

JOURNAL
OF THE
SENATE

OF THE
STATE OF MAINE,

AT THE
HELD AT
SESSION.

AUGUSTA,

COMMENCING ON THE FIRST WEDNESDAY OF JANUARY,
BEING THE FIRST DAY OF SAID MONTH,
In the year of our Lord 1834,
AND ENDING ON THE
THIRTEENTH DAY OF MARCH FOLLOWING.

State of Maine.

1

Augusta, Wednesday June 1st 1834.

This being the day designated by the Constitution of this State for the meeting of the Legislature thereof, the following Gentlemen, having been elected by the People, and summoned by the Governor and Council, appeared in the Senate Chamber, to wit;

Messrs. Charles A. Cogswell,
Jabez Bradbury,
Gimeon Pease, } First District.

Messrs. Allen H. Cobb,
Asaph Howard,
Josiah Pierce,
Jonathan Smith, } Second District.

Messrs. Nathaniel Groton,
John Manning,
John M. Frye,
Seth Labaree, } Third District.

Messrs. Josiah Prescott,
Williams Commons,
Enoch Furnham, } Fourth District.

Messrs. Ebenezer Knowlton,
Joseph Williamson, } Fifth District.

Mr. Amos Allen, } Sixth District.

Mr. Rowland H. Bridgman, } 7th District.

Vacant } Eighth District.

Messrs Joseph Kelsey,
Jonathan P. Rogers. } Ninth District.

Messrs Rufus K. J. Porter,
Drummond Farnsworth. } Tenth District.

Messrs Joseph Tobin,
Daniel Brown. } Eleventh District.

The members present were called to order by Mr Knowlton of Waldo, on motion of whom Mr. Commons of Kennebec took the chair.

Messrs. Cobb, Cogswell and Groton were appointed a Committee to wait on the Governor and Council and inform them that a quorum of the Senators are present and ready to be qualified according to the Constitution.

Whereupon, the Governor, attended by the Council, Secretary and Treasurer of State, Adjutant General and Deputy Sheriff of Kennebec County, came in, and in their presence took & subscribed the oaths required by the Constitution to qualify them to discharge their respective duties of office.

When the Governor and Council had retired, the Senators present proceeded to the choice of a President, and on motion of Mr. Bradbury, ordered, that Messrs Bradbury, Knowlton & Rogers be a Committee to receive, sort and count the votes for President; who, having attended to the duty assigned them, reported that the whole number of votes given in for President was 22

Necessary to constitute an election 12

Joseph Williamson had 20

Josiah Pierce " 2

Mr. Williamson was then declared elected, signified his acceptance of the office of President by an address, and took the chair.

President's Address.

3

Gentlemen of the Senate,

I tender you my sincere thanks for the honorable station you have assigned me. Impressed with the responsibility of the duties devolving upon me, it shall be my constant endeavor to serve you with faithfulness and assiduity, and my highest reward, next to an approving conscience, shall be your approbation.

Messrs. Brigham, Pease and Prescott were appointed a committee, to receive, sort and count the votes for Secretary, who having attended to the duty assigned them, reported that the whole number of votes was 21 all of which were for William Trafton.

William Trafton was then declared unanimously elected, signified his acceptance, & took and subscribed the oaths required by the constitution before Joseph Chandler, Esquire, authorized by Oedimnes Potestatem, in presence of the Senate.

Mr Cogswell was charged with a message to the Governor and Council informing them that the Senate was duly organized by the election of Joseph Williamson President and William Trafton Secretary.

Mr Pierce was charged with a similar message to the House of Representatives.

On motion of Mr Cobb, ordered that the Secretary be authorized to appoint his Assistant; and William H. Durrill was accordingly appointed.

On motion of Mr Cobb, ordered that the Rules

and Orders of the last Senate be adopted for the government of the present, until others shall have been established.

On motion of Mr. Bridgman, ordered that a Committee be raised to draft Rules and Orders for the government of the Senate the current political year; and Messrs Bridgman, Emmons & Munasing were appointed for said Committee.

On motion of Mr. Groton, ordered that a Committee be raised to receive, sort, and count the votes for Messengers; and Messrs Groton, Knoolton and Porter were appointed said Committee, who having attended to the duty assigned them, reported that the whole number of votes given in was Twenty and one blank; all of which votes were for Samuel Eaton.

Samuel Eaton was then declared elected.

On motion of Mr. Cobb, ordered that the Messenger be authorized to employ an Assistant; and Robert Martin was accordingly appointed.

The Secretary of State came in and laid upon the table the returns of votes for Senators in the several towns and plantations of this State, and on motion of Mr. Bradbury the same were referred to Messrs Rogers, Groton, Bradbury, Farnham, Bridgman, Farnsworth and Tobin.

On motion of Mr. Groton, ordered that the Secretary of the Senate prepare twenty four tickets with numbers corresponding with the numbers of the respective seats at the Senate Board excepting One, two, twenty four, twenty eight, twenty nine, and thirty; and that each member draw one

of said tickets, and take such seat as shall be numbered on said ticket, and occupy the same during the session, unless otherwise agreed to by the President.

The Secretary of State came in and laid upon the table the returns of votes for Governor given in the several towns and plantations in this State, and the same were committed to Messrs Cogswell, Pierce, Prescott, Kelsey & Knowlton, with such as the House may join.

Sent down for concurrence. Came up concurred and Messrs. Jarvis of Ellsworth, Woodman of Buxton, Pierce of Portland, Dumont of Hallowell Merrow of Bowdoinham, Alden of Northport Washburn of Livermore, Tuttle of Lumbard, Treat of Orono and O'Brien of Machias are joined.

On motion of Mr. Bridgham, ordered that Messrs. Bridgham, Erismong and Manning be a Committee to draft Rules and Orders for the government of the Senate the current political year.

A message was received from the House informing the Senate of the organization of the House of Representatives by the choice of Nathan Clifford, Esquire, Speaker and Asaph R. Nichols, Clerk.

On motion of Mr. Rogers, ordered, that when the Senate adjourn it adjourn to three o'clock in the afternoon.

Adjourned.

Afternoon

The Senate met according to adjournment.

The Secretary of State came in and laid upon the table "An Act in addition to an Act regulating Judicial process and proceedings" and "Resolve relating to the public lands" severally accompanied with the Governor's objections to approve the same.

On motion of Mr. Bradbury, ordered, that when the Senate adjourn it adjourn to meet at ten o'clock tomorrow morning.

Adjourned.

Attest, William Trafton, Secretary.

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Thursday, January 2, 1834.

Mr. Cogswell from the joint Select Committee, to which was referred the votes for Governor, given in the several towns and plantations in this State reported that the whole number of votes allowed by the Committee to have been duly returned, is Forty Nine Thousand Three Hundred and Fifty Two, that of this number Robert P. Dunlap has Twenty Five Thousand Seven Hundred & Thirty One votes.

Daniel Goodenow has Eighteen Thousand One Hundred & Twelve votes, Samuel E. Smith has Three Thousand and Twenty Four votes, Thomas A. Hill has Two Thousand, Three Hundred & Eighty Four votes, and that of said first number, all other persons have one hundred and one votes. That the number necessary to constitute an election is Twenty Four Thousand Six Hundred & Seventy Seven votes; that Robert P. Dunlap, having twenty five thousand seven hundred and thirty one votes, and two thousand one hundred and ten votes more than all other persons voted for, is constitutionally elected Governor of the State of Maine for the current political year.

The return of votes from the town of Temple, being Sixty five for Robert P. Dunlap, Twenty three for Daniel Goodenow, and Six for Thomas A. Hill were rejected by your Committee, because the return thereof was not, and never had been sealed.

The Committee also rejected the return of votes from the town of Bucksport, being one hundred and thirty eight for Robert P. Dunlap, one hundred and six for Daniel Goodenow, and forty three for Samuel E. Smith, because it was not certified on the outside or on the inside by the Selectmen of Bucksport, but was signed by the Selectmen of —.

They also rejected the return of votes from the town of Harrison, being Seventy Seven for Robert

P. Dunlap, fifty seven for Daniel Goodenow and three for Thomas A. Hill, because they appeared to have been given at a meeting held on the second Monday of September, A.D. 1830.

The Committee allowed and counted the votes given by sundry persons residing upon an unorganised territory lying North and South of the town of Lincoln and classed with said town of Lincoln for the choice of a Representation, being thirty six for Robert P. Dunlap and one for Daniel Goodenow, at the annual meeting in said town of Lincoln, and duly returned by the Selectmen and Town Clerk of said town of Lincoln, and also the votes given at the annual meeting in the town of Burlington by sundry persons residing on an unorganised territory adjoining said town of Burlington and classed therewith as aforesaid, being five for Robert P. Dunlap, the same having been duly returned by the Selectmen and Town Clerk of said town of Burlington, although it did not appear by said returns, that said individuals had been taxed, or had applied to be taxed in the towns to which they were adjacent, and in which their votes were given, yet inasmuch as the contrary did not appear, their votes were allowed by your Committee. There were no returns from the towns of Corinth, Perry, Swan's Island or Madawaska.

Which report was read and accepted.

Sent down for concurrence. Concurred.

The Bill entitled "An Act in addition to an Act regulating Judicial process & proceedings" and Resolve relating to the public lands" returned by the Governor yesterday with his objections to the approval of the same were severally read, together with said objections and laid upon the table.

The Governor's objections to the Bill entitled
An Act in addition to an Act regulating Judicial process
and proceedings.

"To the President of the Senate.

On the day of the
final adjournment of the last Legislature, I presented
for approval and signature a Bill entitled an Act
in addition to an Act regulating Judicial process
and proceedings, which Bill not having been approved
I herewith return, with my objections, to the Senate,
the House in which it originated, that the same may
be reconsidered, pursuant to the provisions of the
Constitution.

The part of the Bill to which I object is the
5th Section, which is in these words, "Be it further
enacted, That in actions to be hereafter commenced,
no motion in arrest of judgment shall be sustained
in the Supreme Judicial Court, or Court of Common
Pleas". That the objection to this Section may be
more fully understood, it may be necessary to state,
that the motion in arrest of judgment is made
after a verdict, for causes apparent upon the face
of the record. It is most usually made on the ground
that the case stated in the Plaintiff's declaration, al-
though admitted to be true, is not sufficiently in point
of law to found an action upon. The omission of
immaterial forms and technical precision, and of
many incidental circumstances, without proof of
which on the trial of the issue, the action could not
have been sustained, will be aided after verdict.
For in the words of a high legal authority, "Exceptions
that are moved in arrest of judgment must be more
material and glaring, than such as will maintain
a demurrer, and many inaccuracies & omissions,
which would be fatal if early observed, are cured
by a verdict, and not suffered in the last stage of
a cause to unravel the whole proceedings. But if

the thing omitted be essential to the action, as if the Plaintiff does not merely state his title in a defective manner, but sets forth a title that is totally defective in itself, this defect will not be cured by the verdict, and the motion in arrest of judgment will be sustained. Thus by the law as it now is, and more especially since the liberal practice adopted in more recent times by Courts of Justice, judgments will not be arrested for immaterial causes, or for matters which does not effect the substantial law & justice of the case.

At the trial of an action before the jury, one judge alone presides, and decides the questions of law as they arise;— on the motion in arrest of judgment, the facts found by the verdict of the jury, are admitted; but the question whether the Plaintiff is by law entitled to judgment, admitting the facts to be as substantially alleged in his declaration, is submitted to the full Court, and thus opportunity is offered for a thorough examination of the law applicable to the case, and for the deliberate consideration, which is necessary for a correct decision, and which could not be expected from the Judge presiding at the trial, during the investigation of facts, and the examination of witnesses before the Jury. The effect, therefore, of the proposed change in the law, will not be merely to prevent the course of justice, being embarrassed by immaterial and frivolous objections, but will deprive the citizen of one of the means which the law now provides, to enable him to claim the opinion of the full Court on important legal questions, and thus to protect his rights, character and property from the consequences of hasty and illegal decisions.

It may have been supposed, that this section of the act would have the effect to render the verdict of the Jury final, and that expense and delay in the

prosecution of actions would thereby be prevented.

Such, however, it is apprehended, would not be the effect of the proposed law, but the reverse.

For generally where a motion in arrest of judgment can be sustained, a writ of Error may be successfully prosecuted. And a party aggrieved by an illegal judgment will be subjected to the additional expense and delay of a new writ, service, entry and other incidental charges, in order to obtain the relief which more for the interest of both parties would have been speedily afforded on a motion to arrest the judgment.

For these reasons I am constrained to believe that the 5th section of the Bill presented for my approval, if it should become a law, would have an effect contrary to that intended by the two branches of the Legislature which passed it, and instead of being conducive to the public good, would have a tendency to render the administration of the law less perfect and more uncertain than it is at present, and increase the delay and expense unavoidably incident to the prosecution of suits in Courts of Justice.

Augusta June 1. 1834.

Sam^l C. Smith.

The Governor's objections to the Resolue, entitled a "Resolue relating to the public lands," to wit.

To the President of the Senate;

The accompanying Resolue relating to the public lands, having been presented to me for approval, on the day previous to the final adjournment of the last Legislature, I herewith return it with my objections, to the Senate, the House in which it originated, that the same may be reconsidered, pursuant to the provisions of the Constitution.

I object to this Resolue because it is a contravention of the agreement made between this State and

the Commonwealth of Massachusetts respecting the land owned in common by the two States, and ratified by a Resolve of the Legislature, passed on the ninth day of March, 1822. In this agreement the mode is particularly specified by which the authority then given to the Land Agents, may be suspended, and it is provided, "that the Executive of either State may suspend the authority of the Agent of that State, in the sale of land, timber &c, until the meeting of the Legislature, and to the end thereof, unless in the mean time the Legislature shall otherwise direct the Agents aforesaid". This agreement has been acted upon by the Land Agents of the two States, and to suspend their authority in a manner different from the one stipulated, would be a violation of the agreement on the part of this State. But in order that the object of the Legislature might be effected, in a manner not liable to objection, the Executive Department, on the 9th day of March last, by an order, suspended the authority of the Land Agent of this State to sell the land and timber belonging in common to the two States, and communicated the fact to the Executive of Massachusetts.

Augusta Jan^y. 1. 1824.

Sam^l C. Smith

An order came from the House for concurrence appointing Messrs. Pierce of Portland, Robinson of Hallowell, Moore of Dover, Boynton of St. George, and Melanson of Wells a Committee to wait on Robert P. Quistap, and inform him that he has been elected by the people, Governor of the State of Maine for the ensuing political year, and that the two Houses of the Legislature are ready to convene in the Representatives Hall, that in their presence he may take and subscribe the oaths of office required by the Constitution.

Concurred and Messrs Cogswell, Farnsworth and Knowlton are joined.

Mr Cogswell from the joint Select Committee appointed to wait on Robert P. Dunlap and inform him that he has been elected by the people Governor of the State of Maine for the current political year, and that the two Houses of the Legislature are ready to convene in the Representatives Hall, that in their presence he may take and subscribe the oaths of office required by the Constitution; reported that the Committee had performed the duty assigned them and the Governor elect was pleased to say that he accepted the office, and that he would forthwith meet the two branches of the Legislature in the Representatives Hall for the purpose of being qualified according to the provisions of the Constitution.

Ordered that a message be sent to the House of Representatives proposing a Convention of both branches of the Legislature in the Representatives Hall forthwith, for the purpose of qualifying the Governor elect; which message was delivered by the Secretary.

A message was received from the House of Representatives, concerning in the foregoing proposition.

In Convention.

Agreeably to assignment the two branches of the Legislature met in the Representatives Hall.

On motion of Mr. Pierce of Cumberland, Ordered that a message be sent to the Governor elect, informing him that the two Houses of the Legislature have met in Convention and are now ready to administer to him the oaths required by the Constitution to qualify him to discharge the duties devolving upon him as Governor of the State of Maine; which message was delivered by Mr. Pierce; after which Robert P. Dunlap, Esquire, came in, attended

by the Council, and a Deputy Sheriff of Kennebec County and before the President of the Senate and in presence of both Houses of the Legislature, took and subscribed the oaths required by the Constitution, to qualify him to enter upon the discharge of his official duties.

The Secretary of State then made proclamation that Robert P. Dunlap, is Governor of the State of Maine for the current political year, and to be respected and obeyed as such.

The Governor and Council then withdrew and the Convention separated.

In Senate.

On motion, ordered, that a message be sent to the Governor, informing him that the Senate is now in session and ready to receive any communication he may be pleased to make; which message was delivered by the Secretary.

The Secretary of State came in and laid upon the table a written message from the Governor, which was read and ordered to lie on the table and that four hundred copies be printed for the use of the Senate.

On motion of Mr Cobb, ordered, that Messrs Cobb, Prescott, and Allen be a Committee to select one regular officiating Minister of the Gospel of each denomination in the town of Augusta, and respectfully request them to officiate as Chaplains at the Senate Board, according to seniority, during the current political year.

On motion of Mr Pease, ordered that when the Senate adjourn, it adjourn to meet again at

ten o'clock tomorrow morning.

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Adjourned.

Attest, William Fraughton, Secretary.



Friday, January, 3^d 1834.

An order came from the House of Representatives, appointing Messrs. Jarvis of Ellsworth, Koss of Shapleigh, Serrett of Portland, Gurnmont of Hallowell, Batchelder of Union, Brown of Wld., Bronson of Anson, Eastman of Exeter, Sylvester of Hope, and Whipple of Calais, a Committee with such as the Senate may join to take into consideration the present pauper system of the State and to report by bill or otherwise, whether any improvement can be made therein. Read and passed in concurrence, and Messrs. Smith, Bridgman, Kelsey and Manning are joined.

Order from the House of Representatives, appointing Messrs. Parris of Buckfield, Marshall of Chino and Weeks of Parsonsfield, a Committee with such as the Senate may join to contract with some suitable person to do the State printing for the current political year.

Read and passed in concurrence, and Messrs. Knowlton, Labaree and Pease are joined.

Mr. Rogers from the Committee to whom was referred the Senatorial votes, made his report, that in the first Senatorial District, the whole number of votes returned according to the provisions of the Constitution is

	18,379
Necessary for an election	3,064
Charles N. Cogswell has	3736
Lincoln Pease	3962
Isabel Bradbury	3964

and are elected.

In the second Senatorial District the whole number of votes returned according to the provisions of the Constitution is

	32,970
Necessary for an election	4,122
Allen H. Cobb has	4956

Asaph Howard	has	4960
Josiah Pierce	"	4824
Jonathan Smith	"	4960

and are elected.

In the Third Senatorial District the whole number of votes returned according to the provisions of the Constitution is 25260

Necessary for an election	3158
Nathaniel Groton	has 3356
John Manning	" 3365
John M. Frye	" 3264
Leth Labaree	" 3274

and are elected.

In the Fourth Senatorial District, the whole number of votes returned, according to the provisions of the Constitution is 20012

Necessary for an election	3336
Josiah Prescott	has 3433
Williams Emmons	" 3462
Enoch Farnham	" 3455

and are elected.

In the Fifth Senatorial District the whole number of votes returned according to the provisions of the Constitution is 5329

Necessary for an election	1333
Joseph Williamson	has 1787
Ebenezer Knowlton	" 1770

and are elected.

In the Sixth Senatorial District the whole number of votes returned according to the provisions of the Constitution is 11449

Necessary for an election	728
Amos Allen	has 872 & is elected

In the Seventh Senatorial District the whole number of votes returned according to the provisions of the Constitution is 1599
 Necessary for an election 800
 Rowland H. Bridgman has 895
 and is elected.

In the Eighth Senatorial District the whole number of votes returned according to the provisions of the Constitution is 1661
 Necessary for an election 831
 Anson G. Chandler has 609
 Moses Fuller " 538
 and they severally have the highest number of votes among the persons voted for and not elected and are the constitutional candidates to fill the vacancy in said District.

In the Ninth Senatorial District, the whole number of votes returned according to the provisions of the Constitution is 10015
 Necessary for an election 2504
 Joseph Helsey has 3144
 Jonathan P. Rogers " 3170
 and are elected.

In the Tenth Senatorial District, the whole number of votes returned according to the provisions of the Constitution is 8990
 Necessary for an election 2218
 Rufus W. J. Porter has 2344
 Drummond Furnsworth " 2404
 and are elected.

In the Eleventh Senatorial District the whole number of votes returned according to the provisions of the Constitution is 90020

Necessary for an election 2506
 Joseph Tobin has 3186
 Daniel Brown " 3157

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and are elected.

Which Report was read and accepted.

On motion of Mr. Pierce, ordered, that a message be sent to the House of Representatives, proposing a Convention of the two Houses in the Representatives Hall, this day at twelve o'clock for the purpose of filling the vacancy in the Senate for the Eighth Senatorial District.

The Senate reconsider the vote whereby they pass an order that a message be sent to the House of Representatives proposing a Convention of the two Houses in the Representatives Hall, this day at twelve o'clock for the purpose of filling the vacancy in the Eighth Senatorial District.

Mr. Brigham from the Committee appointed to draft Rules and Orders, made a Report which was read and accepted.

On motion of Mr. Pierce, ordered that a message be sent to the House of Representatives, informing them that there is a vacancy in the Eighth Senatorial District and proposing a Convention of the two Houses this day at twelve o'clock for the purpose of filling said vacancy, and that the Constitutional candidates are Anson G. Chandler & Moses Fuller; which message was delivered by the Secretary.

A message was received from the House of Representatives informing the Senate that the House concurred the Senate in the proposition to meet in Convention of the two Houses this day at twelve o'clock to

fill the vacancy in the eighth Senatorial District; but so far concern the Senate, that they propose a Convention of the two Houses tomorrow at eleven o'clock in the forenoon to fill said vacancy.

The Senate so far recede from their vote whereby they propose to meet in Convention in the Representatives Hall this day at twelve o'clock to fill the vacancy in the Eighth Senatorial District, as to concern the House in their proposition to meet in Convention in the Representatives Hall tomorrow at eleven o'clock to fill said vacancy.

On motion of Mr. Brigham, ordered that Two Hundred and fifty copies of the Rules & Orders be printed for the use of the Senate.

On motion of Mr. Groton, ordered, that when the Senate adjourn, it adjourn to meet again at three o'clock in the afternoon.

Adjourned.

Afternoon.

The Senate met according to adjournment.

Order from the House of Representatives appointing Messrs. Bronson of Anson, Luke of Bucksport and Moon of Durham be a Committee, with such as the Senate may join, to revise the several Acts passed by the Legislature of this State, granting and describing the powers of Justices of the Peace in civil and criminal cases, with leave to report by bill or otherwise. Read and passed in concurrence and Messrs. Groton and Farnsworth are joined.

Order from the House of Representatives appointing Messrs. O'Brien of Machias, Hutchings of Perisbecot and Spaulding of Norridgewock a Committee, with such as the Senate may join, to consider the expediency of establishing by law more equal salaries for the Justices of the Supreme Judicial Court, to take effect after the expiration of the term of the present Chief Justice, with leave to report by bill or otherwise; came up for concurrence, and the Senate concurred, and Messrs. Comings and Manning are joined.

On motion of Mr. Groton, ordered that when the Senate adjourn, it adjourn to meet again at half past nine o'clock tomorrow morning.

Adjourned.

Attest, William Trafton, Secretary.



Saturday, January 4th 1834

The List of unfinished business referred to this Legislature, laid upon the table by the Secretary was read and ordered to lie upon the table.

The President announced to the Board the appointment of the following Standing Committee of the Senate, to wit.

On Bills in the Second reading

Messrs Farnham, Howard, Knowlton, Nelson,
Groton, Frye, Bridgman, Farnsworth,
Pease, Prescott, Allen, Brown.

On Engrossed Bills.

Messrs Cobb, Bradbury, Smith, Porter,
Rogers, Pierce, Manning, Labaree.
Logswell, Tobin, Emmons, _____

And the following Joint Standing Committees, having been appointed on the part of the Senate, and sent down to the House for concurrence, came up joined as follows, to wit;

Of the Senate.

Of the House.

On the Judiciary.

Messrs Rogers
Groton
Emmons

Messrs. McGrate
Washburn
Pierce
Dumont
Farvis
McIntire
Bronson

On Literary Institutions.

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Messrs. Pierce	Messrs. Munton
Farnham	Leaver
Farnsworth	Citney
	Vose
	Parry
	Robinson
	Cushman

On Banks and Banking.

Messrs. Cogswell	Messrs. Dunlap
Rogers	Allen
Brown	Hyde
	Clapp of Portland
	Shaulking
	Morton
	Treat

On Incorporation of Towns.

Messrs. Kelsey*	Messrs. Going
Howard	Hinkley
Porter	Chandler
	Mobart
	Hammond
	Webb
	Loane

On Division of Towns.

Messrs. Pease	Messrs. Merrow
Tobin	Reed
Smith	Small of Limington
	Eastman
	Waterhouse
	Mitten
	Webb

* Mr. Kelsey was afterwards discharged
and Mr. Cobb was put on in his stead.
See page 57.

On State Lands

Messrs. Kelsey	Messrs. Jarvis
Bruckbury	Phelps
Farnsworth	Moore of Dover
	O'Brien
	Brackett of Falmouth
	Alden
	Judkins

On State Roads

Messrs. Bradbury	Messrs. Carpenter
Prescott	Whipple
Labaree	Woodman of Boston
	Sylvester
	Merrill
	Morrill
	Moore of Durham

On State Prison.

Messrs. Knowlton	Messrs. True
Labaree	Reed
Bridgman	McClintock
	Morrill
	Manchester
	Allen
	Hapgood

On Turnpikes Bridges & Canals.

Messrs. Farnsworth	Messrs. Boynton
Prescott	Perkins
Tobin	Bridge
	Goff
	Smart
	Morrill
	Wynman

On the Militia.

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Messrs. Bridgman
Frye
Bradbury

Messrs. Marshall
Shaw
Bronson
Bolster
Hastings
Weeks
Webster

On Agriculture.

Messrs Howard
Furnham
Knowlton

Messrs Tuttle
Morrell of Waterville
Strout
Ross
Hunt
Farbox
True of Lowell

On Manufactures

Messrs Smith
Tobin
Manning

Messrs Kimball
Cull
Lore
Sabine
Moore of Goultsboro
Bradbury
Fitz

On Accounts.

Messrs Porter
Manning
Brown

Messrs Small of Monmouth
Emery
Robinson of Bethel
Buxton
Mildrum
Markneff
Perry

On Parishes.

	Messrs	Clapp of Aurora
Messrs Cobb		Chase
Knowlton		Lawyer
Allen		Huse
		Brackett of Acton
		Stewart
		Chapman

On Claims.

	Messrs	Chase of Stittory
Messrs Gorton		Abbot
Farnham		Woodman
Smith		Jordan
		Merrieh
		Brewer
		Prescott

On Public Buildings.

	Messrs	Lawrence
Messrs Pierce		Holmes
Emswong		Moore of Monson
Knowlton		Bridgham
		Clements
		Crane
		Grave

On Interior Fisheries.

	Messrs	Lake
Messrs Pease		Wade
Allen		Heagan
Bridgham		Drew
		Parsons
		Mardy
		Crane

On Military Pensions.

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Messrs	Bridgham	Messrs	Brackett
	Frye		Smith
	Prase		Scribner
			Shorey
			Lamb of Clinton
			Arnold
			Phenix

The Secretary of State came in and laid upon the table a communication from the Governor, transmitting the Annual Report of ^{the} Adjutant General, with accompanying Documents, which was read and ordered to lie upon the table, and that Six Hundred copies be printed for the use of the Legislature.

On motion of Mr. Rogers, ordered, that a message be sent to the House, proposing a Convention of the two branches, in the Representatives Hall, at half past eleven o'clock, this day, for the purpose of choosing Counsellors and a Secretary of State; which message was delivered by the Secretary.

A message was received from the House concurring in the foregoing proposition.

On motion of Mr. Lyden, ordered, that so much of the Governor's message as relates to the subject of Internal Improvements, be referred to Messrs Farnham, Kelsoy and Tobin, with such as the House may join.
Sent down for concurrence.

That so much of the Governor's message as relates to Literary Institutions and Free Schools, be referred to the Committee on Literary Institutions.

That so much of the Governor's message as relates

to the subject of the Deaf and Dumb together with the Insane Hospital be referred to Messrs Prescott, Bridgman and Manning with such as the House may join.

Sent down for concurrence.

That so much of the Governor's message as relates to Agriculture be referred to the Committee on Agriculture.

That so much of the Governor's message as relates to the Militia be referred to the Committee on the Militia.

That so much of the Governor's message as relates to the Penitentiary at Thomaston be referred to the Committee on the State Prison.

That so much of the Governor's Message as relates to a new edition of the two first volumes of the Laws of Maine, be referred to the Committee on the Judiciary.

Sent down for concurrence.

Petition of Seth Hatch and others praying for an Academy at Union.

of John Butler and others praying for an Academy at Kennebunk; were severally read and referred to the Committee on Literary Institutions.

Sent down for concurrence. Concurred.

In Convention.

Agreeably to assignment the two Houses met in Convention for the purpose of electing a Senator for the Eighth Senatorial District.

Messrs. Rogers and Smith of the Senate, and Messrs. Lake, Bronson and Allen of the House were appointed a Committee to receive, sort and count the votes for a Senator for said District, who having

attended to the duties assigned them, reported the following statement of facts, to wit.

For Anson G. Chandler — 34 Ballots

Moses Fuller — 9

and ————— 146 blank ballots

Which Report was read and accepted.

Whereupon it was declared by the President of the Convention that a majority of the quorum of the Convention was necessary to constitute an election, and that there was no choice. The same Committee proceeded the second time to receive, sort & count the votes for said Senator, who having attended the duties assigned them, reported the following statement of facts, to wit

Anson G. Chandler had 34 ballots

Moses Fuller " 37

and there were 67 blank ballots.

Which Report was read and accepted.

No person having a majority of a quorum of the Convention, the same Committee proceeded the third time to receive, sort, and count the votes, who reported the following statement of facts, to wit;

For Anson G. Chandler — 53 ballots

Moses Fuller 35

and there were 65 blank ballots

Which Report was read and accepted.

And no person having a majority of a quorum of the Convention, the same Committee proceeded the fourth time to receive, sort, and count the votes, who reported the following statement of facts, to wit.

For Anson G. Chandler — 77 ballots

" Moses Fuller 31

and there were 46 blank ballots

Whereupon Anson G. Chandler was declared elected, a majority of the quorum of the Convention having voted, (the return of the Convention being 178.)

The two Houses agreeably to assignment in Convention for the purpose of electing Seven Councilors, and Secretary of State. Ordered that Messrs. Bradbury and Farnsworth of the Senate, and Moore Sylvester and Robinson of the House be a Committee to receive, sort, and count the votes for Seven Councilors, to advise the Governor in the execution part of the Government for the current political year, who having attended to the duties assigned them, reported that the whole number of votes is 181

Necessary to constitute an election 92

Nathaniel Clark has 140

Edmund Mann " 139

Asa Clark " 139

Samuel Moore " 140

John H. Farvis " 139

John O'Brien " 137

Edward Williams " 138

Nathaniel Hobbs has 42

Pilas Blake " 42

Benj^r. Randall " 42

Nicoland Burton " 42

Hiram Betcher " 42

Elijah L. Hamlin " 42

Isaac Farrar " 42

Amos Hodgeyman " 1

Mr Frost of Standish 1

Major Jack Downing 1

Blanks 3

The seven Gentlemen first named were declared elected.

Messrs. Cobb and Prescott of the Senate and Messrs. Hubbard, Hall and Moore of the House were appointed a Committee to receive, sort and count the votes for Secretary of State, who having performed the duties assigned them, reported, that,

Roseoe G. Greene	has	140
Edward Russell	.	24
Daniel Pike		1
Roseoe Greene		1
Blanks		5

31

Whereupon Roseoe G. Greene was declared elected Secretary of State; and the Convention separated.

In Senate

Ordered that when the Senate adjourn it adjourn to meet again Monday next at eleven o'clock in the forenoon.

Petition of George Bartol and others praying to be incorporated under the title of the "Portland Whale fishing Company" came up from the House referred to Messrs Clapp of Portland, Blake & Parsons with such as the Senate may join, for concurrence.

Concurred and Messrs Smith and Frye are joined.

On motion of Mr Cogswell, ordered the Secretary of the Senate notify Anson G. Chandler, that he has been constitutionally elected a Senator to fill the vacancy in the Eighth Senatorial District, and request his immediate attendance at the Senate Board.

On motion of Mr. Bridgman, ordered, that the Secretary of State be directed to notify Nathaniel Clark Edmund Mann, Edward Williams, Samuel Moore, John H. Jarvis, John O'Brien & Asa Clark that they have been elected Counsellors for the current political year, and request their immediate attendance.

Adjourned

Attest, (William Trafton), Secretary.