., 264, 448; 7 Wh., 38, 164, 534; 8 Wh., 312; 9 Wh.,

3. The Trial of all Crimes, except in Cases of Impeachment, shall be by Jury; and such Trial shall be held in the State where the said Crimes shall have been committed; (a) but when not committed within any State, the Trial shall be at such Place or Places as the Congress may by Law have directed.

Jury trial of crimes.

—where held.
138 U. S., 157.

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.

Definition of treason.
2 Dall., 335, 348.
4 Cr., 75, 469.
—proof.

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.

Punishment.
9 Wall., 339.
18 Wall., 156, 163.
92 U. S., 202.
145 U. S., 546.
146 U. S., 338.

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. (b)

Mutual credit to be given to public acts of States.
—mode of proving.

SECTION II.

1. The Citizens of each State shall be entitled to all Privileges and Immunities of Citizens in the several States. (c)

Reciprocal right of citizenship.
Fugitives from justice.

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. (d)

3. No Person held to Service or Labour in one State, under the Laws thereof, escaping into another, shall, in Consequence of any Law or

Fugitives from service or labor.

738; 10 Wh., 1, 51; 11 Wh., 467; 12 Wh., 117, 129; 2 Pet., 449; 3 Pet., 193; 5 Pet., 1, 190; 8 Pet., 312; 12 Pet., 488, 657; 13 How., 518; 14 How., 103; 21 How., 481, 506; 1 Wall., 243; 2 Wall., 160; 6 Wall., 318; 7 Wall., 506, 571; 8 Wall., 85, 307; 9 Wall., 274; 10 Wall., 553; 13 Wall., 270; 20 Wall., 590; 100 U. S., 341, 374; 104 U. S., 427, 771; 105 U. S., 233, 235, 384; 106 U. S., 97, 375.

(a) 4 Wall., 2; 98 U. S., 569, 602; 127 U. S., 540; 134 U. S., 31.

(b) 7 Cr., 481; 3 Wh., 234; 6 Wh., 129; 10 Wh., 465; 11 Wh., 392; 9 Pet., 86; 13 Pet., 312, 519; 9 How., 522; 11 How., 165; 5 Wall., 290; 7 Wall., 139; 8 Wall., 168; 17 Wall., 521; 18 Wall., 457; 104 U. S., 568, 594; 105 U. S., 669; 107 U. S., 3; 109 U. S., 608; 116 U. S., 1; 119 U. S., 615; 121 U. S., 325; 127 U. S., 265; 133 U. S., 107; 140 U. S., 254; 146 U. S., 657; 160 U. S., 531; 180 U. S., 506; 1 Caines, 460; 9 Mass., 462; 17 Mass., 521; 4 Metc., 333; 10 Me., 483; 53 Me., 347; 60 Me., 548; 78 Me., 293; 94 Me., 508.

(c) 5 Cr., 61; 6 Pet., 761; 12 Pet., 657; 13 Pet., 519; 14 How., 13; 18 How., 591; 19 How., 393; 6 Wall., 35; 8 Wall., 123, 168; 10 Wall., 173, 566; 12 Wall., 418; 16 Wall., 36, 130; 93 U. S., 72; 94 U. S., 391; 96 U. S., 176; 100 U. S., 437, 499; 105 U. S., 30; 106 U. S., 643; 119 U. S., 110; 125 U. S., 181; 129 U. S., 217; 133 U. S., 107; 135 U. S., 492; 136 U. S., 114; 172 U. S., 239; 176 U. S., 59; 178 U. S., 289; 84 Me., 444; 6 Pick., 89.

(d) 14 Pet., 540; 24 How., 66; 16 Wall., 366; 111 U. S., 624; 114 U. S., 642; 116 U. S., 80; 148 U. S., 537; 5 Metc., 536.

(See Amend-
ment xiii.)

Regulation therein, be discharged from such Service or Labour, but shall be delivered up on Claim of the Party to whom such Service or Labour may be due. (a)

SECTION III.

Admission of
new States.
1 Pet., 511.
3 How., 212.
16 How., 164.
11 Wall., 39.

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.

Power of con-
gress over ter-
ritory and
other property
of the United
States.

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 State. (b)

SECTION IV.

Obligation of
the United
States to
protect the
several
States.

The United States shall guarantee to every State in this 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. (c)

ARTICLE V.

How the consti-
tution may be
amended.

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 Suffrage in the Senate.*

(Obsolete.)

—proviso.

ARTICLE VI.

Debts of the
confederation
are assumed.

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.

Supremacy of
the United
States consti-
tution and
laws.

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. (d)

(a) 16 Pet., 539; 5 How., 215; 10 How., 82; 14 How., 13; 19 How., 393; 21 How., 506; 1 Wash., C. C. R., 499; 2 Pick., 11.

(b) 4 Wh., 316; 1 Pet., 511; 14 Pet., 526; 4 How., 567; 16 How., 164; 18 How., 100; 19 How., 393; 13 Wall., 92, 434; 16 Wall., 535; 101 U. S., 132; 114 U. S., 15; 118 U. S., 375; 136 U. S., 1; 141 U. S., 174; 158 U. S., 41.

(c) 7 How., 1; 7 Wall., 700; 166 U. S., 506; 178 U. S., 548; 54 Me., 544; 56 Me., 276.

(d) 2 Dall., 409; 3 Dall., 199, 386; 1 Cr., 137; 1 Wh., 304; 2 Wh., 259; 4 Wh., 316; 6 Wh., 264, 381; 8 Wh., 464; 9 Wh., 1, 210; 2 Pet., 253, 586;

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.

Oath required of public officers. 4 Wall., 333. —no religious test.

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.

Ratification of this constitution.

DONE in Convention by the Unanimous Consent of the States present the Seventeenth Day of September in the Year of our Lord one thousand seven hundred and Eighty seven, and of the Independence of the United States of America the Twelfth In Witness whereof We have hereunto subscribed our Names,

Go: WASHINGTON—

Presidt. and Deputy from Virginia

New Hampshire.

JOHN LANGDON

NICHOLAS GILMAN

Massachusetts.

NATHANIEL GORHAM

RUFUS KING

Connecticut.

WM. SAML. JOHNSON

ROGER SHERMAN

New York.

ALEXANDER HAMILTON

New Jersey.

WIL: LIVINGSTON

WM. PATERSON

DAVID BREARLEY

JONA: DAYTON

Pennsylvania.

B. FRANKLIN

THOS. FITZSIMONS

THOMAS MIFFLIN

JARED INGERSOLL

ROBT. MORRIS

JAMES WILSON

GEO. CLYMER

GOUV MORRIS

Delaware.

GEO: READ

RICHARD BASSETT

GUNNING BEDFORD JUN

JACO: BROOM

JOHN DICKINSON

Maryland.

JAMES MCHENRY

DANL. CARROLL

DAN OF ST THOS JENIFER

Virginia.

JOHN BLAIR—

JAMES MADISON JR.

North Carolina.

WM. BLOUNT

HU WILLIAMSON

RICHD. DOBBS SPAIGHT

6 Pet., 515; 14 How., 38; 18 How., 331; 21 How., 366, 506; 22 How., 227, 244; 9 Wall., 32; 95 U. S., 80; 96 U. S., 8; 97 U. S., 459; 100 U. S., 263, 310, 318, 348, 371; 104 U. S., 50; 112 U. S., 580; 130 U. S., 581; 143 U. S., 570; 158 U. S., 564; 182 U. S., 1; Pet., C. C. R., 390; 1 Wash., C. C. R., 322; 56 Me., 276.

South Carolina.

J. RUTLEDGE, CHARLES PINCKNEY
CHARLES COTESWORTH PINCKNEY PIERCE BUTLER

Georgia.

WILLIAM FEW ABR BALDWIN
Attest WILLIAM JACKSON *Secretary*

The Constitution was adopted September 17, 1787, by the Convention appointed in pursuance of the resolution of the Congress of the Confederation passed February 21, 1787.

The Congress, September 28, 1787, directed the Constitution to "be transmitted to the several Legislatures in order to be submitted to a convention of delegates chosen in each State by the people thereof, in conformity to the resolves of the Convention." By the votes of nine States represented in the Congress, it was declared, September 13, 1788, that the Constitution had been duly ratified by the Conventions of eleven States, as follows, viz. :—

(First.)	—Delaware,	December 7, 1787.
(Second.)	—Pennsylvania,	December 12, "
(Third.)	—New Jersey,	December 18, "
(Fourth.)	—Georgia,	January 2, 1788.
(Fifth.)	—Connecticut,	January 9, "
(Sixth.)	—Massachusetts,	February 6, "
(Seventh.)	—Maryland,	April 28, "
(Eighth.)	—South Carolina,	May 23, "
(Ninth.)	—New Hampshire,	June 21, "
(Tenth.)	—Virginia,	June 26, "
(Eleventh.)	—New York,	July 26, "

and March 4, 1789, was designated as the time for commencing the operations of Government under the new Constitution.

George Washington having been unanimously chosen President of the United States, was inaugurated at New York, April 30, 1789, and the present government put into full operation.

Afterwards, the Constitution was ratified by Conventions in the other two original States, as follows, viz. :—

(Twelfth.)	—North Carolina,	November 21, 1789.
(Thirteenth.)	—Rhode Island,	May 29, 1790.

Since that time, thirty two new States have been admitted into the Union, as follows, viz. :—

(Fourteenth.)	—Vermont,	March 4, 1791.
(Fifteenth.)	—Kentucky,	June 1, 1792.
(Sixteenth.)	—Tennessee,	June 1, 1796.
(Seventeenth.)	—Ohio,	April 30, 1802.
(Eighteenth.)	—Louisiana,	April 30, 1812.
(Nineteenth.)	—Indiana,	December 11, 1816.
(Twentieth.)	—Mississippi,	December 10, 1817.
(Twenty-first.)	—Illinois,	December 3, 1818.
(Twenty-second.)	—Alabama,	December 14, 1819.
(Twenty-third.)	—Maine,	March 15, 1820.
(Twenty-fourth.)	—Missouri,	August 10, 1821.
(Twenty-fifth.)	—Arkansas,	June 23, 1836.
(Twenty-sixth.)	—Michigan,	January 26, 1837.
(Twenty-seventh.)	—Florida,	March 3, 1845.

(Twenty-eighth.)	—Texas,	December 29, 1845.
(Twenty-ninth.)	—Iowa,	December 28, 1846.
(Thirtieth.)	—Wisconsin,	May 29, 1848.
(Thirty-first.)	—California,	September 9, 1850.
(Thirty-second.)	—Minnesota,	May 11, 1858.
(Thirty-third.)	—Oregon,	February 14, 1859.
(Thirty-fourth.)	—Kansas,	January 29, 1861.
(Thirty-fifth.)	—West Virginia,	June 19, 1863.
(Thirty-sixth.)	—Nevada,	October 31, 1864.
(Thirty-seventh.)	—Nebraska,	March 1, 1867.
(Thirty-eighth.)	—Colorado,	August 1, 1876.
(Thirty-ninth.)	—North Dakota,	November 2, 1889.
(Fortieth.)	—South Dakota,	November 2, 1889.
(Forty-first.)	—Montana,	November 8, 1889.
(Forty-second.)	—Washington,	November 11, 1889.
(Forty-third.)	—Idaho,	July 3, 1890.
(Forty-fourth.)	—Wyoming,	July 10, 1890.
(Forty-fifth.)	—Utah,	January 4, 1896.

ARTICLES

IN ADDITION TO, AND AMENDMENT OF, THE CONSTITUTION

OF THE

UNITED STATES OF AMERICA

PROPOSED BY CONGRESS, AND RATIFIED BY THE LEGISLATURES OF THE
SEVERAL STATES PURSUANT TO THE FIFTH ARTICLE OF THE
ORIGINAL CONSTITUTION.

ARTICLE I.

Religious
freedom, and
the rights of
speech, of the
press, and of
petition.

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. (a)

ARTICLE II.

Right to bear
arms.
116 U. S., 252.
153 U. S., 535.

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.

Restrictions
on quartering
troops.

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.

Restrictions
on search and
seizure.

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. (b)

ARTICLE V.

Rights of per-
sons charged
with crimes,
and rights to
private
property.

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

(a) 9 Cr., 43; 2 How., 127; 4 Wall., 333; 92 U. S., 542; 98 U. S., 145; 106 U. S., 376; 133 U. S., 333; 143 U. S., 110.

(b) 3 Cr., 448; 18 How., 71, 272; 4 Wall., 2; 116 U. S., 616; 153 U. S., 78, 535; 166 U. S., 661.

for the same offence to be twice put in jeopardy of life or limb; (a) 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; (b) nor shall private property be taken for public use, without just compensation. (c)

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. (d)

Mode of trial
in criminal
cases.

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 a jury shall be otherwise re-examined in any Court of the United States, than according to the rules of the common law. (e)

Of trial by
jury in civil
actions.

ARTICLE VIII.

Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted. (f)

Of bail. Of
fines and pun-
ishments.

ARTICLE IX.

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

Rights re-
tained by the
people.
7 Pet., 469.
148 U. S., 657.
56 Me., 276.

(a) 9 Wh., 579; 5 How., 410; 14 How., 13; 20 How., 65; 18 Wall., 163; 114 U. S., 417, 429; 117 U. S., 348; 121 U. S., 1, 281; 142 U. S., 148; 155 U. S., 271; 158 U. S., 109; 163 U. S., 376; 166 U. S., 661; 4 Wash., C. C. R., 402; 2 Sumn., C. C. R., 19; 84 Me., 272.

(b) 9 Wh., 579; 2 Pet., 380, 627; 18 How., 272; 19 How., 393; 4 Wall., 2; 7 Wall., 321; 8 Wall., 603; 11 Wall., 268; 12 Wall., 457; 13 Wall., 654; 95 U. S., 296; 96 U. S., 529; 99 U. S., 718; 101 U. S., 30; 102 U. S., 593; 103 U. S., 182; 104 U. S., 79; 107 U. S., 265; 110 U. S., 97; 116 U. S., 616; 128 U. S., 96; 129 U. S., 470; 134 U. S., 31; 142 U. S., 547; 149 U. S., 698; 161 U. S., 591; 163 U. S., 228; 168 U. S., 532; 174 U. S., 445; 65 Me., 242.

(c) 7 Pet., 243; 6 How., 507; 13 How., 115; 20 How., 84; 2 Black, 510; 13 Wall., 166; 91 U. S., 367; 97 U. S., 32; 101 U. S., 343; 105 U. S., 484; 106 U. S., 218, 228; 109 U. S., 513; 135 U. S., 641; 137 U. S., 342; 139 U. S., 651; 147 U. S., 282, 490; 148 U. S., 312; 163 U. S., 228; 167 U. S., 548; 168 U. S., 611; 179 U. S., 141.

(d) 1 Wh., 415; 7 Wh., 38; 7 Pet., 142, 243; 5 How., 410; 20 How., 84; 4 Wall., 2; 7 Wall., 321; 11 Wall., 268; 17 Wall., 168; 92 U. S., 542; 98 U. S., 154; 100 U. S., 305, 320, 348; 123 U. S., 131; 124 U. S., 200, 394; 127 U. S., 540; 138 U. S., 157; 139 U. S., 651; 140 U. S., 453; 156 U. S., 237; 161 U. S., 29; 161 U. S., 475; 170 U. S., 343; 174 U. S., 47; 178 U. S., 458.

(e) 2 Dall., 419; 3 Dall., 297; 1 Wh., 304; 4 Wh., 235; 6 Wh., 204, 264; 9 Wh., 738; 2 Pet., 525, 586; 3 Pet., 433; 7 Pet., 469; 11 How., 437; 13 How., 518; 21 How., 506; 9 Wall., 274; 21 Wall., 532; 93 U. S., 130; 95 U. S., 296; 102 U. S., 439; 104 U. S., 133; 106 U. S., 218, 228; 113 U. S., 316; 130 U. S., 69; 134 U. S., 31; 140 U. S., 106; 149 U. S., 451; 166 U. S., 226, 464, 707; 170 U. S., 343; 173 U. S., 528; 174 U. S., 1; 177 U. S., 349; 1 Gall., C. C. R., 19; 14 Mass., 412; 65 Me., 134; 80 Me., 60; 86 Me., 58.

(f) 5 Wall., 475; 136 U. S., 436; 142 U. S., 155; 144 U. S., 323; 149 U. S., 698.

ARTICLE X.

Powers reserved to the States and to the people.
3 Wash., C. C. R., 313.

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. (a)

[The first ten amendments were proposed to the Legislatures of the several States at the first session of the first Congress held under the Constitution, by a concurrent Resolution of September 25, 1789, and had been ratified by eleven States, the number required by Article V of the original Constitution, December 15, 1791.]

ARTICLE XI.

United States courts have no jurisdiction of suits by individuals against a State.
(See art. iii, § 2, ¶ 1 of the constitution.)

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. (b)

[The eleventh amendment was proposed at the second session of the third Congress, September 5, 1794, and in a message of President Adams to Congress dated January 8, 1798, was declared to have been ratified by the Legislatures of three fourths of the States.]

ARTICLE XII.

Manner of choosing president and vice president.
(Superseding art. ii, § 1, ¶ 3 of the constitution.)

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 of 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 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 for President, shall be the President, if such number be a majority of the whole number of Electors appointed; and if no person having 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 the President.

—president to be chosen by the house of representatives in case of no election by the electors.

—if no choice by the house then the vice president is to be president.

—choice of vice president by the senate, in case of no election by the electors.

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

(a) 2 Dall., 419; 3 Dall., 378; 1 Wh., 304; 4 Wh., 316; 6 Wh., 204, 264; 9 Wh., 738; 2 Pet., 586; 11 Pet., 257; 21 How., 506; 11 Wall., 113; 91 U. S., 275; 93 U. S., 130; 94 U. S., 238; 100 U. S., 266, 318, 345; 101 U. S., 820; 103 U. S., 182; 123 U. S., 131; 142 U. S., 161; 65 Me., 557.

(b) 2 Dall., 402, 419; 3 Dall., 378; 6 Wh., 264; 9 Wh., 738, 904; 1 Pet., 110; 5 Pet., 1; 11 Pet., 257; 15 How., 304; 107 U. S., 711; 108 U. S., 76, 436; 109 U. S., 446; 114 U. S., 269; 117 U. S., 52; 123 U. S., 443; 133 U. S., 233, 529; 134 U. S., 1, 22, 230; 140 U. S., 1; 149 U. S., 164; 154 U. S., 362; 165 U. S., 58; 167 U. S., 204; 169 U. S., 466; 172 U. S., 516; 176 U. S., 1; 178 U. S., 436.

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.

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

—qualifications
of vice-presi-
dent.

[The twelfth amendment was proposed at the first session of the eighth Congress, December 12, 1803, in lieu of the original third Paragraph of the first Section of the Second Article, and in a proclamation of the Secretary of State dated September 25, 1804, was declared to have been ratified by the Legislatures of three fourths of the States.]

ARTICLE XIII.

SECTION 1. Neither slavery nor involuntary servitude, except as a punishment for crime whereof the party shall have been duly convicted, shall exist within the United States, or any place subject to their jurisdiction. (a)

Slavery abol-
ished.
(See art. 1, § 2,
¶ 3, of the
constitution;
art. iv, § 2, ¶ 3.)

SECTION 2. Congress shall have power to enforce this article by appropriate legislation.

Power of
congress to
enforce this
article.

[The thirteenth amendment was proposed at the second session of the thirty-eighth Congress, February 1, 1865, and in a proclamation of the Secretary of State dated December 18, 1865, was declared to have been ratified by the Legislatures of twenty-seven of the thirty-six States.]

ARTICLE XIV.

SECTION 1. All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. (b) No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws. (c)

Who are citi-
zens of the
United States,
and of the
several States,
their privileges
and immuni-
ties.

(a) 19 How., 393; 13 Wall., 646, 654; 16 Wall., 36; 100 U. S., 344; 106 U. S., 640; 109 U. S., 3; 163 U. S., 537; 165 U. S., 275.

(b) 104 U. S., 12; 109 U. S., 3; 112 U. S., 94; 154 U. S., 116; 169 U. S., 649; 68 Me., 592, 593; 91 Me., 431.

(c) 12 How., 390; 6 Wall., 35; 8 Wall., 168; 12 Wall., 418; 13 Wall., 646, 654; 16 Wall., 36, 130; 18 Wall., 129; 21 Wall., 162; 92 U. S., 90, 480, 542; 94 U. S., 123; 100 U. S., 257, 305, 313, 344; 101 U. S., 30; 103 U. S., 380-393, 404-409; 104 U. S., 79; 105 U. S., 170; 106 U. S., 584, 637; 107 U. S., 110, 265; 108 U. S., 477; 109 U. S., 3, 285; 110 U. S., 516; 111 U. S., 701; 113 U. S., 9, 27, 506, 703; 114 U. S., 606; 115 U. S., 321, 512, 611, 620; 116 U. S., 252, 307; 118 U. S., 109, 194, 356, 394; 119 U. S., 110, 286, 566; 120 U. S., 68, 97, 678; 121 U. S., 282; 123 U. S., 623; 124 U. S., 394; 125 U. S., 181, 345, 680; 127 U. S., 58, 205, 210, 678, 699; 128 U. S., 1, 96, 578; 129 U. S., 26, 114; 130 U. S., 559; 131 U. S., 405; 132 U. S., 131, 524; 133 U. S., 660; 134 U. S., 31, 232, 418, 467, 594, 614; 136 U. S., 114, 436; 137 U. S., 15, 86, 245, 483, 624, 692; 138 U. S., 285; 139 U. S., 462, 504, 621, 651; 140 U. S., 316, 334; 142 U. S., 79, 339, 386, 651; 143 U. S., 442, 452, 517; 145 U. S., 175, 454; 146 U. S., 162, 314; 147 U. S., 147, 165; 148 U. S., 214, 657; 149 U. S., 30, 70, 364, 645, 698; 151 U. S., 137, 470, 556; 152 U. S., 133, 160, 377; 153 U. S., 380, 391, 535, 684; 154 U. S., 34, 362, 421, 447; 155 U. S., 196; 156 U. S., 272, 478, 649; 157 U. S., 219, 655; 159 U. S., 74, 103, 526, 660, 673; 160 U. S., 293, 389, 452, 531; 161 U. S., 256; 162 U. S., 565; 163 U. S., 75, 81, 101, 376, 537; 164 U. S., 112, 403, 578; 165 U. S., 1, 150, 180, 194, 304, 578, 628; 166 U. S., 138, 171, 226, 427, 648, 685, 698; 167 U. S., 43, 409, 461; 168 U. S., 124, 262, 398, 651, 674; 169 U. S., 421, 466, 557, 586, 606; 170 U. S., 57, 213, 243, 283, 304; 171 U. S., 101, 380, 404, 437, 658; 172 U. S., 82, 239, 269, 314, 474, 557; 173 U. S., 32, 84, 193, 404, 592, 684; 174 U. S., 96, 739; 175 U. S., 172, 348, 396, 409, 528; 176 U. S., 83, 114, 126, 398, 550, 581; 177 U. S., 133, 155, 164, 183, 190, 230, 442, 584, 587; 178 U. S., 289, 321, 548;

179 U. S., 89, 279, 328, 405; 180 U. S., 311, 452; 182 U. S., 427; 60 Me., 508; 62 Me., 36; 65 Me., 121; 69 Me., 280; 71 Me., 246; 74 Me., 141; 76 Me., 326; 77 Me., 216; 86 Me., 498; 90 Me., 105, 158; 94 Me., 200; 95 Me., 185.

Apportionment of representatives.

(See art. 1, § 2, ¶ 3 of the constitution.)

Reduction of representation on account of abridgment of suffrage.

146 U. S., 1.
(See Amendment, art. xv.)

Persons disqualified from holding office, on account of participation in insurrection, or rebellion.

—how the disability may be removed.

Validity of the public debt, not to be questioned.
(See art. 1, § 8, ¶¶ 1, 2 of the constitution.)

—rebel debts and slave claims void.

Power of congress to enforce this article.
106 U. S., 637.

Right of impartial suffrage.

Power of congress to enforce this article.

SECTION 2. Representatives shall be apportioned among the several States according to their respective numbers, counting the whole number of persons in each State, excluding Indians not taxed. But when the right to vote at any election for the choice of electors for President and Vice President of the United States, Representatives in Congress, the Executive and Judicial officers of a State, or the members of the Legislature thereof, is denied to any of the male inhabitants of such State, being twenty-one years of age, and citizens of the United States, or in any way abridged, except for participation in rebellion, or other crime, the basis of representation therein shall be reduced in the proportion which the number of such male citizens shall bear to the whole number of male citizens twenty-one years of age in such State.

SECTION 3. No person shall be a Senator or Representative in Congress, or elector of President and Vice President, or hold any office, civil or military, under the United States, or under any State, who, having previously taken an oath, as a member of Congress, or as an officer of the United States, or as a member of any State legislature, or as an executive or judicial officer of any State, to support the Constitution of the United States, shall have engaged in insurrection or rebellion against the same, or given aid or comfort to the enemies thereof. But Congress may by a vote of two-thirds of each House, remove such disability.

SECTION 4. The validity of the public debt of the United States, authorized by law, including debts incurred for payment of pensions and bounties for services in suppressing insurrection or rebellion, shall not be questioned. But neither the United States nor any State shall assume or pay any debt or obligation incurred in aid of insurrection or rebellion against the United States, or any claim for the loss or emancipation of any slave; but all such debts, obligations and claims shall be held illegal and void.

SECTION 5. The Congress shall have power to enforce, by appropriate legislation, the provisions of this article.

[The fourteenth amendment was proposed at the first session of the thirty-ninth Congress, June 16, 1866, and in a proclamation of the Secretary of State dated July 28, 1868, issued in pursuance of a concurrent resolution of Congress passed July 21, 1868, was declared to have been ratified by the Legislatures of thirty of the thirty-six States.]

ARTICLE XV.

SECTION 1. The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of race, color, or previous condition of servitude. (a)

SECTION 2. The Congress shall have power to enforce this article by appropriate legislation.

[The fifteenth amendment was proposed at the third session of the fortieth Congress, February 27, 1869, and in a proclamation of the Secretary of State dated March 30, 1870, was declared to have been ratified by the Legislatures of twenty-nine of the thirty-seven States.]

(a) 21 Wall., 162; 92 U. S., 214, 542; 106 U. S., 637; 110 U. S., 651; 146 U. S., 1; 169 U. S., 649.

CONSTITUTION

OF THE

STATE OF MAINE,

FORMED IN

CONVENTION AT PORTLAND, OCTOBER 29, AND ADOPTED BY THE PEOPLE
IN TOWN MEETINGS,
DECEMBER 6, A. D. 1819, AND OF THE INDEPENDENCE OF THE UNITED
STATES THE FORTY-FOURTH,

TOGETHER WITH THE

XXI AMENDMENTS SUBSEQUENTLY MADE THERETO, ARRANGED, AS
AMENDED, IN PURSUANCE OF A LEGISLATIVE RESOLVE OF FEBRUARY
24, 1875, BY THE CHIEF JUSTICE OF THE SUPREME JUDICIAL
COURT, THE HONORABLE JOHN APPLETON, WHOSE DRAFT AND
ARRANGEMENT WAS, BY A RESOLVE OF FEBRUARY 23, 1876, APPROVED
BY THE LEGISLATURE, AND ORDERED TO BE ENROLLED ON PARCH-
MENT AND TO BE DEPOSITED IN THE OFFICE OF THE SECRETARY OF
STATE AS

"THE SUPREME LAW OF THE STATE;"

AND

IX OTHER AMENDMENTS SUBSEQUENTLY ADOPTED.

PREAMBLE.

We, the people of Maine, in order to establish justice, insure tranquility, provide for our mutual defense, 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.

Objects of
government.
33 Me., 283.
58 Me., 607, 612.

ARTICLE I.

DECLARATION OF RIGHTS.

Natural
rights.

(See Amend-
ment xxii.)

All power is
inherent in the
people.

Religious
freedom.
38 Me., 379.

—proviso.

—all sects are
equal.

—religious
tests are pro-
hibited.

—right to elect
religious
teachers.

Freedom of
speech and
publication.

—libel.

—truth may be
given in
evidence.
62 Me., 510.
89 Me., 293.

Unreasonable
searches.

Rights of
persons
accused.
58 Me., 580.
59 Me., 140.

69 Me., 401, 403.
39 Me., 54.

SECTION 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. (a)

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. (b)

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; (c)

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

(a) 2 Me., 275; 6 Me., 412; 27 Me., 212; 33 Me., 283, 558; 58 Me., 594, 598, 613; 59 Me., 318, 545, 549, 553; 60 Me., 122, 133; 66 Me., 73; 86 Me., 498; 94 Me., 110.

(b) 13 Mass., 286; 33 Me., 564; 34 Me., 126, 210; 42 Me., 299; 47 Me., 388; 62 Me., 421; 70 Me., 466; 72 Me., 435; 78 Me., 488; 79 Me., 103; 86 Me., 146; 90 Me., 451; 94 Me., 132.

(c) 11 Me., 210; 47 Me., 426; 58 Me., 572.

of his life, liberty, property or privileges, but by judgment of his peers, or by the law of the land. (a)

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 offenses 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. (b)

SEC. 8. No person, for the same offense, shall be twice put in jeopardy of life or limb. (c)

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

SEC. 10. No person before conviction shall be bailable for any of the crimes, which now are, or have been dominated capital offenses since the adoption of the Constitution, where the proof is evident or the presumption great, whatever the punishment of the crimes may be. 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. (d)

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 corporal 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 defense; 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.

(a) 1 Me., 230; 11 Me., 210; 37 Me., 156, 165; 39 Me., 258; 47 Me., 432; 55 Me., 200; 58 Me., 573, 594, 598; 59 Me., 318, 549, 553; 60 Me., 122, 138, 509-12; 62 Me., 37; 65 Me., 121, 242; 66 Me., 73; 70 Me., 157; 71 Me., 241; 76 Me., 326; 77 Me., 215; 78 Me., 492; 80 Me., 60; 86 Me., 501; 90 Me., 105.

(b) 110 U. S., 567; 4 Me., 439; 60 Me., 508, 509; 67 Me., 336; 84 Me., 28, 272.

(c) 37 Me., 165; 59 Me., 141; 70 Me., 457.

(d) U. S. Const. Art. 1, § 10, ¶ 1; 2 Me., 275; 5 Me., 66; 6 Me., 112, 355; 7 Me., 474; 11 Me., 109, 118, 284; 14 Me., 344; 15 Me., 135; 18 Me., 109; 21 Me., 53; 23 Me., 360; 24 Me., 520; 27 Me., 212; 42 Me., 429; 45 Me., 507; 47 Me., 91; 48 Me., 34; 49 Me., 507; 50 Me., 114; 51 Me., 480; 57 Me., 394; 63 Me., 269, 285, 333; 65 Me., 129; 71 Me., 383; 74 Me., 139; 80 Me., 469, 561.

No person to answer to a capital or infamous crime but on indictment.

—exceptions.

—juries.

Not to be put in jeopardy twice for same offense.

Sanguinary laws prohibited.

39 Me., 258.

93 Me., 420.

94 Me., 132.

Bailable

offenses.

(Resolve of Mar. 30, 1837: Amendment II.)

—habeas corpus.

66 Me., 74.

Bills of attainder, etc.

Treason.

—testimony of two witnesses.

Suspension of laws.

Corporal punishment under military law.

Right of petition.

To keep and bear arms.

Standing armies shall not be kept.

No soldier to be quartered on citizens in time of peace. Right of redress for injuries. 68 Me., 236. 74 Me., 27. 76 Me., 41. 90 Me., 105. Trial by jury.

Private property, when to be taken. Taxes.

Titles of nobility prohibited. —tenure of offices. Other rights not impaired.

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 practiced; the party claiming the right may be heard by himself and his counsel, or either, at his election. (a)

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

SEC. 22. No tax or duty shall be imposed without the consent of the people or of their representatives in the Legislature. (c)

SEC. 23. No title of nobility or hereditary distinction, privilege, honor or emolument, 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 residence is so established; and the elections 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. No person, however, shall be deemed to have lost his residence by reason of his absence from the State in the military service of the United States, or of this State. (d)

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. But citizens of the State absent therefrom in the military service of the United States or of this State, and not in the regular army of the United States, being

(a) 3 Me., 97; 25 Me., 488; 35 Me., 255; 37 Me., 156, 165; 39 Me., 413; 55 Me., 193, 361; 60 Me., 43; 62 Me., 37; 65 Me., 133; 80 Me., 60; 86 Me., 58.

(b) 7 Me., 273; 8 Me., 365; 10 Me., 447; 12 Me., 222; 16 Me., 9; 18 Me., 109; 31 Me., 172; 34 Me., 247; 43 Me., 356, 359; 47 Me., 206; 55 Me., 191; 58 Me., 590, 593, 598, 616; 59 Me., 318, 549, 553; 60 Me., 122, 132, 134, 138, 295-6; 70 Me., 524; 86 Me., 498; 93 Me., 129; 95 Me., 575.

(c) 57 Me., 394; 84 Me., 215.

(d) 7 Me., 497; 44 Me., 507; 54 Me., 602, 605; 68 Me., 592, 593; 76 Me., 165.

Qualifications of electors. (See Amendment. xxix.)

—written ballot. 7 Me., 492, 497.

—soldiers or seamen in U. S. service.

—students at colleges and academies.

(Resolve of Mar. 24, 1864; Amendment x.)

Electors exempt from arrest on election days. 8 Me., 187. When exempt from military duty. Time of state election. (See Amendment xxiii.)

otherwise qualified electors, shall be allowed to *vote on Tuesday next after the first Monday of November, in the year of our Lord one thousand eight hundred and sixty-four, for governor and senators, and their votes shall be counted and allowed in the same manner, and with the same effect, as if given on the second Monday of September in that year. And they shall be allowed to vote* for governor, senators and representatives on the second Monday of September *annually thereafter forever*, in the manner herein provided. On the day of election a poll shall be opened at every place without this State where a regiment, battalion, battery, company, or detachment of not less than twenty soldiers from the State of Maine, may be found or stationed, and every citizen of said State of the age of twenty-one years, in such military service, shall be entitled to vote as aforesaid; and he shall be considered as voting in the city, town, plantation and county in this State where he resided when he entered the service. The vote shall be taken by regiments when it can conveniently be done; when not so convenient, any detachment or part of a regiment, not less than twenty in number, and any battery or part thereof numbering twenty or more, shall be entitled to vote wherever they may be. The three ranking officers of such regiment, battalion, battery, company, or part of either, as the case may be, acting as such on the day of election, shall be supervisors of elections. If no officers, then three non-commissioned officers according to their seniority shall be such supervisors. If any officer or non-commissioned officer shall neglect or refuse to act, the next in rank shall take his place. In case there are no officers or non-commissioned officers present, or if they or either of them refuse to act, the electors present, not less than twenty, may choose, by written ballot enough of their own number, not exceeding three, to fill the vacancies, and the persons so chosen shall be supervisors of elections. All supervisors shall be first sworn to support the constitution of the United States and of this State, and faithfully and impartially to perform the duties of supervisors of elections. Each is authorized to administer the necessary oath to the others; and certificates thereof shall be annexed to the lists of votes by them to be made and returned into the office of the secretary of State of this State as hereinafter provided. The polls shall be opened and closed at such hours as the supervisors, or a majority of them, shall direct; *provided however*, that due notice and sufficient time shall be given for all voters in the regiment, battalion, battery, detachment, company, or part of either, as the case may be, to vote. Regimental and field officers shall be entitled to vote with their respective commands. When not in actual command, such officers, and also all general and staff officers, and all surgeons, assistant surgeons, and chaplains, shall be entitled to vote at any place where polls are opened. The supervisors of elections shall prepare a ballot box or other suitable receptacle for the ballots. Upon one side of every ballot shall be printed or written the name of the county, and also of the city, town or plantation of this State, in which is the residence of the person proposing to vote. Upon the other side shall be the name or names of the persons to be voted for, and the office or offices which he or they are intended to fill. And before receiving any vote, the supervisors, or a majority of them, must be satisfied of the age and citizenship of the person claiming to vote, and that he has in fact a residence in the county, city, town or plantation which is printed or written on the vote offered by him. If his right to vote is challenged, they may require him to make true answers, upon oath, to all interrogatories touching his age, citizenship, residence, and right to vote, and shall hear any other evidence offered by him, or by those who challenge his right. They shall keep correct poll-lists of the names of all persons allowed to vote, and of their respective places of residence in this State, and also the number of the regiment and company or battery to which they belong; which lists shall be certified by them, or by a

—soldiers
allowed to vote
for governor,
&c.

(Resolve of
Mar. 24, 1864;
Amendment
x.)

(See Amend-
ment xxlii.)

—polls, where
opened.

—vote, how
taken.

—who shall act
as supervisors.

—supervisors
shall be sworn.

—their duties.

—proviso.

—certain offi-
cers, where
they may vote.

—supervisors
shall prepare
ballot boxes.

—ballots,
how to be
prepared.

—qualifications
of voters.

—supervisors
shall keep
correct poll
lists.

—shall check names of voters.

—sort, count and declare votes.

—make return to the office of secretary of state. (See Amendment. xxiii.)

majority of them, to be correct, and that such residence is in accordance with the indorsement of the residence of each voter on his vote. They shall check the name of every person before he is allowed to vote, and the check-mark shall be plainly made against his name on the poll-lists. They shall sort, count and publicly declare the votes at the head of their respective commands on the day of election, unless prevented by the public enemy, and in that case as soon thereafter as may be; and on the same day of said declaration they shall form a list of the persons voted for, with the number of votes for each person against his name, and the office which he was intended to fill, and shall sign and seal up such list and cause the same, together with the poll-lists aforesaid, to be delivered into the office of the secretary of State aforesaid, *on or before the first day of December, in the year one thousand eight hundred and sixty-four, and on or before the fifteenth day of November annually thereafter forever.* The legislature of this State may pass any law additional to the foregoing provisions, if any shall, in practice, be found necessary in order more fully to carry into effect the purpose thereof.

ARTICLE III.

DISTRIBUTION OF POWERS.

Powers distributed.

To be kept separate. (See Art. 9, § 2.)

SEC. 1. The powers of this government shall be divided into three distinct departments, the Legislative, Executive and Judicial. (a)

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. (b)

ARTICLE IV.—PART FIRST.

LEGISLATIVE POWER—HOUSE OF REPRESENTATIVES.

Legislative department.

—style of acts.

Number of representatives fixed. (See Amendments xxiii, xxv.)

(Resolve of Apr. 16, 1841: Amendment iv.)
3 Me., 477.
33 Me., 587.

Apportionment among towns.
6 Me., 486.

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 one hundred and fifty-one 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.*

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

(a) 3 Me., 326; 4 Me., 140; 62 Me., 597; 70 Me., 609.

(b) 3 Me., 372, 484; 7 Me., 14; 32 Me., 525; 64 Me., 195; 70 Me., 609, 610; 86 Me., 530; 95 Me., 573.

having twenty thousand two hundred and fifty may elect six; each town having twenty-six thousand two hundred and fifty 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.

(Resolve of Apr. 16, 1841: Amendment iv.)

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.

Qualifications of a representative. (Resolve of Mar. 24, 1864: Amendment x.)

SEC. 5. The meetings within this State 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 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 fair copies of the lists of votes shall be attested by the selectmen and town clerks of towns, and the assessors 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 *annually*. And the governor and council shall examine the returned copies of such lists, and also all lists of votes of citizens in the military service, returned to the secretary's office, as provided in article second, section four, of this constitution; and twenty days before the said first Wednesday of January, *annually*, shall issue a summons to such persons as shall appear to be elected (a) by a plurality of all the votes returned, to attend and take their seats. But all such lists shall be laid before the house of representatives on the first Wednesday of January *annu-*

Meetings for choice of representatives. (Resolve of Mar. 24, 1864: Amendment x.)
7 Me., 497.
25 Me., 567.
64 Me., 592.
70 Me., 561, 568.

—meetings of classed towns. (Resolve of Mar. 24, 1864: Amendment x.)

(Resolve of Mar. 24, 1864: Amendment x.)

70 Me., 564, 565. (See Amendments xxiii, xxv.)

—lists of votes shall be examined by governor and council.

—governor and council shall summon persons who appear to be elected.

(a) 70 Me., 561, 567, 568, 583, 585, 587, 594, 609, 610.

(Resolve of
Aug. 2, 1847:
Amendment
vii.)

—lists shall
be laid before
the house of
representa-
tives.
64 Me., 589.

—manner of
electing rep-
resentatives
and other
civil officers
in cities.

(Resolve of
Mar. 7, 1834:
Amendment 1,
amended by
Resolve of
Mar. 24, 1864:
Amendment
x.)

70 Me., 563.

Vacancies.
35 Me., 563.
70 Me., 597.
House to
choose its own
officers.
Power of im-
peachment.

ally, and they shall finally determine who are elected. The electors resident in any city may, at any meeting duly notified for the choice of representatives, vote for such representatives in their respective ward meetings, and the wardens in said wards shall preside impartially at such meetings, receive the votes of all qualified electors present, sort, count and declare them in open ward meetings, and in the presence of the ward 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 warden, and in open ward meetings; and a fair copy of this list shall be attested by the warden and ward clerk, sealed up in open ward meeting, and delivered to the city clerk within twenty-four hours after the close of the polls. And the electors resident in any city may at any meetings duly notified and holden for the choice of any other civil officers for whom they have been required heretofore to vote in town meeting, vote for such officers in their respective wards, and the same proceedings shall be had by the warden and ward clerk in each ward, as in the case of votes for representatives. And the aldermen of any city shall be in session within twenty-four hours after the close of the polls in such meetings, and in the presence of the city clerk shall open, examine and compare the copies from the lists of votes given in the several wards, of which the city clerk shall make a record, and return thereof shall be made into the Secretary of State's office in the same manner as selectmen of towns are required to do.

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. (a)

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

ARTICLE IV.—PART SECOND.

SENATE.

Number of
senators
fixed.
(See Amend-
ments xxiii,
xxv.)
State to be
districted
once in ten
years.

—districts,
how formed.
18 Me., 453.

Meetings for
choice of
senators.
(Resolve of
Mar. 24, 1864:
Amendment
x.)

25 Me., 563.
64 Me., 592, 595,
598.

SEC. 1. The Senate shall consist of *not 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. (b)

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 within this state 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

(a) 70 Me., 588, 594, 595, 596, 597, 609, 610.

(b) 7 Me., 489.

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.

—electors in unincorporated places.

SEC. 4. The Governor and Council shall, as soon as may be, examine the returned copies of such lists, and also the lists of votes of citizens in the military service, returned into the secretary's office, and twenty days before the said first Wednesday of January, issue a summons to such persons, as shall appear to be elected by a plurality of the votes for each district, to attend that day and take their seats. (a)

Votes to be examined by the governor and council. 64 Me., 588. (Amendment x, Amended by Resolve of Feb. 24, 1875: Amendment xiii.) Senate to decide election of its members. (See Amendments xxiii, xxv.) (Resolve of Feb. 24, 1875: Amendment xiii.) (See Amendment xxx.)

SEC. 5. The Senate shall, on the said first Wednesday of January, *annually*, determine who are elected by a plurality 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.* (b)

Qualifications of senators.

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.

Senate shall try impeachment.

SEC. 7. The Senate shall have the sole power to try all impeachments, and when sitting 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.

—limitation of judgment.

SEC. 8. The Senate shall choose their president, secretary and other officers.

—party is liable to be tried and punished in court. Senate to choose its officers. 70 Me., 588, 593, 596, 597, 609, 610.

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 defense and benefit of the people of this State, not repugnant to this Constitution, nor to that of the United States. (c)

Legislature to meet annually.

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

—its powers. (See Amendments xxiii, xxv.)

Bills to be signed by the governor.

(a) 70 Me., 567-9, 583, 585, 609-10.

(b) 6 Me., 514; 7 Me., 489; 35 Me., 563; 64 Me., 596; 70 Me., 589.

(c) 3 Me., 326; 4 Me., 140; 6 Me., 412; 7 Me., 273; 9 Me., 54; 11 Me., 208; 12 Me., 354; 16 Me., 479; 31 Me., 172, 360; 32 Me., 343, 526; 33 Me., 558, 587; 35 Me., 319; 37 Me., 156; 39 Me., 258; 42 Me., 150, 299, 429; 43 Me., 202; 45 Me., 507; 49 Me., 346, 507; 55 Me., 190, 200; 58 Me., 594, 601; 59 Me., 85, 318, 549, 553; 60 Me., 122; 68 Me., 582; 74 Me., 137-140; 95 Me., 98, 575.

—proceedings,
in case he dis-
approves.

—bills shall
be returned by
him within
five days.

Each house to
judge of its
elections.

—majority, a
quorum.

May punish
and expel
members.

Shall keep a
journal.
1880, c. 185.

—yeas and
nays.

May punish
for contempt.

—proviso.

Compensation
of members.

—traveling
expenses.
69 Me., 596.

Members are
exempt from
arrest.
16 Me., 132.

—freedom of
debate.

Either house
may originate
bills.

—revenue bills.

—proviso.

Members not
to be ap-
pointed to
certain offices.
3 Me., 481.
32 Me., 526.
95 Me., 588.
(Proviso.)
(Obsolete.)

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. (a)

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 anything 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 House of Representatives in traveling 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 anything 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.

(a) 35 Me., 563; 70 Me., 563, 585, 588, 593, 594, 595, 596, 597, 609, 610; 71 Me., 370; 95 Me., 588.

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.

Persons disqualified to be members.
95 Me., 585, 586.

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.

Adjournments.

SEC. 13. The Legislature shall, from time to time, provide, as far as practicable, by general laws, for all matters usually appertaining to special or private legislation.

Special legislation.
(Resolve of Feb. 24, 1875: Amendment xiv.)
Corporations, to be formed under general laws.
(Resolve of Feb. 24, 1875: Amendment xiv.)
Constitutional conventions.
(Resolve of Feb. 24, 1875: Amendment xix.)

SEC. 14. Corporations shall be formed under general laws, and shall not be created by special acts of the Legislature, except for municipal purposes, and in cases where the objects of the corporation cannot otherwise be attained; and, however formed, they shall forever be subject to the general laws of the State. (a)

SEC. 15. The Legislature shall, by a two-thirds concurrent vote of both branches, have the power to call constitutional conventions, for the purpose of amending this constitution.

ARTICLE V.—PART FIRST.

EXECUTIVE POWERS.

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

Governor.
72 Me., 546, 563.

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.

Election.
70 Me., 591.
(See Amendment xxiii.)
Meetings for choice of governor.

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, and also the lists of votes of citizens in the military service returned into the secretary's office, 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.

—votes to be returned to secretary of state.
70 Me., 598.
(Resolve of Mar. 24, 1864: Amendment x.)
(See Amendment xxiv.)

—provision, in case there is no choice.
7 Me., 489.

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.

Qualification of governor.

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.

Disqualifications.

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.

Compensation.

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

Commander-in-chief of the militia.

(a) 83 Me., 440; 91 Me., 194.

—not to march the militia out of the state.

To nominate officers.
(Resolve of Mar. 17, 1855: Amendment ix, Amended by Resolve of Feb. 24, 1875: Amendment xvi.)

To give information and recommend measures.

May require information of any officer.

Power of governor to pardon and remit penalties, &c.

—conditions.
(Resolve of Feb. 24, 1875: Amendment xv.)

—shall report to legislature at each session.

Shall enforce the laws.
Convene the legislature on extraordinary occasions, and adjourn it in case of disagreement.
(See Amendment xxiii.)
—may change the place of meeting.

Vacancy, how supplied.
6 Me., 506.
70 Me., 593.

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, coroners, 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. (a)

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, commutations and pardons, except in cases of impeachment, upon such conditions, and with such restrictions and limitations, as may be deemed proper, subject to such regulations as may be provided by law, relative to the manner of applying for pardons. And he shall communicate to the Legislature at each session thereof, each case of reprieve, remission of penalty, commutation or pardon granted, stating the name of the convict, the crime of which he was convicted, the sentence and its date, the date of the reprieve, remission, commutation or pardon, and the conditions, if any, upon which the same was granted.

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

SEC. 13. He may, on extraordinary occasions, convene the Legislature; and in cases 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 the 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 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.

7 Me., 489.

(a) 32 Me., 526; 72 Me., 547.

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 Councilors, 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.

Council shall consist of seven.
72 Me., 548, 549.

SEC. 2. The Councilors 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 Councilor 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.

Councilors, how chosen. (See Amendment xxiii.)
70 Me., 591.

—privileged from arrest.

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 Councilor may enter his dissent to the resolution of the majority.

Journal of their proceedings.

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 Councilors. And no Councilor shall be appointed to any office during the time for which he shall have been elected.

Persons disqualified to be councilors.

—not to be appointed to any office.

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.

Secretary, how chosen. (See amendment xxiii.)
70 Me., 591.

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.

—to keep the records of state, and may appoint deputies.
—to attend the governor and council.

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.

—to preserve the records of the executive and legislative departments.
81 Me., 546.

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.

Treasurer, how chosen.
70 Me., 590.

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.

(See Amendments xxiii, xxvii.)
Must give bond.

Must not engage in trade.

Nor draw money but by warrant.

—account of receipts and expenditures to be published.
(See Amendment xxlii.)

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 account 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.

Supreme and other courts.
3 Me., 326.
4 Me., 140.
86 Me., 530.
Compensation of justices of S. J. court.

To give opinion when required by either branch of government.
Tenure of judicial offices.
(Resolve of Mar. 14, 1839: Amendment iii.)

21 Me., 550.
62 Me., 597.
79 Me., 439.
Justices of the peace and notaries.
32 Me., 528.
62 Me., 596.
68 Me., 594.
79 Me., 439.
Justices of the S. J. C. can hold no other office.

Judges and registers of probate, their election and tenure of office.
(See Amendment xxlii.)
—vacancies.
(Resolve of Mar. 17, 1855: Amendment ix.)
(See Amendment xxlii.)

Judges of municipal and police courts, their tenure.
(Resolve of Feb. 24, 1875: Amendment xvi.)

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 opinion upon important questions of law, and upon solemn occasions, when required by the Governor, Council, Senate, or House of Representatives. (a)

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.

SEC. 7. Judges and registers of probate shall be elected by the people of their respective counties, by a plurality of the votes given in at the *annual* election, on the second Monday of September, and shall hold their offices for four years, commencing on the first day of January next after their election. (b) Vacancies occurring in said offices by death, resignation or otherwise, shall be filled by election in manner aforesaid, at the September election next after their occurrence; and in the meantime, the Governor, with the advice and consent of the Council, may fill said vacancies by appointment, and the persons so appointed shall hold their offices until the first day of January *thereafter*.

SEC. 8. Judges of municipal and police courts shall be appointed by the executive power, in the same manner as other judicial officers, and shall hold their offices for the term of four years; *provided, however, that the present incumbents shall hold their offices for the term for which they were elected*. (c)

(a) 58 Me., 572, 573, 574; 70 Me., 583, 608, 610, 611, 612; 72 Me., 544, 560; 81 Me., 602; 85 Me., 545; 95 Me., 565, 572.

(b) 44 Me., 388; 61 Me., 602; 64 Me., 596; 68 Me., 587; 79 Me., 439.

(c) 62 Me., 299; 72 Me., 563; 79 Me., 439.

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

Officers, how
elected.
25 Me., 157.

SEC. 2. The Legislature shall, by law, direct the manner of notifying the electors, conducting the elections, and making 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.

Manner of
conducting
elections.

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 quartermaster general shall be *chosen annually by joint ballot of the senators and representatives in convention*. But the adjutant general shall perform the duties of quartermaster 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. (a)

Major generals
and adjutant
generals, how
elected.
(Resolve of
Mar. 17, 1855:
Amendment
ix.)
(See Amend-
ments xxiii,
xxviii.)
—staff officers,
how ap-
pointed.

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.

Organization
of the militia.

SEC. 5. Persons of the denominations 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.

Who may be
exempted from
military duty.

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 the 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.

Legislature
shall require
towns to sup-
port public
schools.
31 Me., 272.
68 Me., 582.
1872, c. 56.

—shall endow
colleges and
academies.

—proviso.

(a) 44 Me., 388; 70 Me., 591.

ARTICLE IX.

GENERAL PROVISIONS.

Oaths and
subscriptions.
3 Me., 372.

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."

—proviso.

"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 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.

Before whom
to be taken.
70 Me., 590, 592,
593.

The oaths or affirmations shall be taken and subscribed by the Governor and councilors 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 councilor shall not be able to attend during the session of the Legislature to take and subscribe said oaths or affirmations, said 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.*

(Proviso.)

(Obsolete.)

Offices incom-
patible with
each other.
7 Me., 14.
64 Me., 195.
68 Me., 594.
71 Me., 209.
95 Me., 576.
[See Art. iii, §
2.
Art. iv, Part 3,
§ 11.
Art. v, Part 1,
§ 5.)

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.

Commissions.

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.

Elections on
the first Wed-
nesday of Jan-
uary may be
adjourned
from day to
day.
(See Amend-
ment xxiii.)

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.

Every civil
officer may be
removed by
impeachment
or address.
60 Me., 66, 67.
72 Me., 549.

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 defense.

Tenure of
office.
21 Me., 555.
72 Me., 549, 563.

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. (a)

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

SEC. 9. The Legislature shall never, in any manner, suspend or surrender the power of taxation. (c)

SEC. 10. Sheriffs shall be elected by the people of their respective counties, by a plurality of the votes given in on the second Monday of September, and shall hold their offices for two years from the first day of January next after their election. Vacancies shall be filled in the same manner as is provided in the case of judges and registers of probate.

SEC. 11. The attorney general shall be chosen *annually* by joint ballot of the senators and representatives in the convention. Vacancy in said office, occurring when the Legislature is not in session, may be filled by the appointment of the Governor with the advice and consent of the Council. (d)

SEC. 12. But citizens of this State, absent therefrom in the military service of the United States or of this State, and not in the regular army of the United States, being otherwise qualified electors, shall be allowed to vote for judges and registers of probate, sheriffs, and all other county officers *on the Tuesday next after the first Monday in November, in the year one thousand eight hundred and sixty-four, and their votes shall be counted and allowed in the same manner and with the same effect as if given on the second Monday of September in that year. And they shall be allowed to vote for all such officers on the second Monday in September annually thereafter forever.* And the votes shall be given at the same time and in the same manner, and the names of the several candidates shall be printed or written on the same ballots with those for Governor, senators and representatives, as provided in section four, article second of this Constitution.

SEC. 13. The Legislature may enact laws excluding from the right of suffrage, for a term not exceeding ten years, all persons convicted of bribery at any election, or of voting at any election, under the influence of a bribe.

SEC. 14. The credit of the State shall not be directly or indirectly loaned in any case. The Legislature shall not create any debt or debts, liability or liabilities, on behalf of the State, which shall singly or in the aggregate, with previous debts and liabilities hereafter incurred at any one time, exceed three hundred thousand dollars, except to suppress insurrection, to repel invasion, or for purposes of war; but this amendment shall not be construed to refer to any money that has been, or may be deposited with this State by the government of the United States, or to any fund which the State shall hold in trust for any Indian tribe.

SEC. 15. *The State is authorized to issue bonds payable within twenty-one years, at a rate of interest not exceeding six per cent. a year, payable semi-annually, which bonds or their proceeds shall be devoted solely towards the reimbursement of the expenditures incurred by the cities, towns and plantations of the State for war purposes during the rebellion, upon the following basis: Each city, town and plantation shall receive from the State one hundred dollars for every man furnished for the military service of the United States under and after the call of July second, eighteen hundred and sixty-two, and accepted by the United States*

Valuation.

Taxation.
(Resolve of
Feb. 24, 1875;
Am'd't xvii.)

Power of
taxation.
(Ad'm't xvii.)
Sheriffs, how
elected, and
tenure of
office.
(Resolve of
Mar. 17, 1855;
Amendment
ix.)
Att'y gen'l.
(Resolve of
Mar. 17, 1855;
Amendment
ix; See Amend-
ment xxiii.)

Citizens who
may be al-
lowed to vote
for county
officers.
(Resolve of
Mar. 24, 1864;
Amendment
x.)

(See Amend-
ment xxiii.)

Bribery at
elections.
(Resolve of
Feb. 24, 1875;
Amendment
xx.)

Credit of
state not to
be loaned.
—state debt
limited to
\$300,000.
53 Me., 587.
(Resolve of
July 26, 1847;
Amendment
vi.)
—exceptions.
81 Me., 603.

State to issue
bonds in pay-
ment of
municipal
war debt.
(Resolve of
Mar. 7, 1863;
Amendment
xi.)

—basis of pay-
ment.
53 Me., 587.

(a) 62 Me., 73, 451; 63 Me., 277, 285; 84 Me., 215; 86 Me., 502.

(b) 62 Me., 73, 451; 63 Me., 277, 285; 67 Me., 136; 70 Me., 522, 607; 72 Me., 518, 525; 73 Me., 526; 84 Me., 215; 86 Me., 498, 502; 88 Me., 180; 93 Me., 594.

(c) 62 Me., 62, 451; 84 Me., 215.

(d) 70 Me., 591.

60 Me., 153.
69 Me., 595.
81 Me., 604.
(Obsolete.)

—commission
appointed to
determine
amount due
cities, towns
and planta-
tions.

—limited to
\$3,500,000.

Towns of 4,000
inhabitants or
having inhab-
ited islands,
may be divided
into voting
districts.
(Resolve of
Mar. 15, 1869:
Amendment
xii.)

towards its quota for the term of three years, and in the same proportion for every man so furnished and accepted for any shorter period; and the same shall be in full payment for any claim upon the State on account of its war debts by any such municipality. A commission appointed by the Governor and Council shall determine the amount to which each city, town and plantation is entitled; to be devoted to such reimbursement, the surplus, if any, to be appropriated to the soldiers who enlisted or were drafted and went at any time during the war, or if deceased, to their legal representatives. The issue of bonds hereby authorized shall not exceed in the aggregate three million five hundred thousand dollars, and this amendment shall not be construed to permit the credit of the State to be directly or indirectly loaned in any other case or for any other purpose.

SEC. 16. The Legislature may by law authorize the dividing of towns having not less than four thousand inhabitants, or having voters residing on any island within the limits thereof, into voting districts for the election of representatives to the Legislature, and prescribe the manner in which the votes shall be received, counted, and the result of the election declared.

ARTICLE X.

SCHEDULE.

Laws now in
force con-
tinue until
repealed.
92 Me., 244.
Constitution,
how amended.
(See art. 4,
part 3, § 15.)

(See Amend-
ment xxiii.)
1880, c. 248.

Constitution to
be arranged
by chief justice
of S. J. C.
(Resolve of
Feb. 24, 1875:
Amendment
xxi.)

—constitution
to be enrolled
and printed
with laws.

—supreme law
of the state.

§§ 1, 2, 5, of
art. x, not to
be printed.
§ 5 in full
force.
(Resolve of
Feb. 24, 1875:
Amendment
xxi.)
84 Me., 5.

SEC. 1. 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. 2. 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. 3. After the amendments proposed herewith shall have been submitted to popular vote, the chief justice of the Supreme Judicial Court shall arrange the Constitution, as amended, under appropriate titles, and in proper articles, parts and sections, omitting all sections, clauses and words not in force, and making no other changes in the provisions or language thereof, and shall submit the same to the Legislature at its next session. And the draft, and arrangement, when approved by the Legislature, shall be enrolled on parchment and deposited in the office of the Secretary of State; and printed copies thereof shall be prefixed to the books containing the laws of the State. And the Constitution, with the amendments made thereto, in accordance with the provisions thereof, shall be the supreme law of the State.

SEC. 4. Sections one, two and five, of article ten of the existing Constitution, shall hereafter be omitted in any printed copies thereof prefixed to the laws of the State; but this shall not impair the validity of acts under those sections; and section five shall remain in full force, as part of the Constitution, according to the stipulations of said section, with the same effect as if contained in said printed copies.

AMENDMENTS

To the Amended Constitution of Maine, adopted in pursuance of the second section of the tenth article of the Amended Constitution.

ARTICLE XXII.

LIMITATION OF MUNICIPAL INDEBTEDNESS.

No city or town shall hereafter create any debt or liability, which singly, or in the aggregate with previous debts or liabilities, shall exceed five per centum of the last regular valuation of said city or town; *provided, however,* that the adoption of this article shall not be construed as applying to any fund received in trust by said city or town, nor to any loan for the purpose of renewing existing loans or for war, or to temporary loans to be paid out of money raised by taxation, during the year in which they are made.

Municipal indebtedness never to exceed 5 per cent. of valuation.—exceptions. (See Art. 1, §§ 1, 21.)
85 Me., 518.
91 Me., 367.
92 Me., 292.
95 Me., 242.

[The twenty-second Amendment to the (Amended) Constitution of Maine was proposed to the people by a Resolve of the fifty-sixth Legislature passed February 9, 1877, and having been adopted by the people at the ensuing annual election, September 10, 1877, took effect as a part of the constitution January 2, 1878, according to the provisions of the Resolve and the proclamation of Governor Connor issued December 20, 1877.]

ARTICLE XXIII.

BIENNIAL ELECTIONS AND BIENNIAL SESSIONS.

The governor, senators and representatives in the legislature, shall be elected biennially, and hold office two years from the first Wednesday in January next succeeding their election; and the legislature, at the first session next after the adoption of this article, shall make all needful provisions by law concerning the tenure of office of all county officers, and concerning the annual or biennial reports of the state treasurer and other state officers and institutions; and shall make all such provisions by law as may be required in consequence of the change from annual to biennial elections, and from annual to biennial sessions of the legislature. *The first election under this Article shall be in the year one thousand eight hundred and eighty; and the first meeting of the legislature under this article shall be on the first Wednesday of January, eighteen hundred and eighty-one.*

Section four, article two; section five, part one, article four; section four, part two, article four; section one, part three, article four; section thirteen, part one, article five; section two, part two, article five; section one, part three, article five; section one, part four, article five; section four, part four, article five; section three, article seven; section four, article nine, and section eleven, article nine, are amended, by substituting the word 'biennial' for the word "annual" wherever it occurs.

Section two, part one, article five, is amended, by striking out all after the word "office" and substituting therefor the following words: 'for two years from the first Wednesday of January next following the election.' Section seven, article six, and section two, article ten, are hereby amended by striking out the word "annual" and insert in place thereof the word 'biennial.'

[The twenty-third Amendment was proposed to the people by a Resolve of the fifty-eighth Legislature passed March 4, 1879, and having been adopted September 8, was declared to have become a part of the Constitution by a Resolve of March 18, 1880.]

Biennial elections and sessions.

—suitable provision to be made for tenure of offices, &c. (See Art. iv, part 1, § 2; part 2, §§ 1, 5.)

—elections to be held each even year.

—'biennial' substituted for 'annual', in twelve places.

§ 2, part 1, art. 5, of constitution, amended.

ARTICLE XXIV.

ELECTION OF GOVERNOR BY PLURALITY VOTE.

Governor to be elected by plurality. (See Art. v, part 1, § 3.)

The constitution of this State shall be amended, in the third section of the first part of article five, by striking out the word "majority," wherever it occurs therein, and inserting in the place thereof the word 'plurality.'

[The twenty-fourth Amendment was proposed to the people by a Resolve of the fifty-ninth Legislature passed January 27, 1880, and having been adopted September 13, was proclaimed by Governor Davis to be a part of the Constitution, Nov. 9, 1880.]

ARTICLE XXV.

BIENNIAL LEGISLATIVE TERMS.

Amendment to § 2, art. 4, part 1, of amended constitution. (See Art. iv, part 1, §§ 2, 5; part 2, §§ 1, 5; part 3, § 1.)

Biennial terms of senators and representatives.

(Obsolete.)

—legislature to ascertain number of inhabitants once every five or ten years.

—apportionment of representatives.

Section two, article four, part first, of the constitution of this state, as amended under the "resolutions concerning an amendment of the constitution of Maine," approved the fourth day of March, in the year eighteen hundred and seventy-nine, shall be further amended by striking out the words "first Wednesday in January next succeeding their election," and inserting in place thereof the words 'day next preceding the biennial meeting of the legislature, and the amendment herein proposed, if adopted, shall determine the term of office of senators and representatives to be elected at the annual meeting in September, in the year eighteen hundred and eighty, as well as the term of senators and representatives thereafter to be elected,' so that said section, as amended, shall read as follows:

'SEC. 2. The house of representatives shall consist of one hundred and fifty-one members, to be elected by the qualified electors, and hold their office two years from the day next preceding the biennial meeting of the legislature, *and the amendment herein proposed, if adopted, shall determine the term of office of senators and representatives to be elected at the annual meeting in September, in the year eighteen hundred and eighty, as well as the term of senators and representatives thereafter to be elected.* 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 and not more than one hundred and fifty.'*

[The twenty-fifth Amendment was proposed to the people by a Resolve of the fifty-ninth Legislature passed March 18, 1880, and was adopted September 13, as appears from the transactions of the governor and council, preserved in the office of the secretary of state, wherein it is recorded that the report of the committee on elections to that effect was accepted by the council and approved by the governor, October 20, 1880. The amendment was never proclaimed by the governor nor declared by the Legislature, and it is not known that any public evidence of its adoption is in existence.]

ARTICLE XXVI.

PROHIBITION OF THE MANUFACTURE AND SALE OF INTOXICATING LIQUORS.

The manufacture of intoxicating liquors, not including cider, and the sale and keeping for sale of intoxicating liquors, are and shall be forever prohibited. Except, however, that the sale and keeping for sale of such liquors for medicinal and mechanical purposes and the arts, and the sale and keeping for sale of cider may be permitted under such regulations as the Legislature may provide. The Legislature shall enact laws with suitable penalties for the suppression of the manufacture, sale and keeping for sale of intoxicating liquors, with the exceptions herein specified.

Manufacture and sale of intoxicating liquors prohibited.—exception. —legislature shall enact laws to carry this article into effect. 82 Me., 213.

[The twenty-sixth amendment was proposed to the people by a resolve of the sixty-first legislature approved February 21, 1883, and having been adopted September 8, 1884, was proclaimed by Governor Robie to be a part of the Constitution, December 3, 1884, and took effect on the first Wednesday of January, 1885.]

ARTICLE XXVII.

ELIGIBILITY OF THE TREASURER OF STATE.

The treasurer shall be chosen biennially, at the first session of the legislature, by joint ballot of the Senators and Representatives in convention, but shall not be eligible more than six years successively.

Treasurer not eligible for more than six years. (See Art. v, Part 4, § 1.)

[The twenty-seventh amendment was proposed to the people by a resolve of the sixty-third legislature, approved March 10, 1887, and having been adopted September 10, 1888, was proclaimed by Governor Marble to be a part of the Constitution, December 14, 1888, and took effect on the first Wednesday of January, 1889.]

ARTICLE XXVIII.

APPOINTMENT OF ADJUTANT GENERAL.

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. 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.

Major generals, how elected.

Adjutant general and quarter-master general appointed by governor. (See Art. vii, § 3.)

[The twenty-eighth amendment was proposed to the people by a resolve of the sixty-fourth legislature, approved March 31, 1891, and having been adopted September 12, 1892, was proclaimed by Governor Burleigh to be a part of the Constitution, December 13, 1892, and took effect on the first Wednesday of January, 1893.]

ARTICLE XXIX.

EDUCATIONAL QUALIFICATION OF VOTERS.

No person shall have the right to vote or be eligible to office under the constitution of this state, who shall not be able to read the constitution in the English language and write his name; provided, however, that the provisions of this amendment shall not apply to any person prevented by a physical disability from complying with its requisitions, nor to any per-

Elector must be able to read constitution in English and write his name.

—exceptions.
(See Art. II,
§ 1.)

son who now has the right to vote, nor to any person who shall be sixty years of age or upwards at the time this amendment shall take effect.

[The twenty-ninth amendment was proposed to the people by a resolve of the sixty-fourth legislature, approved April 2, 1891, and having been adopted September 12, 1892, was proclaimed by Governor Burleigh to be a part of the Constitution, December 13, 1892, and took effect on the first Wednesday of January, 1893.]

ARTICLE XXX.

VACANCIES IN THE SENATE.

Amendment to
Art. IV, Part 2,
§ 5.

Section five, in article four, part two, is hereby amended by striking out the words "and in this manner all vacancies in the senate shall be supplied as soon as may be after such vacancies happen," and substituting therefor the following:

Vacancies in
Senate, how
filled.

'But all vacancies in the senate, arising from death, resignation, removal from the State, or like causes, shall be filled by an immediate election in the unrepresented district. The governor shall issue his proclamation therefor and therein fix the time of such election.'

[The thirtieth amendment was proposed to the people by a resolve of the sixty-eighth legislature, approved March 27, 1897, and having been adopted September 12, 1898, was proclaimed by Governor Powers to be a part of the constitution, October 25, 1898, and took effect on the first Wednesday of January, 1899.]