

# MAINE STATE LEGISLATURE

The following document is provided by the  
**LAW AND LEGISLATIVE DIGITAL LIBRARY**  
at the Maine State Law and Legislative Reference Library  
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied  
(searchable text may contain some errors and/or omissions)

THE  
REVISED STATUTES

OF THE  
STATE OF MAINE,

PASSED JANUARY 25, 1871;

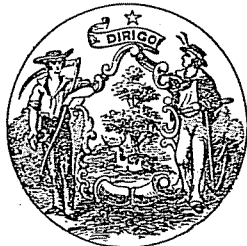
TO WHICH ARE PREFIXED  
THE CONSTITUTIONS

OF THE  
UNITED STATES AND OF THE STATE OF MAINE:

WITH AN APPENDIX.

---

BY AUTHORITY OF THE LEGISLATURE.



PORTLAND:  
PUBLISHED BY BAILEY & NOYES.

# CONSTITUTION OF THE STATE OF MAINE,

FORMED IN CONVENTION AT PORTLAND, OCTOBER TWENTY-NINTH, AND ADOPTED  
BY THE PEOPLE IN TOWN MEETINGS, ON THE  
SIXTH OF DECEMBER, A. D. 1819, AND OF THE INDEPENDENCE  
OF THE UNITED STATES THE FORTY-FOURTH.

---

## PREAMBLE.

Objects of government.

## ARTICLE I.

- SEC. 1. Natural rights.
2. All power inherent in the people.
  3. Religious freedom. All sects equal. Religious tests prohibited. Right to elect teachers.
  4. Freedom of speech and publication: Truth may be given in evidence.
  5. Unreasonable searches.
  6. Rights of persons accused.
  7. No person to answer to a capital or infamous crime but on indictment. Exceptions. Juries.
  8. Not to be put in jeopardy twice for same offence.
  9. Sanguinary laws prohibited.
  10. Bailable offences. Habeas corpus.
  11. Bills of attainder, &c., prohibited.
  12. Treason.
  13. Suspension of laws.
  14. Corporal punishment under military law.
  15. Right to petition.
  16. To keep and bear arms.
  17. Standing armies not to be kept.
  18. No soldiers to be quartered on citizens in time of peace.
  19. Right of redress for injuries.
  20. Trial by jury.
  21. Private property not to be taken without compensation.
  22. Taxes.
  23. Titles of nobility prohibited. Holding of office limited.
  24. Other rights not impaired.

## CONSTITUTION OF MAINE.

## ARTICLE II.

- SEC. 1. Qualifications of electors. Exceptions. Written ballot. Soldiers and seamen in the United States service. Students at colleges or academies.
2. Electors exempt from arrest on days of election.
3. And from military duty.
4. Time of election.

## ARTICLE III.

- SEC. 1. Powers distributed.
2. Powers to be kept separate.

## ARTICLE IV.—PART FIRST.

- SEC. 1. Legislative department. Style of acts.
2. House of representatives to consist of not less than 100 nor more than 200. Number of inhabitants to be ascertained once in ten years at least. Representatives to be apportioned among the counties.
3. Apportionment among towns.
4. Qualifications of a representative.
5. Meetings for choice of representatives. Meetings of classed towns.
6. Vacancies to be filled.
7. House to choose its officers.
8. Power of impeachment.

## ARTICLE IV.—PART SECOND.

- SEC. 1. Senate to consist of not less than 20, nor more than 31.
2. State to be districted once in ten years. Districts how to be formed.
3. Meetings for choice of senators. Electors in unincorporated places.
4. Votes to be examined by the governor and council.
5. Senate to decide as to the election of its members. Vacancies how supplied.
6. Qualifications of senators.
7. Senate to try impeachments. Limitation of judgment. Party liable to be tried and punished.
8. Senate to choose its officers.

## ARTICLE IV.—PART THIRD.

- SEC. 1. Legislature to meet annually. Its Powers.
2. Acts to be signed by the governor. Proceedings in case he disapprove. Bills to be returned by him in five days.
3. Each house to judge of elections. Majority a quorum.
4. May punish and expel members.
5. To keep a journal. Yeas and nays.
6. May punish for contempt.
7. Compensation of members. Traveling expenses.
8. Members exempted from arrest. Freedom of debate.
9. Either house may originate bills. Revenue bills. Proviso.
10. Members not to be appointed to certain offices. Proviso.
11. Persons disqualified to be members.
12. Adjournments.

## ARTICLE V.—PART FIRST.

- SEC. 1. Governor.
2. Elected for one year.

3. Meetings for choice of governor. Votes to be returned to secretary of state.  
Provision in case there is no choice.
4. Qualifications of governor.
5. Disqualifications.
6. Compensation.
7. Commander-in-chief of the militia. Not to march the militia out of the state.
8. With advice of the council to appoint officers.
9. To give information to the legislature, and recommend measures.
10. May require information of any officer.
11. May remit penalties, and grant pardons.
12. To enforce the laws.
13. To convene the legislature on extraordinary occasions, and adjourn it in case of disagreement. May change place of meeting.
14. Vacancy how supplied.

ARTICLE V.—PART SECOND.

- SEC. 1. Council to consist of seven.
2. Councilors how chosen. Privileged from arrest.
  3. Journal to be kept of their proceedings.
  4. Persons disqualified to be councilors. Not to be appointed to any office.

ARTICLE V.—PART THIRD.

- SEC. 1. Secretary how chosen.
2. To keep the records of the state. May appoint deputies.
  3. To attend the governor and council.
  4. To preserve the records of the executive and legislative departments.

ARTICLE V.—PART FOURTH.

- SEC. 1. Treasurer how chosen; eligible for only five years in succession.
2. To give bond.
  3. Not to engage in trade, &c.
  4. No money to be drawn but by warrant. Account of receipts and expenditures to be published.

ARTICLE VI.

- SEC. 1. Supreme and other courts.
2. Compensation of justices of S. J. Court.
  3. To give their opinions when required by either branch of the government.
  4. Tenure of Judicial offices.
  5. Justices of the peace and notaries.
  6. Justices of the supreme judicial court to hold no other office.

ARTICLE VII.

- SEC. 1. Military officers, by whom elected.
2. Manner of conducting elections.
  3. Major generals. Adjutant general. Staff officers.
  4. Organization of the militia.
  5. Who may be exempted from military duty.

ARTICLE VIII.

- SEC. 1. Legislature to require of towns to support public schools. Shall endow colleges and academies. Proviso.

## ARTICLE IX.

- SEC. 1. Oaths and subscriptions. Before whom to be taken. Proviso.  
 2. Offices that are incompatible with each other.  
 3. Commissions.  
 4. Elections on the first day of January may be adjourned from day to day. Order of filling vacancies.  
 5. Every civil officer may be removed by impeachment or address.  
 6. Tenure of office.  
 7. Valuation.  
 8. Real estate to be taken according to its value.

## ARTICLE X.

- SEC. 1. Meeting of the first legislature. Elections for 1820. Senators apportioned. Representatives apportioned. Powers and duties of secretary of state pro tem. in relation to the votes.  
 2. Duration of the first legislature.  
 3. Laws now in force continue until repealed.  
 4. Constitution, how amended.  
 5. Persons in office continue to hold their offices. Part of a law of Massachusetts made a part of the constitution.  
 6. Constitution to be enrolled on parchment.

## AMENDMENTS.

- ART. I. Meetings in cities for election of civil officers regulated.  
 II. Certain offences not bailable.  
 III. Tenure of judicial officers.  
 IV. Number of representatives to be 151.  
 V. Political year to commence the second Wednesday of May.  
 VI. Credit of State not to be loaned; creation of State debt limited.  
 VII. Representatives to be elected by plurality.  
 VIII. Commencement of political year to be first Wednesday of January.  
 IX. Judges of municipal and police courts, major generals, adjutant general, sheriffs, land agent, and attorney general, how elected. Vacancies filled. Tenure of office. Staff officers, how appointed.  
 X. Soldiers absent from the state allowed to vote for governor, senators, representatives and county officers.  
 XI. Limited re-imbursement of municipal war expenditures, by loaning the credit of the State, authorized.  
 XII. Towns may be divided into voting districts.

## PREAMBLE.

Objects of government.  
 33 Maine, 283.

WE the people of Maine, in order to establish justice, insure tranquillity, provide for our mutual defence, promote our common welfare, and secure to ourselves and our posterity the blessings of liberty, acknowledging with grateful hearts the goodness of the Sovereign Ruler of the Universe in affording us an opportunity, so favorable to the design; and, imploring his aid and direction in its accomplishment, do agree to form ourselves into a free and independent state, by the

style and title of the STATE OF MAINE, and do ordain and establish the following constitution for the government of the same.

ARTICLE I.

*Declaration of Rights.*

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.

Natural rights.  
2 Maine, 275.  
6 Maine, 412.  
27 Maine, 212  
33 Maine, 283,  
558.

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.

All power inherent in the people.

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.

Religious freedom.  
38 Maine, 379.

Proviso.

All religious sects equal.

Religious tests prohibited.

Right to elect teachers.

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.

Freedom of speech and publication.

Truth may be given in evidence.

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,

Unreasonable searches.  
13 Mass. 286.  
33 Maine, 564.  
34 Maine, 126.  
34 Maine, 210.

47 Maine, 388. and the person or thing to be seized, nor without probable cause—  
42 Maine, 299. supported by oath or affirmation.

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

11 Maine, 208. To demand the nature and cause of the accusation, and have a copy  
47 Maine, 426. thereof;

To be confronted by the witnesses against him;

89 Maine, 54. To have compulsory process for obtaining witnesses in his favor;

1 Maine, 290. To have a speedy, public and impartial trial, and, except in trials  
11 Maine, 208. by martial law or impeachment, by a jury of the vicinity. He shall  
87 Maine, 156, 165. not be compelled to furnish or give evidence against himself, nor be  
89 Maine, 258. deprived of his life, liberty, property or privileges, but by judgment  
of his peers or the law of the land.

No person to SEC. 7. No person shall be held to answer for a capital or infa-  
answer to a mous crime, unless on a presentment or indictment of a grand jury,  
capital or infa- except in cases of impeachment, or in such cases of offences, as are  
mous crime but on indict- usually cognizable by a justice of the peace, or in cases arising in the  
ment. army or navy, or in the militia when in actual service in time of war  
Exceptions. 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.

Juries.  
4 Maine, 439.

Not to be put SEC. 8. No person, for the same offence, shall be twice put in  
in jeopardy jeopardy of life or limb.

twice for same offence.  
87 Maine, 165. SEC. 9. Sanguinary laws shall not be passed: all penalties and  
Sanguinary punishments shall be proportioned to the offence: excessive bail shall  
laws prohib- not be required, nor excessive fines imposed, nor cruel nor unusual  
ited. punishments inflicted.  
89 Maine, 258.

Bailable offen- SEC. 10. *All persons, before conviction, shall be bailable, except*  
ces. *for capital offences, where the proof is evident or the presumption*  
[See Amend- *great.* And the privilege of the writ of habeas corpus shall not be  
ments, Art. II.] suspended, unless when in cases of rebellion or invasion the public  
Habeas cor- safety may require it.  
pus.

Bills of attain- SEC. 11. The Legislature shall pass no bill of attainder, ex post  
der, &c., pro- facto law, nor law impairing the obligation of contracts, and no attain-  
hibited. der shall work corruption of blood nor forfeiture of estate. (a)

Treason.

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.

Suspension of laws.

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

(a) 2 Maine, 275. 5 Maine, 60. 6 Maine, 112, 355. 7 Maine, 474. 11 Maine, 109, 118, 284. 14 Maine, 344. 15 Maine, 134. 18 Maine, 109. 21 Maine, 53. 23 Maine, 360. 24 Maine, 520. 27 Maine, 212. 42 Maine, 429. 45 Maine, 507. 47 Maine, 91. 48 Maine, 24. 49 Maine, 507. 50 Maine, 111. 51 Maine, 480.



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. Corporal punishment under military law.

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. Right of petition.

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

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. Standing armies not to be kept.

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. No soldiers to be quartered on citizens in time of peace.

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. Right of redress for injuries. 33 Maine, 558.

SEC. 20. In all civil suits, and in all controversies concerning property, the parties shall have a right to a trial by jury, except in cases where it has heretofore been otherwise practised: the party claiming the right may be heard by himself and his counsel, or either at his election. Trial by jury. 3 Maine, 97. 25 Maine, 488. 35 Maine, 255. 87 Maine, 156, 165. 39 Maine, 413.

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

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

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. Titles of nobility prohibited. Tenure of office limited.

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

## 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 Qualifications of electors. Exceptions. 7 Maine, 497. 44 Maine, 507. 54 Maine, 602. 605.

(a) 7 Maine, 273. 8 Maine, 365. 10 Maine, 447. 12 Maine, 222. 16 Maine, 9. 18 [See Amendment, Art. x.] Maine, 109. 31 Maine, 173. 34 Maine, 247. 43 Maine, 356. 47 Maine, 206.

Written ballot.  
7 Maine, 492,  
497.

Soldiers and  
seamen in the  
United States  
service.

Students at  
colleges and  
academies.

Electors ex-  
empt from ar-  
rest on days of  
election.  
8 Maine, 187.  
And from mil-  
itary duty.

Time of elec-  
tion.

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.

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

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

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

### ARTICLE III.

#### *Distribution of Powers.*

Powers distrib-  
uted.

3 Maine, 326.  
4 Maine, 140.

Powers to be  
kept separate.  
3 Maine, 372,  
484.

7 Maine, 14.  
32 Maine, 526.

[See Art. IX. §  
2.]

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

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

### ARTICLE IV.—PART FIRST.

#### LEGISLATIVE POWER. *House of Representatives.*

Legislative de-  
partment.

Style of acts.

House of rep-  
resentatives to  
consist of not  
less than 100,  
nor more than  
200.

[See Amend-  
ment, Art. IV.]

Number of in-  
habitants to be  
ascertained  
once in ten  
years at least.

Representa-  
tives to be ap-  
portioned  
among the  
counties.

3 Maine, 477.  
32 Maine, 587.

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

SEC. 2. *The House of Representatives shall consist of not less than one hundred nor more than two hundred members, to be elected by the qualified electors for one year from the day next preceding the annual meeting of the Legislature. The Legislature, which shall first be convened under this constitution, shall, on or before the fifteenth day of August in the year of our Lord one thousand eight hundred and twenty-one, and the Legislature, within every subsequent period of at most ten years and at least five, cause the number of the inhabitants of the State to be ascertained, exclusive of foreigners not naturalized, and Indians not taxed. The number of representatives shall, at the several periods of making such enumeration be fixed and apportioned among the several counties, as near as may be, according to the number of inhabitants, having regard*

*to the relative increase of population. The number of representatives shall, on said first apportionment, be not less than one hundred nor more than one hundred and fifty; and, whenever the number of Representatives shall be two hundred, at the next annual meetings of elections, which shall thereafter be had, and at every subsequent period of ten years, the people shall give in their votes, whether the number of Representatives shall be increased or diminished, and if a majority of votes are in favor thereof, it shall be the duty of the next Legislature thereafter to increase or diminish the number by the rule hereinafter prescribed.*

SEC. 3. Each town having fifteen hundred inhabitants may elect one representative; each town having three thousand seven hundred and fifty may elect two; each town having six thousand seven hundred and fifty may elect three; each town having ten thousand five hundred may elect four; each town having fifteen thousand may elect five; each town having twenty thousand two hundred and fifty may elect six; each town having twenty-six thousand two hundred and fifty inhabitants may elect seven; but no town shall ever be entitled to more than seven representatives: and towns and plantations duly organized, not having fifteen hundred inhabitants, shall be classed, as conveniently as may be, into districts containing that number, and so as not to divide towns; and each such district may elect one representative; and, when on this apportionment the number of representatives shall be two hundred, a different apportionment shall take place upon the above principle; and, in case the fifteen hundred shall be too large or too small to apportion all the representatives to any county, it shall be so increased or diminished as to give the number of representatives according to the above rule and proportion; and whenever any town or towns, plantation or plantations not entitled to elect a representative shall determine against a classification with any other town or plantation, the Legislature may, at each apportionment of representatives, on the application of such town or plantation, authorize it to elect a representative for such portion of time and such periods, as shall be equal to its portion of representation; and the right of representation, so established, shall not be altered until the next general apportionment.

Apportionment among towns.  
6 Maine, 486.  
[See Amendments, Art. 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.  
[See Amendment, Art. x.]

Meetings for  
choice of rep-  
resentatives.  
[See Amend-  
ments, Art. I.  
and X.]  
7 Maine, 497.  
25 Maine, 567.

Meetings of  
classed towns.

[See Amend-  
ments, Art.  
VII. and X.]

[See Amend-  
ments, Art. V.  
and VII.]

[See Amend-  
ments, Art.  
VII.]

Vacancies to  
be filled.

House to  
choose its offi-  
cers.

Power of im-  
peachment.

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

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

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

SEC. 7. The House of Representatives shall choose their speaker, clerk and other officers.

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

ARTICLE IV.—PART SECOND.

*Senate.*

SEC. 1. The Senate shall consist of 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.

Senate to consist of not less than 20, nor more than 31.  
7 Maine, 489.

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.

State to be districted once in ten years.

Districts how to be formed.  
18 Maine, 458.

The number of senators shall not exceed twenty at the first apportionment, and shall at each apportionment be increased, until they shall amount to thirty-one, according to the increase in the House of Representatives.

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

Meetings for choice of senators.  
[See Amendment, Art. x.]

[See Amendments, Art. v and VIII.]  
Electors in unincorporated places.

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

Votes to be examined by the governor and council.  
[See Amendments, Art. v, VIII, and x.]

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

Senate to decide as to the election of its members.  
[See Amendments, Art. v and VIII.]  
Vacancies how supplied.  
6 Maine, 514  
7 Maine, 489.  
35 Maine, 563.

cies in the Senate shall be supplied as soon as may be, after such vacancies happen.

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 to try impeachments.

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

Limitation of judgment.

Party liable to be tried and punished.

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.

Senate to choose its officers.

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

#### ARTICLE IV.—PART THIRD.

##### LEGISLATIVE POWER.

[See Amendments Art. V and VIII.]  
Legislature to meet annually its powers.

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

Acts to be signed by the governor.

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

Proceedings in case he disapprove.

Bills to be returned by him in five days.

(a) 3 Maine, 326. 4 Maine, 140. 6 Maine, 412. 9 Maine, 54. 11 Maine, 208. 12 Maine, 354. 16 Maine, 479. 31 Maine, 9, 360. 32 Maine, 343, 526. 33 Maine, 558, 587. 35 Maine, 319. 37 Maine, 156. 39 Maine, 258. 42 Maine, 150, 299, 429. 43 Maine, 198. 45 Maine, 307. 49 Maine, 343, 507. 55 Maine, 190, 200.

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. Each house to judge of elections. Majority a quorum.

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. May punish and expel members.

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. To keep a journal. Yeas and nays.

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

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. Compensation of members. Traveling expenses.

SEC. 8. The senators and representatives shall, in all cases except treason, felony or breach of the peace, be privileged from arrest during their attendance at, going to, and returning from each session of the Legislature, and no member shall be liable to answer for any thing spoken in debate in either house, in any court or place elsewhere. Members exempted from arrest. 16 Maine, 132. Freedom of debate.

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. Either house may originate bills. Revenue bills. Proviso.

SEC. 10. No senator or representative shall, during the term for which he shall have been elected, be appointed to any civil office of Members not to be appoint-

ed to certain  
offices.  
3 Maine, 481.  
32 Maine, 526.  
Proviso.

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.

Persons dis-  
qualified to be  
members.

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.

Adjournments

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

## ARTICLE V.—PART FIRST.

### EXECUTIVE POWERS.

Governor.

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

Elected for one  
year.  
[See Amend-  
ments, Art. v.  
and VIII.]

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.

Meetings for  
choice of gov-  
ernor.

[See Amend-  
ments, Art. x.]

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

Votes to be re-  
turned to sec-  
retary of state.

[See Amend-  
ments Art. v.  
and VIII.]

Provision in  
case there is no  
choice.  
7 Maine, 489.

Qualifications  
of governor.

SEC. 4. The Governor shall, at the commencement of his term, be not less than thirty years of age; a natural born citizen of the United States, have been five years, or from the adoption of this constitution, a resident of the State; and at the time of his election and during the term for which he is elected, be a resident of said State.

Disqualifica-  
tions.

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



SEC. 6. The Governor shall, at stated times, receive for his services a compensation, which shall not be increased or diminished during his continuance in office. 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 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. Commander in chief of the militia. Not to march the militia out of the state.

SEC. 8. He shall nominate, and, with the advice and consent of the Council, appoint all judicial officers, the *attorney general*, the *sheriffs*, coroners, *registers of probate*, and notaries public; and he shall also nominate, and with the advice and consent of the Council, appoint all other civil and military officers, whose appointment is not by this constitution, or shall not by law be otherwise provided for; and every such nomination shall be made seven days, at least, prior to such appointment. With advice of the council to appoint officers. [See Amendments, Art. IX.] 32 Maine, 526.

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. To give information, and recommend measures.

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. May require information of any officer.

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

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

SEC. 13. He may, on extraordinary occasions, convene the Legislature; and in case of disagreement between the two houses with respect to the time of adjournment, adjourn them to such time, as he shall think proper, not beyond the day of the next annual meeting; and if, since the last adjournment, the place where the Legislature were next to convene shall have become dangerous from an enemy or contagious sickness, may direct the session to be held at some other convenient place within the State. To convene the legislature on extraordinary occasions, and adjourn it in case of disagreement. May change place of meeting.

SEC. 14. Whenever the office of Governor shall become vacant by death, resignation, removal from office or otherwise, the president of the Senate shall exercise the office of Governor until another Governor shall be duly qualified; and in case of the death, resignation, removal from office or other disqualification of the president of the Senate, so exercising the office of Governor, the speaker of the House of Representatives shall exercise the office, until a president of the Senate shall have been chosen; and when the office of Governor, Vacancy how supplied. 6 Maine, 506.

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 Maine, 489.

## ARTICLE V.—PART SECOND.

### COUNCIL.

Council to consist of seven.

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 how chosen.

[See Amendments, Art. V. and VIII.]

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.

Privileged from arrest.

Journal to be kept of their proceedings.

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.

Persons disqualified to be councilors.

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.

Not to be appointed to any office.

## ARTICLE V.—PART THIRD.

### SECRETARY.

Secretary how chosen.

SEC. 1. The Secretary of State shall be chosen annually at the first session of the Legislature, by joint ballot of the senators and representatives in convention.

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

To keep the records of the state. May appoint deputies.

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.

To attend the governor and council.

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.

## 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; eligible for five successive years only.

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.

To give bond.

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.

Not to engage in trade.

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.

No money to be drawn but by warrant. Account of receipts and expenditures to be published.

## ARTICLE VI.

### JUDICIAL POWER.

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

Supreme and other courts. 3 Maine, 326. 4 Maine, 140.

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.

Compensation of justices of S. J. Court.

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.

To give their opinion when required by either branch of the government.

Tenure of judicial offices.  
21 Maine, 550.  
[See Amendments, Art. III.]

Justices of the peace and notaries.

Justices of the supreme judicial court to hold no other office.

SEC. 4. *All judicial officers, except justices of the peace, shall hold their offices during good behavior, but not beyond the age of seventy years.*

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 reappointed or others appointed, as the public interest may require.

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

## ARTICLE VII.

### MILITARY.

Officers, by whom elected.  
25 Maine, 157.

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.

Manner of conducting elections.

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.

Major generals.  
Adjutant general.  
[See Amendment, Art. IX.]

SEC. 3. The major generals shall be elected by the Senate and House of Representatives, each having a negative on the other. *The adjutant general and quarter-master general shall be appointed by the Governor and Council;* but the adjutant general shall perform the duties of quarter-master general, until otherwise directed by law.

Staff officers.  
2 Maine, 431.

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.

Organization of the militia.

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.

Who may be exempted from military duty.

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.

# ARTICLE VIII.

## LITERATURE.

A general diffusion of the advantages of education being essential to the preservation of the rights and liberties of the people; to promote this important object, the Legislature are authorized, and it shall be their duty to require, the several towns to make suitable provision, at their own expense, for the support and maintenance of public schools; and it shall further be their duty to encourage and suitably endow, from time to time, as the circumstances of the people may authorize, all academies, colleges and seminaries of learning within the State: *provided*, that no donation, grant or endowment shall at any time be made by the Legislature to any literary institution now established, or which may hereafter be established, unless, at the time of making such endowment, the Legislature of the State shall have the right to grant any further powers to, alter, limit or restrain any of the powers vested in, any such literary institution, as shall be judged necessary to promote the best interests thereof.

Legislature to require of towns to support public schools.  
31 Maine, 272.

Shall endow colleges and academies.

Proviso.

# ARTICLE IX.

## GENERAL PROVISIONS.

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

Oath and subscriptions.  
3 Maine, 372.

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

The oaths or affirmations shall be taken and subscribed by the Governor and 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, such oaths or affirmations may be taken and subscribed in the recess of the Legislature before any

Before whom to be taken.

Proviso.

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.

Offices that are incompatible with each other.

7 Maine, 14.  
[See Art. III. § 2. Art. IV. Part 3, § 11. Art. V. Part 1st. § 5.]

R. S. c. 8, § 6.

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 Wednesday of January may be adjourned from day to day.

[See Amendments, Art. V and VIII.]  
Order of filling vacancies.

Every civil officer may be removed by impeachment or address.

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

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

Tenure of office.

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.

Valuation.

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.

Real estate to be taxed according to its value.

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

## ARTICLE X.

### SCHEDULE.

Meeting of the first legislature.

SEC. 1. The first Legislature shall meet on the last Wednesday in May next. The elections on the second Monday in September

annually shall not commence until the year one thousand eight hundred and twenty-one, and in the meantime the election for Governor, senators and representatives shall be on the first Monday in April, in the year of our Lord one thousand eight hundred and twenty, and at this election, the same proceedings shall be had as are required at the elections, provided for in this constitution on the second Monday in September annually, and the lists of the votes for the Governor and senators shall be transmitted, by the town and plantation clerks respectively, to the secretary of state *pro tempore*, seventeen days at least before the last Wednesday in May next, and the president of the convention shall, in presence of the secretary of state *pro tempore*, open and examine the attested copies of said lists so returned for senators, and shall have all the powers, and be subject to all the duties, in ascertaining, notifying, and summoning the senators, who appear to be elected, as the Governor and Council have, and are subject to, by this constitution: *provided*, he shall notify said senators fourteen days at least before the last Wednesday in May, and vacancies shall be ascertained and filled in the manner herein provided: and the senators to be elected on the said first Monday of April, shall be appointed as follows:

Elections for  
1820.

- The county of York shall elect three.
- The county of Cumberland shall elect three.
- The county of Lincoln shall elect three.
- The county of Hancock shall elect two.
- The county of Washington shall elect one.
- The county of Kennebec shall elect three.
- The county of Oxford shall elect two.
- The county of Somerset shall elect two.
- The county of Penobscot shall elect one.

Senators ap-  
portioned.

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

Representa-  
tives appor-  
tioned.

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

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

COUNTY OF LINCOLN. The towns of Georgetown and Phippsburg may elect one representative; Lewiston and Wales, one; St. George, Cushing and Friendship, one; Hope and Appleton Ridge, one; Jef-

York.

Cumberland.

Lincoln.

erson, Putnam and Patricktown plantation, one; Alna and Whitefield, one; Montville, Palermo, and Montville plantation, one; Woolwich and Dresden, one; and each remaining town one.

## Hancock.

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

## Washington.

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

## Kennebec.

COUNTY OF KENNEBEC. The towns of Belgrade and Dearborn may elect one representative; Chesterville, Vienna and Rome, one; Wayne and Fayette, one; Temple and Wilton, one; Winslow and China, one; Fairfax and Freedom, one; Unity, Joy and twenty-five mile pond plantation, one; Harlem and Malta, one; and each remaining town one.

## Oxford.

COUNTY OF OXFORD. The towns of Dixfield, Mexico, Weld and plantations Nos. 1 and 4, may elect one representative; Jay and Hartford, one; Livermore, one; Rumford, East Andover and plantations Nos. 7 and 8, one; Turner, one; Woodstock, Paris and Greenwood, one; Hebron and Norway, one; Gilead, Bethel, Newry, Albany and Howard's Gore, one; Porter, Hiram and Brownfield, one; Waterford, Sweden and Lovell, one; Denmark, Fryeburg and Fryeburg-addition, one; Buckfield and Sumner, one.

## Somerset.

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

## Penobscot.

COUNTY OF PENOBSCOT. The towns of Hampden and Newburg may elect one representative; Orrington, Brewer and Eddington and plantations adjacent on the east side of Penobscot river, one; Bangor, Orono and Sunkhaze plantation, one; Dixmont, Newport, Carmel, Hermon, Stetson, and plantation No. 4 in the 6th range, one; Levant,



Corinth, Exeter, New Charlestown, Blakesburg, plantation No. 1 in 3d range, and plantation No. 1 in 4th range, one; Dexter, Garland, Guilford, Sangerville, and plantation No. 3 in 6th range, one; Atkinson, Sebec, Foxcroft, Brownville, Williamsburg, plantation No. 1 in 7th range, and plantation No. 3 in 7th range, one.

And the secretary of state *pro tempore* shall have the same powers, and be subject to the same duties, in relation to the votes for Governor, as the secretary of state has, and is subject to, by this constitution: and the election of Governor shall, on the said last Wednesday in May, be determined and declared, in the same manner, as other elections of Governor are by this constitution; and in case of vacancy in said office, the president of the Senate, and speaker of the House of Representatives, shall exercise the office as herein otherwise provided, and the councilors, secretary and treasurer, shall also be elected on said day, and have the same powers, and be subject to the same duties, as is provided in this constitution; and in case of the death or other disqualification of the president of this convention, or of the secretary of state *pro tempore*, before the election and qualification of the Governor or secretary of state under this constitution, the persons to be designated by this convention at their session in January next, shall have all the powers and perform all the duties, which the president of this convention, or the secretary *pro tempore*, to be by them appointed, shall have and perform.

Powers and duties of secretary of state *pro tem.* in relation to the votes.

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

Duration of the first legislature.

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

Laws now in force continue until repealed.

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

Constitution how to be amended.

Persons in office to continue to hold their offices.

Part of a law of Massachusetts made a part of this constitution.

SEC. 5. All officers provided for in the sixth section of an act of the Commonwealth of Massachusetts, passed on the nineteenth day of June, in the year of our Lord one thousand eight hundred and nineteen, entitled "an act relating to the separation of the district of Maine from Massachusetts proper, and forming the same into a separate and independent State," shall continue in office as therein provided; and the following provisions of said act shall be a part of this constitution, subject however to be modified or annulled as therein is prescribed, and not otherwise, to wit:

"Sec. 1. Whereas it has been represented to this Legislature, that a majority of the people of the district of Maine are desirous of establishing a separate and independent government within said district: therefore,

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

[See 1st Vol. Resolves of Maine, pages 263, 266, 278, 364, 525, 605, 823.]

9 Maine, 88.

"First. All the lands and buildings belonging to the commonwealth, within Massachusetts proper, shall continue to belong to said commonwealth, and all the lands belonging to the commonwealth within the district of Maine, shall belong, the one-half thereof to the said commonwealth, and the other half thereof, to the state to be formed within the said district, to be divided as is hereinafter mentioned; and the lands within the said district, which shall belong to the said commonwealth, shall be free from taxation, while the title to the said lands remains in the commonwealth; and the rights of the commonwealth to their lands, within said district, and the remedies for the recovery thereof, shall continue the same, within the proposed state, and in the courts thereof, as they now are within the said commonwealth, and in the courts thereof; for which purposes, and for the maintenance of its rights, and recovery of its lands, the said commonwealth shall be entitled to all other proper and legal remedies, and may appear in the courts of the proposed state and in the courts of the United States, holden therein; and all rights of action for, or entry into lands, and of actions upon bonds, for the breach of the performance of the condition of settling duties, so called, which have accrued or may accrue, shall remain in this commonwealth, to be enforced, commuted, released, or otherwise disposed of, in such man-

ner as this commonwealth may hereafter determine: *provided, however*, that whatever this commonwealth may hereafter receive or obtain on account thereof, if any thing, shall, after deducting all reasonable charges relating thereto, be divided, one-third part thereof to the new state, and two-third parts thereof to this commonwealth.

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

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

*“Fourth.* All other property, of every description, belonging to the commonwealth, shall be holden and receivable by the same as a fund and security, for all debts, annuities, and Indian subsidies, or claims due by said commonwealth; and within two years after the said district shall have become a separate state, the commissioners to be appointed, as hereinafter provided, if the said states cannot otherwise agree, shall assign a just portion of the productive property, so held by said commonwealth, as an equivalent and indemnification to said commonwealth, for all such debts, annuities or Indian subsidies or claims, which may then remain due, or unsatisfied: and all the surplus of the said property, so holden as aforesaid, shall be divided between the said commonwealth and the said district of Maine, in the proportion of two-thirds to the said commonwealth, and one-third to the said district—and if, in the judgment of the said commissioners, the whole of said property, so held, as a fund and security, shall not be sufficient indemnification for the purpose, the said district shall be liable for and shall pay to said commonwealth one-third of the deficiency.

*“Fifth.* The new state shall, as soon as the necessary arrangements can be made for that purpose, assume and perform all the duties, and obligations of this commonwealth, towards the Indians within said district of Maine, whether the same arise from treaties, or otherwise; and for this purpose shall obtain the assent of said Indians, and their release to this commonwealth of claims and stipu-

lations arising under the treaty at present existing between the said commonwealth and said Indians; and as an indemnification to such new state, therefore, this commonwealth when such arrangements shall be completed, and the said duties and obligations assumed, shall pay to said new state, the value of thirty thousand dollars, in manner following, viz: the said commissioners shall set off by metes and bounds, so much of any part of the land within the said district, falling to this commonwealth in the division of the public lands, hereinafter provided for, as in their estimation shall be of the value of thirty thousand dollars; and this commonwealth shall, thereupon, assign the same to the said new state, or in lieu thereof, may pay the sum of thirty thousand dollars at its election; which election of the said commonwealth, shall be made within one year from the time that notice of the doings of the commissioners, on this subject, shall be made known to the Governor and Council; and if not made within that time, the election shall be with the new state.

"*Sixth.* Commissioners, with the powers and for the purposes mentioned in this act, shall be appointed in manner following: the executive authority of each state shall appoint two; and the four so appointed or the major part of them, shall appoint two more: but if they cannot agree in the appointment, the executive of each state shall appoint one in addition; not however, in that case, to be a citizen of its own state. And any vacancy happening with respect to the commissioners shall be supplied in the manner provided for their original appointment; and, in addition to the powers herein before given to said commissioners, they shall have full power and authority to divide all the public lands within the district, between the respective states, in equal shares, or moities, in severalty, having regard to quantity, situation and quality; they shall determine what lands shall be surveyed and divided, from time to time, the expense of which surveys, and of the commissioners, shall be borne equally by the two states. They shall keep fair records of their doings, and of the surveys made by their direction, copies of which records, authenticated by them, shall be deposited from time to time in the archives of the respective states; transcripts of which, properly certified, may be admitted in evidence in all questions touching the subject to which they relate. The executive authority of each state may revoke the power of either or both its commissioners: having, however, first appointed a substitute, or substitutes, and may fill any vacancy happening with respect to its own commissioners: four of said commissioners shall constitute a quorum, for the transaction of business; their decision shall be final upon all subjects within their cognizance. In case said commission shall expire, the same not having been completed, and either state shall request the renewal or filling up of the same, it shall be renewed or filled up in the same manner, as is herein provided for filling

the same, in the first instance, and with the like powers; and if either state shall, after six months notice, neglect or refuse to appoint its commissioners, the other may fill up the whole commission.

“*Seventh.* All grants of land, franchises, immunities, corporate <sup>6 Maine, 175.</sup> or other rights, and all contracts for, or grants of land not yet located, which have been or may be made by the said commonwealth, before the separation of said district shall take place, and having or to have effect within the said district, shall continue in full force, after the said district shall become a separate state. But the grant which has been made to the president and trustees of Bowdoin College, out of the tax laid upon the banks, within this commonwealth, shall be charged upon the tax upon the banks within the said district of Maine, and paid according to the terms of said grant; and the president and trustees, and the overseers of said college, shall have, hold and enjoy their powers and privileges in all respects; so that the same shall not be subject to be altered, limited, annulled or restrained except by judicial process, according to the principles of law; and in all grants hereafter to be made, by either state, of unlocated land within the said district, the same reservations shall be made for the benefit of schools <sup>[See R. S. c. 5, § 9.]</sup> and of the ministry, as have heretofore been usual, in grants made by this commonwealth. And all lands heretofore granted by this commonwealth, to any religious, literary or eleemosynary corporation, or society, shall be free from taxation, while the same continues to be owned by such corporation, or society.

“*Eighth.* No laws shall be passed in the proposed state, with <sup>4 Maine, 124.</sup> regard to taxes, actions, or remedies at law, or bars or limitations thereof, or otherwise making any distinction between the lands and rights of property of proprietors, not resident in, or not citizens of said proposed state, and the lands and rights of property of the citizens of the proposed state, resident therein; and the rights and liabilities of all persons, shall, after the said separation, continue the same as if the said district was still a part of this commonwealth, in all suits pending, or judgments remaining unsatisfied on the fifteenth day of March next, where the suits have been commenced in Massachusetts proper, and process has been served within the district of Maine; or commenced in the district of Maine, and process has been served in Massachusetts proper, either by taking bail, making attachments, arresting and detaining persons, or otherwise, where execution remains to be done; and in such suits the courts within Massachusetts proper, and within the proposed state, shall continue to have the same jurisdiction as if the said district had still remained a part of the commonwealth. And this commonwealth shall have the same remedies within the proposed state, as it now has, for the collection of all taxes, bonds, or debts, which may be assessed, due, made, or contracted, by, to, or with the commonwealth, on or before the said

fifteenth day of March, within the said district of Maine; and all officers within Massachusetts proper and the district of Maine, shall conduct themselves accordingly.

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

1 Sumn. 276.

Constitution  
to be enrolled  
on parchment.

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

## AMENDMENTS,

*To the constitution of Maine, adopted in pursuance of the fourth section of the tenth article of the original constitution.*

### ARTICLE I.

Manner of  
electing repre-  
sentatives and  
other civil offi-  
cers in cities.  
Adopted in  
pursuance of a  
resolve of  
March 7, 1894.

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 meeting; 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 aldermen of any city shall be in session at their usual place of meeting, within twenty-four hours after any election, and in the presence of the city clerk shall examine and compare the copies of said lists, and in case any person shall have received a majority of all the votes, he shall be declared elected by the aldermen, and the city clerk of any city shall make a record thereof, and the aldermen and city clerk shall deliver certified copies of such lists to the person or persons so elected, within ten days after the election.* 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

[See Amend-  
ments, Art.  
VII. & X.]

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.

ARTICLE II.

No person before conviction shall be bailable for any of the crimes, which now are, or have been denominated capital offences since the adoption of the constitution, where the proof is evident or the presumption great, whatever the punishment of the crimes may be.

Bailable offences. Adopted in pursuance of a resolve of March 30, 1837, as a substitute for the first clause of art. i. sec. 10.

ARTICLE III.

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 reappointed thereto.

Tenure of judicial offices. Adopted in pursuance of a resolve of March 14, 1839, as a substitute for art. vi, sec. 4.

ARTICLE IV.

Section second, article fourth, part first of the constitution, is so far altered or amended as to read thus, "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.

Number of representatives fixed at 151. Adopted in pursuance of a resolve of April 16, 1841. 33 Maine, 587.

ARTICLE V.

*The fifth section, article fourth, part first; the third, fourth and fifth sections, article fourth, part second; the first section, article*

Commencement of the political year

changed to the *fourth, part third; the second and third sections, article fifth, part second Wednesday of May. first; the second section, article fifth, part second; and the fourth section, article ninth, of the constitution, are so far altered or amended, as that the words "the second Wednesday of May" are substituted for the words "the first Wednesday of January" in each of said sections; and the provisions of the constitution are so far altered or amended as that the Governor and other state officers elected for the political year commencing on the first Wednesday of January, in the year of our Lord one thousand eight hundred and forty-five, shall hold their offices till the second Wednesday of May, in the year of our Lord one thousand eight hundred and forty-six.*

Adopted in  
pursuance of a  
resolve of  
March 19,  
1844.  
Annulled.  
[See Amend-  
ment, Art.  
VIII.]

## ARTICLE VI.

Credit of state  
not to be loan-  
ed.

The credit of the State shall not be directly or indirectly loaned in any case.

Creation of  
state debt  
limited.  
53 Maine, 587.

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.

Exceptions.

Adopted in  
pursuance of  
resolves of  
July 26, 1847.

## ARTICLE VII.

Representa-  
tives to be  
elected by plu-  
rality.  
Adopted in  
pursuance of  
resolves of  
Aug. 2, 1847.

The constitution of this State is amended in the fifth section of the first part of the fourth article, by striking out the words, "a majority of all the," and inserting instead thereof, the words, "the highest number of," and by striking out the words, "a majority," where they again occur in the same section, and inserting instead thereof, the words, "the highest number;" also in the first amendment to the constitution of this State, by striking out the words, "a majority of all the," and inserting instead thereof the words, "the highest number of."

## ARTICLE VIII.

Commence-  
ment of  
political year  
changed to the  
first Wednes-  
day of Janu-  
ary.

Adopted in  
pursuance of  
resolves of  
Aug. 21, 1850.

The fifth section, article fourth, part first; the third, fourth and fifth sections, article fourth, part second; the first section, article fourth, part third; the second and third sections, article fifth, part first; the second section, article fifth, part second, and the fourth section, article ninth, of the constitution, are so far altered and amended, as that the words, "the first Wednesday of January," are substituted for the words, "second Wednesday of May," in each of said sec-



tions; and the provisions of the constitution are so far altered and amended as that the Governor and other State officers, elected for the political year commencing on the second Wednesday of May, eighteen hundred fifty-one, shall hold their offices till the first Wednesday of January, one thousand eight hundred and fifty-three; and there shall be no election of the same in the year one thousand eight hundred and fifty-one.

ARTICLE IX.

The sixth article of the constitution is amended by adding the following sections at the end of said article.

"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. 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."

Judges and registers of probate elected, and tenure of office.  
44 Maine, 388.  
Vacancies how filled.

"SEC. 8. Judges of municipal and police courts shall be elected by the people of their respective cities and towns, by a plurality of the votes given in at the annual meeting in March or April, and shall hold their offices for four years from the Monday following the day of their election. Vacancies in said office shall be filled by elections at the next annual meeting in March or April; and in the meantime, the Governor, with the advice and consent of the Council, may fill said vacancies by appointment, until the Monday following said annual meeting."

Judges of municipal courts how elected, and tenure of office.  
Vacancies how filled.  
44 Maine, 388.

The third section of the seventh article, is amended so that said section shall read:

"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."

Major generals and adjutant general how elected.  
44 Maine, 388.  
Staff officers how appointed.

The ninth article is amended by inserting at the end thereof the following sections:

Sheriffs, how  
elected, and  
tenure of  
office.

"SEC. 9. 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."

Vacancies how  
filled.

Land agent  
and attorney  
general, how  
elected.

"SEC. 10. The land agent and attorney general shall be chosen annually by joint ballot of the senators and representatives in convention. Vacancies in said offices 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."

Vacancies how  
filled.

Adopted in  
pursuance of  
resolves of  
March 17,  
1855.

[See Amend-  
ment, Art. X.]

#### ARTICLE X.

Art. 2, sec. 1,  
amended.

Residence not  
lost by reason  
of absence, &c.

Section one of article two shall be amended by adding thereto the following words: *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.*

Art. 2, sec. 4,  
amended.

Citizens who  
may be allow-  
ed to vote for  
governor, &c.

Section four of article two shall be amended by adding thereto the following provisions: '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 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 offi-

Polls, where  
shall be  
opened.

—vote, how  
taken.

—who shall act  
as supervisors.

cers 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*,

—shall be sworn.

—duties of

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 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

Proviso.

Certain officers, where may vote.

Supervisors shall prepare ballot-boxes. Ballots be prepared.

Qualification of voters.

Shall keep correct poll-lists.

Shall check name of voters. —sort, count and declare votes, &c.

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.

—make return to the office of secretary of state.

Art. 4, sec. 5, part first, amended.

Section five, of article four, part first, shall be amended, by inserting after the word "meetings" in the first line, the words, *within this state*. The same section shall also be amended, by striking out all after the words "town meeting" in the tenth line, as printed in the revised statutes of eighteen hundred and fifty-seven, to and including the word "election," in the thirteenth line. The same section shall also be amended, by striking out all after the word "constitution" in the twenty-first line, and inserting in the place thereof the following provisions: '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 the amendment to 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 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 annually, and they shall finally determine who are elected.'

Lists of votes, return of, to office of secretary of state.

—shall be examined by the governor and council, &c.

—shall summons persons who appear to be elected. Lists to be laid before the house of representatives.

Art. 4, sec. 3, part second, amended.

Section three, of article four, part second, shall be amended, by inserting after the word "meetings" in the first line, the words, *within this state*.

Section four, of article four, part second, shall be amended, by adding after the word "lists" in the second line, the words, *and also the lists of votes of citizens in the military service, returned into the secretary's office*. The same section shall also be amended in the last line, by striking out the word "in," and inserting in place thereof the word *for*.

Section three of article five, part first, shall be amended, by adding after the words "senate and house of representatives," the words, *and also the lists of votes of citizens in the military service, returned into the secretary's office.*

Art. 5, sec. 3,  
part first,  
amended.

Article first, of the amendments to the constitution of this state, heretofore adopted, shall be amended, by striking out all after the word "polls" in the thirteenth line, to and including the word "election" in the twenty-first line.

Art. 1 of  
amendments  
heretofore  
adopted,  
amended.

Article ninth, of said amendments, shall be amended, by adding at the end thereof the following provisions:

Art. 9 of same,  
amended.

'SEC. 11. 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 the amendment to section four of article second of this constitution.'

Adopted in  
pursuance of  
Resolve of  
March 24,  
1864.

# ARTICLE XI.

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 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 representa-

State to issue  
bonds in pay-  
ment of muni-  
cipal war  
debts.

Basis of pay-  
ment.  
53 Me. 587.

Commission to  
be appointed  
to determine  
amount due  
cities, &c.

\$3,500,000  
limit of loan.

Adopted in  
pursuance of  
Resolve of  
March 7, 1868.

tives. 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.

#### ARTICLE XII.

Towns having  
4000 inhabi-  
tants, and  
towns includ-  
ing islands  
may be form-  
ed into voting  
districts.

Adopted in  
pursuance of  
Resolve of  
March 13,  
1869.

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.