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State of Maine.

Augusta, Wednesday, January 1, 1840.

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:

First Senatorial District.

York.

Messrs. Timothy Shaw,
John C. Perkins,
Simcon Barker.

Second Senatorial District.

Cumberland.

Messrs. Otis C. Cross,
Levi L. Folman,
Ira Crocker.

Third Senatorial District.Lincoln.

Messrs. William M. Reed,
James Erskine,
Isaac Reed,
Moses Tibbitts.

Fourth Senatorial District.Kennebec.

Messrs. Richard W. Rose,
Elijah Barrell,
Joseph Eaton.

Fifth Senatorial District.Waldo.

Messrs. John True,
Jonathan Merrill.

Sixth Senatorial District.

— Hancock (and Washington. Western.
Mr. Jonah Holt.

Seventh Senatorial District.

“ Hancock (and Washington. Middle.
Mr. Thomas Robinson.

Eighth Senatorial District.

Hancock (and Washington. Eastern.
Mr. Stephen C. Foster.

Ninth Senatorial District.Penobscot.

Messrs. Levi Bradley,
Samuel H. Blake.

Fourth Senatorial District.Somerset.

Messrs. Franklin Smith,
Joseph Philbrick.

Fifth Senatorial District.

Mr. Aaron Bolster

The Convention was called to order by Mr. Bradley, on whose motion Mr. Chaw was appointed Chairman.

On motion of Mr. Perkins,
Ordered That a message be sent to the Governor and Council, informing them that a quorum of the Senators elect is in attendance and ready to take and subscribe the oaths required by the Constitution to qualify them to enter upon the discharge of their official duties — Which message was delivered by Mr. Perkins; who reported that the Governor was pleased to say that he would forthwith attend in the Senate Chamber to administer the oaths required by the Constitution.

Whereupon the Governor and Council, (attended by the Secretary of State,) came in, before whom the Senators elect took and subscribed the oaths required by the Constitution to qualify them to enter upon the discharge of their official duties — after which the Governor (and attendants) withdrew.

On motion of Mr. Cross,
Ordered, That Messrs. Cross, Barker, and Ersk-
ine be a Committee to receive, sort (and count
 the votes for President—

Which Committee, having attended to the
 duties assigned them, reported that the whole
 number of votes was, 22.

Necessary to a choice, 12.

Stephen C. Foster had 14,

Richard W. Rose . 7,

Thomas Robinson . 1.

Stephen C. Foster was declared duly elec-
 ted. He signified his acceptance by an address
 and took the Chair.

President's Address.

Mr Chairman,

and Gentlemen of the Convention.

I thank you sincerely and heartily for the
 honour which you have conferred upon me
 in selecting me to preside over your deliber-
 ations.

I have no knowledge or experience in the
 peculiar duties of the Chair, having never
 been called to occupy a situation so high
 (and responsible. I shall therefore stand in
 need of, (and ask your forbearance and liber-
 ality; and I doubt not you will extend
 to me the same kind indulgence which
 has ever distinguished this Honourable Body.
 The best return I can make for your par-

steadfastness is to discharge the duties of the station to which you have elected me, with fairness, and a strict regard to the rule of right. All I can promise is integrity of purpose, industry, and unremitting application.

I trust we shall be enabled to discharge the arduous and responsible duties devolving upon this branch of the Legislature, in such a manner as that the tendency of all our measures shall be to promote the lasting interests of the State, and with a proper regard to our accountability to our constituents, and the Supreme Ruler of the Universe.

On motion of Mr Shaw,
Ordered. — That Messrs Shaw, Blake and W. H. And be a committee to receive, sort and count the votes for Secretary.

Which committee, having attended to the duties assigned it, reported that the whole number of votes is 16. —

All of which were for William Drafton and there were six blanks.

William Drafton was declared duly elected. He signified his acceptance, and took and subscribed the oaths required by the Constitution, before Joseph H. Nichols, Esq. authorised by Deimus Polistatēm in presence of the Senate.

On motion of Mr Shaw
Ordered That Messrs. Shaw, True and Smith

6 be a Committee to receive, sort and count the votes for a Messenger.

Which Committee having attended to the duties assigned it, reported that the whole number of votes was 20.

Necessary for a choice 11.

Elisha Keen had 11.

Robert Martin 9.

Elisha Keen was declared duly elected.

On motion of Mr. Blake,
Ordered, That a message be sent to the Governor and Council informing that Body that the Senate is duly organized by the election of Hon. Stephen C. Foster, President, and William Trafton, Esq. Secretary. Which message was delivered by Mr. Blake.

On motion of Mr. Gross.
Ordered. That a message be sent to the House of Representatives informing that branch of the Legislature, of the organization of this Board by the election of Hon. Stephen C. Foster, President, and William Trafton, Secretary. Which message was delivered by Mr. Gross.

On motion of Mr. J. Reed,
Ordered. That the Secretary of State be directed^{to} deposit the several volumes, containing the Journals of the Senate in the archives of the Senate Chamber during the present session of the Legislature.

Mr. Barker announced that David Hammond, Senator elect from the eleventh Senatorial District, was in attendance, and ready to take and subscribe the necessary oaths. He was conducted by Mr. Barker to the Governor and Council, before whom he took and subscribed the oaths required by the Constitution to qualify him to enter upon the discharge of his official duties — after which, he took his seat at the Senate Board.

Mr. Johnson, Secretary of State came in and asked leave to lay upon the table a list of votes given in the several cities, towns, and plantations in the State for Senators; and the same, on motion of Mr. Cross, was referred to Messrs. Gross, Shaw, Carshine, Eaton, Merrill, Robinson, Bradley, Smith, Bolster, and Holt.

On motion of Mr. Perkins,
Ordered, That the Rules and Orders of the last Senate be adopted as the Rules and Orders of this until otherwise ordered.

On motion of Mr. Merrill,
Ordered, That the Secretary of the Senate prepare twenty-four tickets 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

8 the same during the session, unless otherwise agreed to by the President.

Mr Johnson Secretary of State came in and asked leave to lay upon the table the returns of votes given in the several cities, towns, and plantations in this State for Governor, for the current political year.

On motion of Mr Barker,
Ordered, That Messrs. Barker, Crocker,
 J. Reed, Vose, and True, with such as
 the House may join, be a Committee to
 examine the list of votes given in the
 several cities, towns, and plantations in
 this State for Governor the current political
 year.

Read and passed.

Sent down for concurrence.

Came up and Messrs. Bennet of Parsonsfield, Dorrance of Portland, Kimball of Thomaston, Melville of Hallowell, Kennedy of Orono, Stevens of Norway, Dana of Fryeburg, Gitchell of Anson, Smith of Winthrop, Caswell of Warrington, Conner of Fairfield, and Handcome of Eliot were joined in concurrence.

A message from the House of Representatives by Mr Cony of Houlton that that

Branch was duly organized by the election of
 Hannibal Hamlin of Hamden, Speaker (and
 Elbridge Gerry of Waterford clerk.

On motion of Mr William M. Reed,
Ordered, That when the Senate does adjourn
 it shall adjourn till half past two o'clock
 in the afternoon — and on motion of
 Mr Shaw the Senate

Adjourned.

Afternoon.

Met according to adjournment.

On motion of Mr Gross.

Ordered, That the Messenger be authorized
 to appoint his assistant — and he accordingly
 appointed Willard Brackett.

On motion of Mr Perkins,

Ordered, That Messrs Perkins, Blake, and
William M. Reed be a committee to
 draft Rules and Orders to be observed by
 the Senate during the present session.

On motion of Mr True,

Ordered, That Messrs. True, Rose, and Smith
 be a committee to invite the several
 clergymen of the towns of Augusta and
 Hallowell to officiate as chaplains to the
 Senate the present session, in rotation
 according to seniority.

On motion of Mr. Cross.

Ordered, That when the Senate next adjourn, it
adjourn to meet at ~~ten~~ o'clock in the morning,
and that ten in the morning and half past
two in the afternoon, be the hour to which the
Senate shall adjourn, until otherwise ordered
— and on motion of Mr. Bolster the Senate

Adjourned.

Attest William Trafton, Secretary.

On motion of Mr. Merrill,

Ordered, That Messrs. Merrill, Crocher, and
C. Reed, with such of the House may join,
be a Committee to contract with some
suitable person to watch the public buildings
by night, for a compensation not exceeding
One Dollar per night.

Went down for concurrence.

Came up ~~concurrent~~, with Messrs. Meggitt
of Poland, Miller of Hollis, Staples of
Prospect, Parsons of Westport, and Swan of
Augusta, joined in concurrence.

On motion of Mr. Gross,

Ordered, That Messrs. Gross, Blake, and Barrell
be a Committee to ascertain what pay has
been given to the Secretary and Messenger
(and their Assistants) and to see whether
their compensation per day has been equal to,
or exceeded that for what services have been
rendered.

On Motion of Mr. Bradley,

Ordered, That the Secretary of State be
directed to employ some person to take
charge of the Mineralogical Cabinet during
the present session of Legislature.

On motion of Mr Shaw
Ordered, That the Secretary of the Senate be
 authorized to appoint some suitable person
 to perform the duties of Assistant.

Mr Johnson, Secretary of State, came in
 and asked leave to lay upon the table the
Returns of votes on the amendment of
 the Constitution relative to the Judicial
Tenure.

On motion of Mr W. M. Reed,
Ordered. That Messrs W. M. Reed, Eastman,
Blake, Barrell, and Ershine, with such as the
House may join, be a Committee to examine
 the several returns of votes given in the several
 cities, towns, and plantations in this State on
 the proposed amendment of the Constitution.

Sent down for concurrence.

Came up with Messrs. Waring, Buxton, Carey,
Fuller, Nicherson, Blake and Ell joined in
 concurrence,

On motion of Perkins.

Ordered. That Messrs. Perkins, Bradley, and
Pelbells, with such as the House may join be
 a Committee to contract with some person
 to do the State printing for the current
 political year.

Sent down for concurrence.

Came up with Messrs. Otis of St George,
Severance of Augusta, O'Brien of Warren, Donner
of Portland, Weeks of Clinton, Otis of Hallowell,
 and Bornows of Camden, joined in

Adjourned.

Afternoon.

Met according to adjourn-
ment, and on motion of Mr Shaw, the
Senate

Adjourned.

Attest, William Crafton, Secretary.

Friday, January 3, 1840.

On motion of Mr. Bradley,
The Senate reconsidered the vote of yesterday
passing the order directing the "Secretary of
State to employ some person to take charge
of the Mineralogical cabinet during the
present session of the Legislature" — and
the further consideration of the order was
indefinitely postponed.

Mr. Gross announced that Philip East-
man, Senator elect from the second Senatorial
District was in attendance, and ready to take
and subscribe the necessary oaths. He was
conducted by Mr. Gross, to the Governor and Council,
before whom he took and subscribed the oaths
required by the Constitution to qualify him
to enter upon the discharge of his official
duties — after which, he took his seat
at the Senate Board.

The President laid before the Senate
a communication from Prentiss Mellen,
Chairman, of the Commissioners appointed
to revise the general Statutes of the State,
with their Report and sundry half bound
Volumes, containing the result of their labours;
together with a Bill of Insolvency, prepared
by them in compliance with an order of the
last Legislature — and the same, on motion
of Mr. Perkins, were ordered to lie on the table.

The Bill of Insolvency, prepared by the Commissioners appointed to revise the public Laws was taken up — and on motion of Mr. Gross, Ordered, that two thousand copies of the same be printed for the use of the Legislature.

On motion of Mr. Blake,

Ordered, That Messrs. Blake, Eastman, Eaton, Bolster, and Robinson, with such as the House may join, be a Committee to consider and report what order shall be had upon the "Revised Laws" reported by the Commissioners appointed under the Resolve of February 28, 1837.

Went down for concurrence.

Came up with Messrs. Covert of Brunswick, Wick of Clinton, Shudbourn of Eastport, Wadsworth of Baileyville, Allen of Bangor, Millett of Minot, Otis of Hallowell, Paine of Sanford and True of Montville, joined in concurrence.

Mr. Gross, from the Committee to which were referred the Senatorial votes, returned to the Office of Secretary of State, from the several cities, towns and plantations in this State for the current political year, made the following

Report:

That the first Senatorial District ^{or District} of York the whole number of votes returned and allowed is

23292.

Necessary to a choice	3882.
Timothy Shaw has	4819,
John C. Perkins. .	4858,
Simcon Barker. .	4828; and

are elected.

In the Second Senatorial District, or District of Cumberland, the whole number of votes returned and allowed is,

44887.

Necessary to a choice	5611.
Otis C. Gross, has	6125,
Levi L. Tolman.	6113,
Sam Crocker,	6100,
Philip Eastman.	6096, and

are elected.

In the Third Senatorial District, or District of Lincoln, the whole number of votes returned and allowed is, 36959.

Necessary to a choice	4620.
William M. Reed. has.	4740,
James Erskine,	4735,
Isaac Reed,	4742;
Moses Tebbetts.	4731, and

are elected.

In the Fourth Senatorial District or District of Kennebec, the whole number of votes returned and allowed is, 29230.

Necessary to a choice	4884.
Richard H. Rose has	5934,
Elijah Bunnell,	5938,
Joseph Eaton,	5854; and

are elected.

In the Fifth Senatorial District, or District of Waldo, the whole number of votes returned

and allowed is, 13744.
 Necessary to a choice 2936.
 John True has 4103,
 Jonathan Merrill, 4111, (and
 are elected.

In the Sixth Senatorial District, or
 District of Hancock, the whole number of
 votes returned and allowed is 2308.

Necessary to a choice 1155.
 Jonah Holt has 1294, (and
 is elected.

In the Seventh Senatorial District, or
 District of Washington (and Hancock), the
 whole number of votes returned and
 allowed is 2452.

Necessary to a choice 1227.
 Thomas Robinson has 1258, (and
 is elected.

In the Eighth Senatorial District, or
Washington District, the whole number
 of votes returned and allowed is,

2583.
 Necessary to a choice 1292.
Stephen C. Foster has 1501, (and
 is elected.

In the Ninth Senatorial District, or
 District of Penobscot, the whole number of
 votes returned and allowed is

17748.
 Necessary to a choice 4437.
 Levi Bradley has 4839,
 Samuel H. Blake, 4671, (and
 are elected.

In the Tenth Senatorial District, a

District of Somerset, the whole number of votes returned and allowed is 14473.

Necessary to a choice 3619.

Franklin Smith has 3650.

Joseph Philbrick, 3657, (and

are elected.

In the Eleventh Senatorial District, or District of Oxford, the whole number of votes returned and allowed is, 14458.

Necessary to a choice 3615.

Alvan Bolster has 4767.

David Hammons, 4792, (and

are elected.

The returns from the towns of North Berwick, Thorndike, Dexter, and Westey were not attested by the Clerks on the inside, but were duly attested on the outside — The committee allowed and counted the same.

Six hundred and forty one votes were allowed and counted for Levi L. Bolman, from the towns of Minot, Otisfield, and Windham, although they were returned for Levi Bolman, the committee being satisfied they were intended (and actually given and recorded for Levi L. Bolman.

In the returns of votes from the towns of Wiscden and Palermo, there was a Memorandum at the foot of each return, that "two votes were given in, after the record was made up" — these votes were not counted.

The returns of votes from the towns of

Clinton and Richmond were rejected — the returns not being sealed up when received at the Secretary of State's office.

Accompanying the return of votes from the town of Weston in the County of Hancock was a certificate signed by the Selectmen and Clerk of said town, certifying that "the inhabitants of unincorporated towns not qualified by law to vote" came into said town of Weston and gave for Stephen C. Foster nineteen votes, for Noah Smith, Jr. five votes — these votes were rejected.

Also accompanying the votes of the town of Moscow, a certificate was received signed by the Selectmen and Clerk of said town, stating that "at the same meeting, holden on the ninth day of September 1835, the inhabitants of township No. one in the third and fourth ranges East of Kennebec river," gave for Cyrus Fletcher sixteen votes, and for Hannibal Ingalls sixteen votes, were rejected.

In the return of votes from the town of Empira, there was a memorandum stating that thirty four votes were given in said town for Euri Bradley, and Samuel H. Blake, from inhabitants of unincorporated places, which the Committee did not count, the names of the unincorporated places, not being given.

In the return of votes from Bangor,

Fri. Jan. 3

20 ninety seven votes were given for S. — — — —
Beake — — — these were counted for Samuel H. Blake.
Which report being read was accepted.

Mr Barker, from the Joint Select Committee to which were referred the returns of votes for Governor for the current political year, given in the several cities, towns and plantations in this State made the following

Report:

That the whole number of votes allowed by the Committee to have been duly returned from the several cities, towns, (and) plantations in this State is Seventy five thousand, nine hundred and ninety five; that the number necessary to constitute an election is Thirty seven thousand nine hundred and ninety eight. John Fairfield has Forty one thousand and thirty eight. Edward Kent has Thirty four thousand, seven hundred and forty nine; that other persons have Two hundred and eight. And that John Fairfield having received six thousand eighty one votes more than all other persons voted for, is Constitutionally elected Governor of the State of Maine for the current political year.

In each of the towns of Buxton and York there was one vote received after the polls were closed: these votes were for Edward Kent and were not counted.

In Union and Dexter the returns were

not signed on the inside by the Town Clerk, 21
but were duly attested on the outside: — these
votes were counted.

The return from Enfield was not sealed and
had no appearance of having been sealed: The votes
were, for John Fairfield twenty eight, and Edward
Kent thirteen: — they were not counted.

In the return from Wiram the name of
the town was omitted on the inside and purpor-
ting to have been given in the County of Cumber-
land; the outside was full and complete: —
these votes were for John Fairfield one hundred
and twelve, Edward Kent ninety three, and were
not counted.

In the return from Stoneham, the votes were, for
John Fairfield forty seven ~~and~~ Edward Kent eleven;
and in return from Eastbrook, there were five
votes for Edward Kent — Your Committee
were of opinion, that these votes were intended
for John Fairfield and Edward Kent, but did
not feel authorized so to count them: — they
were counted as scattering.

The return from Hamlin's Grant or Hamlin's
Gore (both names being used in the return,) was
signed on the inside, by Selectmen of Hamlin's
Grant and Assessors of Hamlin's Grant on the
outside: — these votes were counted.

The return from Clinton did not contain the
name of the Secretary of State in the superser-
iption: — these votes were counted.

In the return from Dearborn it was stated that one vote was received from an alien:— this vote was not counted.

The return from Smyrna stated that thirty three votes were received for John Fairfield and nine for Edward Kent from persons residing in unincorporated townships without designating the townships:— these were not counted.

Which report was read and accepted,
Sent down for concurrence.
Concurred.

On motion of Mr Blake,
Resolved, That Messrs. Blake, Holt, Rose, J. Rice,
(and Merrill, with ^{such} as the House may join, be
a committee to wait on John Fairfield and
inform him that he has been constitutionally
elected by the people Governor of the State of
Maine for the current political year, and that
the two Houses are ready to convene in the
Representatives' Hall for the purpose of admin-
istering the necessary oaths to qualify him
to enter upon the discharge of his official
duties.

Sent down for concurrence.

Came up with Messrs Paine, Lyman, Tobin,
Holmes, Bradley, Neal and Kilsey of Calais joined
in concurrence.

Which committee, having attended to
the duties assigned it, reported that the
Governor elect was pleased to say, that he
accepted the office and was ready to take

and subscribe the oaths required by the constitution.

On motion of Mr Perkins

Ordered, That a message be sent to the House of Representatives, proposing a Convention of the two Houses, forthwith, in the Representatives Hall, for the purpose of qualifying the Governor elect.

Which message was delivered by the Secretary.

A message was received from the House of Representatives, by Mr Gury, the clerk, that the House concurred in the proposition for a Convention to qualify the Governor elect.

In Convention.

Agreeably to assignment the two Houses met in Convention in the Representatives Hall for the purpose of qualifying the Governor elect.

Mr. Gross of the Senate was charged with a message to the Governor elect informing him that the two Houses have met in Convention and are now ready to administer to him the oaths required by the constitution to qualify him to enter upon the discharge of his official duties.

After which John Fairfield came in, attended by the Council, Secretary of State, and Sheriff of Kennebec County, and before the President of the Senate, in presence of

24 both Houses of the Legislature, he took and subscribed the oaths required by the Constitution, to qualify him to enter upon the discharge of the duties devolving upon him as Governor of the State of Maine.

The Secretary of State then made proclamation as follows:

"The votes for Governor which have been duly returned to the office of Secretary of State, having been counted by the Legislature, it appears therefrom, that John Fairfield have a majority of all the votes given, and having in presence of the two branches of the Legislature, in convention assembled, taken and subscribed the oaths required by the Constitution to qualify him to discharge the duties of that office—

I now declare and make known to all persons in this State, who are in the exercise of any public trust, as well as all good citizens, that John Fairfield is Governor and Commander in Chief of the State of Maine, and that due obedience should be rendered to all his lawful Acts.

God save the State of Maine."

After which the Convention separated.

In Senate

On motion of Mr. Merrill
Ordered, — That Messrs Merrill, Shaw and

Barrell, with such as the House may join, be a committee to wait on the Governor and inform him ~~off~~ and that the two Houses of the Legislature are now in session and ready to receive any communication he may be pleased to make.

Sent down for concurrence.

Came up, with Messrs. Fessenden, Wolcott, Baileys, Burbank, Weeks and Farnham joined in concurrence.

Which Committee, having attended to the duties assigned it, reported that the Governor was pleased to say that he would forthwith communicate to both Branches of the Legislature through the Secretary of State.

A message was received from the Governor by Mr. Johnson, Secretary of State, transmitting his annual communication with sundry documents, containing a correspondence with Sir John Harvey, Governor of New Brunswick and a communication with the President of the United States in relation to our N. E. Frontier, — the Adjutant General's Report and the Land Agents Report, with accompanying documents.

The Adjutant General's Report, on motion of Mr. Shaw, was laid on the table.

The Governor's message and correspondence were read and the same, with the accompanying documents, on motion of Mr. Barker, were laid upon the table, and ordered, on

26 motion of Mr Perkins, that one thousand
copies of the same be printed for the use of the
Senate.

Adjourned.

Attest, William Trafton, Secretary

Saturday, January 4, 1840.

Mr. Robinson submitted the following Order
That a message be sent to the House of
Representatives, proposing a Convention of the
two branches in the Representatives Hall this
day, at half past eleven o'clock, for the pur-
pose of electing ^{Deputies} seven Councilors to advise the
Governor, in his executive duties for the cur-
rent political year; and also for the choice
of a Secretary of State, and request their
concurrence — and the same on motion of
Mr. Cross was laid upon the table.

Mr. Eastman submitted the following
Order — That a message be sent to the
House of Representatives, proposing a Con-
vention of the two Houses of the Legislature
in the Representatives Hall, on Monday next
at twelve o'clock for the purpose of electing
seven ^{Deputies} Councilors to advise the Governor in the
Executive department of the Government, for
the current political year — and the same
was refused a passage.

The Senate, on motion of Mr. Bradley,
reconsidered the vote of yesterday ordering the
printing of 1,000 copies of the Governor's message
with the accompanying documents so far as
to except the Adjutant General's Report.

On motion of Mr. Vose.
Ordered, — That when the Senate adjourns

28 it adjourn till Monday morning ten o'clock -
And the Senate accordingly

Adjourned.

Attest, William Trafton, Secretary,