

CONSTITUTION
OF THE

STATE OF MAINE

FORMED IN CONVENTION

AT PORTLAND

OCTOBER THE 29TH.

AND

adopted by the PEOPLE in town meetings

ON THE SIXTH OF DECEMBER

AD. 1819.

Act of the Independence of the United States the Meritworthy.

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 in favour of 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.

Sec. 2. All power is inherent in the people, all free governments are founded on 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.

Attest under our hand Robert C. Vose, Secretary.

Sec. 3. All men have a natural and unalienable right to worship Almighty God according to the dictates of their own consciences, and no one shall be hurt, molested or restrained in his person, liberty or estate for worshipping God in the manner and season, most agreeable to the dictates of his own conscience, nor for his religious professions or sentiments, provided he does not disturb the public peace, nor obstruct others in their religious worship;— and all persons demeaning themselves peaceably, as good members of the State, shall be equally under the protection of the laws, and no subordination nor preference of any one sect or denomination to another shall ever be established by law, nor shall any religious test be required as a qualification for any office or trust, under this State, and all religious societies in this State, whether incorporate or unincorporate, shall at all times have the exclusive right of electing their public teachers, and contracting with them for their support and maintenance.

Sec. 4. Every citizen may freely speak, write and publish his sentiments on any subject, being responsible for the abuse of this liberty; no laws shall be passed regulating or restraining the freedom of the press, and in prosecutions for any publication respecting the official conduct of men in public capacity, or the qualifications of those who are candidates for the suffrages of the people, or where the matter published is proper for public information, the truth thereof may be given in evidence, and in all indictments for libels the Jury, after having received the direction of the Court, shall have a right to determine, at their discretion, the law and the fact.

Sec. 5. The people shall be secure in their persons, houses, papers and possessions from all unreasonable searches and seizures; and no warrant to search any place, or seize any person or thing, shall issue without a special designation of the place to be searched, and the person or thing to be seized, nor without probable cause—supported by oath or affirmation.

Sec. 6. In all criminal prosecutions, the accused shall have a right to be heard by himself and his counsel, or either, at his election; to demand the nature and cause of the accusation, and have a copy thereof; to be confronted by the witnesses against him; to have compulsory process for obtaining witnesses in his favor; to have a speedy, public and impartial trial, and, except in trials by martial law or impeachment, by a Jury of the vicinity; He shall not be compelled to furnish or give evidence against himself, nor be deprived of his life, liberty, property or privileges, but by judgment of his peers or the law of the land.

Sec. 7. No person shall be held to answer for a capital or infamous crime, unless on a presentment or indictment of a grand jury, except in cases of impeachment, or in such cases of offenses as are usually cognizable by a justice of the peace, or in cases arising in the army or navy, or in the militia when in actual service in time of war or public danger. The Legislature shall provide by law a suitable and important mode of selecting juries, and their usual number and unanimity, in indictments and convictions, shall be held indispensable.

Sec. 8. No person for the same offence, shall be twice put in jeopardy of life or limb.

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

Sec. 10. All persons, before conviction, shall be bailable, except for capital offenses, where the proof is evident or the presumption great. And the privilege of the writ of Habeas Corpus shall not be suspended, unless when in cases of rebellion or invasion the public safety may require it.

Sec. 11. The Legislature shall pass no bill of attainder, or post facto law, nor ^{law} impairing the obligation of contracts, and no attainder shall work corruption of blood nor forfeiture of estate.

Sec. 12. Treason against this State shall consist only in levying war against it, adhering to its enemies, giving them aid and comfort. No person shall be convicted of treason unless on the testimony of two witnesses to the same overt act, or confession in open court.

Sec. 13. The laws shall not be suspended but by the Legislature on its authority.

Sec. 14. No person shall be subject to corporal punishment, under military law, except such as are employed in the army or navy, or in the militia when in actual service in time of war or public danger.

Sheet Number two. The word "law" 1st Art. 11th Sec. 1st line being intdined before signing

Robert C. Vose, Secretary.

Sec. 15. The people have a right at all times in an orderly and peaceable manner to assemble to consult upon the common good, to give instructions to their representatives, and to request of either department of the government by petition or remonstrance, redress of their wrongs and grievances.

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

Sec. 17. No standing army shall be kept up in time of peace without the consent of the Legislature, and the military shall, in all cases, and at all times, be in strict subordination to the civil power.

Sec. 18. No soldier shall in time of peace be quartered in any house, without the consent of the owner or occupant, nor in time of war, but in a manner to be prescribed by law.

Sec. 19. Every person, for an injury done him in his person, reputation, property or immunities, shall have remedy by the course of law, and right and justice shall be administered freely and without sale, completely and without denial, promptly and without delay.

Sec. 20. In all civil suits, and in all controversies concerning property, the parties shall have a right to trial by jury, except in cases where it has heretofore been otherwise practised: the party claiming the right may be heard by himself and counsel, or either at his decision.

Sec. 21. Private property shall not be taken for public uses without just compensation, nor unless the public exigencies require it.

Sec. 22. No tax or duty shall be imposed without the consent of the people or of their Representatives in the Legislature.

Sec. 23. No title of nobility or hereditary distinction, privilege, honor or emolument, shall ever be granted or confirmed, nor shall any office be created, the appointment to which shall be for a longer time than during good behavior.

Sec. 24. The enumeration of certain rights shall not impair or deny others retained by the people.

ARTICLE II.

ELECTORS.

SEC. 1. Every male citizen of the United States of the age of twentyone years and upwards, excepting paupers, persons under guardianship, and Indians not taxed, having his residence established in this State for the term of three months next preceding any election, shall be an elector for Governor, Senators and Representatives, in the town or plantation where his residence is so established; and the elections shall be by written ballot. But persons in the military, naval or marine service of the United States, or this State, shall not be considered as having obtained such established residence, by being stationed in any garrison, barrack or military place, in any town or plantation; nor shall the residence of a student at any seminary of learning entitle him to the right of suffrage in the town or plantation where such seminary is established.

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.

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

Sheet number three the letter "A" 1st Art. 2^o Sec. 1st line also the word "his" in the same Art. & Sec. 2^o line being interlined before signing.

Robert C. Vose, Secretary.

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 2d. LEGISLATIVE POWER.

HOUSE OF REPRESENTATIVES.

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, "As 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, with in 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 meeting 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 in 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.

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 ~~anywhere~~ 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.

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.

Sheet Number four. The words "electors" 4th art. 2^d. c. 2^d line being interlined before signing Robert C. Vose, Secretary.

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 there 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 person 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.

S E N A T E .

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.

SEC. 2. The Legislature, which shall be first convened under this Constitution, shall, on or before the fifteenth day of August in the year of our Lord one thousand eight hundred and twenty one, and the Legislature at every subsequent period of ten years, cause the State to be divided into districts for the choice of Senators. The districts shall conform, as near as may be, to county lines, and be apportioned according to the number of inhabitants. The number of Senators shall not exceed twenty at the first apportionment, and shall at each apportionment be increased, until they shall amount to thirty one, according to the increase in the House of Representatives.

SEC. 3. The meetings 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 four copies of the lists 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 government by the assessors of an adjacent town, shall have the privilege of voting for Senators, Representatives and Governor in such towns, and shall be notified by the selectmen thereof for that purpose accordingly.

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.

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 number of the persons voted for in said lists, equal to twice the number of Senators deficient, in every district, if there be so many voted for, elect by joint ballot the number of Senators required, and in this manner all vacancies in the Senate shall be supplied as soon as may be after such vacancies happen.

Book Number five— Robert C. Case, Secretary.

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.

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 further than to removal from office, and disqualification to hold or enjoy any office of honor, trust or profit under this State. But the party, whether convicted or acquitted, shall nevertheless be liable to indictment, trial, judgment and punishment according to law.

SEC. 8. The Senate shall choose their President, Secretary and other officers.

ARTICLE IV. Part Third.

LEGISLATIVE POWER.

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

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, and 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 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.

SEC. 4. Each House may determine the rules of its proceedings, punish its members for disorderly behavior, and, with the concurrence of two thirds, expel a member, but not a second time for the same cause.

SEC. 5. Each House shall keep a journal, and from time to time publish its proceedings, except such parts as in their judgment may require secrecy, and the yeas and nays of the members of either House on any question, shall, at the desire of one fifth of those present, be entered on the journals.

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

SEC. 7. The Senators and Representatives shall receive such compensation, as shall be established by law, but no law increasing their compensation shall take effect during the existence of the Legislature, which enacted it.

Sheet Number for—Robert C. Vose Secretary.

The expenses of the members of the House of Representatives in travelling to the Legislature, and returning therefrom, once in each session and no more, shall be paid by the State out of the public Treasury to every member, who shall seasonably attend, in the judgment of the House, and does not depart therefrom without leave.

SEC. 8. The Senators and Representatives shall, in all cases except treason, felony or breach of the peace, be privileged from arrest during their attendance at, going to, and returning from each session of the Legislature, and no member shall be liable to answer for any thing spoken in debate in either House, in any court or place elsewhere.

SEC. 9. Bills, orders or resolutions, may originate in either House, and may be altered, amended or rejected in the other; but all bills for raising a revenue shall originate in the House of Representatives, but the Senate may propose amendments as in other cases: *Provided*, that they shall not, under color of amendment, introduce any new matter, which does not relate to raising a revenue.

SEC. 10. No Senator or Representative shall, during the term for which he shall have been elected, be appointed to any civil office of profit under this State, which shall have been created, or the emoluments of which increased during such term, except such offices as may be filled by elections by the people: *Provided* that this prohibition shall not extend to the members of the first Legislature.

SEC. 11. No member of Congress, nor person holding any office under the United States (just 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.

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 POWER.

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

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.

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.

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.

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.

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 soldiers 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.

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.

SEC. 9. He shall from time to time give the Legislature information of the condition of the State, and recommend to their consideration such measures, as he may judge expedient.

SEC. 10. He may require information, from any military officer, or any officer in the executive department, upon any subject relating to the duties of their respective offices.

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

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

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.

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, 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.

ARTICLE V. (Part Second)

COUNCIL.

SEC. 1. There shall be a Council, to consist of seven persons, citizens of the United States, and residents of this State, to advise the Governor in the executive part of government, whom the Governor shall have full power, at his discretion, to assemble, and he with the Counsellors, 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.

SEC. 2. The Counsellors 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 Counsellor 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.

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

SEC. 4. No Member of Congress, or of the Legislature of this State, nor any person holding any office under the United States, just officer or civil officer, or any civil officer under this State (Justices of the Peace and Notaries Public excepted), shall be Counsellor. And no Counsellor shall be appointed to any office during the time, for which he shall have been elected.

ARTICLE V. Part Third.

SECRETARY.

- SEC. 1.** The Secretary of State shall be chosen annually at the first session of the Legislature, by joint ballot of the Senate 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.
- SEC. 3.** He shall attend the Governor and Council, Senate and House of Representatives, in person or by his deputies as they shall respectively require.
- SEC. 4.** He shall carefully keep and preserve the records of all the official acts and proceedings of the Governor and Council, Senate and House of Representatives, and, when required, lay the same before either branch of the Legislature, and perform such other duties as are enjoined by this Constitution, or shall be required by law.

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.
- 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.
- SEC. 3.** The Treasurer shall not, during his continuance in office, engage in any business of trade or commerce, or as a broker, nor as an agent or factor for any merchant or trader.
- SEC. 4.** No money shall be drawn from the Treasury, but by warrant, from the Governor and Council, and in consequence of appropriations made by law; and a regular statement and account of the receipts and expenditures of all public money, shall be published at the commencement of the annual session of the Legislature.

ARTICLE VI.

JUDICIAL POWER.

- SEC. 1.** The Judicial power of this State shall be vested in a Supreme Judicial Court, and such other courts as the Legislature shall from time to time establish.
- SEC. 2.** The Justices of the Supreme Judicial Court shall, at stated times receive a compensation, which shall not be diminished during their continuance in office, but they shall receive no other fee or reward.
- SEC. 3.** They shall be obligated to give their opinion upon important questions of law, and upon solemn occasions, when required by the Governor, Council, Senate, or House of Representatives.
- 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 otherwise appointed, as the public interest may require.
- SEC. 6.** The Justices of the Supreme Judicial Court shall hold no offices under the United States, nor any State, nor any other office under this State, except that of Justice of the Peace.

ARTICLE VII.

MILITARY.

- SEC. 1.** The captains and subalterns of the militia shall be elected by the written votes of the members of their respective companies. The field officers of regiments, by the written votes of the captains and subalterns of their respective regiments. The Brigadier shall hold in like manner, by the field officers of their respective brigades.

Sheet Number nine. Robert C. Vose Secretary.

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

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. 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.

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.

SEC. 5. Sons 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.

L I T E R A T U R E.

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 be further, be their duty to encourage and suitably endeavor, 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 endorsement 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 endorsement, the Legislature of the State shall have the right, to grant any further power to, alter, amend or restrain any of the powers vested in any such literary institution, as shall be judged necessary to promote the best interests thereof.

ARTICLE IX.

G E N E R A L P R O V I S I O N S.

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 enters 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."

"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 Counsellors 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 Counsellor, 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 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.

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, Sheriff 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.

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.

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 misconduct 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.

SEC. 6. The term of all offices, which are not otherwise provided for, shall be during the pleasure of the Governor and Council.

SEC. 7. While the public expenses shall be assessed on polls and estates, a general valuation shall be taken at least once in ten years.

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.

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 mean time 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 in 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*, seven 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. Besides, 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 apportioned as follows:

- 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 Sedgewick shall elect one.

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

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 Pittsford may elect three representatives; North Yarmouth, two; Brunswick, two; Gorham, two;
Troy and Hannal, two; Raymond and Ossipee, one; Bridgton, Baldwin and Harrison, one; Hallowell and Danville, one;
and each remaining town one.

County of Saco:—The towns of Saco and Westport, may elect one representative; Lewiston and Wells, one; St.
George, Cushing and Friendship, one; Hope and Appleton, one; Jefferson, Wainam, and Wainam plantation,
one; Alva and Whitfield, one; Montville, Palermo, and Montville plantation, one; Westport and Dresden, one; and
each remaining town, one.

County of Hancock:—The town of Bucksport may elect one representative; Deer Island one; Castine and Brooks, one;
one; Island and Andover, one; Mount Desert and Eden, one; Vinalhaven and Isleborough, one; Sedgwick and Machell
one; Southborough, Sullivan and plantations No. 1 and 2 north of Sullivan, one; Sarg, Ellsworth, Trenton and plan-
tation of Manville, one; Lincolnville, Searsport and Belmont, one; Belfast and Westport, one; Westport and
Swinville, one; Frankfort, and Monroe, one; Knox, Brooks, Jackson and Sherburne, one.

County of Washington:—The towns of Sturton, Cherryfield and Harrington, may elect one representative; Addison, Columbia
and Southborough, one; Machias one; Lubec, Springsville, plantations No. 9, No. 10, No. 11, No. 12, one; Eastport one; Bay
Hobbs, Calais, plantations No. 3, No. 6, No. 7, No. 13, and No. 10, one.

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 Sweden, one; Unity, Jay
and 25 mile pond plantation, one; Hartem and Malta, one; and each remaining town one.

County of Oxford:—The towns of Dixfield, Mexico, Wells and plantations Nos. 1 and 4, may elect one representative; Jay
and Hallowell, one; Bowmore one; Sumner, East Andover and plantations No. 1 and 2, one; Sumner one; Woodstock, Paris
and Greenwood, one; Hobson and Norway, one; Litch, Bethel, Henry, Albany and Howards gore, one; Porter, Hiram
and Brownfield, one; Waterford, Sweden and Swell, one; Denmark, Fryeburg and Fryeburg addition, one; Buckfield and Sumner,
one.

County of Somerset:—The town of Dixfield may elect one representative; Northbrook and Bloomfield, one; Swick and Mercey,
one; Industry, Strong and New-Somerset, one; Iron, Phillips, Freeman and Kingsfield, one; Benson, New-Scotland, Emb-
den, and plantation No. 1, one; Canaan, Warsaw, Salina, St. Marks and Cornish, one; Madison, Solon, Bingham,
Mason and Northhill, one; Cornville, Athens, Harmony, Sibley and Warrenstown, one.

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 Kennebec river, one; Bangor, Croton, and Sunkhara plantation, one; Dixmont,
Newport, Caswell, Hiram, Nelson, and plantation No. 4 in the 6th range, one; Servant, Cornish, Exeter, New-Charles-
town, Plakeston plantation, No. 1 in 3d range, and plantation No. 1 in 4th range, one; Dexter, Garland, Guilford, Har-
genville, and plantation No. 5 in 6th range, one; Abenak, Seb. Soper, Brownville, Williamstown, plantation No. 1 in 7th
range, and plantation No. 3 in 7th range, one.

And the Secretary of State, ^{of the Territory} 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

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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 Counsellors, 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, before the election and qualification of the Governor or Secretary of State under this Constitution, the persons so 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.

SEC. 2. The period for which the Governor, Senators, and Representatives, Counsellors, 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.

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.

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

SEC. 5. All offices 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, by the separation of the District of Maine from the Commonwealth of Massachusetts, a separate and Independent Government within said District, to wit: 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, which before the first day of March next shall be and continue as follows: **Art. 1.** 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 to the said Commonwealth, and the said State to be formed within the said District, shall 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, until the said State shall remain in the Commonwealth; and the lands of the Commonwealth, to wit: lands within said District, and the waters for the navigation thereof, shall continue the same, within the said State, as they now are within the Commonwealth; and in the Courts thereof, for which purposes, and for the maintenance of its rights, an equity of its lands, the said Commonwealth, shall be entitled to all the process and legal remedies, and may appear in the Courts of the said State, and in the Courts of the United States, under the name of the said Commonwealth, and all rights of action for injury to lands, and of actions upon bonds, for the breach of the performance of the condition of selling lands, so called, which have accrued, or may accrue, shall remain in the Commonwealth, to be entered, continued, renewed, or otherwise disposed of, in such manner as the Commonwealth may thereafter determine. That whatever the Commonwealth may hereafter receive or obtain in account thereof, or any thing, shall after the said separation, be divided, one third part being to the said State, and the two thirds thereof to the Commonwealth.

Art. 2. All the laws which have been enacted by the Commonwealth from the United States, and the laws of Congress, entitled "An act making provision for arming and equipping the whole body of militia of the United States, passed after the twenty third day of August (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 militia, according to which the said laws have been divided from the United States, as aforesaid.

Art. 3. All money, debts, or other proceeds, brought due from the United States, in 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 the Commonwealth, and when received, shall be divided between the two States, in the proportion of two thirds to the Commonwealth, and one third to the new State.

Art. 4. All other property, of every description, belonging to the Commonwealth, shall be held 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, of the said State, and the said Commonwealth, shall assign a just portion of the said property, 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, as aforesaid, and all the surplus of the said property, so held, 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 to pay to said Commonwealth, one third of the deficiency.

Art. 5. The new State, shall, as soon as the necessary arrangements can be made, pay to the said Commonwealth, as a fund and security, for the debts and obligations of the Commonwealth, to wit: the Indians within said District of Maine, within the same and from within a stipulated time, and in this purpose, shall obtain the consent of said Indians, and their relation to the said Commonwealth, and the said State, shall be settled, and the said debts and obligations, assumed, shall pay to said State, the value of thirty thousand dollars, in money, or in kind, as the said Commissioners shall determine, and the said Commonwealth, when such arrangements, shall be completed, and the said debts and obligations, assumed, shall pay to said State, the value of thirty thousand dollars, in money, or in kind, as the said Commissioners shall determine, and the said Commonwealth, shall, thereupon, assign the same to the said new State, or in two thirds, 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 doing 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 made by the new State.

Art. 6. 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 two 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; and not however, in that case, to be a citizen of its own State. And great care and diligence, with respect to the Commissioners, shall be supplied in the manner provided in 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, as much as is generally, having regard to quantity, situation, soil, quality, they shall determine, what lands shall be surveyed and divided from land to land, the expense of which survey, and of the Commissioners, shall be borne equally by the two States. They shall keep full records, from day to day, of the survey made by their direction, copies of which records,

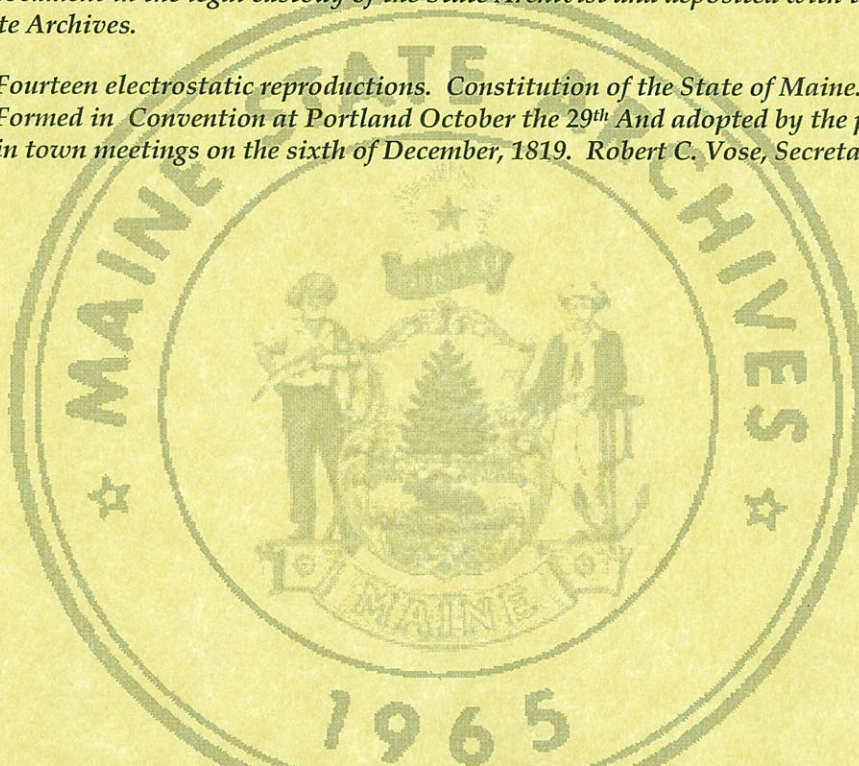
MAINE STATE ARCHIVES



To all to whom these presents shall come, Greeting:

I Certify That each of the specified number of attached copies identified below is a true copy of a document in the legal custody of the State Archivist and deposited with the Maine State Archives.

Fourteen electrostatic reproductions. Constitution of the State of Maine. Formed in Convention at Portland October the 29th And adopted by the people in town meetings on the sixth of December, 1819. Robert C. Vose, Secretary.



In testimony whereof, I, David Cheever, State Archivist, being duly authorized by law, have hereunto caused the Seal of the Maine State Archives to be affixed and subscribe my name, this day of 12 July, 2010

State Archivist