

Afternoon.

Resolve in relation to the right of Petition.
was taken up.

Mr. Humphrey moved its indefinite
postponement: And the Yeas and Nays being ordered on that
question, it was decided in the Affirmative, as follows:

Yeas: Messrs: Barnard of Oxford, Barnard of Franklin, Bennett,
Bridgman, Burleigh, Eastman, Fainsworth, Humphrey,
Kavanaugh, Lane, Harris, Patterson, Smart, Smith,
of Cumberland, Somes and Stinson. 16

Nays: Messrs: Ayer, Blake, Brown, Clough, Fairfield, Fye,
Goodwin, Hanson, Otis, Patten and Scott. 11.

On motion of Mr. Bennett.

Ordered: That when the Senate adjourns, it adjourns to meet at
seven o'clock this evening.

Resolve amendatory to the Resolve passed A. S. 1844, for dividing
the State into Districts for the choice of Senators, and
for apportioning the Representatives among the several
counties, cities, towns, plantations and villages, at the third
apportionment,
was read a second time; and the amendment, on sheet annexed,
marked A, adopted:

Mr. Patterson moved to amend by
striking out all after the word "Resolved," and inserting the
following:

The

"The first Senatorial district to be composed of the County
 "of York, and entitled, in the year 1843, to three Senators;
 "in 1844, to four Senators; in 1845, to three Senators; in
 "1846, to three Senators; in 1847, to three Senators; in 1848,
 "to four Senators; in 1849, to three Senators; in 1850, to three
 "Senators; in 1851, to four Senators:—

"The second Senatorial district to be composed of the
 "County of Brunswick, and entitled, in the year 1843, to
 "four Senators; in 1844, to four Senators; in 1845, to
 "four Senators; in 1846, to five Senators; in 1847,
 "to four Senators; in 1848, to four Senators; in 1849,
 "to four Senators; in 1850, to five Senators; in 1851, to
 "four Senators:—

"The third Senatorial district, to be composed of the
 "County of Lincoln, and entitled, in the year 1843, to
 "four Senators; in 1844, to four Senators; in 1845, to three
 "Senators; in 1846, to four Senators; in 1847, to four Senators;
 "in 1848, to four Senators; in 1849, to four Senators; in 1850,
 "to three Senators; in 1851, to four Senators:—

"The fourth Senatorial district shall be composed of the County
 "of Waldo, and entitled, in the year 1843, to three Senators;
 "in 1844, to two Senators; in 1845, to three Senators; in
 "1846, to two Senators; in 1847, to three Senators; in 1848,
 "to two Senators; in 1849, to three Senators; in 1850, to two
 "Senators; in 1851, to three Senators:—

"The fifth Senatorial district to be composed of the County
 "of Penobscot, and entitled, in the year 1843, to two Senators;
 "in 1844,

"in 1844, to three Senators; in 1845, to three Senators; in 1846,"
 "to three Senators; in 1847, to three Senators; in 1848, to,"
 "three Senators; in 1849, to three Senators; in 1850, to three,"
 "Senators; in 1851, to two Senators."

"The sixth Senatorial district to be composed of the"
 "County of Lawrence, and entitled, in the year 1843, to"
 "two Senators; in 1844, to two Senators; in 1845, to two"
 "Senators; in 1846, to one Senator; in 1847, to two Senators;"
 "in 1848, to one Senator; in 1849, to two Senators; in"
 "1850, to two Senators; in 1851, to one Senator."

"The seventh Senatorial district to be composed of the County"
 "of Washington, and entitled, in the year 1843, to two Senators;"
 "in 1844, to one Senator; in 1845, to two Senators; in 1846, to"
 "two Senators; in 1847, to two Senators; in 1848, to one,"
 "Senator; in 1849, to one Senator; in 1850, to two Senators;"
 "in 1851, to two Senators."

"The eighth Senatorial district to be composed of the County"
 "of Reelfoot; and entitled, in the year 1843, to two Senators;"
 "in 1844, to two Senators; in 1845, to three Senators; in"
 "1846, to two Senators; in 1847, to two Senators; in 1848,"
 "to three Senators; in 1849, to two Senators; in 1850, to,"
 "two Senators; in 1851, to three Senators."

"The ninth Senatorial district to be composed of the County of"
 "Hancock, and entitled, in the year 1843, to three Senators; in"
 "1844, to four Senators; in 1845, to three Senators; in"
 "1846, to four Senators; in 1847, to three Senators; in"
 "1848,"

"1848, to four Senators; in 1849, to three Senators; in 1850,"
 "to four Senators; in 1851, to three Senators."

"The tenth Senatorial district to be composed of the County
 of Somerset, and entitled to two Senators each year."

"The eleventh Senatorial district to be composed of the County of
 Rutland, and entitled to one Senator every year."

"The twelfth Senatorial district to be composed of the County of
 Franklin and entitled, in the year 1842, to two Senators; in
 1843, to one Senator; in 1844, to one Senator; in 1845,
 to one Senator; in 1846, to one Senator; in 1847, to one
 Senator; in 1848, to two Senators; in 1849, to one Senator;
 in 1850, to one Senator; in 1851, to one Senator."

"The thirteenth Senatorial district to be composed of the County
 of Worcester, and entitled to one Senator each year."

The question upon adopting the amendment was decided
 in the negative, by Yeas and Nays, as follows.

Yeas. Messrs. Blake, Inge, Leavitt, Pullerton and Sand. 5.

Nays. Messrs. Barnard of Oxford, Bennett, Bridgman, Pierce,
 Burleigh, Eastman, Elliot, Fairbanks, Fairfield,
 Humphrey, Kavanagh, Lane, Parrot, Smart, and
 Smith of Cumberland. 15.

And Messrs. Atit and Pullen were excused from voting
 upon said question.

Mr. Kavanagh

Mr. Kavanagh moved to amend by striking out, all after the word "Senate," in the ninth line, to the end of the Resolved, in the twelfth line:

And the question of adopting the Amendment was decided in the affirmative, as follows:

Yea: Messrs. Barnard of Franklin, Barnard of Oxford,
Brown, Bullock, Eastman, Farwell, Fairfield,
Page, Goodwin, Kavanagh, Patterson, Patten,
Smith of Cumberland, and Smith 14.

Nay: Messrs. Bennett, Blake, Bridgman, Elliot, Humphrey,
Lane, Leavitt, Lord and Smith 7

And Messrs. Ayer, Clough, Hanson, and Oles were excused,
from voting upon the question.

Adjourned!

Evening.

Mr. Humphrey moved a reconsideration of the vote, whereby the Senate rejected the amendment proposed by Mr. Patterson.

And the question was decided in the negative, by Yeas and Nays, as follows:

Yeas: Messrs. Barnard of Franklin, Bridgman, Farnsworth, Humphrey, Kavanagh, Leavitt, Patterson and Smith. 8.

Nays: Messrs. Bennett, Brown, Clough, Eastman, Elliot, Fairfield, Fry, Lane, Parry, Smart, and Smith of Cumberland. 11.

The question on passing the Resolves to be engrossed, as amended, was decided in the affirmative, by Yeas and Nays, as follows:

Yeas: Messrs. Barnard of Franklin, Barnard of Oxford, Bennett, Elliot, Farnsworth, Fry, Humphrey, Kavanagh, Lane, Leavitt, Parry, Patterson, Smart, and Smith of Cumberland. 14.

Nays: Messrs. Alger, Brown, Clough, Eastman, Hanson, Hig, Patten and Smith. 8.

Messrs. Bridgman and Fairfield were excused from voting on the question.

Sent down for concurrence. — On call roll

Wed. Mar. 15th 40Bill entitled

An Act providing for the choice of Representatives to Congress;
was taken up: and tomorrow at ten o'clock assigned
for a second reading: —

Bill entitled

An Act additional to regulate Judicial proceedings;
was read a second time; and passed to be engrossed
in concurrence. —

Resolve authorizing the Governor and Council to settle with
the Inspectors of the State Prison for the year 1840;

in favor of Tobias Churchill,

and

George W. Cummings;

were severally read a second time, and passed to be engrossed.
Sent down for concurrence.

Mr. Smith of Cumberland from the
Conference on the disagreeing Vote of the two branches on a

Bill entitled

An Act regulating the sale of firewood and bark;

Reported that the Conference were unable to agree: they
therefore, recommend that the Senate adhere
to its Vote indefinitely postponing said Bill.

Kind and accepted.

Bill entitled

An Act regulating fees in Justice Actions;

came

came up; the House having indefinitely postponed the same. 421

On motion of Mr. Stetson, the Senate
insisted on its former Note; proposed a Conference; and appointed

Joseph Stetson,

Samuel, and

Alger, Conferees:

Sent down for concurrence.

Resolve authorizing the Treasurer of Franklin County to,
negotiate a loan,

was read a second time; and

On motion of Mr. Barnard,

indefinitely postponed -

Sent down for concurrence.

On motion of Mr. Bridgman:

Ordered: That when the Senate adjourn, it adjourn to meet
at nine o'clock tomorrow morning.

Resolve in favor of Nehemiah Allen;

was read a second time, and referred to the Select
Committee, which have under consideration Resolve in favor
of P. S. Foster and others.

On motion of Mr. Kavanagh

The Committee on the North Eastern Boundary was discharged
from the further consideration of the

Petition of Eusebius Weston; and the same was referred
to the next Legislature. Sent down for concurrence.

Adjourned.

Wm. C. Haskell Secretary.

Wednesday March 16th 1842:

The following

Order from the House of Representatives, was read and passed in concurrence:

That the Committee on State Valuation be directed to value any townships not included in the State Valuation, and report forthwith:

Bill entitled

An Act relating to the Support of persons in prison for debt;

was read a second time, and passed to be engrossed, as amended on sheet annexed; marked A, by Yeas and Nays, as follows:

Yeas: Messrs. Barnard of Franklin, Clough, Eastman, Farnsworth, Humphrey, Kavanagh, Lane, Leavitt, Old, Parry, Patterson and Jones. 12

Nays: Messrs. Bennett, Blake, Bridgman, Goodwin, Patten, Smart, Stetson and Scott. 8
Sent down for concurrence.

Resolve providing for an amendment of the Constitution, in relation to Sheriffs and Registers of Probate, was read a second time; and refused a passage, by Yeas and Nays, as follows; two thirds not voting in the affirmative:

Yeas: Messrs. Ayer, Barnard of Franklin, Barnard of Oxford, Bennett, Brown, Burlingame, Elliot, Goodwin, Humphrey, Lane, Chas. Patten, Smart, Jones, Stetson and Scott. 16

1822 Augt. Messrs. Blake, Bridgman, Eastman, Farnsworth, Page, Leavitt, 1123
Kavanaugh, Patterden and Smith of Cumberland 9.

Resolve in favor of Thomas Eames; and

Bill entitled

An Act to incorporate the Prospect Mechanic Association;
was read a second time, and passed to be engrossed, in concurrence.

Resolve in favor of certain officers and soldiers of the Revolutionary
war;
was read a second time, and passed to be engrossed;

Sent down for concurrence.

Remonstrance of inhabitants of Sand River against being
incorporated;

Read and referred to the next Legislature, in concurrence.

Resolve providing for the repair of the Mary Hill Road;
came up from the House passed to be engrossed;

The Senate, insisting on its former Vote of indefinitely postponing
the Resolve, proposed a Conference; and appointed, ad Comites.

Messrs. Hester

Bridgman, and

Scott.

Sent down for concurrence.

Came up, with Messrs. Pierce, of Houlton;
Dorr, of Dover, and
Sewall, of Oldtown,

joined in Concurrence.

Bill entitled

An Act to promote Agriculture and diminish pauperism;

was

was read a second time and amended:

Mr. Als moved to amend by

adding to the Bill the following:

Section 34 The exemption from attachment and execution of the property "granted in the two first sections of this Act shall not apply to" "any debt contracted before its passage; and Clerks of" "Courts shall certify upon the execution whether the debt" "upon which it issued was contracted before or after the" "passage of this Act."

And the amendment was adopted by Ayes and Nays, as follows:

Ayes: Messrs. Alger, Amos, Blake, Bridgman, Brown, Clough, Eastman, Foy, Hawsome, Humphrey, Kavanagh, Lane, Leavitt, Als, Parry, Patterson, Pullen, Smart, Smith of Cumberland, and Soud. 20.)

Nays: Messrs. Barnard of Franklin, Barnard of Oxford, Partridge, Townsend, Fairfield, Gordon, Stebbins, and Seth. 8.)

On motion of Mr. Leavitt, the Bill was referred to the next Legislature:
Laid down for concurrence.

Bill entitled

An Act relating to the publication of the decisions of the Supreme Judicial Court; (reported in the House from the Select Committee on that subject;)

Resolve to provide for the erection of a fence on the public grounds adjoining the lands of Isaac Lacy and others, (reported)

Resolve in favor of David Street; (reported in a new draft, from the Conference on the disagreeing Vote of the two Branches, on that subject.)

Bill entitled

An Act additional to an Act establishing the County of Franklin; (brought on the table by Mr. Barnard, of Franklin,) and

Resolve relating to Agriculture, (reported from the Committee on Agriculture;)

were severally read once; and twelve o'clock this day assigned for a second reading.

Bill entitled

An Act additional relating to the Militia:

came up; The House having insisted on its Vote passing the Bill to be engrossed and prepared a Conference:

The Senate adhere to its former Vote:

Sent down for concurrence.

Resolve in favor of the Town of Mexico;

was read a second time, and indefinitely postponed. Sent down for concurrence.

Resolve in relation to the Insane Hospital;

was taken up, and amended on sheet annexed, marked A.

Mr. Smart moved its indefinite postponement:

And

And the question being ordered to be taken by Yeas and Nays, and decided in the negative, as follows:

Yea: Messrs. Parnall of Oxford, Bennett, Elliot, Leavitt, Parry,
Patterson, Smart, and Jones, 8.

Nay: Messrs. Ayer, Blake, Bridgman, Brown, Parbush, Clough,
Eastman, Fernald, Fiske, Hanson, Humphrey,
Kavanaugh, Lane, Otis, Pollard, Smith of Cumberland,
Stetson and Scott, 18.

The Resolve was passed to be engrossed, as amended,
but down for concurrence.

Resolve in favor of William Kern: introduced into the
House;

was read once, and three o'clock this day assigned for a
second reading.

Bill entitled

An Act providing for the choice of Representatives to
Congress;

was read a second time:

Mr. Eastman moved to amend
Section first, line sixth, by striking out these words, to wit,
"and the towns of Bridgton, Harrison and Ellsfield,"
"from the County of Cumberland":

And the question of adopting said amendment, being ordered
to be taken by Yeas and Nays, was decided in the
negative, as follows: -

Yea

1842 Nov. Messrs. Ayer, Eastman, Goodwin, Hanson, Kavanagh, Leavitt, 427
Smith of Cumberland and Jones, 8

Nov. Messrs. Barnard of Franklin, Bond, Bridgman, Burleigh,
Clough, Elliot, Farnsworth, Fairfield, Inge,
Humphrey, Lane, Paris, Patterson, Smart,
Stetson, and Scott. 16.

Mr. Farnsworth moved to commit the
Bill to a Select Committee, consisting of one from each County,
with instructions to report this evening at seven o'clock.

And the question being ordered to be taken by Yeas and Nays,
was decided in the negative, as follows:

Yeas. Messrs. Ayer, Brown, Clough, Eastman, Farnsworth,
Hanson, Pullen, Smith of Cumberland, and
Jones. 9.

Nays. Messrs. Barnard of Oxford, Bennett, Bridgman, Elliot,
Fairfield, Inge, Goodwin, Humphrey, Kavanagh,
Lane, Leavitt, Paris, Patterson, Smart, Stetson,
and Scott. 16.

On motion of Mr. Farnsworth,
the Bill was laid on the table. —

Adjourned

Afternoon:

Resolve to correct the State Valuations;

was read twice, and passed to be engrossed, in concurrences.

Resolve in favor of Benjamin Penn, and others;

in favor of E. Atkin;

and

Bill entitled

An Act to set off the Island of Matinecock, in the County of Hancock, and annex the same to the County of Lincoln;

were severally read once, and five o'clock this day assigned for a second reading.

Bill entitled

An Act providing for the choice of Representatives to Congress:

was taken up.

Mr. Tarnsworthy moved to amend the first section, in line seventeenth by inserting after the word "with" the words "Norridgewock and".

And the question of adopting the amendment, was decided in the Negative, by Yeas and Nays, as follows:

Yeas Messrs. Barnard of Franklin, Blake, Burleigh, Clough, Eastman, Tarnsworthy, Hanscom, Aldis and Smith of Cumberland. 9.

Nays

1842 May: Messrs. Alger, Barnard of Asford, Bennett, Bridgman, Brown, 429.
Elliot, Fairfield, Frye, Goodwin, Humphrey, Lane, Leavitt,
Parry, Patterson, Smart, Nelson and Scott 17.

Mr. Ald moved to refer the Bill to the
next Legislature:

(And the question being ordered to be
taken by Yeas and Nays, was decided in the Negative, as
follows:

Nays: Messrs. Alger, Blake, Blough, Eastman, Fairweather,
Hanscom and Otis. 7

Yeas: Messrs. Barnard, of Franklin, Barnard, of Asford, Bennett,
Bridgman, Brown, Bulleigh, Elliot, Fairfield,
Frye, Goodwin, Humphrey, Kavanagh, Lane,
Parry, Patterson, Smart, Smith of Cumberland,
Sons, Nelson and Scott 20.

The Bill was then passed to be engrossed, in concurrence by Yeas
and Nays, as follows:

Yeas: Messrs. Barnard, of Franklin, Barnard, of Asford, Bennett,
Bridgman, Brown, Bulleigh, Elliot, Fairfield, Goodwin,
Humphrey, Kavanagh, Lane, Leavitt, Parry, Patterson,
Smart, Smith of Cumberland, Sons, Nelson, and Scott 20.

Nays: Messrs. Alger, Blake, Blough, Eastman, Fairweather, Hanscom,
and Otis. 7.

Bill entitled
An Act in relation to Institutions for Savings.

come

came up; - The House having not concurred in the amendment of the Senate:

Mr. Smith of Cumberland moved that the Senate adhere to its former vote, amending the Bill:

And that question was decided in the affirmative, by Yeas and Nays, as follows:

Yeas: Messrs. Ayer, Barnard of Oxford, Bennett, Bingham, Brown, Bulfinch, Elliot, Goodwin, Humphrey, Lane, Parry, Smart, Smith of Cumberland, and Ames. 14.

Nays: Messrs. Blake, Blough, Eastman, Farnsworth, Fairfield, Manscom, Kavanagh, Leavitt, Olis, Patterson, Patten, Stetson and Scott. 13.

The Committee on Interior Affairs

Reported reference to the next Legislature, on
Petition of Leonard Jones, and others.

Read and accepted. Sent down for concurrence.

Report of the Committee on State Lands, giving leave to
withdraw on

Petition of Patience Rolfe, and others;

" " Ebenezer Foster, and others;

" " John Dudley, and others;

" " Seth Emerson, and others;

" " Simon Bullock, and others;

" " Simon Foster, and others;

Read and accepted, in concurrence.

An motion of Mr. Bennett.

Ordered: That the Secretary of State cause to be published
in

in an Appendix to the Acts and Resolves of the present Session, a
Schedule of the Valuation of the General Chiefs, Towns, Plantations
 and Townships in this State, as the same has been corrected and amended
 during the present Session.

Read and passed. Sent down for concurrence.

An entitled

An Act relating to the publication of the decisions of the Supreme
Judicial Courts,

was read a second time; —

Mr. Eastman moved to amend by
 striking out "one thousand," and inserting "twelve hundred";

And the amendment was rejected, by Yeas and Nays, as follows:

Yeas: Messrs. Bennett, Eastman, Kavanaugh, Lane, Leavitt,
 and Otis, C.

Nays: Messrs. Ayer, Barnard of Oxford, Blake, Bridgman,
 Brown, Burleigh, Colough, Elliot, Farnsworth, Fairfield,
 Goodwin, Hanson, Humphrey, Jarvis, Sutton, Smart,
 Smith of Cumberland, Snow, Stebbins and Welch. 20

The Bill passed to be engrossed, in concurrence.

Resolved in favor of David Street;

was read a second time; and,

On motion of Mr. Smart,

referred to the next Legislature:

Sent down for concurrence.

On motion of Mr. Lane.

Ordered: That members of the Senate having in their possession
 copies of the Revised Statutes, Volume of
 Legislative

Legislative Documents, or pamphlet Laws and Resolves, belonging to the Library of the Senate, be requested to return them before the period of the final adjournment of the Legislature.

The Select Committee to which was referred the

Resolve in favor of B. S. Foster, and others;

Reported the same, with several amendments on sheet annexed, marked A. — And said amendments were adopted; and the Resolve passed to be engrossed, as amended.

Put down for concurrence.

Mr. Harris, from the Select Committee, to which was referred so much of the Governor's Message, as relates to the distribution of the proceeds of the sale of the public lands made a

Report, accompanied by Resolutions; which was read, laid on the table; and three hundred copies ordered to be printed for the use of the Senate; and ten of the clock tomorrow assigned for a second reading.

Resolve in favor of Greenleaf White;

" in favor of the town of Peru;

" in favor of Nathaniel Wheeler;

" in favor of E. Atkind;
were severally read a second time, and indefinitely postponed.
Put down for concurrence.

Bill entitled

All Act to establish the Shire town of the County of Chatham,
came up from the House, amended on sheet
annexed, marked A:

The Senate reconsidered its Vote passing said Bill to be
engrossed; adopted the amendment proposed by the
House, and passed the said Bill to be engrossed, as amended, in
concurrence. ~

Resolve in favor of Benjamin Brown, and others;
was read a second time, amended on sheet annexed,
marked A, and passed to be engrossed.
Sent down for concurrence.

Bill entitled

An additional Act as to the disposal of Insane persons;
and

Resolve to provide for the erection of a fence on the
public grounds adjoining lands of Isaac Gage and
others;

were read a second time, and passed to be engrossed, in
concurrence. ~

Bill entitled

An Act additional to an Act in relation to the
Public Lands;

came up from the House of Representatives amended: ~

The Senate reconsidered its Vote passing said Bill to be
engrossed; adopted the amendments proposed by the House; and
further amended the Bill; which,

On motion of Mr. Atch,
was laid on the table. ~

Mr. Bridgman

Mr. Bridgman from the Select Committee to which was referred:
Resolved in favor of Mchemiah Allen? Reported, That the
 same ought to pass. Read and adopted; and the
Resolve passed to be engrossed, in concurrence.

Bill entitled an Act to amend the twenty fifth chapter of the
 Revised Statutes;
 came up from the House amended on that amended marked A.
 The Senate reconsidered its Vote passing the Bill to be
engrossed; adopted the amendment of the House; and
 passed the said Bill to be engrossed, in concurrence.

Bill entitled
 An Act additional to an Act establishing the County of
 Franklin;
 was read a second time, and passed to be engrossed
 Sent down for concurrence.

Mr. Leavitt from the Conference on the
 disagreeing Vote of the two branches, on the
Resolve making appropriations for Military purposes, made a
Report, recommending that the Senate recede and
concur the House in passing the Bill to be engrossed in
 a new draft.

On motion of Mr. Bridgman, the Senate
 adhered to its Vote, of the twenty fourth ultimo, passing the
original Resolve to be engrossed, as amended,
 Sent down for concurrence.

Resolve

842 Resolve amendatory to the Roster-passed A. D. 1841, for dividing the 435
State into districts for the choice of Senators, and for apportioning
the Representatives among the several Counties, Cities, Towns,
Plantations and Clusters, at the their apportionment, introduced
into the House;

(and)

to amend the Constitution so as to change the time and
manner of apportioning for Senators, (laid on the table by
Mr. Humphreys)

were read once, and tomorrow at ten o'clock, assigned for a second
reading).

Resolve in favor of Tobias Churchill and George W. Cummings.
came up non concerned, and refused a passage:

The Senate, insisting on its former Votes, passing the Resolve to be
engrossed, proposed a Conference, and appointed as Conferees:

Majest. Farnsworth,

Brown, and

Lane.

Shut down for concurrence.

On motion of Mr. Bridgman:

Ordered: That when the Senate adjourn, it adjourn to meet at
nine o'clock tomorrow morning).

The Committee on Engrossed Bills.

Reported as correctly engrossed:

Bill entitled

An Act to divide the town of Clinton and to incorporate the
town of Sebasticook;

to prevent frauds at Elections;

Bill entitled

An Act to incorporate the Pelgrade Cotton and Woolen
Manufacturing Company;

- " " to incorporate the town of Centerville;
- " " to enlarge the time for closing the accounts of the
Globe Bank, Bangor;
- " " to incorporate the Acquamcook Dam and Lock
Company;
- " " to set off a part of the town of Berlin, and
annex the same to the town of Phillips, in the
County of Franklin, and to repeal the Act of
incorporation of said Berlin, so far as relates
to the remaining part of said town;
- " " in addition to incorporate the Penobscot Room
Corporation;
- " " additional to an Act in relation to Elections;
- " " in relation to the Mattanawcook State road, and
the United States' Military road;
- " " to change the names of certain persons;
- " " to provide in part for the expending of
Government;

Bill entitled

An Act to amend an Act entitled an Act authorizing the appointment of certain judges upon the town of Oldtown;

" " to incorporate the Calist Mechanics Association;
and the same were severally passed to be enacted;

The same Committee

Reported as correctly engrossed:

Resolve in favor of Hannah Simmond;

" in relation to the distribution of certain documents;

" in favor of William H. Linnby;

" in relation to the purchase of the decisions of the
Supreme Judicial Court;

" in favor of Joseph Hill;

" in relation to the British Colonial trade;

" laying a Day on the several Counties in the State;

" in favor of Spencer L. Power;

" in relation to the sale of township N^o. 3. in
Range 13.

" authorizing the payment of S. P. Libby, for services
as adjutant;

Resolve

Resolves to correct an error in the valuation of Monticogen Isle,
and for correcting the State and County tax thereon;

- relating to a State burial ground, and the erection of
certain monuments;
- in relation to fixing the time for the choice of Electors
of President and Vice President;
- for the distribution of the Equity of Patents;
- equalizing the valuation of the town of Parkham
and Wellington;
- to reduce the valuation of township number one, second
range, Pughans purchase, west of Kennebec river, and for
abating the State and County tax on said township;
- to correct a clerical error in the valuation of the town of
Parkham, and for correcting the State and County tax on said town;
- to correct an error in the number of polls in the town of
Belmont, and for correcting the State and County tax on
said town;
- to reduce the valuation of Scarbourn plantation, and
for abating the State and County tax on said plantation;
- directing the manner in which the laws shall be printed
and distributed;

Resolves

- 1842 Resolve in favor of certain soldiers of the town of Parkman, 439
- " in favor of Otis Harwood;
- " providing for the repair of the Canada road;
- " in favor of Rufus McIntire;
- " in favor of inhabitants of township number two, first range, being the White township, in the County of Washington;
- " amendatory to the Resolves passed A.D. 1841, for dividing the State into districts for the choice of Senators, and for apportioning the Representatives among the several Counties, Cities, towns, Plantations, and Clusters, at the next apportionment;
- " in aid of the deaf, dumb, and blind;
- " authorizing the County Commissioners of Worcester County to raise money for, and on the faith of said County;
- " in favor of Daniel Brown;
- " in relation to the bequest of the late Judge McKeen;
- " in favor of William S. Green;
- " in favor of Abner P. Thompson, and others;
- " in favor of the town of Penobscot;

And

(And the same were severally finally passed.) —

Adjourned

West. Lee Haskell

Secretary

Thursday, March 17th 1842.

Resolves for the distribution of certain documents:

came up from the House, passed to be engrossed, as amended on sheet annexed, marked D.

The Senate receded from its former vote, adopted the amendment, and passed the Resolves to be engrossed, in concurrence.

Report of the Committee on the Judiciary, on Resolutions of the State of Vermont, in relation to the election of Electors of President and Vice President, that legislation is inexpedient on that subject:—

Read and accepted, in concurrence.

Bill entitled

An Act to alter the mode of advertising real estate for nonpayment of town taxes;

came up from the House amended as on sheets annexed; marked A. B. and C.

The Senate nonconceded the House in adopting the amendment, on sheet marked A; conceded in adopting amendments D and E; and further amended the amendment D as on sheet annexed, marked E; and passed the Bill to be engrossed, as amended. Sent down for concurrence.

Bill entitled

An Act providing for the choice of Representatives to Congress was taken up;

The Senate reconsidered its vote passing the Bill to be engrossed; and further amended the same on sheet annexed, marked C.

marked C, and passed the Bill to be engrossed, as amended,
on which annexed, marked A, B and C.

Shut down for concurrence.

Bill entitled

The Act granting the right of appeal in certain Criminal
Cases;

was taken up, by consent; and,

On motion of Mr. Eastman,

indefinitely postponed. Shut down for concurrence.

Bill entitled

The Act additional in relation to the Public Lands;
was taken up, and passed to be engrossed.

Shut down for concurrence.

Resolve in favor of the town of Mexico;

came up; the House adhere to its former Vote,

passing the Resolve to be engrossed;

The Senate adhere to its Vote indefinitely postponing
said Resolve.

Report of the Committee on the Judiciary declaring legislation
inexpedient on Resolves of the Legislatures of Vermont
and Connecticut, in relation to the tenure of Office of
President and Vice President of the United States.

Read and accepted in concurrence.

Resolve relating to Agriculture;

was read a second time, and passed to be

engrossed. Shut down for concurrence.

Resolve

Resolve in favor of S. J. Foster and others;
came up; the House insisting on its former Vote,
passing the Resolve to be engrossed without amendment:
The Senate receded, and concurred.

Resolve in relation to the State Library,
was read twice, (the rule being suspended,) and passed to
be engrossed, as amended on Sheet marked A.;
Sent down for concurrence.

A Message was received from the House requesting
the Senate to return to that body, Bill entitled
An Act settling off the Island of Mahinod from the County of
Hancock to the County of Lincoln:
The Senate complied with the request, and the Bill was returned
by Message.

Bill entitled
An Act concerning cases in Equity;
was read once, and indefinitely postponed, in
concurrence.

The Committee on Engrossed Bills:
Reported as correctly engrossed.

Resolve additional for the payment of Accounts against the
State;
and the same was finally passed:

An motion of Mr. Havanagh
Ordered: That the same sum be allowed the Secretary for making
up the Journal, and filing papers, as was allowed
for similar services last year.

Resolve

Resolved in relation to the Public Lands:—

were read a second time:—

Mr. Allen moved an amendment

in the following words:

Resolved: That the Treasurer of this State be authorized and directed
"to receive of the Treasurer of the United States,"
"the share, belonging to Maine, of the proceeds of the"
"sales of public lands, under the Act of Congress,"
"providing for the distribution of the proceeds of the"
"public lands:"—

And the question of adopting the amendment being ordered to be taken
by Yeas and Nays, was decided in the negative, as follows:

Yeas: Messrs. Ayer, Blough, Olis and Pollock 4

Nays: Messrs. Barnard of Franklin, Barnard of Oxford,
Blake, Bridgman, Brown, Eastman, Farnsworth,
Fairfield, Frye, Goodwin, Humphrey, Kavanagh,
Lane, Leavitt, Parry, Patterson, Smart, Somes,
Stetson and Scott. 25

Mr. Parry moved to amend by
adding the following:

Resolved: That this Legislature, not believing it wise, politic,
"or constitutional to sanction the said distribution"
"Act, by providing for the reception of that portion"
"of the proceeds of the public lands, which it,"
"proposed to assign to Maine; and, not believing"
"that the people of this State desire or would"
"approve such reception, will not appoint any"
"Agent, to accept the portion aforesaid."

And

442 And the question of adopting the amendment was decided in the 445.
negative, by Yeas and Nays, as follows, to-wit:

Yeas: Messrs. Barnard, of Oxford, Blake, Frye and Harris. 4.

Nays: Messrs. Alger, Barnard of Franklin, Bridgman, Brown, Dunleigh,
Glough, Eastman, Farnsworth, Fairfield, Hanson, Humphrey,
Kavanaugh, Lane, Leavitt, Ols, Smart, Smith of Cumberland,
Soud, Stetson and Seth. 20.

And the question of passing the Resolved to be expressed was decided
in the affirmative, by Yeas and Nays, as follows:

Yeas: Messrs. Barnard of Franklin, Barnard of Oxford,
Beckett, Blake, Bridgman, Brown, Dunleigh,
Eastman, Farnsworth, Fairfield, Frye, Goodwin,
Humphrey, Kavanaugh, Lane, Leavitt, Harris, Stetson,
Smart, Smith of Cumberland, Soud, Stetson and
Seth. 23.

Nays: Messrs. Alger, Glough, Hanson, Ols and Pullen. 5.
Sent down for concurrence.

The Committee on Rail Roads and Canals:

Reported reference to the next Legislature on
Petition of William Richardson and others:
Read and accepted. Sent down for concurrence.

Bill entitled

An Act additional to an Act entitled an Act to organize,
govern and discipline the Militia of this of this
State:

came up from the House of Representatives further amended?
The

The Senate adopted the amendment of the House, and indefinitely postponed the Bill. Sent down for concurrence.

On motion of Mr. Trigg.

Ordered: That the Secretary of the Senate be directed, in making up the Pay Roll of the Senate, to make up to Willard Bruckett, Messenger of the Senate, four dollars and fifty cents for each day during the present Session, and for two days in preparing the Senate Chamber for the reception of the members, in full for his services and his assistants; also 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.

Bill entitled

An Act to promote Agriculture and diminish pauperism, came up; The House having insisted on its late passing the same to be disputed, proposed a Conference, and appointed as Conferees,

Messrs. Weeks, of Clinton,

Sewall " Alderson, and

Quinn, of Poland.

The Senate still insisting, concurred in the proposition for a conference, and appointed Messrs. Kavanagh,

Clough, and

Leavitt, Conferees.

Resolve amendatory to the Resolve passed A. D. 1841, for dividing the State into districts for the choice of Senators, and for apportioning the Representatives among the several Counties, Cities, Towns and Plantations and Classes,

at

Mr. Ridgham moved to amend by adding the following: "That the Island of Malineus; and" "the Islands adjacent thereto, shall be taken from the" "third Senatorial district, and annexed to the seventh," "Senatorial district."

And the question of adopting the amendment being ordered to be taken by Yeas and Nays, was decided in the negative, as follows:

Yea: Messrs. Bennett, Blake, Ridgham, Blough, Hanscom, Lovitt, Patterson, Pullen, and Sumner. 9.

Nay: Messrs. Barnard, of Franklin, Barnard of Oxford (Pullich Eastman), Farnsworth, Page, Goodwin, Humphrey, Kavanaugh, Parry, Smart, Smith. 10.

The Resolve was then refused a passage by Yeas and Nays, as follows:

Yea: Messrs. Barnard of Oxford, Bennett, Fairfield, Page, Goodwin, Humphrey, Lovitt, Parry and Smart. 9.

Nay: Messrs. Ayer, Barnard of Franklin, Ridgham, Blough, Eastman, Farnsworth, Hanscom, Kavanaugh, Atty, Patterson, Pullen, Sumner and Scott. 13.

Messrs. Smith of Cumberland and Brown were excused from voting on the latter question. Put down for concurrence. —

Bill entitled
An Act additional to an Act to organize, govern and discipline the Militia of this State;
came up; the House insisting on its former Vote;
proposing

1848.

Thurs. Mar. 17th

proposing a Conference and appointing

Messrs. Pencil of Gray, and

Prothman & Colait, Conference.

The Senate insist on its former Vote; concur in the proposition
for a Conference, and appoint, as Conference,

Messrs. Alough and

Farnsworth.

Adjourned:

(On motion of Mr. Ridgman,

Ordered: That the Pay Roll of the Senate, for travel and attendance, the present Session, be made up to, and including tomorrow.

Resolve in favor of Cornelius Allen and others;

to provide for remodeling the seats in the Representatives Hall;

Bill entitled

An Act in relation to the Militia Law;

(severally introduced into the House);

were severally read once, and indefinitely postponed;

Sent down for concurrence.

Resolve in favor of William Horn;

was read a second time, and passed to be engrossed, in concurrence.

Mr. Kaneagh, from the Conference on the disagreeing Vote of the two Houses, in relation to

Bill entitled

An Act to promote Agriculture and diminish pauperism;

Reported: That the Conference had been unable to agree: They therefore, recommended that the Senate adhere to its former Vote; and that the Bill be published in the State papers. Read and accepted; Sent down for concurrence.

(On motion of Mr. Hamersmith, the Senate receded from its Vote indefinitely postponing—

Resolve in favor of E. Atkins,

and the same passed to be engrossed, in concurrence.

Resolve

Thurs. Mar. 17th

Resolve relating to the defense of the sea coast, and inland frontiers of the State of Maine, (introduced in the House,)

" in favor of Herman H. Merri;

" in favor of the State Pension;
was secondly read twice; (the rules being suspended,) and passed to be engrossed, in concurrence. —

Mr. Eastman, from the Joint Select Committee, on the Deceased Accounts, to which was referred Order in relation to the Accounts of Samuel Willard, late Auditor, made a Report which was accepted. Laid down for concurrence.

Resolve providing for amending the Constitution in relation to the dividing the State into Districts for the choice of Senators; was read a second time, and refused a passage, by Yeas and Nays; two thirds not being in the affirmative, as follows:

Yeas: Messrs. Barnard of Franklin, Bridgman, Brown, Handwerker, Goodwin, Humphrey, Kavanaugh, Leavitt, Parry, Peterson, South of Cumberland, Smith, Stevens, and Lethy. 14

Nays: Messrs. Ayer, Barnard of Oxford, Bennett, Blake, Burleigh, Clough, Eastman, Fairfield, Hyde, Lane, Olin, Patten, and Smart. 13

Resolve in favor of David Hunt: Came up; having been reported in the House from the Committee on the disagreeing Vote of the two branches; And the Senate receded from its former Vote, and passed the Resolve to be engrossed in concurrence. —

A. McFague

A Message was received from the House of Representatives, by the Clerk informing the Senate that when that body next adjourns, it will adjourn to meet at five of the clock tomorrow morning. —

Resolved establishing a Board of Agriculture;

" repealing in part a Resolved authorizing a Loan in behalf of the State, approved March 11. 1841, (severally introduced into the House;)

were severally read once, and indefinitely postponed, in concurrence.

All entitled

An Act to provide in part for the expenditures of Government, was read a second time and passed to be engrossed as amended on Sheet annexed, marked A. —

Sent down for concurrence.

Resolved in favor of Company of Cavalry in Worcester County (reported in the House, from Conference on the disagreeing vote of the two branches;)

was read once and indefinitely postponed. —

Sent down for concurrence.

Resolved providing for the repair of the Mass Hill road. Came up from the House amended in accordance with the recommendations of the Committee of Conference. —

The Senate receded from its vote of indefinite postponement adopted, the amendment of the House, and passed the Resolved to be engrossed in concurrence. —

At half past four, the Senate, on motion of Mr. Bennett, took a recess of half an hour. —

At five

Thurs. Mar. 17th

At five of the clock the Senate was called to order. —

Bill entitled

An Act in relation to Writs in Criminal Prosecutions;

Came up from the House further amended, and referred to the next Legislature:

The Senate adopted the amendments of the House, and referred the Bill, in concurrence:

The Committee on Engrossed Bills: Reported as correctly engrossed.

Bill entitled

An Act relating to the Support of persons in Prison for Debt;

" " relating to the publication of the Decisions of the Supreme Judicial Court;

" " in relation to Institutions for Savings;

" " to set off part of Passadenamberg to Lowell, and they were severally passed to be enacted.

Bill entitled

An Act regulating Fees in Justice Actions;

Came up: The House having insisted on its former Vote; concurred in the proposition for a conference, and joined Mr. Lowell, of Andover, as Conferee.

Bill entitled

An Act authorizing the proprietors of the new congregational meeting House in Saco to sell and dispose of the same to the first Parish in Saco, and to accept the surrender of the charter thereof, came up from the House referred to the next Legislature. The Senate receded from its former Vote, and referred the Bill, in concurrence.

Resolve in relation to amendment of the Constitution, (introduced into the House, by Mr Bagdon) was read once; and referred to the next Legislature, in concurrence.

Resolve on the Pay Roll of the Senate; was read twice, (the rules being suspended,) and passed to be engrossed. Sent down for concurrence.

Resolve on the Pay Roll of the House of Representatives; was read twice, (the rules being suspended,) and passed to be engrossed, in concurrence.

Bill entitled,
An Act regulating taxes on sales by auction, (reported from the Committee on the Judiciary, in the House, on petition of Charles C. Mitchell and others;) was read once, and referred to the next Legislature, in concurrence.

Mr. Eastman

Thurs Mar 17th

Mr. Eastman from the Conference on the disagreeing Vote of the two branches, on the

Bill entitled

An Act regulating the pay of certain Officers:

Reported: That, having met the Conference on the part of the House, they had been unable to agree: They therefore, recommend that the Senate adhere to its former Vote:

Read and accepted.

(On motion of Mr. Bridgman)

Ordered: That a Message be sent to the House of Representatives, informing that body that when the Senate next adjourn, it will adjourn to meet tomorrow morning at five o'clock:
which message was delivered by the Secretary.

Resolve in relation to the right of Petition:
came up; the House having nonconcurred the Senate, and passed the Resolve to be engrossed

Mr. Bennett moved that the Senate adhere,
and the question, being ordered to be taken by Yeas and Nays, was decided in the affirmative, as follows:

Yeas. Messrs. Barnard, of Oxford, Barnard of Franklin,
Bennett, Blake, Bridgman, Burleigh, Eastman,
Frandworth, Humphrey, Kavanaugh, Land, Smith,
Taterson, Stuart, Smith of Cumberland, Toms,
and Weston.

17

Nays

1842 Vays. Messrs: Ayer, Brown, Clough, Fairfield, J. J., Leachman, 455.
Morse, Otis, Pullen and Scott. 10.

Mr. Eastman from the Conference on the disagreeing Vote of the two Houses on the Resolve in favor of Nathaniel Wheeler.

Reported; That, having met the Conference on the part of the House, they had been unable to agree: They, therefore, recommend that the Senate adhere to its former Vote, whereby the Resolve was indefinitely postponed: The Senate adhered.
Sent down for concurrence.

On motion of Mr. Bridgman
Ordered: That when the Senate adjourn, it adjourn to meet tomorrow morning at five o'clock.

Mr. Clough from the Conference on the disagreeing Vote of the two Houses on a Bill entitled
An Act to organize, govern, and discipline the Militia of this State;
made a Report: recommending that the Senate adhere to its former Vote, indefinitely postponing said Bill:
Read and accepted.

Sent down for concurrence.

The Committee on Engrossed Bills.
Reported as correctly engrossed:

Bill entitled
An Act to establish the Shiretown in the County of Piscataquis;

Bill entitled

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Bill entitled

An Act providing for the choice of Representatives to Congress;

" to incorporate the Prospect Mechanic Association;

" additional to regulate Judicial proceedings;
and the same were severally passed to be enacted;

The same Committee
Reported; as correctly engrossed;

Resolve in relation to maintaining an armed Civil force near the frontiers of this State;

" to correct a clerical error in the valuation of the town of Mount Desert, and for correcting the State and County tax on said town;

" in favor of Thomas Eames;

" to provide for the erection of a fence on the public grounds adjoining lands of Isaac Gage, and others;

" declaratory of an amendment of the Constitution;

" authorizing the Governor and Council to settle the accounts of Abner B. Thompson, late Acting Quarter Master General;

Resolve

1842 Resolve in favor of Hezekiah Lombard;

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" in favor of Nehemiah Allen;

" to correct a clerical error in the valuation
of the town of Shapleigh and for correct-
ing the State and County tax on said town;

And the same were severally finally passed;

Mr. Nelson, from the Conference on the
disagreeing Vote of the two branches on

Bill entitled
An Act regulating Just in Justice Actions;

Reported: That,
having met the Conference on the part of the House, they had been
unable to agree: They, therefore, recommend that the Senate adhere
to its former Vote. The Senate adhered.

Sent down for concurrence.

Concurred.

Adjourned.

Wm. Lee Haskell Secretary.

Tues. Mar. 15thFriday, March 18th 1842.Bill entitledAn Act to provide in part for the expending of Government;was read twice, and passed to be engrossed, in concurrence.

On motion of Mr Smith of Cumberland

Ordered: That when the Senate next adjourn, it adjourn without days.

On motion of Mr Eastman:

Ordered: That a Message be sent to the House of Representatives, informing that body, that the Senate has Noted that when this branch next adjourn, it will adjourn without days; and asking the concurrence of the House: which message was delivered by the Secretary.A message was received from the House of Representatives, by the Clerk concurring in the foregoing proposition.Bill entitledAn Act to suspend the present Militia Law of this State; (introduced into the House;)was read once, and indefinitely postponed.

Sent down for concurrence.

Bill entitledAn Act to suspend the present Militia Law of this State;came up nonconcurrent; the House having insisted on

1842 on its former Note; proposed a Conference, and appointed, as Conferees: 459—

Messrs. Atts, of St. George.

White, Monticello, and

Reed, Malden.

The Senate insisting on its former Note, concurred with the House in the proposition for a Conference, and appointed—

Messrs. Smith, of Cumberland,

Glough, and

Pringleham, Conferees.

Mr. Smith of Cumberland, from the Conferees on the disagreeing Note of the two branches in relation to the

Bill entitled

An Act to amend the present Militia Law of this State;

Reported: That they had met the Conferees on the part of the House, and not having been able to agree, they recommended that the Senate adhere to its Note, indefinitely postponing said Bill; and the question on accepting the Report, being ordered to be taken by Yeas and Nays, was decided in the Negative, as follows:

Yea: Messrs. Alger, Blake, Dixon, Glough, Eastman, Hanscom, Hiramah, Atty, Latherton, Patten, Smith of Cumberland, and Jones. 12.

Nay: Messrs. Barnard, of Franklin, Barnard, of Oxford, Bennett, Pringleham, Raleigh, Farnsworth, Fogg, Humphrey, Lane, Leavitt, Parrot, Nelson and others. 13.

Mr. Bennett moved that the Senate recede from its former Note and concur with the House, in passing the Bill to be engrossed; and the question of receding and concurring, was decided in the Affirmative, by Yeas and Nays, as follows:—

Yeas—

Yeas: Messrs. Barnard, of Franklin, Barnard, of Oxford, Bennett,
 Bridgman, Brown, Burleigh, Farnsworth, Faye, Humphrey,
 Lane, Leavitt, Parry, Sargent, Weston and Smith. 15.

Nays: Messrs. Ayer, Blake, Clough, Eastman, Hanson, Kavanagh,
 Ols, Patterson, Tilton, and Smith of Cumberland. 10.

Mr. Ols presented the following Protest; and moved
 that it be entered on the Journal of the Senate:
 And the question being ordered to be taken by Yeas and Nays,
 was decided in the Affirmative, as follows:

Yeas: Messrs. Ayer, Barnard, of Franklin, Barnard, of Oxford,
 Blake, Bridgman, Brown, Burleigh, Clough,
 Eastman, Farnsworth, Faye, Hanson, Humphrey,
 Kavanagh, Lane, Leavitt, Ols, Parry, Patterson,
 Tilton, Sargent and Weston. 22.

Nays: None. 0.

Protest.

The undersigned, members of the Senate, Protest against
 the passage of a resolve, entitled a "Resolve amendatory to the resolve"
 "passed A. D. 1842, for dividing the State into districts for the choice"
 "of Senators, and for apportioning Representatives among the several"
 "counties, cities, towns, plantations and places, at the third apportionment,"
 which passed this Legislature on the 16th of March, 1842; and request
 that their dissent, and the reasons therefor, be entered upon the
Journal of the Senate:

They dissent from the passage of said
Bill,

1892. *But*, because they believe that the constitution vested the power of 461
apportioning the Senators for ten years in the Legislature of 1841;
and that Legislature having discharged the Constitutional duty, it
is not in the power of this Legislature, without a violation of
the Constitution, to amend or alter that apportionment.

They are supported in this conviction by the
opinion of the majority of the Judges of the Supreme Court; when
opinion was asked by the Senate, before the passage of the
resolves herein referred to, and which should have a moral
force in the interpretation of the fundamental law of the State,
as binding as the decision of a question of law in the Court in
which they preside.

Their belief in the unconstitutionality of
this resolve is not weakened by the disagreeing opinion of one of the
Judges of that Court: for if the argument and opinion given by him
is adopted, this resolve is no less a violation of the constitution.
If the interpretation of the language, "as near as may be to"
"county lines," is to limit it to a departure from county lines only
so far as the necessity, which gave rise to it required, then this
resolve is unconstitutional. By taking the town of Vassalboro',
instead of Clinton, and the two Towns north and east of Clinton,
a greater equality of inhabitants, and a less departure from
County lines would have been attained, than is provided in this
resolve. If the discretion is limited to one Legislature, it is
to another; and if the Legislature of last year could not
exercise a discretion beyond the necessity that gave rise to
its exercise, the same rule will apply to the Legislature of
this year. By taking a smaller part of the county of Kennebec, and
annexing it to Waldo, than is included in this resolve, a district
might have been formed, by which the two districts would
have been more equally proportioned to the number of inhabitants.
This is shown by a reference to the Census of 1840, and to the map
of

of Maine, and can be proved geometrically and mathematically to be true. This resolve, upon that rigid construction of the Constitution, does not conform to its provisions: But the undersigned believe that in the apportionment of last year, the Legislature had a right to exercise a discretion in forming the districts, which they did not abuse; and conformed more nearly to the provisions of the Constitution than any preceding Legislature had done in apportioning the State. An exact conformity to the provisions of the Constitution, without allowing any discretion beyond the necessity, which this case might require, would be in practice nearly impossible.

The undersigned believe that when the Constitution has assigned a constitutional duty to one Legislature, which that Legislature has discharged, it is not in the power of a subsequent Legislature, to which no such duty is assigned, to modify or annul the Acts of the preceding Legislature. If the Constitution gives a discretion to one Legislature, a subsequent Legislature to which no such duty is assigned, cannot sit in judgment upon the Acts of the preceding Legislature, and determine whether that discretion was exercised in a sound or unsound manner. Any other rule would lead to confusion, and render the Acts of the Legislature nugatory.

In view of the important consequences involved in the passage of the resolve referred to, the undersigned feel it to be their duty to enter this Protest.

John Olds,
 Sim^r J. Hanscom,
 Merrill Clough,
 Wm. Ayer,
 J. S. Pullen.

The Committee on Engrossed Bills
 Reported

1842. Reported as correctly engrossed:

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The entitled

An Act additional to an Act in relation to the Public Lands;

" " to amend the seventy fifth Chapter of the Revised Statutes;

" " additional to an Act establishing the County of Franklin;

An additional Act as to the disposal of insane persons;

The Act to apportion; and apportion on the inhabitants of this State;
a tax of two hundred, one thousand, six hundred and
three dollars, sixty seven cents;

" " to alter the mode of advertising real estate for
the non payment of town taxes;

An additional Act to amend the Revised Statutes;

An Act regulating fees in Justice actions;

" " to suspend the present Militia Law of this State;

" " to provide in part for the expenditures of
Government;

" " to provide in part for the expenditures of
Government;

And the same were severally passed to be enacted;

The same Committee:

Reported as correctly engrossed:

Resolve

Resolves in favor of the State Prison;

" in favor of William Horn;

" in favor of David Hunt;

" in favor of Benjamin Brown, and others;

" in favor of P. L. Foster, and others;

" in relation to the State Library;

" in relation to the Insane Hospital;

" to correct the State Valuation;

" making appropriations for military purposes;

" in relation to certain deeds to Thomas L. Webster, and
others;

" on the pay roll of the House of Representatives;

" in favor of E. Atkins;

" in favor of certain officers and soldiers of the
revolutionary war;

" for the distribution of certain documents;

" providing for the repair of Mars hill road;

Resolves

in favor of Freeman H. Morse;

authorizing the Governor and Council to settle with the
Inspectors of the State Prison for the year 1840;

Resolves relating to the defence of the sea coast and inland
frontier of the State of Maine;

in relation to the Public Lands;

And the same were severally finally passed.

On motion of Mr. Eastman:

Ordered: That Messrs. Eastman,

Clough, and

Frye, be a Committee, with

such as the House may join, to wait on the Governor, and
inform him that the two Houses of the Legislature have
passed upon all the business that has come before them, and
that, unless he has some further communication to make,
they are now ready to adjourn without day.

Sent down for concurrence:

Came up from the House, with Messrs. Orgood of Portland;

Force " Houlton;

Dexter " Hallowell;

Shelburne " Phillips,

Meriton " Livermore,

joined, in concurrence:

Said Committee, having attended
to the duty assigned it, Reported: That the Governor was
pleased to say that he would forthwith communicate by
Messrs.

Ind. Mar. 18. 82

Mr. Sarge, through the Secretary of State, to both Houses of the Legislature; and after that he had no further communication to make.

The Secretary of State came in and laid on the table the titles of ninety two Acts, and one hundred and nine Resolves, which had been approved by the Governor the present Session, being all that had been presented to him; and informed the Senate that Governor had no further communication to make during the present Session.

Mr. Atty. Gen. and addressed the Senate as follows.

Mr. Secretary:

In presenting this Resolves for the acceptance of the Senate, I do not offer it as a mere customary form of respect to a presiding Officer, but as a sincere personal tribute to the courteous and able manner in which the duties, in presiding over our deliberations, have been performed. It is an honored custom that this tribute of respect should originate with one differing in political opinions from the Officer, to whom it is tendered, as suggesting a motive for impartiality on the one hand, and of forbearance on the other; and its observance, if for no other reason, should not be omitted. But, no such motive was required for impartiality in presiding over our deliberations, for the feelings of the presiding Officer, manifested in his private intercourse, as well as in the public discharge of his duties, prompted him to the same course.

In tendering my thanks to the presiding Officer, allow me to return my thanks to each individual member, for the substance and uniform kindness that have been manifested, in our
public

42 public and private intercourse. The decorum of debate, has 467
in no instance been violated; and though we have differed
in opinion on many important subjects, that difference has not
interrupted the harmony of our personal intercourse. I am sure you
will pardon me for thus freely alluding to party politics at the close
of the Session, since in so few instances have we alluded to the subject,
while engaged in the business of legislation. No stronger evidence
could be given that a better state of feeling prevailed amongst
us and is pervading the whole people. — Therefore, an allusion
to party and differences of opinion in politics, was matter for invitation
instead of the absence being a matter of congratulation. I trust,
the day has past — and that the zeal for party that has too much
mingled in public affairs will be exchanged for a zeal for the good
of the Country — that public spirit will take the place of party spirit,
and that men will be regarded for their services to our common
Country, and for the diffusive good which they can extend to the
whole people. If in our intercourse, and in the performance
of our public duties we may have in any manner contributed
to this result, we shall hereafter look back upon it as a
bright spot in our lives.

In reviewing the labors of the session,
in which many subjects of a public, private and local importance,
have been considered and acted upon, I trust that the exertions
of all have been dictated by a desire to promote the public
welfare. These labors are now closed. In reviewing our
intercourse together, no feeling will arise, so painful as
now arises at parting. It will be a consoling reflection
that in our last act, we can all harmoniously unite. It
is with no ordinary sensibility that I now propose this last
act for your consideration; and I do it with the full
assurance of union in our action, as well as in our
feelings. —

Harvard

Tue. Mar. 18th

Resolved: That the thanks of the Senate be returned, to the Honorable Samuel H. Blake, their President, for the able, dignified and impartial manner, with which he has presided over their deliberations, and discharged the responsible duties of his office, during the Session; and that, we avail ourselves of this occasion, to tender him our wishes for his prosperity and happiness.

The Resolve was read by the Secretary, and
 ———— passed unanimously. ————

The President rose and said: —

Senators: —

The Resolve the Senate has just passed, I shall always remember with feelings of lively gratitude. I thank you for it, and I thank you for it the more earnestly, because it but embodied in form, the prevailing sentiment of kindness and regard, with which the every act of Senators toward me, during the Session, has been distinguished. I may believe it, therefore, however unmerited, a sincere expression of the kindly feelings of the Senate toward me.

And it gives me pleasure to reflect, that while the courtesy to the Chair has rendered its duties easy and pleasant, no incident has occurred at the Board, calculated to mar the harmony of your deliberations, or that can give pain in its recollection. The heat of debate has in no instance warmed into a loss of self respect, or the conflict of opinion disturbed the urbanity of members toward,

1842 toward each other, but decorum and dignity of personal bearing have at all times been observed. — And further, it gives me high gratification to bear testimony to the signal ability and laborious industry with which you have devoted yourselves to the interests of the State, and of your respective constituencies. —

An unprecedented mass of business has received legislative action. The disposal of the very great amount of matters referred from the last Legislature — the apprehension of the House of Representatives — the Senatorial and Congressional appointments — the revision of the State valuation of 1841 — the general legislation, that is always being called for in a new and growing State, to conform its laws to the changing condition of its population — and more than all, perhaps, the great profusion of local and special business — business that the citizen has a constitutional right to be heard upon — and the neglect of which might have occasioned much individual wrong, — all constitute a monument to your industry, and furnish the highest evidence of your laborious care for the public weal. —

But your duties are at an end. And now that the hour of separation has arrived, I wish you, with all my heart, a safe return to the embrace of your families and the welcome of your friends. Long may you be spared to them, and when late, your names shall be drawn from the fatal urn, may you pass through the dark hour of dissolution, buoyed up by the consolations of religion, and cheered by the consciousness of a well spent life. —

My best wishes for your health, and prosperity attend you, always. —

The Senate then
Adjourned.
West. Vere Haskell Secretary