

CONSTITUTION

FOR

FORMED
Gibson: Golden Book
IN CONVENTION,

FORMED

IN CONVENTION.

Tammul Elden

PORTLAND, 29th OF OCTOBER, A. D. 1819,

AND OF THE

Independence of the United States the Forty-third,

And recommended to the People for their adoption in town meetings,

ON THE SIXTH OF DECEMBER.

PUBLISHED BY ORDER OF THE CONVENTION.

PORTLAND:
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1819.

Samuel Etchen

43/115

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$$\begin{array}{r} 140 \\ \underline{25} \\ 165 \\ \underline{178} \end{array}$$

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Capt Gideon Elden Esq. Buxton
State of Maine
Property.

CONSTITUTION OF MAINE.

WE the people of Maine, in order to establish justice, ensure 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; & imploring his aid & direction in its accomplishment, do agree to form ourselves into a free & 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.

SEC. 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 in their authority and instituted for their benefit; they have therefore an unalienable and indefeasible right to institute government, and to alter, reform, or totally change the same, when their safety and happiness require it.

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

SEC. 4. Every citizen may freely speak, write and publish his sentiments on any subject, being responsible for the abuse of this liberty; no laws shall be passed regulating or restraining the free-

dom 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 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 offences, as are usually cognizable by a justice of the peace, or in cases arising in the army or navy, or in the militia when in actual service in time of war or public danger. The Legislature shall provide by law a suitable and impartial mode of selecting juries, and their usual number and unanimity, in indictments and convictions, shall be held indispensable.

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 offences, 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, *ex 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 or its authority.

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

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

SEC. 16. Every citizen has a right to keep and bear arms for the common 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 due course of law; and right and justice shall be administered freely and without sale, completely and without denial, promptly and without delay.

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

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 nor deny others retained by the people.

ARTICLE II.

ELECTORS.

SEC. 1. Every male citizen of the United States of the age of twenty-one years and upwards, excepting paupers, persons under guardianship, and Indians not taxed, having his residence established in this State for the term of three months next preceding any election, shall be an elector for Governor, Senators and Representatives,

in the town or plantation where his residence is so established; and the elections shall be by written ballot. But persons in the military, naval or marine service of the United States, or this State, shall not be considered as having obtained such established residence by being stationed in any garrison, barrack or military place, in any town or plantation; nor shall the residence of a student at any seminary of learning entitle him to the right of suffrage in the town or plantation where such seminary is established.

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*.

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.

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 stiled 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 Representa-

tives 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.

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.

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 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.

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.

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

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 setting for that purpose shall be on oath or affirmation, and no person shall be convicted without the concurrence of two thirds of the members present. Their judgment, however, shall not extend farther than to removal from office, and disqualification to hold or enjoy any office of honor, trust or profit under this State. But the party, whether convicted or acquitted, shall nevertheless be liable to indictment, trial, judgment and punishment according to law.

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; 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. 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, (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.

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 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.

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, (post officers excepted) nor any civil officers under this State, (Justices of the Peace and Notaries Public excepted) shall be Counsellors. 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 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.

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 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.

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.

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.

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. 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 peo-

ple ; to promote this important object, the Legislature are authorised, 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 authorise, 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.

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."

"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, Sheriffs or their depu-

ties, 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 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.

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

SEC. 7. While the public expences 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 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 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 Penobscot shall elect one.

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 :

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

COUNTY OF HANCOCK.—The town of Bucksport may elect one representative ; Deer Island one ; Castine and Brooksville, one ; Orland and Penobscot, one ; Mount Desert and Eden, one ; Vinalhaven and Isleborough, 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, Seasmont and Belmont, one ; Belfast and Northport, one ; Prospect and Swanville, one ; Frankfort and Monroe, one ; Knox, Brooks, Jackson and Thorndike, one.

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,

Robinston, Calais, plantations No. 3, No. 6, No. 7, No. 15, and No. 16, 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 Freedom, one; Unity, Joy and 25 mile pond plantation, one; Harlem and Malta, one; and each remaining town one.

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.

COUNTY OF SOMERSET.—The town of Fairfield may elect one representative; Norridgwock 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.

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, Blakesburgh, 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, Williamsburgh, 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 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 *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.

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 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.

"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 manner 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 provision 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 defense 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 stipulations 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 moieties, 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 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 & 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, 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 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."

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

Done in Convention, October 29, 1819.

WILLIAM KING, President

of the Convention and member from Bath.

COUNTY OF YORK.

YORK,	Elihu Bragdon,
	David Wilcox.
Kittery,	Alexander Rice.
Wells,	Joseph Thomas.
Berwick,	William Hobbs,
	Nathaniel Hobbs,
	Richard F. Cutts.
Biddeford,	George Thacher,
	Seth Spring.
Arundel,	Simon Nowell.
Saco,	William Moody,
	Ether Shepley,
	George Thacher, junior,
Lebanon,	David Legrow.
Buxton,	Gideon Elden,
	Josiah Paine,
	Edmund Woodman.
Lyman,	John Low,
	John Burbank.
Shapleigh,	John Leighton.
Parsonsfeld,	David Marston,
	Abner Keazer.
Waterborough,	Samuel Bradeen,
	Henry Hobbs.
Limington,	David Boyd.
Cornish,	Thomas A. Johnson.
ALFRED,	John Holmes.
Hollis,	Ellis B. Usher,
	Timothy Hodsdon.
South-Berwick,	Benjamin Green.
Limerick,	John Burnham.

CUMBERLAND.

Scarborough,
North Yarmouth,

Falmouth,
Brunswick,

Harpwell,
Gorham,

Cape-Elizabeth,
New-Gloucester,

Gray,
Standish,
PORTLAND,

Freeport,
Durham,

Bridgton,
Poland,
Minot,

Danville,
Baldwin,
Raymond,
Pownal,
Westbrook,

Harrison,

Georgetown,
New-Castle,
Woolwich,
WISCASSET,

Bowdoinham,

TOPSHAM,
Boothbay,

Bristol,

Benjamin Larrabee, junior,
 Joseph Fogg.
 William Buxton,
 Ephraim Sturdivant
 Jeremiah Buxton.
 Peter M. Knight,
 Nathan Bucknam.
 Robert D. Dunning,
 Jonathan Page,
 Benjamin Titcomb.
 Stephen Purrington.
 Lathrop Lewis,
 Joseph Adams,
 James Irish.
 Ebenezer Thrasher.
 Joseph E. Foxcroft,
 Isaac Gross.
 Joseph McLellan.
 Theodore Mussey.
 Albion K. Parris,
 William P. Preble.
 Solomon Dennison.
 Secomb Jordan,
 Allen H. Cobb.
 Phinehas Ingals.
 Josiah Dunn, junior.
 Asaph Howard,
 Chandler Freeman.
 Joseph Roberts.
 Lot Davis.
 Zachariah Leach.
 Isaac Cushman.
 Silas Estes,
 Thomas Slemmons,
 John Jones.
 Amos Thomes.

LINCOLN.

Benjamin Riggs.
 Ebenezer Farley.
 Ebenezer Delano.
 Abiel Wood,
 Warren Rice.
 Ebenezer Herrick,
 Elihu Hatch.
 Nathaniel Green.
 Daniel Rose,
 John McKown.
 Samuel Tucker,
 William M'Clintock,
 John Fosset.

Waldoborough,

Edgcomb,
WARREN,

Thomaston,

Bath,

Union,
Bowdoin,
Nobleborough,
Cushing,
Camden,
Dresden,
Lewiston,
Litchfield,

Lisbon,

St. George,
Hope,
Palermo,
Montrville,
Jefferson,
Friendship,
Whitefield,
Putnam,
Alna,
Wales,

Hallowell,

Winthrop,

Vassalborough,

Winslow,
Pittston,
Green,
Readfield,

Monmouth,

Mount-Vernon,
Sidney,

Joshua Head,
Isaac G. Reed,
Jacob Ludwig, Junior.
Stephen Parsons.
John Miller,
Cyrus Eaton.
Isaac Barnard.
John Spear.
Joshua Wingate, junior,
Benjamin Ames.
Robert Foster.
Joseph Carr.
Ephraim Rollins.
Edward Killaran.
Nathaniel Martin.
Isaac Lillie.
John Herrick.
John Neal,
David C. Burr.
Nathaniel Eames,
James Small.
Joel Miller.
Fergus M'Claine.
Thomas Eastman.
Cyrus Davis.
Jesse Rowell.
Melzer Thomas.
Joseph Bailey.
Mark Hatch.
John Dole.
Joseph Small.

KENNEBEC.

Samuel Moody,
William H. Page,
Benjamin Dearborn.
Alexander Belcher,
Daniel Campbell.
Samuel Redington,
Abiel Getchell.
William Swan.
Eli Young.
Luther Robbins.
John Hubbard,
Samuel Currier.
John Chandler,
Simon Dearborn, junior.
David McGaffey.
Ambrose Howard,
Reuel Howard.

Farmington,

New-Sharon,

Clinton,

Fayette,

Belgrade,

Harlem,

AUGUSTA,

Wayne,

Leeds,

Chester ville,

Vienna,

Waterville,

Gardiner,

Temple,

Wilton,

Rome,

Fairfax,

Unity,

Malta,

Freedom,

Joy,

China,

Belfast,

Islesboro'

Deer-Isle,

Bluehill,

Trenton,

Sullivan,

Gouldsborough,

Vinalhaven,

Frankfort,

Bucksport,

Prospect,

CASTINE,

Northport,

Eden,

Orland,

Ellsworth,

Lincolnville,

Belmont,

Brooks,

Jackson,

Nathan Cutler,

Jabez Gay.

Christopher Dyer.

Herbert Moore.

Charles Smith.

Elias Taylor.

William Pullen.

Daniel Cony,

Joshua Gage,

James Bridge.

Joseph Lamson.

Thomas Francis.

Ward Locke.

Nathaniel Whittier.

Abijah Smith,

Ebenezer Bacon.

Jacob Davis,

Sanford Kingsbery.

Benjamin Abbot.

Ebenezer Eaton.

John S. Colboth.

Joel Wellington.

Rufus Burnham.

William Hilton.

Mathew Randall.

James Parker.

Daniel Stevens.

HANCOCK.

Alfred Johnson, junior.

Josiah Farrow.

Ignatius Haskell,

Asa Green.

Andrew Witham.

Peter Haynes.

George Henman.

Samuel Davis.

Benjamin Beverage.

Alexander Milliken,

Joshua Hall.

Samuel Little.

Abel W. Atherton.

William Abbot.

David Alden.

Nicholas Thomas, junior.

Horatio Mason,

Mark Shepard,

Samuel A. Whitney.

James Weymouth.

Samuel Whitney.

Bordman Johnson.

Searsmont,
Swansville,
Thorndike,
Monroe,
Knox,

MACHIAS,
Steuben,
Harrington,
Eastport,
Jonesborough,
Calais,
Lubec,
Robbinston,
Cherryfield,
Perry,

Fryeburg,
Turner,

Hebron,
Buckfield,
PARIS,

Jay,
Livermore,

Bethel,
Waterford,
Norway,
Hartford,
Sumner,
Rumford,
Lovell,
Brownfield,
Albany,
Dixfield,
East-Andover,
Gilead,
Newry,
Denmark,
Porter,
Hiram,
Woodstock,
Greenwood,
Sweden,
Weld,
Mexico,

Canaan,

Ansel Lathrop.
Eleazer Nickerson.
Joseph Blethen.
Joseph Neally.
James Weed.

WASHINGTON.

John Dickinson.
Alexander Nichols.
James Campbell.
John Burgin.
Ephraim Whitney.
William Vance.
Lemuel Trescott.
Thomas Vose.
Joseph Adams.
Peter Golding.

OXFORD.

Judah Dana.
John Turner,
Phillip Bradford.
Alexander Greenwood.
Enoch Hall.
James Hooper,
Benjamin Chandler.
Cornelius Holland.
Benjamin Bradford,
Thomas Chase, junior.
John Grover.
Josiah Shaw.
Aaron Wilkins.
Joseph Tobin.
Calvin Bisbee.
Peter C. Virgin.
Josiah Heald, 2d.
James Steele.
Asa Cummings.
Solomon Leland.
Sylvanus Poor.
Eliphaz Chapman.
Luke Reily.
Cyrus Ingalls.
William Towle.
Marshal Spring.
Cornelius Perkins.
Isaac Flint.
Samuel Nevers.
La Fayette Perkins.
Walter P. Carpenter.

SOMERSET.

Wentworth Tuttle.

Fairfield,
 NORRIDGEWOCK,
 Starks,
 Cornville,
 Anson,
 Strong,
 Acron,
 New-Vineyard,
 Harmony,
 Industry,
 Athens,
 Madison,
 Embden,
 Palmyra,
 Freeman,
 New-Portland,
 Solon,
 Bingham,
 Phillips,
 St. Albans,
 Kingfield,
 Corinna,
 Ripley,
 Bloomfield,
 Warsaw,

Hampden,
 Orrington,
 BANGOR,
 Orono,
 Dixmont,
 Brewer,
 Eddington,
 Carmel,
 Corinth,
 Exeter,
 Garland,
 New-Charleston,
 Foxcroft,
 Sebec,
 Hermon,
 Levant,
 Newport,
 Sangerville,
 Dexter,
 Guilford,
 Atkinson,
 Newburgh,

Attest,

William Kendall.
 William Allen, junior.
 James Waugh.
 George Bixby.
 James Collins.
 James Mayhew.
 Samuel Sprague.
 William Talcott.
 Robert Evans.
 Ezekiel Hinkley.
 Isaiah Dore.
 John Neal.
 Andrew McFadden.
 Samuel Lancey.
 Jonathan Brown.
 Henry Norton.
 Elisha Coolidge.
 Obed Wilson.
 Joseph Dyer.
 Benjamin French.
 Joseph Knapp.
 William Elder.
 Jacob Hale.
 Eleazer Coburn.
 Stevens Kendall.

PENOBSCOT.

Simeon Stetson.
 John Wilkins.
 Joseph Treat.
 Jackson Davis.
 Samuel Butman.
 George Leonard.
 Luther Eaton.
 Abel Ruggles.
 Andrew Strong.
 Nathaniel Atkins.
 Amos Gordon.
 Daniel Wilkins.
 Samuel Chamberlain.
 William R. Lowney.
 William Patten.
 Moses Hodsdon.
 Benjamin Shaw.
 Benjamin C. Goss.
 Isaac Farrar.
 Joseph Kelsey.
 Eleazer W. Snow.
 John Whitney.

ROBERT C. VOSE, *Secretary.*

Total 271 Delegates
In Convention A 1819

AN ADDRESS TO THE PEOPLE OF MAINE,

FROM THE

Convention of Delegates assembled at Portland.

FELLOW CITIZENS,

THE delegates, elected to form a Constitution and frame of government, now present you the result of their deliberations. They invite you to review it carefully,—to weigh well its provisions. It is not submitted as a perfect system. In some few important provisions it is a compromise of conflicting interests and opinions; and, though not perfect, it is the best, upon which the Convention under existing circumstances could agree. In deciding upon its merits and demerits, the Convention feel assured, you will be influenced by that candor and liberality, which always pervades an enlightened community.

The Constitution of Massachusetts, venerable as the work of the fathers of the revolution, endeared to the people by many associations, and replete with the soundest principles of liberty and government, has in forty years experience proved inconvenient and defective in some few of its provisions. Assuming that instrument for a basis, the Convention proceeded to frame a Constitution for the State of Maine, deviating in those cases only, where the experience of this and of other States in the union seemed to justify and require it.

They have omitted, as inconsistent with the dignity of the subject and the simplicity of "the truth," a provision, which, though *professing much*, is utterly *nugatory in practice*. The worship of Jehovah, to be acceptable, must be a freewill offering. The laws of man can reach no farther, than to external deportment. Our holy religion neither requires nor admits their aid. The heart and affections, the seat of vital religion, cannot be regulated by human legislation.

The rights of conscience are secured by universal toleration,—placing all religious denominations on the footing of the most perfect equality. For the purpose of rendering this provision more certain in its operation all religious tests, as qualifications for office, are excluded. By requiring however that all officers shall be under oath, it is necessarily presupposed, that they believe in the existence and providence of God.

In times of party excitement the doctrines of libels, recognized by the common law, is sometimes employed as an engine of oppression. The Convention have endeavored to guard against the evil by making the truth of the matter published a sufficient justification in all cases,

where the conduct of public men is in question, or where the public good may be promoted by a knowledge of the facts disclosed.

Pecuniary qualifications of electors have been productive of little benefit—sometimes of injustice. They are too often relaxed or strained to suit the purposes of the day. The Convention have therefore extended the right of suffrage, so that no person is disqualified for want of property, unless he be a pauper. With the same views electors under certain limitations and restrictions are also privileged from arrest on days of election.

The necessity of a reduced representation seemed to be acknowledged by all. The number, to which it ought to be reduced, and the manner of making that reduction, are questions, on which scarcely two could be found to agree precisely. If some were in favor of even less, than one hundred, others were the advocates of unlimited representation. The Convention adopted an intermediate course, limiting the number of representatives at *not less, than one hundred, nor more, than two hundred*, and referring the question back to the people themselves, when the number shall have reached the highest limit, *whether that number shall be increased or diminished*. But the difficulties arising out of this embarrassing branch of the business, entrusted to your delegates, did not here terminate. Many were advocates of a general districting system,—others were equally strenuous for a representation by towns. The Convention once more adopted an intermediate course. The whole number of representatives to be elected is first to be apportioned and assigned to the several counties on the most exact principles of equity and justice. Thus the great sections of the State, the several counties, which are but larger corporations, actuated to a certain extent by a community of interests, have their due weight according to their population. The number of representatives, thus apportioned and assigned to any county, is next to be distributed among the respective towns in such county, each town, having the competent number of inhabitants, being entitled to one or more; and towns and plantations not having that number, to be classed as conveniently as possible. On any practicable system there will be fractions, and the representation of course partially unequal. If under the system adopted by the Convention the large towns have not their full representation, it is preserved in the county of which they are a part. They have their representatives; and even their fractions, which would otherwise be lost to them, are represented through the smaller towns of their county, who can seldom have an interest at variance with their own.

The Senate is predicated upon population. This rule of apportionment seemed to the Convention most consonant to the principles of a government by the people. Property will always possess at least its full share of influence without being specially represented in the Senate.

The Council are selected from among the people by the two branches of the legislature. You thus avoid the idle ceremony of electing in the first instance from the Senate; and you preserve to the Senate its proper number and distinctive character. And with

Handwritten calculations:

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 \end{array}$$

the view to preserve in the council a steady regard to the public good, counsellors are precluded from receiving any appointment during the time, for which they shall have been elected.

The provision respecting exempts from military duty was called for by the united voice of the militia. It tends to equalize the burthen, and render the militia more respectable, and more efficient. This duty, in its nature a personal service, ought not to fall exclusively upon any class of citizens. In the opinion of the Convention *every able bodied male citizen of suitable age* ought to perform it, or in some form or other, pay an equivalent.

Free governments cannot long subsist, where the people are ignorant and depraved. The due administration of our own must essentially depend upon the intelligence and virtue of our citizens. The State therefore has a deep interest in the education of our youth. Hence the Convention have made it the imperative duty of the legislature to cause schools to be supported in the several towns, and to encourage and suitably endow academies, colleges, and seminaries of learning, by extending to them as far, as the circumstances of the people would authorise, the patronage of the State. At the same time it was thought proper, that the legislature should so far retain such a general and superintending power over these institutions, as should enable it to aid the cause of good learning, and prevent the perversion or abuse of the public munificence.

To preserve the purity of the legislature, its members under certain limitations and restrictions are disqualified, during the term, for which they are elected, from being appointed to any civil office, which may be created, or the emoluments of which may be increased, during such term. With similar views, and to prevent a system of favoritism, all persons holding lucrative appointments are excluded both from the legislature and council. This exclusion was deemed peculiarly proper in so far, as respects judicial officers. Thus you preserve the several departments of the government distinct. Thus you remove those important officers as far, as possible, from all temptation to court the popular favor perhaps at the expense of justice. On a pure, intelligent, upright, and independent judiciary, the people more immediately depend for the interpretation of the laws, and for protection in the enjoyment of their rights and privileges.

In the opinion of the Convention merit, not wealth, is the proper qualification for office. If with perfect safety to the people no pecuniary qualification is required for the highest offices under the United States, there is still less reason for requiring it under the government of the State. With the limitation in general, that only one important office can be held by one man, *all offices are left open to all*. The settlement of our extensive vacant lands has been seriously retarded by the present unequal system of taxation. In the opinion of the Convention no good reason exists, why an estate of a given value in uncultivated lands should pay only one third so much tax, as an estate of the same value in lands under cultivation. It seemed to them not difficult to determine who best deserved the indulgence or patronage of the State, the man, who brings forward and

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cultivates his lands, and renders them productive to the community; or the man, who suffers them to remain a useless wilderness, in order that his wealth may be increased by their rise in value, occasioned by the industry and enterprise of contiguous settlements. To remedy the evil, the Convention inserted the article requiring that real estate, whether cultivated or uncultivated, shall be equally taxed according to its just value.

The apportionment of senators and representatives for the first legislature, it was apprehended, might not prove perfectly equal.—The Convention however proceeded upon the best data in their possession, and to them it is a gratifying circumstance, that, if any injustice is done, it can be of but short duration. An actual census of the people being about to be taken, the first legislature will be enabled to remedy such inequalities, as shall be found to exist, and to do exact and impartial justice to every district, town, and plantation.

It was not thought advisable by the Convention to encumber the Constitution by attempts to fix or regulate the salaries of any of your officers. This and many other subjects suggested in convention are subjects of legislation and are left to the wisdom of your future legislatures.

Such, fellow citizens, are the principal provisions in the Constitution submitted to you by your delegates, which embrace the material variances from the constitution, under which you have so long and happily lived. We say *principal* provisions, because there are others, believed to be wholesome and salutary, which however are not deemed of sufficient importance, to be particularly noticed in this address.—To the Constitution itself we respectfully refer you. We solicit you once more to weigh well its provisions,—to examine it as a whole. If it be not perfectly satisfactory in all its parts, judge whether, considering the differences existing in men's views and opinions, you will be likely to obtain one, more acceptable. Your delegates have felt a deep responsibility; your approbation could not fail to be highly gratifying to them. But they wish not to bias your judgment. You act for yourselves, and your posterity.

In behalf, and by order of the Convention.

WM. P. PREBLE,
 GEO. THACHER, JUNR.
 BENJA. AMES,
 JOSHUA GAGE,
 LEONARD JARVIS,
 JOHN BURGIN,
 PETER C. VIRGIN,
 SIMEON STETSON,
 ELEAZER COBURN,

COMMITTEE.

12
 550

711 21
 01 22
 701
 7 92

James Rogers

Property

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