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Monday January 6, 1840:

The Secretary of the Senate laid upon the table a list of unfinished business referred from the last to the present Legislature; and the same, on motion of Mr Shaw, was ordered to lie on the table till the Joint Standing Committees shall be appointed, that the various subjects may be referred to the appropriate committees.

In pursuance of an Order of Thursday last, authorizing the Secretary of the Senate to appoint some suitable person to perform the duties of Assistant Secretary, he accordingly appointed Albert Gallatin Hobbs to that office.

The President announced the following Standing Committees of the Senate, and the same were accordingly appointed, to wit:

On Bills in the Second Reading.

Mrs. Shaw.  
Barker,  
Parkins,  
Smith,  
Rose,  
Crocker

Mrs. Eaton.  
Robinson,  
J. Reed,  
Erskine,  
Eastman,  
Bradley.

On Engrossed Bills.

Messrs. Potman,  
 Hammons,  
 Bolster,  
 Philbrick,  
 Blake,  
 Tibbets,

Messrs. Cross,  
 Barrell,  
 Merrill,  
 Holt,  
 W. M. Reed,  
 True.

The following Joint Standing Committees appointed on the part of the Senate and sent down for concurrence, came up joined as follows, to wit:

On the Judiciary.Of the Senate

Messrs. Blake,  
 Rose,  
 Crocker

Of the House

Messrs. Paine of Sanford.  
 Fessenden . Portland.  
 Weeks . Clinton.  
 Allen . Bangor.  
 Charlesdornier . Baileyville.  
 Everett . Brunswick.  
 Tobin . Hartford.

On Literature and Literary Institutions.

Messrs. Eastman,  
 Robinson.  
 Shaw .

Messrs. Gitchell & Anson,  
 Millett . Minot.  
 Saring . Waterborough.  
 Chadburn . Eastport.  
 Caswell . Farmington.  
 Eastman . Wesley.  
 Haines . Readfield.



On Banks and Banking.

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	Messrs. Cary of Houlton.
	Lyman . Portland.
Messrs. Perkins,	Cana . Fryeburgh.
Erskine.	Tucker . Laco;
Eastman.	Kimball . Thomaston.
	Blackstone . Belfast.
	Stickney . Vassalboro.

On Incorporation of Towns.

	Messrs. Carleton of Whitefield.
	Nowbridge . Portland.
Messrs. W. M. Reed.	Smith . Vinalhaven.
Fibbitts.	Handseem . Elliot.
Potman.	Proctor . Dover.
	Wardwell . Pouchscot.
	Hathaway . Paris.

On Division of Towns.

	Messrs. Megquier of Poland.
	Eastman . String.
Messrs. Barker.	Foss . Buxton.
Fibbitts.	Person . Canaan.
Holt,	Foster . Freedom.
	Lown . Augusta.
	Thwing . Woolwich.

On State Lands.

	Messrs. Bennet	of Parsonsfield.
	"Kelsey.	" Livermore.
Messrs. Smith.	Barker.	" Exeter.
Eaton.	Bradley	" Charleston.
True.	Emerson	" Orland.
	"Kelsey	" Calais.
	Small	" Wales.

On State Roads.

	Messrs. Taggett	of Palmyra.
	"Hazen	" Bridgeton.
Messrs. Bradley	"Hammatt	" Howland.
Tebbotts.	Baker	" Moscow.
Gross.	Toothaker	" Phillips.
	"Ward	" Wellington.
	Fitz	" Dedham.

On State Prison.

	Messrs. Otis	of St. George.
	"Perry	" Litchfield.
Messrs. Orskine,	"Lermont	" Hope.
Gross.	O'Brien	" Warren.
Bolster.	Goldsmith	" Biddeford.
	"Willard	" Wilton.
	Beal	" Kirkland.

	Mrs. Barclay	of Lewiston.
	Johnson	" Gorham.
Mrs. Isaac Keel,	Durham	" Waldo.
Mose,	Heath	" Berlin.
Barker,	Conner	" Fairfield.
	Prince	" Buckfield.
	Witham	" Danville.

On Roads and Bridges.

	Mrs. Lawrence	of Jay
	Pearley	" Gray.
Mrs. Tibbets,	Merrill	" Cornville.
Barnell,	Sam,	" Newfield.
Holt,	Hastings,	" Bethel.
	Wahs,	" Jefferson.
	Croxford,	" Jackson.

On Interior Waters.

	Mrs. Quinby	of Westbrook.
	Morse	" Bath.
Mrs. Holt,	Farnham	" Rumford.
Smith,	Miller	" Wells.
Isaac Keel,	Reed	" Nobleboro.
	Toy	" Limington.
	Nichols	" Cherryfield.

## On Militia.

	Messrs. Burbank	of Limerick.
	Conance	" Portland.
Messrs. Merrill.	Perry	" Oxford.
Isaac Reed.	Haley	" Frankfort.
Bolster.	Conty	" Langersville.
	Littlefield	" Alfred.
	Hunt	" Lubec.

## On Agriculture.

	Messrs. Holmes	of Winthrop.
	Mc Intire	" York.
Messrs. Shaw.	Haines	" Passadumkeag.
Barrell.	Pierce	" Chesterville.
Bolster.	Rich	" Standish.
	Barrows	" Camden.
	Berry	" Trenton.

## On Manufactures.

	Messrs. Kane	of Bremen.
	Webber	" Thapleigh.
Messrs. Crocker.	Goodwin	" Oresden.
W. M. Reed.	Dodge	" Mt. Desert.
Parkins.	Bailey	" Columbia.
	Sones	" Kittery.
	Sanibee	" Scarborough.

	Messrs. Buxton	of S. Yarmouth.
	Robinson	. Corinth.
Messrs. Eaton	Milliken	. Burnham.
Gross,	Melvin	. Hallowell.
Barker,	Kimball	. Lyman.
	Parkins	. Kennebunk Port.
	Clark	. Watachoo.

On Perishes.

	Messrs. Shaw	of Windham.
	Ela	. New Sharon.
Messrs. True,	True	. Montville.
Solman,	Lincoln	. Washington.
Barrell,	Lerry	. Waterford.
	Hinkley	. Mercer.
	Merrill	. Falmouth.

On Claims.

	Messrs. Butler	of Boothbay.
	Curtis	. Freeport.
Messrs. Hammens,	Blake	. Mayfield.
Isaac Reed,	Littlefield	. Wells.
Bradley,	Mc Gaffey	. Mt. Vernon.
	Ingalls	. Baldwin.
	Dodge	. Liberty.



## On Public Buildings.

	Messrs. Loranee	of Augusta,
	Grout	of Durham,
Messrs. Bamee,	Drafton	of Cornish,
Gross,	C. Brien	of Wenen,
Felbotts.	Thomas	of Lincolnville,
	Dodge	of Dodgeville,
	Allen	of Bangor.

## On Interior Fisheries.

	Messrs. Lake	of Buxport,
	Greene	of Topsham,
Messrs. Philbrick,	McMahon	of Eddington,
W. M. Keel,	Staples	of Prospect,
Crocker,	Whaler	of Waterville,
	Doyle	of Northport,
	Stevens	of Cutler,

## On Military Pensions.

	Messrs. Neal	of Wiscasset,
	Purser	of Leeds,
Messrs. Croft,	Staples	of Cape Elizabeth,
Erskine,	Higgins	of Porter,
Murill,	Swanton	of Winsor,
	Thompson	of Acton,
	Whitmer	of Sur. Isle,

On Division and Alteration of Counties.

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	Mrs. Smith	of	Pinehaven,
	Parsons	.	Westport.
Mrs. Bolster	Deane	.	Caranet.
Robinson	Marill	.	Cumberland.
Shaw.	Andrews	.	Purser,
	Caton	.	Plymouth,
	Stevens	.	Norway,

On Indian Affairs.

	Mrs. Kennedy	of	Cronos.
	Neilson	.	Thomaston,
Mrs. Robinson,	Otis	.	Hallowell,
Hammons,	Elliot	.	Bristol,
Bradley,	Fisher	.	Charlotte,
	Maine	.	Dearborn.
	Handscomb	.	Elliot,

On the Library.

Mrs. Rose,	Mrs. Stone	of	Kennebunk,
Hammons,	Nicherson	.	Orington.
	Pitcher	.	Belmont.

On motion of Mr Robinson  
Ordered, That when the Senate adjourns it  
adjourn till tomorrow morning ten o'clock.

Mr. Yose submitted the following,  
 Order. That a message be sent to the House,  
 proposing a convention of the two Houses this day  
 at twelve o'clock for the purpose of electing seven  
 ✓ Councilors to advise the Governor during the current  
 political year, and also a Secretary of State.

Mr. Shaw moved to lay the order on the table  
 — and the question of laying the same on the  
 table, being ordered to be taken by yeas and nays,  
 was decided in the affirmative as follows. to  
 wit:

Yeas. Messrs. Barker, Blake, Bolster, Bradley,  
 Crocker, Eastman, Foster, Gross, Hammons, Holt,  
 Merrill, Perkins, Philbrick, Shaw, Smith, Tetman,  
 and True — 17.

Nays. Messrs. Barrell, Eaton, Erskine, S. Reed,  
 W. M. Reed, Robinson, Tibbets, and Yose, 8.

On motion of Mr. Gross, the Order sub-  
 mitted by Mr. Robinson on Saturday last pro-  
 posing a convention of the two Houses to elect  
 ✓ Councilors (and a Secretary of State at half past  
 eleven o'clock on that day, was taken up (and a-  
 mended by striking out the words "this day," (and  
 inserting the words on Tuesday next — and  
 the same was passed as thus amended.

Which message was delivered by the  
 Secretary.

A message was received from the House of  
 Representatives, by Mr. Gerry, the Clerk, that the  
 House had concurred in the proposition for a  
 convention of the two Houses tomorrow at half  
 past eleven o'clock for the purpose of electing  
 ✓ Councilors and a Secretary of State.

On motion of Mr Bradley, 39

The communication from Prentiss Mellen, Chairman, of the Commissioners appointed to revise the "Public Laws" was taken up (and the same, with the accompanying half bound books, was referred to the Committee on the "Revised Statutes"

Sent down for concurrence. Concurred.

Adjourned.

Attest, William Trafton, Secretary.

Tuesday, January 7, 1840.

The unfinished business referred from the last to the present Legislature (a list of which was laid upon the table by the Secretary yesterday) on motion of Mr. Shaw, was taken up; and the several petitions and reports, Orders, Bills and Resolves and the papers accompanying the same, were referred to the appropriate committees as follows, to wit:

- Petition of Benjamin Reed and others praying for the passage of an Act exempting certain property from attachment,
  - Order " relative to fraud practiced on the State, or upon the settlers in obtaining a deed of township No. 6 in 3<sup>d</sup> range,
  - " " relative to repealing an Act additional to establish the Court of Common Pleas,
  - Report on the Pauper Law,
  - Bill altering the time of taking the annual valuation;
  - " " to abolish imprisonment of Poor Debtors for debt, and to compel the rich and dishonest debtor to disgorge his ill gotten wealth;
  - " " in addition to an Act in relation to conditional pardons;
  - " " making further provision for the partition of lands in certain cases,
  - " " relating to the sale of intoxicating liquors.
- severally read and referred to the committee on the Judiciary.
- Sent down for concurrence.

Concurred.



Petition of the Trustees of Gorham Academy and Teachers' Seminary, praying for aid;  
 Resolve in aid of Piteomb Belgrade Academy;  
 Bill Further relating to primary schools. —  
 severally read and referred to the committee on Literature and Literary Institutions;  
Sent down for concurrence. Concurred.

Memorials of Philip Merrill ~~and~~ others, (and Levi Lovell, and others, praying for an alteration in the laws regulating Banks and Banking;  
 Bill additional regulating Banks and Banking, —  
 severally read and referred to the committee on Banks and Banking;  
Sent down for concurrence. Concurred.

Petition of William A. Palmer and others, praying that township No. 23, together with a part of Machias, may be incorporated into a town by the name of Lewisville;  
 " of inhabitants of letter A, in the first range west of the line of the State, praying that they may be incorporated into a town;  
 Bill to incorporate the town of Lakesville —  
 severally read and referred to the committee on Incorporation of Towns;  
Sent down for concurrence. Concurred.

Petition of Levi H. Perkins and others, praying for the division of the town of New Vineyard;  
 " of S. Wheeler and others, praying that their lands may be set off, from the town of Pittsfield, and annexed to the town of Canaan;  
 " of William Foster and others, praying for the division of Argyle, and that the eastern section thereof be incorporated into a town

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- by the name of Agyle;
- Petition of Jesse Conner and others, praying that the town line between Canaan and Pittsfield may be straitened;
- " — of William R. Flint and P. W. Smith, Jr. praying that part of their farms may be taken from the town of Madison and annexed to the town of Anson;
- " — of Gustavus L. Wyman, praying to be set off from Norridgewock and annexed to Bowdoin;
- " — of William Lowell, Jr. praying that the parts of his farm lying in Monmouth and Wayne may be annexed to Winthrop;
- " — of Nathaniel Treat and others, praying for the division of the town of Croton;
- " — of the inhabitants of the Isle of Haut and adjacent Islands, being part of the town of Deer Isle, praying to be incorporated into a town by the name of Isle of Haut;
- " — of Benjamin Mantor 2<sup>d</sup> and an other, praying to be set off from New Vineyard, and annexed to the town of Anson;
- " — of Moses Allen and others, praying to be set off from the town of Rome and annexed to the town of Vienna;
- " — of Josiah P. Moores and others, praying that Moses Allen and others may be set off from the town of Rome and annexed to the town of Vienna — severally read and referred to the Committee on Division of Towns.

Sent down for concurrence.

Concurred.

Petition of William Prescott, praying for a remuneration for damages sustained by the State's not acceding to him certain Islands;

— " — of M. L. Bennett and others praying for relief against certain notes held by the State;

— " — of the Selectmen of Chester praying for allowance for deficiency in value of their reserved land;

— " — Isaac Parrah and others, praying for increase of Tolls;

— " — of Daniel Brown praying for relief;

— " — of Ira Wadleigh, praying for extension of time for payment of certain notes due to the State;

Resolve in favour of Daniel Pearley, and others;

Bill in addition to promote the sale of, and settlement of, the Public Lands —  
severally read and referred to the Committee on State Lands.

Sent down for concurrence. Concurred

Petition of Solomon Connison and others,

— Edward Little and others,

— Charles Stetson and others, praying for charter for canal from Lewiston Falls to Freeport in Cumberland;

— " — of Benjamin Nason and others, praying for a charter for Rail Road from Somersworth to Wells and Kennebunk;

— " — of Ariel Williams and others and Amos Davis and others, praying for a charter for a Rail Road from Bangor to N. Hampshire and Report of Col, J. H. Long on a reconnoissance for a Rail Road from Portland to Bangor;

44 Communication from Col. Edmund P. Gaines in relation to Rail Roads;

Memorial of citizens of Belfast, and also report of Col. S. H. Long relating to the Belfast and Quebec Rail Roads — severally read and referred to the Committee on Rail Roads and Canals.

Petition of Gent down for concurrence. Concurred.

Petition of inhabitants of the town of Fairfield and vicinity, praying for leave to build a bridge across Kennebec River at Wendalls Mills — read and referred to the Committee on Roads and Bridges.

Gent down for concurrence. Concurred.

— " — of Ira Wadleigh and others, praying for a charter to build a dam over Pushaw and Old Town Falls;

— " — of inhabitants of Georgetown and sundry other petitioners in relation to the Kennebec Dam Company at Augusta;

— " — of Asa W. Moors and others, praying that the charter of the Moosehead Lake Dam Company may be revoked;

— " — of Amos Davis and others, praying for a charter to construct a canal from Moosehead Lake to Wilson's Stream;

— " — of North American Lumber Company praying that their charter may be amended;

Bill in addition to the several Acts relating to the side Booms in Androscoggin River,

— " — to incorporate the Sebomook Lumber Company — severally read and referred to the Committee on Interior Waters.

Gent down for concurrence.

Concurred.

- Petition of Charles Megquier and others, praying for  
alteration in the Militia Law; 45
- " — Edmund Perkins and others, Lubec Rifle  
Company and Frontier Guards, praying  
to be furnished with arms;
- " — inhabitants of Calais, praying for a supply  
of arms for the Cavalry Company;
- " — of David G. Wilson and others, praying that  
they may be furnished with rifles;
- " — of Edward Kent and others, praying for an  
appropriation for the erection of Fortifications  
at the narrows of the Penobscot River.

Bill additional to an Act to organize, govern and  
discipline the Militia of this State — sev-  
erally read and referred to the Committee on  
the Militia.

Sent down for concurrence. Concurred.

Petition of Lyzander Cutler and others, praying for an  
Agricultural survey of the State, and an order  
relating to the same;

Bill additional for the support and regulation of  
Mills — severally read and referred to  
the Committee on Agriculture.

Sent down for concurrence. Concurred.

Petition of inhabitants of Cape Elizabeth and City  
of Portland, praying that an Act of incorpo-  
ration may be granted to Charles Collins  
and others, to employ a Steam Ferry Boat  
between Cape Elizabeth and the City of  
Portland;

— " — of St. Croix Manufacturing Company, praying  
to be allowed to increase their Capital;

Bill to incorporate the Cumberland Whale Fishing  
Company — severally read and referred



to the Committee on Manufactories.

Sent down for concurrence. Concurred.

Petition of Joshua Carpenter for further compensation for services when Sheriff, of Penobscot County;  
Account of Luther Brackett against the State white Sheriff in Washington County—severally read and referred to the Committee on Accounts.

Sent down for concurrence. Concurred.

Petition of Solomon Connison and others, praying that they may be authorized to have the Universalist Meeting House in Bangor appraised;

— " — Simon Emery and others, praying that the records of the Dixmont, Monroe and Newburg Union Society may be made valid—severally read and referred to the Committee on Parishes.

Sent down for concurrence. Concurred.

Resolved in favour of Joseph Gram;

— " — in favor of the City of Portland, of the towns of Harpswell, Jefferson, Bristol, South Berwick, Phillips, Bowdoinham, &c., Lebanon, Salem, Gorham, of Joseph Spaulding and Olisha W. Witha—severally read and referred to the Committee on Claims

Sent down for concurrence. Concurred.

Petition of James Austin and others, praying that sluiceways may be opened, and for the preservation of fish in the Penobscot Waters;

— " — of the town of Dresden, praying for the passage of an Act regulating the fisheries in the Kennebec and its branches;

— " — of John Brown and others, praying that measures may be taken to protect the fisheries in the Kennebec River and its branches;

- Bill additional to an Act for the preservation of fish in the Penobscot Waters;
- " — to regulate the taking of fish (and for the preservation thereof, in the several rivers, and streams emptying into rivers and streams in this State — severally read and referred to the Committee on Interior Fisheries.

Sent down for concurrence. Concurred.

- Petition of Thomas Paylor praying for the continuance of a military pension;
- " — of George Sawtelle, praying for pension — severally read and referred to the Committee on Military Pensions.

Sent down for concurrence. Concurred.

- " — of the inhabitants of the town of Abbott praying to be set off from the County of Piscataquis and annexed to the County of Somerset;
- " — of William R. Fields and others and sundry other petitioners praying for a new County consisting of a part of Cumberland and Lincoln;
- " — of Moses Swett and others, praying that Foxcroft may be made the shire town of Piscataquis County;
- " — of John Gray and others, and Joseph Buswell and others, praying that Colton may be made the shire town of Somerset County;
- " — of Samuel Tubbs and others, praying that the Act establishing the County of Piscataquis may be repealed;
- " — of Nelson Savage and others, praying for the same;
- " — of Robert Low and others, praying that the several towns in the County of Piscataquis

may<sup>d</sup> set back to the several Counties to which they respectively belonged;

Petition of Nathan Baldwin and others, praying to be set off from Mercer and annexed to New Sharon;

— " — of Aaron Austin and others, praying that a Probate Office may be established at the eastern section of Lincoln County at Thomaston;

— " — of Charles Ingalls, praying that so much of his farm as lies in Fairfield County of Somerset, may be set off and annexed to Waterville in the County of Kennebec;

— " — of Josiah Libby and others, praying that the town of Wales be set off from Lincoln County and annexed to Kennebec County;

— " — of S. Kingsbury and others, praying that the town of Kingsbury may be set off from the County of Piscataquis and be annexed to the County of Somerset;

Bill to set off, a certain parcel of land from the town of Denmark, in the County of Oxford and annex the same to the town of Bridgton in the County of Cumberland.  
— severally read and referred to the Committee on Division and Alteration of Counties.

Sent down for concurrence. Concurred.

Petition of John Altian and John Neptune, praying that the State may build them a house  
— read and referred to the Committee on Indian Affairs.

Sent down for concurrence. Concurred.

Petition of Samuel P. Strickland and others, praying

praying for a charter to construct a canal to connect the waters of the Allegash and Penobscot — read and referred to the committee on State Lands.

Sent down for concurrence. Concurred.

On motion of Mr Eastman,

Ordered — That so much of the Governor's message as relates to the Insane Hospital be referred to the committee on Public Buildings.

———— 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 Agriculture be referred to the committee on Agriculture.

———— That so much of the Governor's message as relates to the appointment of an additional Judge of the Supreme Judicial Court be referred to the committee on the Judiciary.

———— That so much of the Governor's message as relates to the currency be referred to the committee on Banks and Banking.

———— That so much of the Governor's message as relates to the North Eastern Boundary, and the "Disputed Territory" be referred to a Joint Select Committee, consisting, on the part of the Senate, of Messrs. Eastman, Vose, Blake, Perkins and Robinson.

Sent down for concurrence.

Came up with Messrs. Paine of Sanford, Lyman of Portland, Kimball of Thomaston, Tobin of Hartford, Allen of Bangor, Lake of Bangor, Coburn of Bloomfield, Kennedy of Croton, Mc Guffy of Mt. Vernon and Leavitt of Imogene, joined in concurrence.

On Motion of Mr. Cross,

Ordered — That when the Senate next adjourns it adjourn to meet at ten o'clock in the morning and that shall be the hour of meeting till otherwise ordered.

### In Convention.

Agreeably to assignment the two Houses met in Convention in the Representatives' Hall for the purpose of electing seven Councilors to advise the Governor in the executive part of Government for the current political year; and also Secretary of State.

Messrs. Blake and Rose of the Senate and Messrs. Paine of Sanford, Hessenden of Portland and Dana of Fryeburg of the House were appointed a committee to receive, sort and count the votes for Councilors.

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

205.

Necessary to a choice 103.

Bowin Wilson has 131,

John Webb, " 131,

Alpheus Lyon, " 131,

John Burnham, " 131,



Nicah S. Talbot,	has	131,
Benjamin F. Eastman,	.	130,
Nathan C. Fletcher,		83,
Atwood Levensaler,		55,
Abijah Wsher,		73,
David Dunlap,		73,
William Linger,		72,
Timothy Boutelle,		72,
William Allen Jr.		73,
Moody Pillsbury,		73,
William Bell,		71,
Elisha Bodwell,		1,
Eleazer Coburn,		1,
Garvin Smith,		1,
Daniel W. Lord,		1,
Poppan Robie,		1,
Leonard Gray,		1,
Ashur Hinds,		1,
John L. Blake,		1,
Bushrod W. Hinkley,		1,
William Pepp,		1,

The six gentlemen first named were declared duly elected — and the same committee proceeded again to receive, sort and count the votes for one Councilor for the Lincoln Councilor District.

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

204.

Necessary to a choice	103.
Nathan C Fletcher	has 108,
Atwood Levensaler,	59,
William Linger,	30,
Moody Pillsbury,	1,
Eleazer Coburn,	1,

Joseph Cargill,	1,
Gavin Smith,	1,
William Allen, Jr.	1,
Lina Hyde,	1,
Mr Otis of St George,	1.
Nathan C. Fletcher was declared duly elec.	

ted.

The same Committee proceeded to receive, sort and count the votes for Secretary of State for the current political year.

Which Committee having attended to the duties assigned it, reported that the whole number of votes was 206.

Necessary to a choice 104.

Philip C. Johnson had 132,

Samuel P. Benson, 73,

William Singer, 1.

Philip C. Johnson was declared duly elected Secretary of State for the current political year  
and the Convention separated.

### In Senate.

On motion of Mr. Shaw,

Ordered— That the Secretary of State be directed to notify Gavin Wilson, John Webb, Alpheus Lyon, John Burnham, Micah J. Talbot, Benjamin F. Eastman, and Nathan C. Fletcher, that they have been duly elected Councilors to advise the Governor in the executive department of government for the current political year.

Mr Blake, from the Joint Select Committee to which were referred the "Revised Laws" reported by the Commissioners appointed under the Resolve of 28<sup>th</sup> February 1837, reported that two hundred and fifty copies of the report of the Commissioners including the "Revised Laws" be printed for the use of the Legislature — fifty of which shall have blank leaves — and further, that a Joint Select Committee of seven of the Senate and seventeen of the House be appointed to sit in the recess of the Legislature to examine the report of the Commissioners aforesaid and report thereon at an adjourned session of the Legislature —

Which report was read and the same, on motion of Mr Blake, was laid on the table.

Adjourned.

Alfred William Drafter, Secretary.

Wednesday, January 8, 1840.

On motion of Mr. Cross,

Ordered, That the Secretary of the Senate be directed to notify Philip C. Johnson that he has been duly elected Secretary of State for the current political year.

The order, submitted by Mr. Vose on Monday last proposing a convention of the two Houses on that day for the purpose of electing Councilors and Secretary of State, was taken up, and the same, on motion of Mr. Cross, was indefinitely postponed.

The President laid before the Senate a communication from the Secretary of State transmitting returns of votes on the proposed amendment of the Constitution from the towns of Thapleigh, South Barwick, Poy and Lincolnville, received since the commencement of the present session — read and referred to the committee on the amendment of the Constitution.

Sent down for concurrence. Concurred.

A communication was received from Philip C. Johnson signifying his acceptance of the Office of Secretary of State — read and sent down.

The Adjutant General's Report, on motion of Mr. Shaw, was taken up and referred to the committee on the Militia.

Sent down for concurrence. Concurred.

Petition of Benjamin Chadbourn of the town Bradford praying for a military Pension — read

and referred to the Committee on Military Pensions 55

Sent down for concurrence. Concurred.

Petition of George P. Duwall and another of Orono praying to be incorporated into a company by the name of the Allagash and Penobscot Canal Company, came from the House referred to the Committee on Rail Roads and Canals. The Senate nonconcurred the House in its reference and referred said petition to the Committee on State Lands.

Sent down for concurrence. Concurred.

Petition of Ebenezer Powne and others praying that a law may be passed securing to every human being in this State, a trial by Jury in all cases where his or her liberty is in question — read and referred to the Committee on the Judiciary, in concurrence.

Petition of William Hammond and others of the town of Eliot, praying for an Act of incorporation for an Academy — read and referred to the Committee on Literary Institutions in concurrence.

Petition of President, Directors and Company of the Bank of Portland, and

— of President ~~and~~ Directors and Company of the Maine Bank, praying for a reduction of their capital — severally read and referred to the Committee on Banks and Banking, in concurrence.

Petition of Benjamin Trisko and others, of plantation



No. 23, Washington County, praying to be incorporated into a town by the name of Lexington;

— " — of J. C. Talbot and others of the town of East Machias, praying that the name of said town may be changed — severally read and referred to the Committee on Incorporation of Towns in concurrence.

Petition of Elisha Milton and others, praying for an appropriation for the repair of the Canada Road — read and referred to the Committee on State Roads in concurrence.

Petition of John Bailey and others praying that they may be set off from Hartland and annexed to the town of Canaan;

— " — of Paul Collins and others, praying to be set off from the town of Litchfield and annexed to Hallowell;

— " — Rufus Hodsdon and others of township No. 1, praying to be set off from said township and annexed to Greenfield — severally read and referred to the Committee on Division of Towns, in concurrence.

Petition of Josiah D. Bangs and others, praying that the Militia be paid for their services;

— " — of Charles B. Durn and others, praying for the better organization of the Militia;

— " — of Joseph D. Shackley and others, praying that the Militia be paid a reasonable compensation and be furnished with arms — severally read and referred to the Committee on the Militia, in concurrence.

Petition of J. W. Talbot and others, praying that Ephraim McBondra may receive a pension for injuries sustained while in the service of the State;

Petition of Wilmot Walker and others  
 — " — of Tobias Thompson,  
 — " — of Cyrus Clark, praying for pension for  
 injuries received while in the service of the  
 State — severally read and referred to the  
 Committee on Military Pensions in con-  
 currence.

Petition of William Butters and others, praying to  
 be incorporated by the name of the "Machias  
 Lime Hydraulic Marble and Cement Company."  
 — read and referred to the Committee on  
Manufactures, in concurrence.

Petition of Chandler Williams, praying for pay for  
 services rendered the State — read and  
 referred to the Committee on Claims, in  
 concurrence.

Petition of Jonathan Noyes and others, praying for  
 an extension of time to pay the State for lands,  
 — " — of Stephen Smith and others, praying that an  
 abatement be made by the State to James  
 Lambert and William Frase on money due  
 the State for land now occupied by them —  
 read and referred to the Committee on State  
 Lands, in concurrence.

Mr. Merrill, from the Joint Select Committee ap-  
 pointed to contract with some suitable person to  
 watch the Public Buildings by night, reported that  
 the Committee had agreed with Benjamin C. Mezquies  
 of Poland, to perform that duty at one dollar per  
 night — read and accepted.

Sent down for concurrence. Concurred.

On motion of Mr. Rose

The Senate reconsidered the vote of yesterday whereby the order fixing the time the Senate shall meet in the morning— and amended the same by striking out the words, "ten o'clock," and inserting half past ten o'clock— and passed the order as thus amended.

Adjourned.

Attest, William Trafton, Secretary.

Thursday January 9<sup>th</sup> 1840.

On motion of Mr Blake.

Ordered— That the committee on the Militia be instructed to inquire into the expediency of providing by law, for a change in the tenure of Military Office—  
Sent down for concurrence. Concurred.

On motion of Mr Eastman,

Ordered— That the accounts of the several cities, towns, and plantations, for supplies furnished for the use of the troops called into actual service the last year, be referred to a Joint Select Committee, consisting, on the part of the Senate, of Messrs. Eastman, Robinson and Bradley.

Sent down for concurrence.

Came up with Messrs. Barker of Exeter, Torrence of Portland, Douty of Tangersville, Severance of Augusta, Blackstone of Belfast, Farnham of Rumford and Hunt of Lubec joined in concurrence.

Petition of Jonathan M. Smiley, praying for remuneration for expenses incurred while in the service of the State— read and referred to the committee on Claims. Sent down for concurrence. Concurred.

Petition of Samuel Daspick praying for a pension in consequence of an injury received while in the service of the State— read and referred to the committee on Military Pensions.

Sent down for concurrence. Concurred.

Petition of Harvey C. Robinson of Harmony, praying

for further relief for injuries received while employed in the service of the State— read and referred to the Committee on Military Pensions in concurrence.

Bill in addition to an Act establishing the County of Acostock and to repeal a former Act (introduced in the House)— read and referred to the Committee on the Judiciary, in concurrence.

Mr W. M. Reed, from the Joint Select Committee, to which were referred the returns of votes on the amendment of the Constitution relative to Judicial Tenure, made the following

Report:

That the whole number of votes legally returned is Forty three thousand five hundred and thirty five. And there were in favor of said amendment Twenty five thousand seven hundred and forty seven; And there was opposed to said amendment Seventeen thousand seven hundred and eighty eight— being a majority of seven thousand nine hundred and fifty nine in favour of said amendment.

The votes from the town of South Berwick were not received in the office of the Secretary of State within the time limited by the Resolve, and were not counted— they were for the amendment none— against it twenty nine.

The votes of the town of Kennebunk were rejected, there being no evidence of their being given in to the Selectmen— for the amendment seventy three votes, against the amendment, one hundred and twenty three votes.

The votes of the town of Scarborough were rejected,



there being no evidence that the votes were given for the alteration of the Constitution relative to the Judicial tenure — for the amendment, One hundred and nineteen, against the amendment, One vote.

The votes of the town of Nobleborough were rejected — the certificate not being signed by the Town clerk — for the amendment one hundred and sixty three votes — against the amendment thirty seven votes — Which report was accepted.

Sent down for concurrence. Concurred.

The President laid before the Senate the Report of the Warden of the State Prison — and the same was laid upon the table, and Ordered, that three hundred copies of the same be printed for the use of the Legislature.

The Report of the Committee on the "Revised Statutes," on motion of Mr Bradley, was taken up and amended by striking out "two hundred and fifty", and inserting in lieu thereof, three hundred and the same, on motion of Mr Rose, was laid on the table.

Adjourned.

Attest, William Drafton, Secretary.

Friday January 10. 1840.

On motion of Mr Blake,

Ordered, That the Committee on State Lands be instructed to inquire into the expediency of authorizing the Land Agent to sell timber Lands belonging to the State at private sale at his discretion.

Sent down for concurrence. Concurred.

On motion of Mr Rose,

Ordered, That the Committee on Militia be instructed to inquire into the expediency of providing by law, that in all cases now pending, or which may be hereafter commenced in the name of any Division Advocate in this State to recover any fine ~~or~~ costs in accordance with the sentence of any Court Martial, such suits shall not abate in consequence of the resignation, removal or death of the Division Advocate, who may have commenced the same.

Sent down for concurrence. Concurred.

Order from the House of Representatives, instructing the Committee on the Judiciary to inquire into the expediency of authorizing Surgeons and Surgeons' Mates to administer oaths in certain cases—read and passed in concurrence.

Order from the House of Representatives, instructing the Committee on Literature and Literary Institutions to inquire into the expediency of establishing a State Board of Education, which shall be vested with such powers—and required to perform such duties as the cause of Education shall demand—read and

Petition of S. Garrison and others,  
— " — Samuel Martin and others,  
— " — S. Brighton and others, praying that the  
sale of ardent spirits be prohibited — severally  
read and referred to the Committee on the  
Judiciary, in concurrence.

Petition of Jacob Broadbury and others, owners of the  
Congregational Meetinghouse in Norway, pray-  
ing that they may be authorised to sell the  
same — read and referred to the Committee  
on Parishes, in concurrence.

Petition of First school district in Buaport, praying for  
the passage of an Act authorising them to tax  
themselves for the support of a high school — read  
and referred to the Committee on Literature  
and Literary Institutions, in concurrence.

Petition of Hiram Pond and others, praying to be in-  
corporated by the name of "Our Isle Soap Stone  
and Marble Company" — read and referred  
to the Committee on Manufactures, in concurrence.

Petition of William Freeman and others, praying that the  
act to incorporate the Salt Water Falls Company  
on the Narraguagus River may be extended  
that they may erect and build their Dam and  
Bridge at a place called the "Narrows" on said  
River — read and referred to the Committee  
on Interior Waters, in concurrence.

64 Petition of Royal Munroe and others, praying to be set off from Lincolnville to Camden;

— . — of the town of Phippsburgh, praying for Commissioners to be appointed to establish the line between Bath and Phippsburg according to the original incorporation — severally read and referred to the Committee on Division of Towns, in concurrence.

Petition of Lorenzo S. Bumpus and others,

— . — . Calvin Comins and others,

— . — . Elijah Comins and others,

— . — . Frederick Frye and others,

— . — . Benjamin A. Gardiner and others, praying for an alteration in the Militia Law, so that every man doing military duty shall receive a fair compensation — severally read and referred to the Committee on the Militia, in concurrence.

Petition of Amos Maddox praying for a Military Pension,

— . — . Henry L. Koyes praying for compensation for damages sustained while returning from a Regimental Review — severally read and referred to the Committee on Military Pensions, in concurrence.

Petition of John L. Chace, praying for a compensation for the loss of a Horse while in the service of the State;

— . — of Stephen Howell and others, praying for the repayment of One Hundred Dollars;

— . — of William Oakes Jr. and others, praying that Levi O. Farnham may be compensated for the loss of Military equipments while in the service of the State;

Petition of William Ludd, praying for bounty on wheat 65  
and corn;

— " — of Daniel Pebbetts and Stephen Eastman,  
inhabitants of a tract of territory in dispute  
between Washington and Palumbo, praying that  
they may receive their proportion of the Surplus  
Revenue — severally read and referred to the  
committee on claims, in concurrence.

Mr Barker, from the committee on Division of  
Towns, reported order of notice to the Legislature on  
petition of John Bailey, and others — read ~~and~~  
~~referred~~ and accepted.

Sent down for concurrence. Concurred.

The Report of the committee on the "Revised  
Laws," on motion of Mr Rose, was taken up and  
the same was accepted as amended yesterday.

Sent down for concurrence. Concurred.

Bill to set off a part of Rome and annex the  
same to Vienna (reported by Mr. Barker from the  
committee on the Division of Towns, on petition  
of Josiah P. Moors and others) was read once  
and tomorrow eleven o'clock assigned for a second  
reading.

Adjourned.

Attest, William Trafton, Secretary.



Saturday January 11, 1840.

On motion of Mr Eastman,  
Ordered — That the accounts of officers and others,  
for services and expenses in making, drafts of the  
Militia, be referred to the Joint Select Committee to which  
were committed the accounts of the cities, towns and  
plantations for supplies furnished the Militia called  
into service.

Sent down for concurrence. Concurred.

Order from the House of Representatives, instructing  
the Committee on Literature and Literary Institutions  
to inquire into the expediency of repealing so much  
of the present Education Law as relates to the choice  
and duties of Superintending School Committees;  
and of establishing instead of them in each County,  
a County Board of Education, whose duty it shall  
be to examine once, all persons proposing to teach  
public schools in the County; this examination  
to be sufficient so long as the person may continue  
teaching without suspending the occupation three  
years at one time. One member of the Board to  
visit each school in the County once during  
each session of the School — Said Board to be  
clothed, as far as necessary, with the powers of the  
present Superintending School Committees, or any  
other powers requisite for the establishing or regulation  
of Schools.

Also that said Committee be instructed to  
inquire into the expediency of raising by law  
~~fifty~~ cents to each inhabitant instead of the  
~~forty~~ now raised, for the support of common

*Order from the House of Representatives, directing, that the indorsement on all papers (except Bills and Resolves on their final passage) shall be under the signature of the Secretary of the Senate or Clerk of the House of Representatives respectfully— read and passed, in concurrence.*

*Petition of Charles N. Bodfish, Major General of Eighth Division, praying for pay for troops drafted in said Division— read and referred to the Committee on Military Accounts.*

*Lent down for concurrence. Concurred.*

*Order from the House of Representatives instructing the Committee on Literature and Literary Institutions to inquire into the expediency of passing an Act authorizing the several School Districts in the State to appropriate such portion of their share of the school fund as a Majority of them may think proper for the purchase of the "Common School Library" for the use of the scholars in such districts— read and passed in concurrence.*

*Petition of Charles Jarvis, praying that certain actions, criminal and civil, against him now pending before the District Court in the County of Aroostock may be removed by law to a Court held in some other County;*

*Bill to repeal a part of Act respecting Foreign Attachment (introduced in the House) severally read and referred to the Com-*

mitted on the Judiciary, in concurrence.

Bill repealing the seventh section of an Act incorporating the Promaston Theological Institution — read and referred to the Committee on Literary Institutions, in concurrence.

Petition of the Directors of the Central Bank Halliwell, praying for a reduction of its capital — read and referred to the Committee on Banks and Banking, in concurrence.

Petition of Benjamin Marsh, praying to be set off from Hillwater Village Corporation — read and referred to the Committee on Division of Towns, in concurrence.

Petition of Margaret Welch and others, praying for a portion of the Surplus Revenue — read and referred to the Committee on Claims, in concurrence.

✓ Petition of Nehabod Goodwin and others, proprietors of Kittery Point Bridge, praying for increase of toll — read and referred to the Committee on Roads and Bridges, in concurrence.

Petition of Eleanor Gray, praying for a pension; — . — . Alexander Thompson praying for the same — severally read and referred to the Committee on Military Pensions, in concurrence.

Petition of Ira Wadleigh and an other, praying to be incorporated into a company by the name of the East

Branch Dam and Luce way Company;"  
 Petition of Nahum Perkins and others in relation to  
 Side Booms in Androscoggin River — severally  
<sup>read</sup> and referred to the Committee on Interior  
Waters in concurrence.

Petition of Robert Ramsay and others, praying that  
 every human being in the State, have a trial  
 by jury in cases where his or her liberty is in  
 question, came up from the House referred to a  
 Joint Select Committee consisting on the part of  
 the House of Messrs Fisher of Charlotte, Dana of  
Angelsburg, During of Waterboro, Clifford of Sidney  
 and Robinson of Corinth, with such as the  
 Senate may join. — read and referred and  
 Messrs. Eastman, Tose, and Barker joined  
 in concurrence.

Petition of Samuel P. Patton and others, praying for a  
 law securing to every human being in this State  
 a trial by jury where his or her liberty is in question;

— of Samuel P. Patton and others, praying for the  
 repeal of all laws in this State which make any  
 distinction of colour;

— of Milton Marrow and others, respecting Slavery  
 in the District of Columbia — severally read  
 and referred to the Committee on Slavery, in con-  
 currence.

The Committee on the Judiciary reported legisla-  
 tion inexpedient on "Bill altering the time of taking  
 the annual valuation," and an order relative to re-

76/ reading Bill additional to establish a Court of Common Pleas, and leave to withdraw on petition of Benjamin Reed and others — read and accepted, in concurrence.

Bill to set off a part of Home and annex the same to Vienna was read the second time, and the same on motion of Mr Shaw, was recommitted with instructions to report the same in a new draft.

Put down for concurrence. Concurred.

A communication was received from Jeremiah Goodwin, Treasurer of State, transmitting his Annual Report on the Finances of the State, for the year ending December 31. 1839 with one hundred printed copies of the same for the use of the Senate — Which report, on motion of Mr Perkins, was laid on the table.

Adjourned.

Attest. William Drafton  
Secretary