

Monday, March 16, 1840.

A message was received from the House of Representatives, by Mr. Gerry, the Clerk, that that Branch proposed to have a recess from and after Wednesday next, and requested the concurrence of the Senate.

The Senate concurred in the proposition, of which the House was informed by message.

On motion of Mr. Bradley,
Ordered, That a message be sent to the House of Representatives requesting that Branch to return to the Senate the Bill to set off certain lands from Pittsfield and annex the same to Canaan.

Which message was delivered by the Secretary. And said Bill was returned by Mr. Gerry, the Clerk, by message.

On motion of Mr. Bradley, the Senate reconsidered the vote of Saturday, whereby the "Bill to set off certain lands from Pittsfield and annex the same to Canaan" was referred to the next Legislature, and the same was laid upon the table.

Petition of Freeman Nicholson of the 26 Company of Cavalry, praying for remuneration for the loss of his horse in the Aroostook Expedition — read and referred to the Committee on Claims.

Sent down for concurrence. Concurred.

Mr. Merrill, from the Committee on the Militia, L 13
reported "Legislation inexpedient" on the Report of the
Committee on the Militia of 1839— read and accepted.
Sent down for concurrence. Concurred.

Mr. Erskine, from the Conference appointed on the
part of the Senate, on the subject-matter of the disagree-
ing vote of the two Houses on the "Resolve in favor of
the city of Portland, of the towns of Harpswell, Jefferson,
Bristol, South Berwick, Phillips, Bowdoinham, Lee, Lebanon,
Salem, Gorham, of Joseph Spaulding and Elisha W.
Mitchee", reported that they had met the Conference on the
part of the House, and that they had agreed to recom-
mend that the Senate recede and concur with the House
in referring said Resolve to the next Legislature— read
and the same, on motion of Mr. Bradley, was indefinitely
postponed. Sent down for concurrence. Concurred.

Mr. Eastman, from the Committee of Conference,
appointed on the part of the Senate on the subject-matter
of the disagreeing vote of the two Houses on the "Bill further
regulating Divorces", reported that they had met the Confe-
rences appointed on the part of the House of Representatives
and that they were unable to agree, therefore recommended
that the Senate adhere to its former vote whereby said
Bill was refused a passage— read and accepted.

Mr. Gross, from the Conference appointed on the
part of the Senate on the subject-matter of the disagreeing
vote of the two Houses on the "Bill to set off certain lands
from Dearborn to Waterville", having met the Conference

414. appointed on the part of the House of Representatives, reported that they were unable to agree, and therefore recommended that the Senate adhere to its former vote, whereby said Bill was "indefinitely postponed" — read and accepted.

Bill to set off certain lands from Pillsfield and annex the same to Canaan, on motion of Mr Philbrick was taken up, and the same, on motion of Mr. Bolster, was referred to the next Legislature, of which the House was informed by message and its concurrence requested.

The Committee on Engrossed Bills reported as truly and correctly engrossed,

Resolve in favor of Benjamin Smith, and the same, on motion of Mr. Groff, was indefinitely postponed, of which the House was informed by message, and its concurrence requested.

The Committee on Engrossed Bills reported as truly and correctly engrossed

Resolve in favor of Albert Hanson,

— in favor of Elisha Hilton,

— in favor of Samuel Holder,

— in favor of Ebenezer Jones,

— in favor of John Morrill,

— in favor of Wilmet W. Walker,

— for the erection of a Gun-house in Lignerick,
— relating to the Military expenditures of the State
in the protection of the North Eastern Frontier,
— for the preservation and repair of the Canada Road,

- " providing for the choice of Electors of President and Vice President of the United States, p15
— " making appropriations for military purposes,
— " in favor of the School on George's Island,
— " relating to the State Prison Debt,
— " directing the payment of accounts of cities, towns and persons for supplies furnished and services rendered, in consequence of drafts of Militia into actual ^{service} and the same were severally
Finally passed.

The same Committee reported as truly and correctly engrossed,
Bill to increase the salary of the Register of Probate in the County of Franklin,

- " to establish the Compensation of the Surveyor General,
— " to prevent disturbances in schools,
— " additional to an Act establishing and regulating the fees of certain officers therein named,
— " additional to incorporate the Magalloway and Schoodic Canal Company,
— " additional to an Act to incorporate the Bangor and Piscataquis Canal and Rail Road Company,
— " to divide the ministerial fund in Turner,
— " to divide the town of Vero and incorporate the north part into a town by the name of Old Town,
— " to ascertain the amount and description of estates and of certain description of persons within this State — and the same were severally passed
to be ————— enacted —————

416

Bill to repeal an Act entitled "an Act to encourage the destruction of Wolves and Bears," approved March 6, 1835 — also an Act entitled "An Act to encourage the destruction of Wolves," approved January 28, 1837, (laid on the table February 13) was taken up & the same was proposed to be enacted.

An additional Resolve for the payment of Accounts against the State, (reported in the House by the Committee on accounts,) was read twice and proposed to be engrossed, in concurrence.

The motion of Mr. Blake to reconsider the vote referring to the next Legislature the Resolve in favor of Joseph Penroy, (laid on the table on Saturday,) on motion of Mr. Bradley was taken up, and the Senate reconsidered the vote of the 13th instant whereby said Resolve was referred to the next Legislature. And the question of passing the same to be engrossed in concurrence, being ordered to be taken by yeas and nays, was decided in the affirmative, as follows, to wit:

Yeas. Messrs. Barrell, Blake, Bolster, Eaton, Foster, Hammons, Merrill, Philbrick, Isaac Reed, William M. Reed, Robinson, Smith, Tabbets, and Vose — 14
Nays. Messrs. Barker, Eastman, Eushine, Goff, Perkins, Shaw, Totman, and True 8

Bill to legalize the study of anatomy, (introduced in the House) read and referred to the Extra Session of this Legislature, in concurrence.

Adjourned

Afternoon.

Order from The House of Representatives appointing Messrs Lake of Duckshout, Perkins of Kennebec, Fort, Weston of Oisfield, Perry of Bowdoin, Blake of Monmouth, Tobin of Hartford, Merrill of Cornville, Parker of Exeter, True of Montville, and Eastman of Wesley, with such as the Senate may join, a Committee to take into consideration the expediency of recommending a reduction of the number of Representatives at the next apportionment, to fix on the number and prescribe the manner of obtaining an expression of the people on the subject — read and passed, and Messrs. Smith, Tolman, Tebbels, Bolter and Parrell were joined in concurrence.

The Committee on Engrossed Bills reported as truly and correctly engrossed, Resolve in favor of Daniel D. Perley and others — and the same, on motion of Mr Shaw, was referred to the next Legislature; of which the House was informed by message and its concurrence requested.

A message was received from the House of Representatives, by the Clerk of that Branch, that the House had referred the "Resolve in favor of Daniel D. Perley and others" to the next Legislature, in concurrence.

Bill to repeal the 2^d Section of an Act entitled an additional Act concerning the apportionment and collection of taxes, approved March 12, 1831, on motion of Mr True, was

418 taken up - the Senate adhered to the vote of indefinite postponement.

Sent down for concurrence.

Bill to set off land belonging to William B. Flint and J. W. Smith from the town of Madison and annex the same to the town of Anson, on motion of Mr. Smith was taken up and referred to the next Legislature, in concurrence.

Bill for a more speedy recovery on Sheriff's Bonds was taken up and referred to the Extra Session of this Legislature.

Sent down for concurrence. Concurred.

Bill relating to demand and notice on promissory notes, orders and drafts,
— additional to an act regulating Judicial process and proceedings - taken up and severally referred to the Extra Session of this Legislature.
Sent down for concurrence.

(Mr. William M. Reed, from the Joint Select Committee to which was recommitteed the report relative to the repeal of the Act giving a bounty to vessels engaged in the fisheries, submitted said report with an amendment - read and accepted and the

Resolve relative to the repeal of the Act, giving a bounty to vessels engaged in the fisheries was read, amended and hoped to be engrossed.

Sent down for concurrence. Concurred.

Mr. Merrill, from the Committee on the Militia 119
reported that the "Resolve furnishing the Sebec Rifle
Company with Rifles" ought not to pass - read and
the same, on motion of Mr. Blake, was laid upon
the table.

Bill in addition to "an act for the support and
regulation of Mills," (reported by Mr. Blake from the
Committee on the Judiciary on an order relative to that
subject-) was read twice and passed to be engrossed,
sent down for concurrence.

Mr. Merrill, from the Conference appointed on the part
of the Senate on the subject matter of the disagreeing vote
of the two Houses on Bill additional relating to the Militia,
reported that the Conference had met the Conference on
the part of the House, and that they had agreed to
recommend to the Senate to recede from its former
vote whereby said Bill was indefinitely postponed and
pass the same to be engrossed - read and accepted.

Resolve in favor of the Groostock Road (laid
on the table by Mr. Bradley) was read twice and
passed to be engrossed.

Sent down for concurrence. Concurred.

Report of the Committee on Claims, granting leave
to withdraw on petition of William Anson and Rebecca
D. Deane, was taken up read and accepted.

Sent down for concurrence. Concurred.

420

Mr. Groff, from the Conference appointed on the part of the Senate on the subject-matter of the disagreeing vote of the two Houses on the "Bill to establish the Shire town of the County of Piscataquis," reported that they had met the Conference on the part of the House of Representatives, and that the Conference on the part of the House had agreed to recommend to that Branch to recede from its vote passing said Bill to be engrossed, and to concur with the Senate in referring the same to the next Legislature—read and accepted.

A message was received from the House of Representatives, by Mr. Gerry, its Clerk, that that Branch had nonconcurring the Senate in referring to the next Legislature "Bill to set off certain lands from Pittsfield and annex the same to Vanaan," and having insisted on its former vote passing said Bill to be enacted, proposed a Conference, and appointed as Conference Messrs. Daggott of Palmyra, Coburn of Bloomfield and Olesdornier of Baileyville—and asked the concurrence of the Senate.

The Senate, insisting on the vote referring said Bill to the next Legislature, concurred in the proposition for a Conference and appointed as Conference, Messrs. Groff, Robinson and Hammon.

Bill additional to an Act to provide for repair of Highways in certain unincorporated townships was taken up and referred to the Extra Session.

Sent down for concurrence.

A message from the House of Representatives, by Mr. 421
Gerry its Clerk, that the House had referred to the next
Legislature the "Resolve in favor of William Emerson" and
requested the concurrence of the Senate.

And the Senate referred the same in concurrence.

A message was received from the House of
Representatives, by Mr. Gerry, its Clerk, that the House
had indefinitely postponed the "Resolve authorizing the Land
Agent to settle claims arising from the sale of land to
which the State had no title," and requested the concu-
rence of the Senate. And said Resolve, on motion of
Mr. Smith, was laid upon the table.

Mr. Isaac Rice, from the Conference appointed on the
part of the Senate on the disagreeing vote of the two
Houses on an amendment of "Resolve for the relief of the
settlers upon the Aroostook," having met the Conference on the
part of House, reported that they were unable to agree,
therefore recommended that the Senate adhere to the vote
passing said Resolve to be engrossed as amended.

Mr. Bradley, from the Committee on State Roads,
reported "legislation inexpedient" on the Land Agent's
Report relative to the report and account of Ira Fish
Esq. Agent to construct the Aroostook road - read and
accepted. Sent down for concurrence. Concurred.

Mr. Blake submitted the following
Order, That the Treasurer be and he is hereby is

422

authorized to pay the Members of the Legislature (one half of) the sum that may be due them for their travel and attendance as members of the Legislature, in State Scrip, payable the first day of July with interest;— read and the same was laid upon the table.

On motion of Mr Bradley,

Ordered, That the Acting Quater Master General be authorized to pay such of the cities and towns for their claims for supplies furnished the Militia, called into actual service the past year, as amount to the sum of two hundred dollars and over, in the scrip of the Treasurer of the State, payable on the first day of June next, bearing interest— read and passed.

Tent down for concurrence.

On motion of Mr Groves, the Senate so far dispensed with the 17th number of the Rules and Orders as to reconsider the vote of Friday last passing the order as amended, directing the Secretary of the Senate to make up the pay of the members of the Senate and its officers to and including Monday (then) next— Also reconsidered the vote whereby said order was amended by striking out the word "Saturday" and inserting Monday; and amended the order by striking out the word "Saturday" and inserting Wednesday, and passed the order as thus amended.

Bill further regulating and establishing the 423
salaries of certain officers herein named was taken
up and while the same was under consideration,
the Senate

Adjourned

Attest, William Drafen, Secretary.

Tuesday, March 17, 1840.

Bill further regulating and establishing the salaries of and compensation of certain officers herein named, under consideration at the last adjournment, on motion of Mr. Shaw, was laid upon the table.

Bill additional to an act to provide for the education of youth came up — the House, having adhered to its former vote, the Senate adhered to the vote passing the same to be engrossed.

The Committee on the Militia, to which was referred the Resolves for organizing and disciplining the Militia, reported that said Resolves ought not to pass — read and accepted.

A message was received from the House of Representatives, by the Clerk, that the House had concurred with the Senate in the indefinite postponement of the "Resolve in favor of John McFarland Jr."

Mr. Vose, from the Conference appointed on the part of the Senate on the subject — matter of the disagreeing vote of the two Houses, on the "Resolve in favor of Waterville College", reported that they had met the Conference on the part of the House, and being unable to agree, recommended that the Senate adhere to its former vote passing the Resolve to be engrossed — read and accepted.

Mr. Eaton, from the Conference appointed 425
on the part of the Senate, on the disagreeing vote of the
two Houses, on an amendment to the "Bill to repeal an
Act entitled 'an Act to incorporate the Kennebec Dam
Company,' and also an Act entitled 'an Act addi-
tional to an Act to incorporate the Kennebec Dam Com-
pany,'" reported that they had met the Conference on the
part of the House and that they had agreed to rec-
ommend that the Senate recede from its former vote
amending said Bill and concur with the House
in rejecting said amendment — read and ac-
cepted, and said Bill passed to be engrossed
in concurrence.

On motion of Mr. Hammons, the Senate re-
considered the vote of yesterday passing to be enac-
ted the Bill to repeal an Act entitled "An Act to
encourage the destruction of Wolves and Bears," approv-
ed March 6, 1835, — also an Act entitled "An Act to
encourage the destruction of Wolves," approved February
28, 1837, and referred the same to the next Legisla-
ture, of which the House was informed by mes-
sage and its concurrence requested.

On motion of Mr. Blake, the Order in rela-
tion to the members of the Legislature being paid in
State Scrip was taken up, and the same, on his
motion, was withdrawn.

Bill additional to an Act regulating Banks and
Banking; and also for a limited time to suspend certain

Tues. Mar. 17, 1836.

426

provisions of an Act entitled an Act prohibiting the emission and circulation of Bank Bills of a small denomination and certain others, passed March 10, 1836. came up from the House of Representatives — That Branch had nonconcurrent the Senate in its proposed amendment to strike out all after the enacting clause except the 12^d section, as on the amendment annexed to the Bill marked S, and had rejected the same, and amended the Bill. And the question of receding from the vote adopting said amendment and rejecting the same, in concurrence with the House, being ordered to be taken by yeas and nays, was decided in the affirmative, as follows, to wit:

Yeas. Messrs Barker, Blake, Bolster, Bradley, Eastman, Erskine, Foster, Grosz, Hammons, Merrill, Perkins, Shaw, Smith, Tottman, and True 15

Nays. Messrs Parrell, Crocker, Eaton, Philbrick, Isaac Reed, William M. Reed, Robinson, Teltels and Vose, 9

The Senate adopted the amendments proposed by the House, and further amended the same.

Mr. Vose proposed further to amend by adding the following section —

Be it further enacted, That the Charters of the several Banks in this State, be and the same hereby are repealed.

And the question of adopting said amendment, being ordered to be taken by yeas and nays, was decided in the negative as follows, to wit:

Yeas. Messrs Eaton, Isaac Reed and Vose, 3

Nays. Messrs Barker, Parrell, Blake, Bolster, Crocker, Eastman, Erskine, Foster, Grosz, Hammons, Merrill, Perkins, Philbrick, William M. Reed, Robinson, Shaw, Smith, Teltels, Tottman and True 20.

Mr. Eaton moved further to amend by adding 427
the following Section--

Be it further enacted, That any Bank in this
State may surrender up its Charter by giving
notice thereof to the Governor and Council

And the question of thus amending, being ordered to be
taken by yeas and nays, was decided in the
negative as follows, to wit:

Yeas. Messrs Eaton, Isaac Reed, W. M. Reed, Robinson,
and Vose ----- 5.

Nays. Messrs. Barker, Bradley, Crocker, Eastman,
Erskine, Foster, Groff, Hammons, Merrill,
Perkins, Shaw, and True ----- 12.

And the question of passing said Bill to be en-
grosed as amended was decided in the affir-
mative by yeas and nays as follows, to wit:

Yeas. Messrs. Barker, Blake, Bolster, Eastman,
Foster, Groff, Hammons, Merrill, Perkins, Shaw,
Smith, Totman and True ----- 13

Nays. Messrs. Farrell, Crocker, Eaton, Philbrick,
Isaac Reed, William M. Reed, Robinson,
Tetbels and Vose ----- 9

Sent down for concurrence.

Bill further regulating and establishing the
salaries and compensation of certain officers here-
in named, was taken up and further amended.

Mr. Bradley moved to strike out the 4th Section
of said Bill-- And the question of so striking
out was decided in the negative as follows, to wit:

Yeas. Messrs Bradley and Hammons ----- 2

Nays. Messrs. Barker, Blake, Crocker, Eastman, Eaton,
Erskine, Foster, Perkins, Philbrick, Isaac Reed,

428 William M. Reed, Robinson, Shaw, Smith, Totten,
True and Vose, 17

Mr Bradley moved to refer the Bill to the
extra session of this Legislature - and the question
of thus referring, being ordered to be taken by yeas and
nays, was decided in the affirmative, as follows, to wit:
Yeas. Messrs. Barker, Bradley, Crocker, Eastman, Foster,
Grop, Hammons, Merrill, Shaw, Smith, Totten,
and True 12

Nays. Messrs. Barrell, Bolter, Eaton, Euskine, Ken-
kins, Isaac Reed, W. M. Reed, Robinson,
Toblers and Vose 10.

Sent down for concurrence. Concurred.

Adjourned

Afternoon

Communication from the
Governor transmitting copies of his correspondence with
the President of the United States not heretofore com-
municated, touching the question of the North Eastern
Boundary, with other documents - read and re-
ferred to the Committee on the North Eastern Boun-
dary, in concurrence.

The Report of the Committee on Military Pen-
sions granting leave to withdraw on petition of Daniel
Brown came up recommended - the Senate non-
concurred the House and referred the same to the
first Wednesday of January next.

Sent down for concurrence. Concurred.

Mr. Eaton from the Conference appointed on the 129
part of the Senate, on the subject-matter of the disagreeing
vote of the two Houses on the amendment of the "Bill
relative to lands forfeited to the State," reported that they
had met the Conference on the part of the House of
Representatives, and that they had agreed to recom-
mend to the Senate to recede from the vote rejecting
the amendment of the House, and also to recede
from their vote, refusing the Bill a passage, and
concur with the House in passing said Bill to be
engrossed as amended, in concurrence - Which
report was read and the same was refused accep-
tance. And the Bill was passed to be engrossed
without the amendment.

Sent down for concurrence. Concurred.

Resolve requiring the people to give in their votes
whether the number of the members of the House of
Representatives shall be diminished, (reported by Mr.
Smith from the Select Committee on an Order rela-
tive to that subject) was read twice and passed to
be engrossed. Sent down for concurrence.

Resolve in favor of Jeremiah Smith, (introduced
in the House) was read twice, amended and
passed to be engrossed.
Sent down for concurrence.

A message from the House of Representa-
tives, by the Clerk, informing the Senate, that the
House had nonconcurred the Senate in the indef-

1430 inite postponement of the "Resolve in favor of Benjamin Smith," and, insisting on its vote finally passing said Resolve, proposed a Conference.

The Senate nonconcurred the House in its proposition for a Conference, and adhered to the vote of indefinite postponement, of which the House was informed by message and its concurrence requested.

Concurred.

Resolve laying a tax on the several Counties
(reported in the House by the Committee on County
Estimates.)

— in favor of Benjamin C. Megguier and
Benjamin Patridge (introduced in the House)
severally read twice and passed to be engrossed as
amended in concurrence.

Resolve authorizing the payment of interest on temporary loan (reported in the House by the Committee on Finance.)

— making appropriation of land for Officers and
Soldiers of the Revolution, and their widows
(reported in the House by the Committee on
State Lands, on the Land Agent's Report.)

— for the distribution and safe keeping of the
Laws and Reports, (introduced in the House.)

Bill altering the time of holding the District Court
in the County of Piscataquis (introduced in
the House.)

— relating to the Passamaquoddy tribe of Indians,
(reported in the House by the Committee on Indian
Affairs, on an order relative to paying the
sick and indigent persons of said Tribe.)

Bill—authorizing School District No 3 in Thomaston 431
to sell their School House and Land (reported
in the House by the Committee on Literature
and Literary Institutions, on petition of said
district).

—to provide in part for the expenditures of
government, (reported in the House by the Com-
mittee on Finance)

Resolve relating to French Speculations prior to Septem-
ber 1800,

—for providing for the repair of the Baring and
Houston Road

—authorizing an exchange of State Securities,
(reported in the House by the Committee on
Finance,) severally read the second time and
passed to be engrossed, in concurrence.

Resolve in aid of Titcomb Belgrade Academy
came up from the House of Representatives indefi-
nitely postponed. The Senate adhered to the vote
passing the same to be engrossed.

Sent down for concurrence House adhered.

Bill to repeal the 2 Section of an Act entitled "an
additional Act concerning the assessment and collection
of taxes, approved March 12, 1831, came up—the
House of Representatives, having insisted on its
former vote, proposed a Conference and appoin-
ted as Conferees Messrs Miller of Hollis, Goodwin
of Dresden and Bennet of Parsonsfield.

The Senate nonconcurred—the House in its
proposition for a Conference and adhered to the

432 vote indefinitely postponing the same
Sent down for concurrence. House adhered.

Bill repealing an Act incorporating the town of
Dearborn was read once and referred to the next
Legislature, in concurrence.

The Committee on Agriculture reported refer-
ence to the next Legislature on petition of Lyndon
Cutler and others for an agricultural survey
— read and accepted, in concurrence.

Petition of Benjamin Hartford, praying for
remuneration for services rendered the State — read
and referred to the next Legislature.

Sent down for concurrence. Concluded.

Report of the Committee on Literature and
Literary Institutions, granting leave to withdraw on
petition of William King and others, was taken
up and accepted.

Sent down for concurrence. Concluded.

Bill in addition to an Act for the support and
regulation of Mills came up referred to the extra
session of this Legislature — The Senate receded and
concluded.

Bill additional to an Act to provide for repair 433
of highways in certain unincorporated townships was
taken up - the vote of yesterday referring said Bill
to the extra session was reconsidered, and the Bill
was passed to be engrossed.

Sent down for concurrence. Concurred.

Order from The House of Representatives
requesting the Committee on Accounts to bring in a
Resolve providing for the payment of the accounts
presented by the towns of Readfield and Armitry
- read and passed, in concurrence.

On motion of Mr William M. Reed,
Ordered That the Secretary of the Senate be
directed in making up the Pay Roll, to make up
to Elisha Keene, Messenger of the Senate, Four Dol
lars and Fifty Cents for each day during the pres
ent session, in full for his services and all as
sistants - also that the Secretary of the Senate be
made up on the Pay Roll thirty days additional
for filing the papers and completing the Journal
of the present session - and that there be allowed
and made up on the Pay Roll the sum of
Five Dollars for each of the Chaplains who
have officiated in the Senate during the present
session - read and passed.

Mr Groff, from the Conference appointed on
the part of the Senate on the subject-matter of the
disagreeing vote of the two Houses on the "Bill to

134 set off certain lands from Pittsfield and annex the same to Canaan, reported that they had met the Conference on the part of the House, and that they were unable to agree; therefore, recommended that the Senate adhere to the vote referring the same to the next Legislature — read and accepted, and the Senate adhered to the vote whereby it referred said Bill to the next Legislature.

A message was received from the House of Representatives, by Mr. Gerry, the Clerk, that the House had nonconcurred the Senate in referring to the next Legislature the Bill to repeal an Act entitled an Act to encourage the destruction of Wolves and Bears, approved March 6, 1835, — Also an Act entitled an Act to encourage the destruction of Wolves, approved February 28, 1837, and had adhered to the vote passing the same to be enacted.

The Senate adhered to the vote referring the same to the next Legislature.

The Committee on Engrossed Bills reported as truly and correctly engrossed.

Resolve in favor of Barlow Dyer,

— in favor of Widow Emeline Maddocks,

— in favor of Joseph Pomeroy,

— in aid of the Deaf and Dumb and Blind,

— relating to the Massachusetts claim,

— relative to a general Bankrupt Law,

Resolves in relation to the sale and conveyance of

the public lands in favor ~~in~~ favor of George 135
W. Buckmore and others - and the same were
severally finally passed.

And also,

Bill to apportion and assess on the inhabitants ^{of this}
State a tax of \$101.07 1/2. ss,

- " - additional relating to the Militia,

- " - to set off township numbered 19 from the
town of Columbia,

- " - to change the names of certain persons,

- " - to set off lands of Benjamin Mantor V
and Jonathan Luce from the town of New
Vineyard and annex the same to the town
of Anson,

- " - further regulating Judicial process and pro-
ceedings - and the same were severally
passed to be enacted.

Adjourned.

Attest, William Trafter, Secretary.

Wednesday, March 18, 1840.

Bill additional to acts regulating Banks and Banking, and also for a limited time to suspend certain provisions of an Act entitled an Act prohibiting the emission and circulation of Bank Bills of a small denomination and certain others, passed March 19, 1836. — came up from the House — that Branch having never concurred the Senate in the adoption of the amendment proposed by the Senate marked No 3 and 4, passed the Bill to be engrossed without the amendments marked G. S. No 1, 2 and 5.

The Senate adhered to the vote of yesterday passing said Bill to be engrossed with the amendments marked No. 3 and 4.

Sent down for concurrence.

Resolve on the Pay Roll of the Senate was read twice and passed to be engrossed.

Sent down for concurrence. Concurred.

In pursuance of the Order of the eleventh instant, that a Joint Select Committee consisting of seven on the part of the Senate with such as the House may join to sit in the recess of the Legislature to examine the "Revised Statutes" and report the same on the first day of the adjourned session, the President announced the following Gentlemen, who were appointed on said Committee, to wit: Messrs Eastman, Barker, Isaac Reed, Vose, Robinson, Bradley and Merrill.

437

Sent down to be joined. Came up with

Messrs Jefferson of Portland	Messrs Lake of Bucksport
Lord " So. Berwick,	Kelsey " Calais,
Littlefield " Wells,	Fisher " Charlotte,
Everett " Brunswick,	Dana " Fryeburg,
Morse " Bath,	Andrews " Turner,
Otis " St. George,	Smith " Vinalhaven,
Holmes " Winthrop,	Servino " Hope,
Maine " Belgrade,	Dagget " Palmyra,
Allen " Bangor,	Toothaker " Phillips,
Caton " Plymouth,	
Wardwell " Penobscot,	

joined in concurrence.

Resolve in favor of the heirs at law of the late John G. Deane was taken up.

The Senate, having insisted on the vote passing the same to be engrossed, proposed a Conference and appointed as Conferees Messrs Bradley, Crocker and Robinson. Sent down for concurrence.

Came up - The House, having insisted on its former vote, concurred in the proposition for a Conference and appointed as Conferees Messrs Small of Wales, Totin of Hartford and Otis of St. George.

Resolve authorizing the Land Agent to settle claim arising from the sale of land to which the State had no claim was taken up - The Senate, insisting on the vote passing the same to be engrossed, proposed a Conference, and appointed as Conferees Messrs True, Gross and Smith, of which the House was informed by message and its concurrence requested.

438 Bill to suspend for a limited time the operation of certain portions of an Act entitled an Act prohibiting the emission and circulation of Bank Bills of small denomination, and certain others, passed March 19, 1836, (laid on the table by Mr. Perkins)

- "authorizing the President, Directors and Company of Maine Bank to reduce their Capital Stock,
- "authorizing the President, Directors & Company of the Bank of Portland to reduce the Capital Stock of said Bank (laid on the table by Mr. Eastman) severally read twice and passed to be engrossed.

Sent down for concurrence.

Resolve in favor of the town of Amity,

- "in favor of the town of Scarborough, (reported in the House by the Committee on Accounts, on order relative to that subject,)
- "authorizing the several School districts in the town of Winthrop to purchase the School Library

- severally read twice and passed to be engrossed in concurrence.

Resolves relating to the North Eastern Boundary (reported by Mr. Eastman from the Joint Select Committee to which were referred so much of the Governor's message as relates to that subject, also an order relative to that subject, and also the correspondence of the Governor with the President of the United States) were read the second time and unanimously passed to be engrossed.

Sent down for concurrence. Concurred.

Mr Eastman, from the Committee on Slavery (to which were referred sundry petitions) made a report which was read and accepted — and, on motion of Mr. William M. Reed, ordered that the same be printed (under the direction of the Secretary of State) in all the newspapers that publish the Laws of the State.

Sent down for concurrence. Concurred.

The same Senator, from the Committee on Military Accounts, to which was referred the communication from the Governor, transmitting the accounts of Abner B. Thompson, Acting Quarter Master General, and as Acting Pay Master General, passed upon by the Governor and Council, made a report which was read and accepted.

Sent down for concurrence. Concurred.

Mr Blake, from the Committee on the Judiciary, to which were referred the communication of Daniel Bront, the United States Consul at Paris — Report on the pauper laws — Bill defining the liabilities of Corporations — Bill additional to an act entitled an act to abolish the Court of Common Pleas and establish District Courts — Bill to repeal a part of an act respecting foreign attachment — Bill making further provision for the partition of lands in certain cases —

petition of Henry Campbell & others,

— " — D. A. Brown — " —

— " — James Gray — " —

— " — Stephen Walker — " —

440

— " — James W. North — " —

— " — Samuel Tainter — " —

— " — Elijah B. Stockpole — " —

— " — Nathaniel Woodman — " —

— " — Register of Probate of Piscataquis County

— Order relative to closing the polls,

— " — " to School Agents effecting insurance on district property —

— " — " to pounds, pound-helpers and division fences —

— " — " to assessment and collection of taxes —

— " — " to attachment on mesne process —

— " — " to disturbance in common schools —

— " — " to making lettermen, Sheriffs & their deputies liable for the service of writs —

— " — " to repealing an Act limiting the power of County Commissioners —

— " — " to Surgeons and ~~Surgeons~~ & Surgeons males,

— " — " to altering the law requiring sheriffs making returns to the Register of Deeds of all attachments of real estate —

— " — " relative to sureties on Probate Bonds being witnesses in certain cases —

— " — " to the assessment and collection of taxes, —

— " — " to Moderators of town meetings, town Treasurers and town Agents being sworn —

(and " — " to Poor Debtors, made a report recommending a reference of the same to the adjourned session read and accepted Sent down for concurrence. Concurred

Bill to organize, govern and discipline the Militia was taken up and referred to the Committee on the Revised Statutes. 441

Sent down for concurrence. Concurred.

On motion of Mr. Eastman,
Ordered, That the manuscript report of the Commissioners for revising the public laws be referred to the Committee on the revised laws —

That all Bills, orders and other subjects which have been or may be at this session referred to the extra session of the Legislature, and all documents and original papers relating to the same be referred to the same Committee. — That each member of the Committee shall be entitled to receive from the Secretary of State one printed copy of the report of the Commissioners with blank leaves, and that the remaining copies shall be at the disposal of the Governor.

That the Secretary of State furnish to the said Committee a number of the existing public laws not exceeding twenty seven, and three copies of all private Acts and Resolves, and of the reports of the decisions of the Supreme Judicial Court respectively — all the said books to be returned to the Secretary after the recess.

Sent down for concurrence. Concurred.

Adjourned

Afternoon.

Resolve authorizing the Treasurer to receive the claim of the State for expenditures in relation to the North Eastern Boundary (reported in the House by the Committee on Finance) was read twice and passed to be engrossed, in concurrence.

Bill to suspend for a limited time the operation of certain portions of an Act entitled "An Act prohibiting the emission and circulation of Bank Bills of small denomination, and certain others, passed March 19, 1836 - came up amended. The Senate receded from the vote passing said Bill to be engrossed, adopted the amendment proposed by the House and passed said Bill to be engrossed as amended, in concurrence.

Resolve on the Pay Roll of the House of Representatives,
— providing for additional copies of Blank Books for taking the town valuation — severally read the second time and passed to be engrossed, in concurrence.

The Committee on Engrossed Bills reported as truly and correctly engrossed
Resolve in favor of Benjamin Patridge and Benjamin C. Meggitt,

Resolve authorizing the payment of interest on the temporary loan Approved February 15, 1839. 1, 1, 3

- authorizing an exchange of State Securities,
- laying a tax on the several Counties in this State,
- authorizing the acting Quartermaster General to audit certain accounts,
- making appropriation of land for Officers and soldiers of the Revolution and their widows,
- relating to the repeal of the Act giving a bounty to fishing vessels engaged in the fisheries,
- relating to the French speculations prior to September in the year 1800,
- providing for the repair of the Baring and Boulton Road,
- for the distribution and safe keeping of the Laws and Reports,
- in favor of Jeremiah Smith,
- additional for the payment of accounts against the State,
- in favor of Columbus Dunn,
- in favor of John Smith,
- relative to lands forfeited to the State,
- authorizing the Treasurer to receive the claims of the State for expenditures in relation to the North Eastern Boundary — and the same were severally Finally Passed.

The same Committee reported as truly and correctly engrossed.

Bill to provide in part for the expenditures of government,
- to repeal an Act entitled, "an Act to incorporate the Kennebec Dam Company, also an Act entitled, and additional to an Act to incorporate the Kennebec Dam Company,

S. S. S.

- additional to the several Acts now in force to organize, govern and discipline the Militia of this State,
- authorizing School district No. 3 in Thomaston to sell their School House and land,
- additional to an Act relating to the Passamaquoddy tribe of Indians,
- altering the time of holding the district Court in the County of Piscataquis,
- to suspend for a limited time the operation of certain portions of an Act entitled an Act prohibiting the emission and circulation of Bank Bills of small denomination and certain others, passed March 19, 1836, — and the same were severally passed to be enacted.

On motion of Mr. William M. Reed,
 Ordered, That the Committee on the revised Statutes be directed to inquire into the expediency of altering the law relating to disturbances of public worship, so that Justices of the Peace may have jurisdiction of the same — read and passed.

Sent down for concurrence. Concurred.

Mr. Bradley, from the Conference appointed on the part of the Senate on the subject-matter of the disagreeing vote of the two Houses on the Resolve in favor of the heirs at law of the late John G. Davis, reported that they had met the Conference on the part of the House, and that they had agreed to recommend that both branches recede from their former votes and refer said Resolve to the next Legislature — read and accepted, — and said Resolve

was referred to the next Legislature.

445

Sent down for concurrence. Concurred.

Bill for the election of certain County officers was read twice and indefinitely postponed.

Sent down for concurrence. Concurred.

Mr. Bradley, from the Joint Select Committee to which was referred the first title of the Revised Statutes, made a report asking to be discharged from any further consideration of that subject—read and accepted.

Sent down for concurrence. Concurred.

Resolves relating to the election of members of Congress from the State of New Jersey (reported in the House by the Committee to which were referred the New Jersey Resolutions) were read twice; and the question of passing the same to be engrossed in concurrence, 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, Grop, Merrill, Perkins, Smith, Totman and True, 13.

Nays. Messrs Eaton, Erskine, Isaac Reed, William M. Reed, Robinson, Sebalds and Vose 7.

Mr. Philbrick for special reason was excused from voting.

Ls 6

The report of the Committee on the Militia that the "Resolve for furnishing the Debee Rifle Company with Rifles" ought not to pass, was taken up and and accepted.

Sent down for concurrence. Concurred.

A message was received from the House of Representatives by Mr. Gerry, its Clerk, that the House had nonconcurred the Senate in the proposition for a Conference on the disagreeing vote of the two Houses on the "Resolve authorizing the Land Agent to settle claims arising from the sale of land to which the State had no title", and had adhered to the vote of indefinite postponement.

And the Senate adhered to the vote passing the same to be engrossed.

Bill to establish, regulate and preserve the Booms on the brookstock, Fish and St. John Rivers, came up amended. The Senate reconsidered the vote passing said Bill to be engrossed, amended the amendment proposed by the House, and passed the Bill to be engrossed as further amended.

Sent down for concurrence. Concurred.

Mr. Hammons, from the Committee on Claims, reported reference to the next Legislature on petition of Freeman Nickerson read and accepted.

Sent down for concurrence. Concurred.

The Committee on Roads and Bridges reported leave to withdraw on petition of inhabitants of the towns of Cape Elizabeth and Scarborough — read and accepted, in concurrence.

The Joint Select Committee to which were referred the petitions of Luther Brackett and Joshua Carpenter, reported reference to the next Legislature — read and accepted, in concurrence.

Sundry petitions for the election of County officers by the people — referred to the next Legislature, in concurrence.

Remonstrance of David Bryant and others,
— " — Isaac Stevens and others,
against the Sebcoomuck Sluiceway Com-
pany —

Resolutions of the towns of Brewer, Orono (and city of Bangor relative to the Sebcoomuck Sluiceway Company — severally read and ordered to be filed with the Bill to incorporate the Sebcoomuck Sluiceway Company, in concurrence

Resolve requiring the people to give in their votes whether the number of the members of the House of Representatives shall be diminished — came up referred to the next Legislature. The Senate receded from the vote passing the Resolve to be engrossed, and referred the same to the next Legislature, in concurrence.

448

Resolve in Favor of Richard J. Cleveland (reported in the House by the Committee on State Lands, on petition of Richard J. Cleveland) read and referred to the next Legislature in concurrence.

On motion of Mr. Eastman,

Ordered, That a message be sent to the House of Representatives, informing that Body that when the Senate next adjourns, it will adjourn to meet on Thursday the seventeenth day of September next at ten o'clock in the forenoon, for the purpose of holding an extra session; and request the concurrence of the House.

Which message was delivered by the Secretary.

Resolve in favor of Daniel Brown and Samuel Sylvester came up referred to the next Legislature - The Senate receded from the vote passing the Resolve to be engrossed, and referred the same to the next Legislature, in concurrence.

On motion of Mr. True,

Ordered, That the Senate have a recess of two hours.

Evening.

The Senate reassembled.

Report and Resolutions on the Georgia Fugitives from Justice and South Carolina Resolutions read and referred to the extra session of this Legislature, in concurrence

A message from the House of Representatives, by Mr. Gerry, its Clerk, that The House had concurred in the proposition of the Senate, that when the House next adjourns it will adjourn to meet on Thursday the seventeenth day of September next at ten o'clock, in the forenoon.

The Committee on Engrossed Bills reported as truly and correctly engrossed.

Resolves providing for additional copies of blank books for taking the town valuation.

— in favor of the Arcostock Road,

— on the Pay Roll of the Senate,

— on the Pay Roll of the House of Representatives,

Resolves relating to the North Eastern Boundary,

— relating to the election of members of

Congress from the State of New Jersey — and the same were severally

Finally passed.

The same Committee reported as truly and correctly engrossed,

Wed. Mar. 18, 1840.

150

Bill additional to an Act to provide for the repair of
Highways in certain unincorporated townships,
- " authorizing the several school districts in the
town of Winthrop to purchase the School Li-
brary,
- " to establish, regulate and preserve the Booms
on the Crookhook, Fish and St John's River
- and the same were severally passed to be
enacted.

Order from the House of Representatives,
appointing Messrs. Otis of Hallowell, Mr. Mahon of
Edington, Gatchell of Anson, Dam of Newfield,
and Durbank of Limerick, with such as the Senate
may join, a Committee to wait on the Governor
and inform him that the two Houses of the Legis-
lature have passed upon all the business that
has come before them, and unless he has some
further communication to make, they are now
ready to adjourn to the seventeenth day of Septem-
ber next - read and passed and Messrs.
Gross, Eaton and True were joined in
concurrence.

Mr Gross, from said Committee, hav-
ing attended to the duties assigned them, reported
that the Governor was pleased to say that he
would forthwith communicate by message, through
the Secretary of State, to both branches of the Leg-
islature, and after that he had no further
communication to make.

A message from the Governor, by Mr. John 451
son, Secretary of State, who laid upon the table
the titles of eighty eight Acts (and ninety four
Resolves, which had been approved by the Governor
the present session, being all that had been pre-
sented to him, and informed the Senate that
the Governor had no further communication to
make during the present session.

Mr Robinson of Hancock and Washing-
ton rose in his place and addressed the Senate
as follows. —

Mr. President:

The time agreed upon
by the two Branches for an adjournment, having arrived,
although it does not witness the final close of our Leg-
islative duties, still seems an appropriate occasion for an
interchange of mutual salutations, and give utterance to those
feelings and sentiments naturally engendered when about
to bid each other adieu, and to take our leave of the inter-
esting scenes, with which for a time, we have been associated.

We assembled here, many of us strangers to each
other. We have had opportunity to cultivate acquaintances
long to be cherished, and I trust, we bear away none but
the kindest remembrances.

Charged with the highest trusts, by the people — does
not the consciousness remain, in every breast, that those
trusts have in no instance been abused? Has not the
leading object, with ^{each} one, been the promotion of the public good?
and if our journal does not exhibit so long a list of pub-
lic and private Acts as usual, is there not high satisfaction
in the reflection, that few laws, improvident in their

452 character, or uncalled for by the wants of the people, have found favor at this Board?

It is not singular, that in the investigation and discussion of the many complicated subjects that have come under our consideration, we have sometimes differed. — It was hardly to have been expected, that we should all think alike, or entertain, upon the same subjects, exact similarity of view. In giving expression to that freedom of opinion so consonant to our position, undue excitement may, for the moment, have been provoked. It is in harmony with the constitution of mind, that in its search after truth, sharp conflicts will sometimes ensue. But it may well be questioned, if a session of the length of the present, was ever ^{known} marked for asperity or excited feeling. Our deliberations have been unusually harmonious.

To the Beneficent Author of our being, we have much cause to render unfeigned thanks — that he has preserved to us our health — continued to us our reason — and that "our lives" have been precious in his sight." May the same watchful care be over and around us — conducting us in peace to the endearments of our several homes.

The time that must elapse before we again assemble will afford a superior opportunity for more thorough examinations of the important subject, that will then demand our special attention, and if the result of the deliberation of that session, shall be a more perfect system of Statute Laws, well suited to the condition of the people, and such as will, to a great extent, supercede the necessity of future enactments of a general character, this Legislature may, with great propriety, claim to have "done the State some service" — a service far exceeding in value the apparent extra expenditure.

Mr. President, acting as the organ of my associates at this Board, I should do injustice to their feelings, no less than my own, did I not bear public testimony to the very acceptable manner in which you have, at all times, discharged the arduous duties of your responsible station. We all are willing witnesses to the kindness and courtesy which invariably has been extended to every member by the chair — and Sir, I assure ^{you} it is no idle ceremony that now prompts the expression of our thanks.

Permit me then, Mr. President, to read and present to the consideration of the Senate, a Resolve which, I doubt not, will meet a hearty response from every member.

Resolved, That the thanks of the Senate be tendered to the Hon. Stephen C. Foster for the ability, courtesy and impartiality with which he has discharged the responsible duties of the Chair; and for that uniform kindness and respect, which have marked his intercourse with the members at this Board.

Which Resolve, being read by the Secretary, was Unanimously passed — Whereupon the President replied as follows:

Gentlemen of the Senate:

For this renewed testimony of your confidence and regard, I tender to you my sincere acknowledgments.

I accepted the responsible situation with which your partiality honored me, with diffidence — promising you nothing but integrity of purpose, industry and unremitting application, confidently relying upon your indulgence and forbearance, to aid me in the discharge of its important duties. In this I have

454. not been disappointed.

The members of the Board have by every act of courtesy and kindness uniformly contributed to render my situation as pleasant as the nature of its responsibilities would admit, — which will not fail to awaken feelings of grateful recollection to the latest period of my existence. If in the ^{discharge of the} high and arduous duties of the Chair, I have failed to give entire satisfaction, I trust you will attribute it to an error of the head and not of the heart.

The local situation of our State — the extent of our territory — our Atlantic sea-board — our almost innumerable fine harbors — our important agricultural interests — superior advantages for ship building — navigation, commerce and the fisheries — the inexhaustible stores of wealth in our natural resources — the rapid increase of our population — the unrivalled enterprise, inflexible perseverance, untiring industry and elevated moral worth of our citizens, the descendants of the Pilgrims and Heroes of the Revolution, point with unerring certainty to the high destiny which awaits our young and rising State, and admonishes us of the responsibilities devolving upon those who are designated by the people to legislate for their good, and to revise a code of laws, which in all human probability, will exert an influence not only upon the people of this State, but to some extent, upon the vast empire of which we constitute a part, for the present generation, and, it may be, for ages that are to come.

To frame laws suited for a free people, and to adapt them to their peculiar condition — laws that shall operate equally and fairly, securing "the greatest good to the greatest number," is at all times attended with difficulty, and requires much wisdom, patient investigation, unremitting industry and stern integrity. I trust the members of this Board will give to the great subject of the revision of the laws, during the recess, all that careful and considerate attention which their magnitude and importance demand, and which your various avocations will admit. And we should never forget, that laws, however

well framed and adapted to the condition of a well regulated 455
community, are of no use, unless executed; and that to sustain
good and wholesome laws, there must be a correct, moral sen-
timent, based upon strict religious principles - and in creating
and sustaining this moral sentiment, we who are honored with
the confidence of the people, have an important and respon-
sible part to act.

Having finished our labors here, and being about to sepa-
rate for a season, perhaps forever, permit me heartily to recip-
rocate the feelings and sentiments expressed by the Honorable Sen-
ator, the organ of this Board, and in turn to congratulate
you upon the harmony, unanimity, and good feeling that have
permeated this Honorable Body during the session - and for
that devotion to the public interest which has ever character-
ized your legislative deliberations, and also to express the
sincere and ardent hope that you may return in safety
to your families and friends, and that health, happiness
and prosperity may be your lot in this world, and if, in
the mysterious arrangements of an eternal providence, it is written
that all of us shall never meet again on earth, and if about
next interview we are to become actors in the solemn and
amazing scenes which the resurrection morning shall disclose,
may we all be prepared for unending happiness in a higher
and holier sphere.

Gentlemen, I bid you an affectionate fare well.

On motion of Mr. Blake,
Resolved, That the thanks of the Senate, be pre-
sented to William Drafton, Esq. for the faithful
and attentive manner, in which he has dischar-
ged the duties of Secretary of the Senate, and for
his uniform urbanity towards the members of
this Board.

Which Resolve, having been unanimously passed, the Secretary rose and said:

Mr President:

The unexpected expression of this Board by the Resolution just unanimously passed, produces such emotions of the heart, as I cannot find language to express.

Next to a consciousness of having done right, and of having faithfully performed my official duties, your approbation is to be regarded as prized. During the whole of the session now brought to a close, the kindness and courtesy shown me by each member of this Board, have made such impressions upon my mind, as can never be effaced.

We now separate with the expectation of again meeting in a few months — but we are powerfully reminded, by our own experiences and passing events, of the great uncertainty whether all of us shall here meet again, for we know not what six months, nor even "what a day may bring forth."

Be assured, that each and all of you, as you return to your homes and your friends, will bear with you my best wishes for your welfare and prosperity during this life, — and for your eternal happiness in the life which is to come.

The Senate then

Adjourned.

Attest, William Traylor Secretary

I hereby certify, that the foregoing is a true record
of the proceedings of the Senate, made up from the
minutes by me taken, and from the papers on file.

Attest, William Drafton, Secretary.