

Monday January 7. 1839.

29

On motion of Mr. Humphreys
Ordered, That the Secretary of the Senate
be directed to notify Asaph R. Nichols, that he
has been elected Secretary of State, by a
Convention of the two Houses of the Legis-
lature for the current political year.

A communication was received from
S. B. Cahoon, State Treasurer, transmitting
a detailed account of the state of the
Treasury - and the same, on motion of
Mr. Dumont, was referred to a joint select
Committee, consisting, on the part of the
Senate, of Messrs Barker, Steward and Ogden,
with such as the House may join. Sent
down for concurrence.

Came up with Messrs Olis of
Hallowell, Treasurer of Thomaston, Carey
of Houlton, Bartlett of Benwick, Hobbs
of Eastport, McGrillis of Belfast and Blake
of Harrison joined in concurrence.

The President laid before the Senate
a communication from Pentiss Mellen,
Ebenezer Everett and William Clark, Com-
missioners appointed to revise the Public
Laws, which was read, and the same, on
motion of Mr. Norton, was referred to the
Committee on the Judiciary. Sent down
for concurrence. Concurred.

Mon. Jan. 7. 1834.

The President, announced the following
Standing Committees of the Senate, to wit,

On Bills in the Second Reading.

| | |
|-----------------|-----------------|
| Messrs. Osgood, | Messrs. Norton, |
| Emery, | Holden, |
| Boutelle, | Seward, |
| Belcher, | Sagues, |
| Dumont, | Shaw, |
| Littlefield, | Smart. |

On Engrossed Bills.

| | |
|----------------|-----------------|
| Messrs. Heagan | Messrs. Erskine |
| Bowles | Gross |
| Barker | Humphreys |
| Perkins | Comstock |
| W. M. Reed | Bradley |
| Isaac Reed | Williams. |

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. Littlefield,
Boutelle,
Emery.

Of the House.

Messrs. Paine of Sanford
Tose. Augusta
Coh. Paris
Allen. Bangor
French. Nollabro
Appleton. Portland
Sde. Frankfort.

On Literature and Literary Institutions-

31

Of the Senate.

Of the House.

Messrs.

Osgood.
Dumont.
Holden.

Messrs. Rawson of Rumpford,
Hight . I. Berwick,
Wyman . Shouhegan,
Garcelon . Harpswell,
Elliot . Knox,
Prescott . Readfield,
Norton . Farmington.

On Banks and Banking-

Messrs. Emery,
Belcher,
Perkins.

Messrs. Cary of Houlton,
Lyman . Rutland,
Levensaler . Thomaston,
Hessey . Saco,
Whidden . Calais,
Athins . Hallowell,
Walker . Lowell.

On Incorporation of Towns-

Messrs. Smart,
H. M. Reed,
Goff.

Messrs. Smith of Norway,
Fiske . Kittery,
Toul . Gorham,
Carlton . Whitefield,
Rowell . Bingham,
Meador . Industry,
Jordan . Mariaville.

On Division of Towns.Of the Senate.

Messrs. Jacques,
Humphreys.
Barker.

Of the House.

Messrs Allen of Alfred,
Norris . Monmouth,
Mcquinn . Poland,
Garcelon . St Albans,
Witham . Bluehill,
Lemond. Warren-
Tebbets . Belgrade.

On State Lands.

Messrs Norton,
Osgood.
Emery.

Messrs Delesdernier of Sableville.
Morton . Augusta,
Richards . Ellsworth,
Perret . Farmington,
Hley . Portland,
Packard . Blanchard,
Wellington . Madison.

On State Roads.

Messrs Bradley,
Hewaid,
Shaw.

Messrs. Harvey of Glenburn,
Sinchfite. Lincoln,
Stickney . Vassalboro
Crocker . Foxcroft
Miller . Hollis,
Sinchfite. Danville,
Boothby . Emt den.

On State Prison.

| | |
|-----------------|------------------------------|
| | Messrs. Jewell of Thomaston, |
| | Fowler, Lubec, |
| Messrs. Howard, | Slies, Westbrook, |
| Comstock, | Dearborn, Pittston, |
| Erskine, | Bryant, Montville, |
| | Komer, Bucksport, |
| | Dering, Watuborough. |

On Rail Roads and Canals.

| | |
|-------------------|---------------------------------|
| | Messrs. Talbot of East Machias, |
| | Pike, Brunswick, |
| Messrs. Williams, | Woodman, Sarsmont, |
| Sagues, | Gardner, Lister, |
| Bradley, | Mason, Hermon, |
| | Neal, Littlefield, |
| | Marden, Palermo. |

On Roads and Bridges.

| | |
|-----------------|-----------------------------------|
| | Messrs. Buxton of North Yarmouth, |
| | Estes, Durham, |
| Messrs. Heagan, | Lewis, Broodwin, |
| Bowles, | Coburn, Newry, |
| Humphreys, | Savage, Lexington, |
| | Dudley, Lyman, |
| | Foss, Kingsbury. |

Mon Jan'y 7. 1839.

On Interior Waters.Of the Senate.

Messrs Humphreys,
Isaac Reed,
Smart.

Of the House.

Messrs Sheldon of Gardiners
Freese . . . Orono,
Hodsdon . . . Gorham
Berry . . . Georgetown,
Lowell . . . Biddeford
Dinsmore . . . Anson
Higgins . . . Eden.

On the Militia.

Messrs Shaw
Dumont
Goff

Messrs Andrews of Turner
Spaul . . . Waldoboro
Walker . . . Bridgton,
Bradbury . . . Baring
Allen . . . Brooksville,
Cushman . . . Dexter
Burbank . . . Timmerick.

On Agriculture.

Messrs Adcher,
Hicagan,
Erskine.

Messrs Holmes of Winthrop,
Helson . . . Hcton,
McAntie . . . York,
Lowell . . . Lewiston,
Lord . . . Farmington,
Bigham . . . Minch
Jones . . . Fairfield.

On Manufactures.Of the Senate.

Messrs Perkins,
Belcher,
Comstock.

Of the House.

Messrs Ingalls of Denmark,
Webster, Shapleigh
Houston, Bristol,
Miller, Lincolnville,
McLane, Alna,
Stevens, Greene,
Pattie, Albany.

On Accounts.

Messrs Barker,
Norton,
Osgood.

Messrs Mildram of Wells,
Neal, Wiscasset,
Stanley, Dixfield,
Taller, Sullivan,
Musher, China,
Harkness, Camden,
Merrill, Brewer.

On Parishes.

Messrs Bowles,
Heagan,
Inac Reed.

Messrs Hutchins of Newidgewick,
Shaw, Windham,
Smiley, Sidney,
Kading, Kaudish,
Smith, Vinalhaven,
Farnsworth, Jonesborough,
Bradford, Friendship.

Newbury, 7. 1839.

On ClaimsOf the Senate.

Messrs. Holden,
Sagues,
Perkins.

Of the House.

Messrs. Frost of Bethel,
Gray, Berdoinham,
Moulton, Scarborough,
McGaffy, Mt. Vernon,
Farnar, Bristowburgh,
Wicks, Jefferson,
Richford, Newburg.

On Public Buildings.

Messrs. Durmont,
Barker,
Norton.

Messrs. Bradbury of New Gloucester,
Meeseroy, Appleton,
Morton, Augusta,
Higgins, Cape Elizabeth,
Hade, Dresden,
Dagget, Chandler'sville,
Soulé, Salem.

On Interior Fisheries.

Messrs. Cornstock,
W. M. Reed,
Bradley.

Messrs. Grant of Prospect,
Greene, Topsham,
Thompson, Edington,
Drinkwater, Cumberland,
Perkins, Kennebunk Port,
Barker, Machias,
Hardy, Deer Isle.

On Military Pensions

38

Of the Senate

Of the House.

| | |
|----------------|------------------------------|
| Messrs. Gross, | Messrs. Bucknam of Tatmouth, |
| Steward, | Chase . Buckfield, |
| Smart. | Whittier . Rome, |
| | Tyler . Newfield, |
| | Torrance . Portland, |
| | Ryerson . Sumner, |
| | Bradford . Harkes, |

On Division and Alterations of Counties

| | |
|---------------------|---------------------------|
| Messrs. H. M. Reed, | Messrs. Weeks of Clinton, |
| Shaw, | Trafton . Cornish, |
| Williams, | Kimball . Stanon, |
| | Kimball . Hiram, |
| | Chesley . Chester, |
| | Oyer . Setago, |
| | Olis . St. George, |

On the Library.

| | |
|-------------------|------------------------|
| Messrs. Boutelle, | Messrs. Dane of Hiram, |
| Holden, | Butler . Newington, |
| | Nickerson . Swanville. |

On motion of Mr. Erskine.

Ordered That when the Senate does adjourn it shall adjourn till three o'clock in the afternoon and the Senate accordingly

Adjourned

Afternoon

On motion of Mr. Keagan

Ordered That when the Senate does adjourn it shall adjourn till ten o'clock tomorrow morning - and on motion of Mr. Croft the Senate

Adjourned

Attest William Crofton, Secretary.

Tuesday January 8 1839.

Mr. Heagan, from the Committee to which was referred an order directing them to employ some suitable person to watch the Public Buildings, by night during the present session of the Legislature, reported that the Committee had contracted with Sedediah Pratt of Cumberland, and Benjamin Patridge of Waldo, Assistant Messengers of the House, which report was read and accepted. Sent down for concurrence. Concurred.

The list of unfinished business referred from the last to the present Legislature, on motion of Mr. Brouette, was taken up; and the several petitions and Reports, Orders, Bills and Resolves, and the papers accompanying each, were referred to the appropriate Committees as follows, to wit:

- Petition of Asa Kington and others, praying that the pay of the members of the Legislature be limited to sixty days; and an Order relative to the same subject;
- of the Penobscot Medical and Surgical Association praying for an act for the further regulating of the practice of Medicine and Anatomy;
- of P. Mellen and others, praying that a law may be passed which shall provide for an equal distribution of an insolvent debtor's property equally among all his creditors;
- of Reuben Petty and others, praying that the inhabitants of Scarborough may have free access to the sea shore

within the limits of said town, for the purpose of carrying away sea weed for manure;

Petition of Ira Wadleigh and others, and sundry other petitions, praying for the abolition of the Court of Common Pleas;

Order relative to limiting the time of prosecution in criminal cases;

- relative to the removal of Judicial Offices;
- relative to usury;
- relative to Pounds, Beasts impounded;
- relative to defendants and respondents, having the right to close in the argument in ~~the~~ civil and criminal prosecutions;

Bill respecting the collection of Taxes, on land owned by tenants in common;

- providing for the election of County Commissioners;
- for the relief of Poor Debtors;
- in addition to, and explanatory of, the several acts now in force relative to Poor Debtors;
- additional to an act respecting the offices and duties of the attorney General and County Attorneys;
- to increase the number of Justices of the Court of Common Pleas; severally read and referred to the Committee on the Judiciary. Sent down for concurrence. Concurred

Resolve in aid of the Waterville Liberal Institute.

Bill further regulating primary Schools; severally read and referred to the Committee on Literature and Literary Institutions. Sent down for concurrence. Concurred

Bill prohibiting Banks from establishing

agencies out of the State for the redemption of their Bills, and regulating the ratio of specie to Bills in circulation - read and referred to the Committee on Banks and Banking. Sent down for concurrence.

Petition of Reuel Williams and others, and Amos Davis and others praying for charter for Rail Road from Bangor to New Hampshire, and Report of Col. S. H. Long on a reconnaissance for a Rail Road from Portland to Bangor.

of John S. Abbot and others, praying to be incorporated for the purpose of making navigable St. George's River;

of Solomon Pennington and others, Edward Little and others, Charles Nelson & others, praying for charter for Canal from Lewiston falls to Freeport in Cumberland;

of the Bangor manufacturing Company, praying for charter to construct a Canal and Locks from Bangor to Pishaw Island;

of Levi Cutler and others, praying that an appropriation be made for a survey of the best route, and an estimate of expenses for a Rail Road from Portland to some point between Haverhill and Lancaster on the Connecticut River;

Memorials of a Convention of citizens of Belfast relative to the State's subscribing for stock in the Belfast and Quebec Rail Road;

Order in relation to accidents from Steam power - Generally read and referred to the Committee on Rail Roads and Canals. Sent down for concurrence.

Concurred.

Petition of John Greeley and others of township No. 8. 3 range, Somerset County, praying to be incorporated into a town by the name of Greeley;

• of Isaac Child and others, of Argyle plantation, praying that said plantation be incorporated into a town by the name of Lewisville;

• of Selectmen of Glenburn praying that the name of said town may be changed to Dutton;

• of Osgood Pingrey and others, praying that township No. 6. 3 range, East line of the State in Somerset County, may be incorporated into a town by the name of Royalston;— severally read and referred to the Committee on Incorporation of Towns. Sent down for concurrence. Concurred.

Petition of William Ward and others praying to be set off from Belgrade and annexed to the town of Sidney;

• of Joseph Emory and others, praying to be set off from South Berwick and annexed to Eliot;

• of Joseph Ford and others, praying that a part of Fowler's Gore in the County of Washington may be annexed to the town of Western;

• of Edward Bolton, praying to be set off from a Gore of land lying between Raymond and Gray, and be annexed to the town of Gray;

• of John Eastman and others, praying to be set off from Raymond and annexed to Chisfite;

- Petition of Ransom Smith and others, praying to be set off from Hiram to Porter;
- of John M. Squire Junr and others, praying for a division of the town of York;
- of Robinson Gammon, praying that his land may be set off from the town of Hartland, and be annexed to the town of Canton;
- of Selectmen of Palermo, praying that the South line of said town may be established;
- of John C. Brown and others, praying to be set off from the town of Glenburn to the town of Servant, - severally read and referred to the Committee on Division of Towns. Sent down for concurrence. *Concurred.*

Petition of inhabitants of Weston, praying for an appropriation for making a road over the State Land - read and referred to the Committee on State Roads. Sent down for concurrence. *Concurred.*

- Petition of George W. Wilson and others, praying for charter to build a bridge across the Androscoggin River at Dixfield;
- of Reuben Marble and another, praying for a charter to build a bridge across the Androscoggin River at Moor's Rips in Dixfield;
- of Nathaniel Treat and others, praying for a charter for a Bridge across the Penobscot River at Great Works, - severally read and referred to the Committee on Roads and Bridges. Sent down for concurrence. *Concurred.*

- 45 Petition of Isaac Farrar and others praying for increase of tolls;
 . of inhabitants of Alexander praying for aid in building roads;
 . of Robert Collier, praying for remuneration for improvement on State Lands;
 . of Thomas Collier, praying for remuneration for improvement on the State Lands;
 . of Nathan Stanley, praying that the State may take back a township of land;
 . of John Collier, praying for remuneration for improvement on State Lands;
 . of Jonathan Greenleaf, praying for a conveyance of land; - Secorally read and referred to the Committee on State Lands Sent down for concurrence. Concurred.

- Petition of Ira Wadleigh and others praying for a charter to build a dam across old Foxen and Pushaw Falls;
 . of Samuel Moor and others, praying to be incorporated by the name of the Penobscot Log Driving Company;
 . of William Smith and others, praying for Charter to erect a Boom from Ayres Island in Penobscot to extend up the head of Ayres Falls and across the Maine River;
 . of John C. McKeen and others, praying to be incorporated by the name of the Penobscot Log Driving Company;
 . of Robert Gibson, praying that he and his associates may be incorporated by the name of the Penobscot Tide Water Boom Company;
 . of Putnam Rolfe and others, praying for permission to extend their Dam at

Lewis Rips, across the West branch 46
of the Schoodic River and join the
same to the Indian Township;

Petition of Joseph Nash and others, inhabitants
of Columbia, praying for a charter to
build a bridge across Pleasant River
in Addison;

• of Cyrus Ingalls and others praying
to be incorporated by the name of the
Moose Brook Lumber-way Company;

• of James B. Fisk and others, praying
for the repeal of the law regulating the
survey of lumber in Penobscot County;

Bill authorizing the inhabitants of Addison
to build a Bridge across Pleasant River;

• to incorporate the Farwell Island Lumber
Co. Company; severally read and re-
ferred to the Committee on Interior Waters.
Sent down for concurrence. Concurred.

Petition of Mark Trafter and others, praying
to be incorporated by the name of the
Penobscot Iron Company;

• of John Merrill and others, praying
to be incorporated by the name of the
Portland White Marble and Lime
Company;

• of Isaac Mansfield and others, praying
to be incorporated by the name of the
Penobscot Sand & Water Power Company;

• A. Huse and others, praying to be in-
corporated by the name of the Hope
Marble and Lime Company;

• of James Colbath and others, praying
for the repeal of the law creating the
village of Brunswick a Corporation for
certain purposes;— severally read and

47 referred to the Committee on Manufactures.
Sent down for concurrence. Concurred.

Petition of Francis White, praying for remuneration for expenses in apprehending a fugitive thief and bringing him to justice;

of Franklin Smith, praying for compensation for services and expenditures in behalf of the State;

of Joseph Robinson and others, praying that Elisha McGaw may be remunerated for an injury sustained while in State Prison— Severally read and referred to the Committee on Claims. Sent down for concurrence. Concurred.

Order relative to Fishways through and over all dams, read and referred to the Committee on Interior Fisheries. Sent down for concurrence. Concurred.

Petition of Samuel Baker, praying for further compensation for injury sustained while doing military duty;

Resolve in favor of William Shedd— Severally read and referred to the Committee on Military Pensions. Sent down for concurrence. Concurred.

Petition of William Oakes and others, praying for alteration of the Militia Law— read and referred to the Committee on the Militia. Sent down for concurrence. Concurred.

Petition of Josiah Setbey and others, of the town of Wales, County of Lincoln, praying to be set off to the County of Kennebec;

29.
Petition of Selectmen and others, of the town
of Calais praying that said town
may be made a half shire town;
" of Selectmen and others of the town
of Calais praying that said town
may be made a half shire town;
" of John Mc Intire and others, John
Robinson and others. Aaron Austin and
others, Cornelius Bradford and others,
praying for a Court of Probate in
Eastern District in Lincoln County;
" of Ira and Samuel T. Bailey praying
to be set off from Albion to Paler-
mo in the County of Walder, severally
read and referred to the Committee on
Division and Alteration of Counties.
Sent down for concurrence. Concurred.

148

Bill additional to an 'act against Haughty
Pedlars and Petty Chapman' approved
Feb. 16, 1821.

" in addition to an act entitled an act
for the support and regulation of mills;
" to incorporate the Maine Thomsonian
Medical Society,

Petition and Report thereon of William Ladd
President of American Peace Society
in relation to a Congress of Nations;
Message of Governor transmitting Report of
Commissioners under Resolue of 1832
in relation to the territory North and
East of the River St. Johns. Severally
read and ordered, on motion, to lie on the
table.

Mr. Holdens from the Joint Select Com-
mittee to which was referred an order

49 instructing them to contract for the State Printing, for the current political year, reported that the Committee had contracted with William R. Smith and George Robinson of Augusta, to perform said printing, which report was read and accepted. Sent down for concurrence. Concurred.

Bill to protect sureties on Bonds from injustice in certain cases (laid on the table by Mr. Littlefield) was read and referred to the Committee on the Judiciary. Sent down for concurrence. Concurred.

Petition of George Kimball and others, praying for the incorporation of North River Steam Mill Company - read and referred to the Committee on Manufactures. Sent down for concurrence. Concurred.

On motion of Mr. Dument,
Ordered, That Messrs. Dument, Conditock, and A. Reed, with such as the House may join, be a Committee to inquire into the expediency of a repeal of the Charter of the "Kentucky Log Driving Company." Sent down for concurrence.

On motion of Mr. Littlefield,
Ordered, That so much of the Governor's message as relates to the Judiciary and Free Petition Law be referred to the Joint Standing Committee on the Judiciary.

— That so much of the Governor's message as relates to Literature be referred to the Joint Standing Committee on Literature.

— That so much of the Governor's message as relates to the Northeastern Boundary be referred to a Joint Select Committee, consisting, on the part of the Senate of Messrs Ogden, Boutelle, Williams, Stearns and Humphreys, with such as the House may join.

Came up with Messrs Cole of Paris, Symon of Portland, Parie of Sanford, Adams of Union, Richards of Ellsworth, Sheldon of Gardiner, Whidden of Calais, Dinwiddie of Anson, Ide of Frankfort, Allen of Bangor, Packard of Blanchard and Seach of Wilton, joined in concurrence.

— That so much of the Governor's message as relates to the finances be referred to the Joint Standing Committee who have under consideration the Treasurer's Report.

— That so much of the Governor's message as relates to Agriculture, and the Wheat and Corn Bounty be referred to the Joint Standing Committee on Agriculture.

— That so much of the Governor's message as relates to Internal Improvements be referred to the Joint Standing Committee on State Roads.

— That so much of the Governor's message as relates to the State Lands be referred to the Joint Standing Committee on State Lands.

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

That so much of the Governor's message as relates to the Insane Hospital be referred to the Joint Standing Committee on Public Buildings. Sent down for concurrence.

On motion of Mr. Barker,
Ordered, That when the Senate does adjourn it shall adjourn till half past ten o'clock to-morrow morning and that half past ten o'clock in the morning shall be the hour to which the Senate shall, in future, be adjourned, except Mondays, which shall be eleven o'clock (Sundays excepted) until otherwise ordered. And the Senate accordingly

Adjourned.

Attest, William Trapton, Secretary.

Wednesday, January 9, 1839.

Communications were received from Henry Hobbs, Nathan C. Fletcher, Alpheus Lyon, Samuel Coney, and Nathaniel Milliken Councilors elect, severally signifying their acceptance, and readiness to take and subscribe the oaths required by the Constitution—read and sent down.

On motion of Mr. Humphrey
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 administering the necessary oaths to Henry Hobbs, Nathan C. Fletcher, Alpheus Lyon, Samuel Coney and Nathaniel Milliken, Councilors elect, who have severally signified their acceptance, and readiness to take and subscribe the oaths required by the Constitution to qualify them to enter upon the discharge of their Executive Duties, which message was delivered by the Secretary.

A message was received from the House of Representatives, by Mr. Waterhouse, the Clerk, that the House had concurred in the foregoing proposition.

In Convention.

Aqueably to assignment the two Houses met in Convention for the purpose of qualifying Councilors elect.

Mr. Dane of Kennebunk, of the House, was charged with a message informing Henry Hobbs, Nathan C. Fletcher, Alpheus Lyon, Samuel Cony and Nathaniel Milliken Councilors elect that the two Houses, have met in Convention and are ready to administer to them the necessary oaths to qualify them to enter upon the discharge of their official duties.

Whereupon Henry Hobbs, Nathan C. Fletcher, Alpheus Lyon, Samuel Cony and Nathaniel Milliken came in (attended by the Ex. Council and Secretary of State) and before the President of the Convention took and subscribed the oaths required by the Constitution to qualify them to enter upon the discharge of their Executive duties, And the Convention separated.

In Senate.

On motion of Mr. Littlefield,
Ordered That a special message be sent to the Governor and Council informing that body that Henry Hobbs, Nathan C. Fletcher, Alpheus Lyon, Nathaniel Milliken and Samuel Cony, have been duly elected Councilors to advise the Governor in the Executive part of Government for the current political year, and that they have been duly qualified as the Constitution directs to enter upon the discharge of their official duties.

Which message was delivered by Mr. Littlefield.

54

A communication was received from Asaph R. Nichols, Secretary of State elect, signifying his acceptance of the office.
Read and sent down.

On motion of Mr. Grosz
Ordered, That a special message be sent to the Governor and Council informing that to day that Asaph R. Nichols, having been duly elected Secretary of State has signified his acceptance of that office, and is ready to take and subscribe the oaths required by the Constitution to qualify him to enter upon the discharge of his official duties.

Mr. Grosz was charged with said message, who reported that Asaph R. Nichols had taken and subscribed the oaths required by the Constitution to qualify him to enter upon the discharge of his official duties.

On motion of Mr. W. M. Reed.
Ordered, That the Committee on Interior Affairs be directed to inquire if the Kennebec Paper Company have failed to comply with the provisions of their charter, and if so, as to the expediency of repealing the charter. Sent down for concurrence. Concurred.

On motion of Mr. Norton,
Ordered, That the petition of Amos Davis for the right to locate a grant of land made to Nathaniel Haskell, with accompanying papers be taken from the files of the last Legislature, and referred to the Joint Standing Committee on State Lands.

Read and passed, and said petition, with accompanying papers, was taken from the files

Wed. Jan. 9. 1829.

and referred to the Committee on State Lands Sent down for concurrence. Concurred.

The Governor's message transmitting report of Commissioners under Resolve of 1822 in relation to the territory North and East of the River St. John, (referred from the last to the present Legislature) on motion of Mr. Gross, was taken up and referred to the Committee on the North Eastern Boundary. Sent down for concurrence. Concurred.

The Governor's message transmitting sundry documents, relative to the arrest of Philbrook and Kellerman, came up from the House referred to the Committee on the Judiciary, and the same was laid upon the table.

The Land Agent's Report transmitted by the Governor the 2^d inst, on motion of Mr. Norton, was taken up and referred to the Committee on State Lands, Sent down for concurrence. Concurred.

The Bank Commissioner's Report transmitted by the Governor the 2^d instant, was taken up and the same, on motion of Mr. Holden, was referred to the Committee on Banks and Banking. Sent down for concurrence. Concurred.

Bill additional to the several acts, now in force relating to the partition of real estate (laid upon the table by Mr. Littlefield) was read and referred to the Committee on the Judiciary. Sent down for concurrence. Concurred.

Order from the House of Representatives 56
instructing the Committee on the Judiciary
to inquire into the expediency of directing the
Attorney General to commence a suit against
the Waldo Bank, for the semi-annual tax
due the State on the first day of April 1838.
Read and passed in concurrence.

Order from the House of Representatives
instructing the Committee on the Judiciary
to inquire into the expediency of providing
by law for the relief of the Sureties of such
Poor Debtors as were arrested upon execution
and subsequently gave notice to their creditors
of the time and place when they would disclose
and took and subscribed the Poor Debtors oath
without going to Prison, in conformity to the
general construction of the 5th Section of "An
act supplementary to an act for the relief of
Poor Debtors;" and that said Committee be in-
structed to report forthwith by Bill or other-
wise. Read and passed in concurrence.

Petition of Ebenezer Cobb, and
" of Mary Cobb, praying for a divorce
from the bonds of matrimony came up
from the House referred to a Joint Select
Committee consisting, on the part of the House,
of Messrs. Bradbury of New Gloucester, Ford
of Cary, Chesley of Chester, Andrews of Turner
and French of Nottingham, with such as
the Senate may join. Read and referred. ^{and}
Messrs. Doremont, Grosz and A. Reed were
joined in concurrence.

Petition of S. H. Hawes and others, praying
for an act inflicting a penalty

57

on the owners and Masters of vessels who permit them to remain at anchor in the Penobscot or Kennebec Rivers during the night without keeping up signal lights.

Petition of Samuel Butterfield and others praying that the license law be repealed -

Read and referred to the Committee on the Judiciary in concurrence.

Petition of Ezekiah Prince and others praying that they may be incorporated by the name of the Thomaston Theological Institution - read and referred to the Committee on Literature and Literary Institutions in concurrence.

Petition of William A. Palmer and others praying to be incorporated into a town by the name of Lewisville read and referred to the Committee on Incorporation of Towns in concurrence.

- Petition of Levi Holden and others praying for a division of the town of Raymond;
- of William Lovell Jr. praying that his land lying in Monmouth and Rayn may be annexed to Winthrop;
 - of Isaac C. Staples and others praying to be set off from Cornish and be annexed to Limerick;
 - of William Foster and others praying for a division of Angyle plantation so that the Eastern section thereof may be incorporated into a town by the name of Angyle;
 - of Ira and Samuel S. Bailey praying to be set off from the town of Alton and annexed to Palermo;

Remonstrance of George Staugh and others against D.S.
annexing a part of Glenburn to Levant
severally read and referred to the Committee on
Division of Towns in concurrence.

Petition of Hannah Tegg, praying for a Pen-
sion;

" of Apollaz R. Gilman praying that mon-
ey paid to the State by him may be
refunded - severally read and referred
to the Committee on Claims.

Petition of Joel Small and others praying that
the town of Wales in the County of Lincoln
be annexed to the County of Kennebec,
" of inhabitants of Calais praying that
Calais may be made the shire town of
Washington County - severally read and
referred to the Committee on Division and
Alteration of Counties - in concurrence.

Petition of Ezekiel G. Arniz and others,
" of Reuben Patten and others, praying
that the Militia be paid a fair compen-
sation for services - read and referred to the
Committee on the Militia, in concurrence.

Petition of A. D. Shaw and others praying
for extension of time to build the Bangs
and Calais Rail Road - read and referred
to the Committee on Rail Roads and Canals
in concurrence.

Petition of Nathaniel Mayo and others praying
for charter to build a bridge across
the Androscoggin River at or near
Livemore Falls - read and referred to

the Committee on Roads and Bridges,
in concurrence.

Petition of Henry S. Hayes, of Waterford, pray-
ing for further aid in consequence of
a severe injury received in the military
service - read and referred to the Com-
mittee on Military Pensions in concurrence.

Petition of Amos Dean, praying for a grant
of land from the State - read and re-
ferred to the Committee on State Lands, in
concurrence.

Petition of Nathaniel Beverage, and others of
the town of Camden, praying that so
much of an act for the preservation
of fish in the Penobscot waters, passed
1838, be repealed as to exempt the town
of Camden from the penalty;
• of the town of Dresden, praying for an
act to regulate the fisheries on the Kenne-
bec and all its branches;
• of James Austin and others, praying
for the opening of sluice ways and
the preservation of fish in the Penobscot
River and its tributaries;
• of the Selectmen of Bowdoinham pray-
ing for the repeal of an act authorizing
said town to regulate their fisheries severally
read and referred to the Committee on Interior
Fisheries in concurrence.

Adjourned.

Attest.

William Trafter, Secretary.



Thursday January 10. 1839.

Mr. Barker, from the Joint Select Committee to which was referred the Treasurer's Report on the finances, made a Report thereon, which was read and accepted. Sent down for concurrence. - Concurred.

On motion of Mr. Shaw
Ordered, That a message be sent to the House of Representatives proposing a Convention of the two Branches of the Legislature in the Representatives Hall, forthwith, for the purpose of electing a State Treasurer for the current political year.

Which message was delivered by the Secretary.

A message was received from the House of Representatives, by Mr. Waterhouse, their Clerk, that the House had concurred in the foregoing proposition.

In Conventions.

Agreeably to assignment the two Houses met in Convention for the purpose of electing Treasurer of State.

Messrs. Boutelle and Barker of the Senate and Messrs. Mildram of Wells, Rose of Augusta, and Grant of Prospect of the House, were appointed a Committee to receive, sort and count the votes.

Which Committee, having attended to the duties assigned, reported that the

Thurs. Jan. 10 1839

| | | |
|-----|--------------------------|------|
| 61. | whole number of votes is | 198. |
| | Necessary to a choice | 100 |
| | Seremiah Goodwin has | 116 |
| | James B. Caborn | 81 |
| | James White | 1 |

and seven blank votes which were not counted by the Committee.

Seremiah Goodwin was declared duly elected Treasurer of State for the current political year and the Convention separated.

In Senate.

On motion of Mr. Shaw

Ordered That the Secretary of the Senate be directed to notify Seremiah Goodwin that he has been duly elected Treasurer of State for the current political year.

A communication was received from John H. Councilor elect signifying his acceptance read and sent down.

The President laid before the Board a communication from Asaph R. Nichols, Secretary of State, relative to printed Documents deposited in the Secretary of State's office in relation to the N. E. Boundary - read and sent down.

A message was received from the Governor by Mr. Nichols, Secretary of State, transmitting Resolutions of the Legislature of Connecticut in relation to the future disposal of the public lands and the same, on motion of Mr. Shaw was referred to the Committee on

State Lands. Sent down for concurrence.

62.

On motion of Mr. Dumont.

Ordered, That the Secretary of State be directed to deliver to the Messenger of the Senate two hundred and fifty of the printed documents now in his office, to be distributed among the members of this Board, and the remainder to the Messenger of the House of Representatives for the use of the members thereof. Sent down for concurrence. Concurred.

On motion of Mr. Gross.

Ordered, That the Committee on Agriculture be instructed to inquire into the expediency of repealing the Law giving a bounty on wheat and corn. Sent down for concurrence.

On motion of Mr. Norton.

Ordered, That (the House concurring) there shall be added to the Joint Standing Committee of the two branches a Committee to be called the Committee on Indian Affairs. Sent down for concurrence. Concurred.

On motion of Mr. Emory.

Ordered, That the Committee on the Judiciary be instructed to inquire into the expediency of abolishing the Court of Common Pleas, and of instituting some other Court in its place, and also the expediency of adding one or more Justices to the Supreme Judicial Court. Sent down for concurrence.

On motion of Mr. Williams.

Ordered, That the Committee on the Judiciary be instructed to inquire into the expediency of

63.

extending the Jurisdiction of the Judges of Probate so as to authorize them to license Executors and Administrators to give deeds to carry into effect contracts made by their testators or intestates in certain cases Sent down for concurrence.

Order from the House of Representatives instructing the Committee on the North Eastern Boundary of this State to inquire into the expediency of extending the Jurisdiction of this State over what has been denominated the disputed Territory, to the North west angle of Nova Scotia (or New Brunswick) as described by the treaty of 1783 and report forthwith—read and passed in concurrence.

Order from the House of Representatives, that the following Joint Rule be adopted, when Select Committees are appointed by the House and joined by the Senate.

Whenever a Select Committee shall be appointed by the House, and ^{also} by the Senate, it shall be the duty of the Secretary of the Senate to transmit to the Clerk of the House the names of the members of the Senate, so joined in order that they may be entered upon the Journal of the House—read and passed in concurrence.

Petition of Benjamin Wilson and others praying for the continuance of the pension to James Lawrence read and referred to the Committee on Military Pensions. Sent down for concurrence.

Remonstrance of South Berwick;

Remonstrance of inhabitants of South part of Ct.
to Berwick;
of land owners in South
Berwick against setting off the South
part of said town to Ellick. Severally
read and referred to the Committee on Division
of Towns in concurrence.

Petition of S. G. Rodfish and others, praying for
remuneration for cutting a road from
Elliottsville to Wilson Stream;
" of Nehemiah Seavett and others, praying
for redress;
" of Daniel T. Perley and others, praying
for reduction of the price of land pur-
chased in 1835. Severally read and re-
ferred to the Committee on State Lands, in
concurrence.

Petition of inhabitants of the town of Litch-
field, praying for an alteration in
the Constitution relative to the time of
meeting of the Legislature. read and
referred to the Committee on the Judiciary in
concurrence.

Petition of Nathaniel Kimball and others, pray-
ing to be incorporated as a Steam Navi-
gation Company. read and referred to the
Committee on Interior Waters, in concurrence.

Petition of the inhabitants of Belfast and vicinity
in aid of the Stockholders of the Upper
Bridge Company in obtaining an ex-
tension of their Charter;
" of S. H. Miller and others, praying
for an appropriation to aid them

65.

in building bridges in the town of Orono.
 Petition of Stockholders of the Upper Bridge
 Company in Belfast for an extension
 of their charter - severally read and
 referred to the Committee on Roads & Bridges
 in concurrence.

Petition of Sddo Kimball and others, praying
 for the revision and codification of the
 Laws relative to Lime and Lime Casks,
 came up from the House referred to a
 Joint Select Committee, consisting on
 the part of the House, of Messrs. Hewitt
 of Thomaston, Spruel of Maldenborough,
 Sermond of Union, Trisbee of Helden,
 and Homer of Bucksport, with such as
 the Senate may join - read and referred
 and Messrs. Erskine, Cornstock and Gross,
 were joined in concurrence.

Petition of the Selectmen of Eden, praying that
 said town may be reimbursed for money
 paid out for the support of Edward
 Guess, a foreigner - read and referred to
 the Committee on Claims in concurrence.

Petition of Nathaniel Sawyer and others, pray-
 ing that the Militia be paid a fair
 compensation for its services - read and
 referred to the Committee on the Militia in
 concurrence.

Petition of Samuel Baker, praying for further
 compensation for injury sustained while
 doing military duty - read and referred
 to the Committee on Military Pensions in con-
 currence.

The Order appointing a Special Committee to inquire into the expediency of repealing the Charter of the "Kennebec Log Driving Company" came up the House, having non-concurred the Senate in its reference, referred the same to the Committee on Interior Waters.

The Senate reconsidered the vote referring the order to a Select Committee, non-concurred the House in its reference, and the said order, on motion of Mr. Piermont, was laid upon the table.

Bill to obtain statistical information in relation to certain branches of industry in the State, (referred from the last to the present Legislature) was read and with the accompanying papers referred to the Committee on Agriculture. Sent down for concurrence.

Mr. Perkins from the Committee appointed to draft Rules and Orders, made a Report which was read, and the same, on motion of Mr. Pontelle, was laid upon the table.

Mr. W. M. Reed from the Committee on the Division and Alteration of Counties, reported order of Notice on petition of Isaiah Litty and others, which Report was read, and the same, on motion of Mr. Jaques was re-committed. Sent down for concurrence. — Concurred.

Resoln for procuring Indexes to the Public Documents, (laid on the table by Mr. Osgood).

67.

Bill to incorporate the Thomaston Theological
Institution (reported by Mr. Egard
from the Committee on Literary In-
stitutions on petition of Hesechiah
Prince and others) Severally read
once and tomorrow eleven o'clock assigned
for a second reading

Adjourned.

Attest, William Trafton, Secretary.

Friday, January 11 1839.

On motion of Mr. Humphreys,
Ordered, That a message be sent to the
 House of Representatives proposing a Con-
 vention of the two Houses in the Representatives
 Hall, forthwith, for the purpose of adminis-
 tering the necessary oaths of office to John Webb
 Councilor elect, to qualify him to enter upon the
 discharge of his official duties. Which message
 was delivered by the Secretary.

A message was received from the House
 of Representatives, by Mr. Waterhouse, the Clerk,
 that the House had concurred in the foregoing
 proposition.

Ino Convention.

Agreeably to assignment, the two Houses
 met in Convention for the purpose of quali-
 fying John Webb Councilor elect.

Mr. Shaw of Windham, of the House,
 was charged with a message informing the
 Councilor elect that the two Houses have met
 in Convention, and are ready to administer to
 him the necessary oaths to qualify him to
 enter upon the discharge of his official duties.

Whereupon, John Webb came in, (attended
 by the Council and Secretary of State) and before
 the President of the Convention, 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

69. his official duties and the Convention separated.

In Senate.

On motion of Mr. Holden,
Ordered, That a special message be sent to the Governor and Council, informing that Body that John Nett has been duly elected Councilor to advise the Governor in the Executive Department of the Government for the current political year and that he is duly qualified to enter upon the discharge of his official duties. Which message was delivered by Mr. Holden.

On motion of Mr. Boutelle,
Ordered, That the Committee on the Judiciary inquire as to the expediency of making further provision for the service of writs and other processes in Corporations and School Districts.

Also to inquire as to the expediency of altering or amending the law in relation to actions of dower. Sent down for concurrence. Concurred.

Order from the House of Representatives, instructing the Committee on the Judiciary to report a Resolution for changing the time of the annual State elections and meeting of the Legislature.

The Senate, on motion of Mr. Littlefield, non-concurred the House in the passage of said order and amended the same by striking out the words "to report a Resolution for" and

inserting in lieu thereof the words to inquire into 70.
the expediency of - and passed the order as thus
amended. Sent down for concurrence. Concurred.

The following orders came up from the
House of Representatives, which were severally
read and passed in concurrence, to wit,

Requesting the Committee on the Judiciary
to consider the expediency of abolishing im-
prisonment for debt.

Instruction the Committee on State
Roads to inquire into the expediency of mak-
ing an appropriation for repairing the mil-
itary road leading from Lincoln to Houlton, also

Directing the same Committee to inquire
into the expediency of making an appropri-
ation to be expended in extending & finishing
the Newstock Road.

Instruction the Committee on Interior
Affairs to inquire into the expediency of
so far amending the Law relating to the
packing and Inspection of Fish, as to al-
low Inspectors thereof to pack all kinds
of pickled fish, except Herrings and Alewives,
in quarter barrels, containing each fifty pounds
and in eighths of barrels or kids containing
each twenty five pounds. - Also, as to the ex-
pediency of requiring Inspectors of fish
to make Affidavit to their returns to the
Secretary of State. - And that the said Com-
mittee inquire into the expediency of repealing
so much of the Act approved March 22.
1821, as to allow pickled or smoked fish,
which have been duly inspected in the State or
County in which they shall have been packed,
to be sold in, and exported from, this State,
without re-inspection.

76.

The following Joint Standing Committee, (in accordance with the Joint rule adopted yesterday) was appointed, and sent down to be joined, to wit;

On Indian Affairs.

Messrs. Armstrong,
Bradley,
Williams.

Came up joined as follows
Messrs. Tuze of Orono,
Patten. Bath,
Bartlett, Berwick,
Hobbs. Eastport,
Moore. Waterville,
Olis. Hallowell.

Petition of Charles G. Smith and others, praying for an alteration of the License Laws, came up from the House of Representatives, referred to a Joint Select Committee, consisting on the part of the House of Messrs. Appleton of Portland, M^r Intine of York, Kelsey of Livermore, Delesdemier of Baileyville, Voss of Augusta and Patten of Bath, with such as the Senate may join - read and referred and Messrs. Isaac Reed, Heagan and Belcher were joined in concurrence.

Petition of Alora Hatch and others; Th^o West and others, praying for the repeal of the License Laws - severally read and referred to the Committee on the License Laws, in concurrence.

On motion of Mr. Tuttlefield, 72

The Senate reconsiders the vote whereby the petition of Samuel Butlerfield and others was referred to the Committee on the Judiciary, and refers the same to the Committee on the Licence Laws. Sent down for concurrence. Concurred.

Petition of Lewis Torma and other Indians of the St. Johns Tribe, praying for a grant of land, came up, referred to the Committee on State Lands. The Senate, on motion of Mr. Norton, nonconcurs the House in its reference, and referred the petition to the Committee on Indian Affairs. Sent down for concurrence. Concurred.

Petition of W. Redfish and others praying for a renewal of a charter for building a sluice way over the Ticonic Falls - read and referred to the Committee on Interior Waters. Sent down for concurrence. Concurred.

Petition of Fayette Baker praying to be set off from the town of Penobscot and annexed to the town of Castine - read and referred to the Committee on Division of Towns. Sent down for concurrence. Concurred.

Petition of Richard Smart and others, praying to be authorized to build a bridge across the tide waters of Marsh River - read and referred to the Committee on Roads and Bridges. Sent down for concurrence. Concurred.

Bill additional to an Act against Hawkers, Pedlars and Petty Chapmen, approved Feb.

73. 10 1831, on motion of Mr. Smart was taken up and referred to a Joint Select Committee consisting, on the part of the Senate, of Messrs. Smart, Bowles and Perkins, with such as the House may join. Sent down for concurrence.

Came up with Messrs. Vose of Augusta, Nelson of Nelson, Garcelon of Sisson, Smith of Vinalhaven, Bradbury of Baring, Kellogg of Sismons, Tyler of Newfield and Meddison of Gorham joined in concurrence.

Petition of Ashur Hinds and others, praying to be incorporated Trustees of Lincoln Academy;
 of Henry Saunders, praying to be set off from School District No. 13 in Pembroke and annexed to School District No. 6, in Bluehill. severally read and referred to the Committee on Literature and Literary Institutions, in concurrence.

Petition of R. H. Gardiner and others praying that the ferry men at Gardiner may be required by law to keep the road on to the river at the landing above the ferry, in good order in the winter. read and referred to the Committee on Roads and Bridges, in concurrence.

Petition of the inhabitants of the town of Corinna praying that the name of that town may be changed to Boston. read and referred to the Committee on Incorporation of Towns, in concurrence.

Petition of Samus Stuart and others, praying

for an appropriation for repairing the Houlton Road upon the Indian Township, Washington County - read and referred to the Committee on State Roads, in concurrence. 74.

Petition of Amariah Bohanan and others praying that cows and young cattle may be permitted to go at large in the town of Alexander, Washington County - read and referred to the Committee on Agriculture, in concurrence.

Petition of the town of Penobscot, praying for a repeal of the fish laws, in the waters of Penobscot Bay - read and referred to the Committee on Interior Fisheries, in concurrence.

Bill relating to Divorces (laid on the table by Mr. Fletcher) read and referred to the Committee on the Judiciary. Sent down for concurrence. Concurred.

Resolve in favor of Amos Davis, Assignee of Nathaniel Haskell (reported by Mr. Norton on petition of Amos Davis) was read once and tomorrow eleven o'clock, assigned for a second reading.

Resolve in favor of the town of Lexington (laid on the table by Mr. Seward) was read once and Tuesday next eleven o'clock assigned for a second reading.

Bill to incorporate the Thomaston Theological Institution was read the second time, and the same, on motion of Mr. Smart, was

75. laid upon the table.

Resolve for procuring Indexes to the Public Documents was read the second time and passed to be engrossed. Sent down for concurrence. Concurred.

Adjourned.

Attest William Crafton, Secretary.

76.

Saturday, January 12, 1839

Report of Committee on Rules and Orders, on motion of Mr. Perkins, was taken up and recommitted.

The Committee on State Lands reported leave to withdraw on petition of Nehemiah Seavitt and others read and accepted, in concurrence.

Documents relative to the arrest of Philbrick and Kelleman (transmitted to the House by the Governor's instant), on motion of Mr. Esqoo, was taken up and referred to the Committee on the Judiciary, in concurrence.

On motion of Mr. Litchfield,

Ordered, That the Committee on the Judiciary be instructed to inquire into the expediency of amending the second section of an Act passed March 22, 1836 entitled "an additional act directing the method of laying out and making provision for the repair and amendment of highways. Sent down for concurrence. Concurred.

Order from the House of Representatives directing the Committee on the Judiciary to inquire what alterations are necessary in the several acts regulating the powers and duties of County Commissioners read and passed in concurrence.

Order from the House of Representatives directing the Committee on the Judiciary to

77.

inquire into the expediency of so altering the law, that when a person is sued for a penalty in an action where a part of the penalty goes to the State, and a part to the prosecutor, and fails to sustain the same, that person so prosecuting shall be liable for costs; and that in prosecutions in the name of the State any person who is not found guilty shall be entitled to recover costs against the State. Read and passed in concurrence.

Petition of Robert Goodenow and others, praying for the prohibition of the sale of intoxicating liquors except for medical and mechanical purposes. - read and referred to the Committee on the License Laws. Sent down for concurrence. Concurred.

Petition of Moses Saunders Jr. praying to be discharged from certain notes given to the State for State Lands. read and referred to the Committee on State Lands. Sent down for concurrence. Concurred.

Petition of Harvey E. Robinson, praying for further relief in consequence of wounds received while in the Military Service. - read and referred to the Committee on Military Pensions in concurrence.

Remonstrance of Samuel Higgins and others against the petition of Reuben Libbey and others. read and referred to the Committee on the Judiciary, in concurrence.

Petition of Asa Perry, praying for relief. - read and referred to the Committee on Agriculture.

Petition of Joshua Carpenter praying that the account presented by him to the last Legislature may be taken from the office of Secretary of State, or a transcript thereof, and be referred to the Committee on accounts, read and referred to the Committee on accounts, in concurrence.

Resolve in favor of the town of Symma (introduced in the House) read and referred to the Committee on Claims, in concurrence.

Bill relating to days of Grace on commercial paper in certain cases (introduced in the House) read and referred to the Committee on Banks and Banking, in concurrence.

Mr. Littlefield, from the Committee on the Judiciary reported legislation inexpedient on Bill respecting the collection of taxes on land owned by tenants in common - on petition of Asa Redington and others, and an order relative to pay of members of the Legislature - on petition of the Penobscot Medical and Surgical Association - on an order relative to beasts, pounds &c. and on an order relative to defendants and respondents having the right to close in the argument in civil and criminal prosecutions - read and accepted. Sent down for concurrence. Concurred.

Mr. Smart from the Committee on Division of Towns, reported order of notice on petition of William A. Palmer and others read and accepted. Sent down for concurrence. Concurred.

Mr. Littlefield, from the Committee on the Judiciary, to which was referred.

Bill additional to the several acts now in force relating to the partition of real estate; reported that said Bill ought to pass and the same was read once and Tuesday next eleven o'clock assigned for a second reading.

Bill additional exempting certain goods and chattels from attachment, execution, and distress (laid on the table by Mr. Holden) was read once and Tuesday next eleven o'clock assigned for a second reading.

Resolved in favor of Amos Davis Assignee of Nathaniel Haskell was read the second time and amended, and the same on motion of Mr. Littlefield, was laid upon the table.

Adjourned

Attest William Crafton, Secretary.