

Journal

of the

Second Session

1842.

State of Maine.

1.

In Senate, Wednesday, May 18, 1842.

This being the day designated by Proclamation of the Governor of the State of Maine, of the twenty ninth day of April, one thousand eight hundred and forty two, for the meeting of the Legislature: - which Proclamation is in the words following, to-wit:

— State of Maine. —

By the Governor  
of the  
State of Maine:

A Proclamation.

Deeming the present position of the question relating to the North Eastern Boundary of this State and the matters connected therewith, to form one of those "extraordinary occasions" contemplated in the Constitution, for convening the Legislature, I do, by these Present, appoint Wednesday, the eighteenth day of May next, for that meeting, at the State House in Augusta, hereby requiring the respective Senators and Representatives then and there to assemble in Legislature, in order to receive such communications as may then be made to them, and to consult and determine on such measures as they may consider will best promote the welfare of this State and Nation.

In Testimony

Weds. May 18<sup>th</sup>

In Testimony Whereof, I have caused the Seal  
of the State to be hereunto affixed, and signed the  
same with my hand. —

Done at Augusta the twenty ninth day  
of April, in the year of our Lord, eighteen  
hundred and forty two, and in the sixty sixth  
year of the Independence of the United  
States: —

John Fairfield

By the Governor

P. H. Schuster Secretary of State.

At half past ten of the clock in the forenoon,  
the Senate was called to order, by the President, and after reading said  
Proclamation, the Roll of the Senate was called by the Secretary,  
when the following Senators appeared and took their seats, to wit:

— First Senatorial District —

— Doct —

Thomas C. Lane

Thomas Goodwin, 2<sup>d</sup>

Elisha Redwell.

— Second Senatorial District —

— Cumberland —

Jonathan Smith

Joseph Brown

Mehack Humphrey

Philip Eastman.

Thos

## Third Senatorial District

— Lincoln —

Edward Kavanagh  
Smith Fairfield  
William H. Hye.

## Fourth Senatorial District

— Kennebec —

John Otis  
Merrill Klough  
William Alger

## Fifth Senatorial District

— Waldo —

Ephraim K. Smart  
Joshua F. Elliot.

## Sixth Senatorial District

— Hancock —

Rowland H. Bidgley

## Seventh Senatorial District

— Hancock and Washington —

Jacob Somes.

## Eighth Senatorial District

— Washington —

Benjamin B. Lenoir.

## Ninth Senatorial District

Penobscot



Wed. May 18<sup>th</sup>

———— Buckbee ————

Amasa Nelson

Samuel W. Blake

Thomas H. Burleigh

———— Twelfth Senatorial District ————

———— Sumner ————

Drummond Farnsworth

———— Thirteenth Senatorial District ————

———— Franklin ————

John A. Barnard

———— Fourteenth Senatorial District ————

———— Aspin ————

Gilman L. Bennett

Silas Barnard

Virgil P. Parrot

A quorum, consisting of a majority of the whole number of members, being present.

On motion of Mr. Bennett

Ordered: That a special Message be sent to the House of Representatives informing that body that a quorum of the Senate is convened in the Senate Chamber and ready to proceed to business.

Mr. Bennett was charged with said Message.

A Message

A Message was received from the House of Representatives, by Mr. Dunn of Ireland, informing the Senate that that body was convened, and was now ready to proceed to business.

On motion of Mr. Eastman:

Ordered: That Messrs. Eastman, Clough and Leavitt, with such as the House may join, be a Committee to inform the Governor that the two branches of the Legislature are now in Session, and ready to receive such Communication as he may be pleased to make:

Sent down for Concurrence. Came up with

Messrs. Abbot, of Belfast,

Thompson, of Hartford,

Arnold, of Augusta,

Morse, of Bath, and

Porter, of Lowell, joined in

concurrence: Which Committee, having attended to the duties assigned it, Reported: That the Governor was pleased to say that he would forthwith communicate to both branches through the Secretary of State:

A Message was received from the Governor, by the Secretary of State, transmitting a Communication from the Honorable Daniel Webster, Secretary of State of the United States, in relation to the North Eastern Boundary of the State. Which Message and Communication, having been read by the President, were laid on the table; and

On motion of Mr. Humphrey,

Ordered: That fifteen hundred copies of the Message and accompanying documents be printed for the use of the Senate.

(On motion)

Wed May 18<sup>th</sup>

On motion of Mr. Kavanagh.

Ordered. The House of Representatives concerning hercen, That the Governor's Message, of this date, be referred to a Joint Select Committee, consisting of Messrs. Kavanagh, Oly, Kingdon, Smart, Eastman, Bennett, Sisson, Townsend, and Tilton; on the part of the Senate, with such as the House may join:

Sent down for concurrence. — Came up with

Messrs. McDonald, of Limerick

Osgood, " Portland,

Reed, " Waldocton,

Lee, " Bucksport,

Pope, " Machias,

Davis, " Hallowell,

Tilton, " Shawhegan,

Fry, " Bethel,

Muzzey, " Bangor,

White, " Montville,

Dickay, " Strong,

Stewart, " Solon, and

Pena " Houlton, joined

in concurrence.

Two other members, to wit,

Messrs. Thomas A. Palmer, of the Eleventh,

and

Franklin Smith, of the Teneth Senatorial

District appeared and took their Seats.

On motion

1842

On motion of Mr. Smith, of Cumberland Co. 7-

Ordered: That when the Senate does adjourn, it adjourn to meet at  
ten of the clock tomorrow morning; and

the Senate

On motion of Mr. Pugham

Adjourned.

Wm. Lee Haskell Secretary

Thursday May 19<sup>th</sup> 1842

The following gentlemen appeared and took their seats,  
to-wit:

Speet. Isaac Patterson, of the Third

Timothy F. Hanson, " " Fourth,

(and)  
Loel Scott, " " ninth

Senatorial Patriots. —

On motion of Mr. Bridgman,  
Ordered: That when the Senate next adjourn, it adjourn to  
meet tomorrow morning at ten of the clock; and

On motion of Mr. Eastman,  
the Senate

Adjourned.

Wm. Lee Haskell, Secretary.



9—

Friday, May 20<sup>th</sup>, 1842.

Mr. Kavanaugh, from the Joint Select Committee to which was referred the Governor's message, made a Report, accompanied by Resolved in relation to the North Eastern Boundary of this State;

which was read once, laid on the table; and one thousand copies ordered to be printed for the use of the Legislature; and three of the clock this afternoon assigned for a second reading). —

Mr. Old, from the same Committee Reported

Resolved in relation to the claims of this State for expenditures in protecting its North Eastern Boundary;

which was read once, laid on the table; and three hundred copies ordered to be printed for the use of the Legislature.

The following Order from the House of Representatives was read; and

On motion of Mr. Smart,  
laid on the table.

Ordered The Senate concurring, That the several Committees of the Legislature be directed to Report reference to the next Legislature on all subjects referred to them, of a general character or special nature, not demanding indispensable action at this Session.

Petition

Wed. May 20<sup>th</sup>

Petition of Frederick A. Leard, and others, praying for the reduction of the fees of Pound Keepers;

“ Selectmen of Lincolnville, praying the Legislature to legalize certain Acts of said town;

came up from the House referred to the Committee on the Judiciary. The Senate nonconcurring the House, and referred the same to the next Legislature.

Sent down for concurrence.

Petition of Charles Rocklyst, and others;

“ Nathan Parker, “ “ ;

“ James Appleton, Junior, “ ;

“ Joseph C. Stearns, “ “ , severally praying

that the Militia Bill, reported to the Legislature, February 16<sup>th</sup> 1842, may become a Law;

Came up from the House referred to the Committee on the Militia. The Senate nonconcurring in the reference, and referred the same to the next Legislature.

Sent down for concurrence. — Concurred.

Petition of Benjamin Wiley and others for the same;

Came up referred to the Committee on the Militia;

Mr. Bennett

moved that the Senate nonconcur, and refer the same to the next Legislature:

And the Yeas and Nays, being ordered on the question of reference, it was decided in the affirmative, as follows.

Yeas

Secs: M<sup>rs</sup>. Ayer, Barnard, of Franklin, Barnard, of Aspet<sup>ts</sup>, Bennett, Blake, Bodwell, Bingham, Brown, Bulfinch, Clough, Eastman, Elliot, Farnsworth, Fairfield, Fay, Goodwin, Hanson, Kavanaugh, Lane, Als, Parrot, Patterson, Pelling, Smart, Smith, of Somerset, Stebbins and Scott. . . . . 27.

Key: M<sup>rs</sup>. Humphrey, Leavitt, Smith of Cumberland and Sonnet. . . . . 41.

Bill entitled

An Act additional relating to the Militia, (introduced into the House,)

Came up, was read once, and referred to the next Legislature in concurrence.

Mr. Humphrey, with leave, laid on the table,

Resolve in relation to Pay of Members of Congress.

which was read once, and three of the clock this afternoon assigned for a second reading.

Bill entitled

An Act to fix the time of holding the Courts of County Commissioners, of the County of Worcester (introduced into the House,)

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

On motion

Thurs. May 20<sup>th</sup>

On motion of Mr. Bennett

Ordered: That when the Senate next adjourns, it shall adjourn  
to meet this afternoon at half past three of the  
clock; and

On motion of Mr. Bridgman,

the Senate,Adjourned.

Petition of the Selectmen of Limerick,  
came up, the House insisting on its former Vote:

On motion of Mr. Elliot,  
said Petition was laid on the table.

Bill entitled  
An Act to repeal an Act providing for the choice of  
Representatives to Congress, approved March 17 1842,  
(laid on the table by Mr. Smart.)  
was read once, and tomorrow at eleven of the clock in the  
forenoon assigned for a second reading.

Bill entitled  
An Act to fix the time for holding the Courts  
of County Commissioners in the County of  
Herkess  
was read a second time, and passed to be engrossed  
in concurrence.

The Order from the House directing  
the several Committees to report reference to the next  
Legislature, on all Subjects committed to them, was  
taken up:

Mr. Smart moved its indefinite  
postponement:

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

Yeas



Fri May 20<sup>th</sup>

Yeat: Messrs. Ayer, Barnard of Franklin, Barnard of Asport,  
 Bennett, Blake, Bodwell, Brown, Burleigh, Clough,  
 Eastman, Elliot, Farnsworth, Fairfield, Fay,  
 Hanzberg, Kavanaugh, Lane, Leavitt, Child,  
 Merrill, Patterson, Patten, Scott, Smart, Smith  
 of Amherst, Smith of Cumberland and  
 Stetson. . . . . 27.

Wag.: Messrs. Ridgeman and Humphrey. . . . . 2.  
 Laid down for concurrence.

The following Order from the House was  
 read, and,

On motion of Mr. Ridgeman, laid on the table:

Ordered: The Senate concurring, That the Joint Select Committee  
 to which was committed the subject of  
 districting the State for the election of members  
 of Congress, be directed to divide the State into  
 ten districts for that purpose.

All entitled  
An additional Act further suspending Chapter Sixteen  
 of the Revised Statutes, (introduced into  
 the House,)

was read and referred to the next Legislature in  
 concurrence.

The following Order from the  
 House was read, and,

On motion of Mr. Eastman,  
 laid on the table:

Ordered

Ordered: The Senate concurring herein, That the Joint, 15.  
Select Committee to which was referred the  
subject of dividing the State into districts for  
the choice of members of Congress be also  
directed to report a Resolve dividing the State  
into nine districts for that purpose.

Resolved in relation to the North Eastern Boundary of  
the State,

were read a second time; and,

On motion of Mr. Leavitt,  
laid on the table, and tomorrow at nine of the clock afternoon  
for their further consideration.

Ordered: That the Standing Committee of the Senate of the last  
Session on Bills in the second reading and on  
Engrossed Bills, be Committee for the same purpose  
during the present Session.

On motion of Mr. Kavanagh,  
Ordered: That when the Senate next adjourn, it shall  
adjourn to meet at nine of the clock tomorrow  
morning.

Adjourned

Attest: Levi Haskell, Secretary.

Saturday May 21<sup>st</sup> 1842

Bill entitled

An Act to make valid the doings of Town in certain cases,  
(introduced in the House;)

was read once; and

On motion of Mr. Parry referred to a  
Select Committee consisting of the gentlemen composing the  
Committee on the Judiciary, on the part of the Senate, at the last  
Session. —

Petition of the Selectmen of Lincolnville, was taken up  
and referred to the same Committee.

Resolves in relation to the North Eastern Boundary  
of this State;

were taken up: And the question of their passages to be engrossed  
being ordered to be taken by Yeas and Nays was decided in the  
affirmative, as follows:

Yeas: Messrs. Agos, Barnard of Franklin, Barnard of Aspin  
Cannett, Blake, Bodwell, Bridgman, Brown  
Burleigh, Clough, Eastman, Elliot, Farnsworth,  
Fairfield, Fay, Goodwin, Hanson, Humphrey,  
Kavanaugh, Lane, Oly, Parry, Patterson, Pullen,  
Scott, Smart, Smith of Somerset, Smith of Cumberland  
Sond and Steben, . . . . . 30

Nays: Mr. Leavitt, . . . . . 1.  
Sent down for concurrence.

Petition

42 Petition of Joseph Eaton and others relative to the Kennel 17  
Locke and Canal Company;

was read and referred to a Select Committee consisting of the gentlemen who composed the Committee on Interior Water, at the last Session, in concurrence.

A Message was received from the Governor, by the Secretary of State, transmitting a letter from Thomas W. Dorr, Governor of the State of Rhode Island; which were read and referred to a Joint Select Committee, consisting of Messrs. Smart, Humphrey, and Alger, on the part of the Senate.

Sent down for concurrence.

Came up with Messrs. Smith, of Warren,  
Paine, " Singer,  
Cory, " Augustus,  
Morse, " Bish,  
Sewall, " Alden,  
Bridbury, " Calais, and  
Morison " Sumner, joined,  
on the part of the House, in concurrence.

A Message was received from the House, by their Clerk, requesting the Senate to return to that body

Bill entitled

An Act additional further suspending Chapter Sixteen of the Revised Statutes:

And said Bill was returned by the Secretary.

Bill entitled

An Act to repeal an Act providing further choice of Representatives to Congress, approved March 17, 1842;

was

Sat May 21<sup>st</sup>

was taken up, and,

On motion of Mr. Bennett, laid on the table.

Resolved in relation to the Pay of Members of Congress,was read a second time, amended, and the question of passing the same to be engrossed, 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, Bennett, Blake, Bodwell,  
 Brigham, Brown, Burleigh, Colough, Eastman,  
 Elliot, Farnsworth, Thibault, Tye, Goodwin,  
 Hunscomb, Humphrey, Leavitt, Otis, Parist,  
 Patterson, Pullen, Scott, Smart, Smith of  
 Cumberland, Tarnet and Utter . . . 28.

Nays: Mr. Lane . . . . . 1.  
 Sent down for concurrence.

Resolved in relation to the Claims of this State for expenditures in  
 protecting its North Eastern Boundary,  
 were taken up, amended as on Sheet marked A, and Monday  
 next at eleven of the clock assigned for a second reading. —

Pill entitled

An additional Act further suspending Chapter Sixteen of  
 the Revised Statutes,

came up, the House having reconsidered its former Vote,  
 and passed the Pill to be engrossed:

The Senate



1842 The Senate nonconcurrent and adhered to its former Vote.  
Sent down for concurrence.

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Mr. Eastman, from the Select  
Committee to which was referred

Bill entitled,  
An Act to make valid the doings of Court in certain  
cases,

Reported: That the same ought to pass. The Bill was read  
a second time; and,

An motion of Mr. Humphrey, laid on the table.

Mr. Bulsby has leave of absence  
after to-day.

On motion of Mr. Parry  
Ordered: That when the Senate next adjourns, it shall  
adjourn to meet at eleven of the clock on Monday  
next: and

An motion of Mr. Bennett,  
the Senate.

Adjourned.

Attest: Ebene Haskell Secretary.