

State of Maine
Second Session of the first Legislature

In Senate Wednesday Morning
January 10. 1821

Present

William D. Williamson Esq President

George Ulmer Esq
Jonathan Page "

Joshua Gage Esq

John Moore "

Samuel Small "

Barnett Potter "

Joseph E. Foxcroft

Daniel Rose "

William Kindall "

James W. Ripley "

John McDonald "

Nathaniel Green

Andrew Witham "

Jeremiah O'Brien "

Josiah W. Seaver "

Charles Morse "

Mr McDonald was charged with a message to the House of Representatives, to inform that body, that a quorum of the Senate is assembled, & ready to proceed to business.

Mr Sprague came up with a message to acquaint the Senate that a quorum of the House of Representatives is assembled, & ready to proceed to business.

Ordered that Messrs Ulmer & Rose with such as the House may join, be a committee to wait on the Governor & inform him that a quorum of the two Houses is assembled, agreeably to adjournment, and ready to receive to receive any communication which he may please to lay before them.

Read, Passed & sent down for concurrence
came up concurred, & Messrs Tucker, Fish & Love
are joined

A letter from William Moody Esq, giving notice that he had resigned his seat in the Senate, was received, read & sent down.

Resolved that Messrs Gava & McDonold be a committee to examine the returns of votes from York District to ascertain the constitutional candidates, from whom a choice is to be made, to fill the vacancy at this board caused by the resignation of William Moody Esq.

Mr. Ulmer of the Committee appointed to wait on the Governor and inform him that a quorum of the two houses was assembled and ready to receive any communication he may be please to make - reported that the committee had performed the service assigned them - and that the Governor was please to say that he would make a communication to the two Houses tomorrow at 11, o'clock

Resolved that Messrs Potter & Rose be a committee to ascertain whether the seat of Mr Foots a member of the Senate, is vacated, & if so to ascertain who are the constitutional candidates from the County of Lincoln to fill the vacancy & report thereon as soon as may be. Read & passed.

~~Met~~ Adjourned till 3 o'clock this afternoon.

Met according to adjournment

The committee appointed to ascertain whether the seat of Granger Foots Esq a member of this board from the County of Lincoln & also to

ascertain in case such be the fact, who are the constitutional candidates to fill the vacancy, made the following report. That by the records of the Governor and Council in the Secretary's office it appears that Erasmus Foster Esq. was appointed Attorney General on the first day of September A.D. 1825 & by a certificate of Thomas Milbourn Esq. one of the Council that he was duly qualified before him & Abiel Wood Esq. (who has accepted the office as your Committee are informed) & they find by the Constitution that his seat has thereby become vacated.

Your Committee also further report that they have examined the returns of votes for Senators in the County of Lincoln & find that the two highest candidates who were not elected were Edward Telleran Esq. who had nineteen hundred & twenty five votes & Benjamin Cushing Esq. who had nineteen hundred & thirty seven votes and are the constitutional candidates from whom the vacancy in that county is to be filled. Read & accepted.

The Committee appointed to examine the returns of votes for Senators in York District made the following report. That the whole number of votes for Rufus M. McIntire Esq. was one thousand four hundred & eighty four, that the whole number of votes for Alexander Rice Esq. was one thousand & ninety four, and it appears that these gentlemen received a higher number of votes than any other who were not chosen, & are therefore the constitutional candidates from whom a choice is to be made. Read & accepted.

Mr Potter was charged with a message to the House to inform that body that a vacancy existed in the Senate occasioned by the resignation of William Moody Esq. from York District and that Alexander Rice and Rufus M. McIntire Esqs. are the constitutional candidates, one of whom is to be selected to fill said vacancy.

Also that another vacancy existed occasioned by the appointment of Eustas Post Eyr from Lincoln District, to the office of Attorney General - and that Edward Kellum and Benjamin Cushing Esq. were the Constitutional candidates, one of whom is to be selected to fill that vacancy - And proposing a Convention of the two Houses tomorrow at 3 o'clock for the purpose of filling said vacancies.

Mr Ridington came up with a message to acquaint the Senate that the House concurs in the proposed convention tomorrow at 3 o'clock for the purpose of filling the vacancies in the Senate.

Ordered that Messrs Rose & Witham be a committee to procure a stove to be placed in the Senate Chamber. Read & passed.

Paper Accounts of the towns of Bristol, Limerick & Newfildce, committed to the joint standing committee on accounts.

Petitions

committed

Ordered of the House committing the petition of John A. Swazey & others to the joint standing committee on Canals, turnpike Roads & Bridges - of Thomas Sampson Jun^r & others to the joint standing committee on Interior Fisheries - of David Peavy for a pension & Timothy Hall Jun^r for Legislative aid to the joint standing committee on applications from sick & wounded soldiers - of Selectmen of Greenwood, of John Walker & wife, of Sarah Mills, of Ezekiel Waterman & David Fuller to the joint standing committee on New Trials - of Nathaniel Mussey & others to the joint standing committee on the incorporation of Parishes & other religious societies - of the Inhabitants of the

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Town of Waterford to the joint standing committee
on Ministerial Lands, came up for concurrence. Read
& generally concurred.

An Order of the House committing the petition
of Oliver Sewall & others praying Repeal of the Law
exempting Ministers of the Gospel from taxation to Messrs
Lock, Delano & Adams of Portland, ^{with such as the first may join} came up for con-
currence. Read & concurred & Messrs Foxcroft & O'Brien
are joined

The Petition of Elijah Daisey & William Hunt was
read & committed to the joint standing committee on
incorporation of Towns. Sent down for concurrence.
Jan 11, 1821, came up concurred.

Adjourned till 9 O'clock tomorrow.

In Senate Thursday Morning
January 11. 1821

Present

William L. Williamson Esq President	
George Ulmer Esq	Joshua Gage Esq
Jonathan Page "	John Moor "
Samuel Small "	Barnett Potter "
Joseph E. Foxcroft "	Daniel Rose "
William Kendall "	James W. Ripley "
John McDonald "	Nathl Green "
Andrew Witham "	Timothy Boutwell "
Jamieson O'Brien "	Josiah W. Seaver "
Charles Morse Esq "	

Ordered, That Messrs Foxcroft & Rose with such as the House may join, be a committee to consider & report in what manner messages between the two Houses shall hereafter be communicated. Read paper & sent down for concurrence. Came up concerned & Messrs Leach, Moody & Rollins are joined

An Order of the House committing the petition of Elias Taylor - of Selectmen of Monroe to the joint standing committee on New Trials - of Reuben Harrington & others, of inhabitants of Townships No. 9, 8 & 15 in Hancock County to the joint standing committee on Incorporation of Towns - of Selectmen of North Hill for the support of State paupers to the joint standing committee on Accounts - of the inhabitants of Parsonsfield for leave to sell land to the joint standing committee on Ministerial Lands - of James Thurell & others to make valid their doings as a Religious Society & for other purposes, to the joint standing committee on the incorporation of Parishes & other Religious Societies, came up

for concurrence. Read & severally concurred.

Reports of James Bridge & others appointed a committee to enquire & investigate into the doings & transactions of the Hallowell & Augusta, Miscapet, & Easton Banks were read. whereupon it was

Ordered That Messrs Page, Potter & Ripley, with such as the House may join, be appointed to consider what further proceedings, if any, are necessary for the Legislature to adopt, in respect to the Easton Bank, the Miscapet Bank and the Hallowell & Augusta Banks & that the reports of James Bridge & others relating thereto, be a committee to them, and that they report their opinion respecting said institutions with such bill or resolve as they may deem expedient.

Read & passed. Sent down for concurrence. Came up concurred, & Messrs Clapp of Portland, Moody of Mills, Hutchings of Penobscot, Rose of Augusta & Brown of Freeman all joined.

An Order of the House committing the petition of the Select men of Surry for leave to sell school land, to the joint standing on incorporation of towns, came up for concurrence. Read & now concurred & committed to the joint standing committee on ministerial Lands. Sent down for concurrence. Came up concurred.

Order of the House committing the petition of John Bannock together with the order passed thereon ~~passed~~ at the former session, to the joint standing committee on canals Turnpikes & Bridges, came up for concurrence. Read & concurred.

At 11 o'clock the Secretary of State came in & laid upon the table a message from the Governor. Read & five hundred copies ordered to be printed for

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the use of the Legislature, in concurrence with an order from the House

The Order of the House committing the petitions of Nathaniel Burrill & others, of the Town of Chesterfield & of Lemuel Gooding & others to the joint standing committee on incorporation of ~~the~~ Parishes & other religious societies - of Lett Delano & others, of inhabitants of Plantation No 3. 3 Range St. of Waldo Patent to the joint standing committee on incorporation of Towns of inhabitants of Plantation No 7. 7 Range No of Waldo Patent, of Electmen of New Portland, of the first congregational Society of Union to the joint standing committee on new trials - of John Bennock to joint standing committee on Canals Turnpikes & Bridges - of Charles Smith & others, of Melanctiah Smith & inhabitants of New Sharon, & of the Town of Wayne to the joint committee who have under consideration the petition of Oliver Perceall & others, of Plinston Land of Woolwich for a pension to the joint standing committee on applications from sick & wounded soldiers, came up for concurrence. Read & severally concurred.

Pauper account, Bluehill against the State committed to the joint standing committee on accounts

Mr Gage of the committee appointed to receive the returns of the assessors of the several Towns & plantations in this State, of the polls & estates within the same, agreeable to an act entitled "an act to ascertain the estate rateable within this State" - laid on the table a report which was read & committed to Messrs Potter Green & Boutelle with such as the House may join, laid down for concurrence. 12. Came up

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concerned & Messrs Bragdon of York, Chase of Liver-
more, Coburn of Bloomfield, Whitney of Brooks
& Moury of Lubeck are joined.

Adjourned till $1\frac{1}{2}$ past 2 o'clock
this afternoon.

Met according to adjournment,

~~The~~ Orders of the House committing the petitions
of the Selectmen of Sullivan & of the Selectmen of
Sangerfield to the joint standing committee
on Ministerial lands - Remonstrance of the Select
men of Ellsworth & others to the joint standing com-
mittee on incorporation of towns, came up for
concurrence. Read & severally concurred.

Agreeably to assignment the two Houses
met in convention for the purpose of electing
two Senators to fill the vacancies occasioned by
the resignation of William Moody Esqr & the ap-
pointment of Orastus Fort Esqr to the office of At-
torney General, when upon receiving, sorting
& counting the votes it was found that Alex-
ander Rice Esqr for York District & Edward
Kellerman Esqr for Lincoln District were duly
elected.

Ordered, that the Secretary of State be
directed to notify Alexander Rice Esqr that
he has been constitutionally elected a Senator
for York District to fill the vacancy occasioned
by the resignation of William Moody Esqr &
that he also be directed to notify Edward Kellerman Esqr

that he has been constitutionally elected a Senator for Lincoln District, to fill the vacancy occasioned by the appointment of Erasmus Fotheridge to the Office of Attorney General, & that they be requested immediately to attend said the Senate in discharge of the public business.

Read, ~~passed~~ & sent down for concurrence.
Came up concurred.

The petition of John Pargent & others for leave to build a bridge road & committed to the joint standing committee on Turnpikes Bridges & Canals.
Sent down for concurrence. Came up concurred

The Petition of John Hays & others for marriage to be made valid road & committed to the joint standing committee on New Trials.
Sent down for concurrence. Came up concurred

The petitions of Joseph Dane - & of John Whood read & committed to the joint standing committee on incorporation of Towns.
Read. Sent down for concurrence.
Came up severally concurred.

Adjourned till 9 O'clock tomorrow

In Senate Friday morning

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Present

Jan 12. 1821

William D Williamson Esq. President

George Ulmer Esq.	Joseph Gage Esq.
Jonathan Page "	John Moor "
Samuel Small "	Barrett Potter "
Joseph E. Foxcroft "	Daniel Rose "
William Hendale "	
John McDonald "	Nathl Green "
Andrew Witham "	Timothy Boutelle "
Jeremiah O'Brien "	Josiah H. Sever "

Ordered, That so much of the Governor's message as relates to the preservation of timber on the public lands, and appropriations thereon be committed to Messrs Boutelle & O'Brien with such as the House may join with leave to report by bill or otherwise. Read & passed. Sent down for concurrence. Came up concurred & Messrs Emery of Portland, Wilson of Bingham & Irish of Gorham are joined.

Ordered that so much of the Governor's message as relates to the Militia, be committed to Messrs Ulmer & McDonald with such as the House may join with leave to report by bill or otherwise. Read & passed. Sent down for concurrence.

Came up concurred & Messrs Turner of Thorne, Rippey of W. Yarmouth & Atterton of Prospect are joined

Ordered, That so much of the Governors Message, as relates to the Circuit Court of Common Pleas & the expediency of requiring that the several Clerks of the Courts shall pay over monies by them received to the Treasurer of the State instead of paying the same to the Treasurers of the several Counties, be committed to Messrs Pollock & Ripley, with such as the House may join. Read & passed Sent down for concurrence. Came up concurred. Messrs Redington of Wapahburg, Shaw of Newport & Darnett of Hilary are joined

Ordered That so much of the Governors Message as relates to the expense of the different branches of the Government, & compensation to its various officers be committed to Messrs Foxcroft & Green with such as the House may join, with leave to report by bill or other wise. Read & passed. Sent down for concurrence. Came up concurred Messrs Dunn of Poland Shaw of S. Berwick & Hooper of Paris joined

Ordered, That so much of the Governors Message as relates to Loans, the finances & situation of the Treasury; & expenses of State paupers and costs in criminal prosecutions be committed to Messrs Rose & Witham with such as the House may join, with leave to report by bill or other wise. Read & passed. Sent down for concurrence. Came up concurred Messrs Sprague of Hallowell Adams of Portland & Hollans of Jay are joined

Ordinance That so much of the Governor's Message as relates to the Penobscot Indians, be committed to Messrs Gage & Hauger, with such as the House may join, with leave to report by bill or otherwise. Read & passed Sent down for concurrence.

Came up concurred & Messrs Smith of Miscapit, Davis of Orono & Brownell of Waterville are joined.

Petition of the Absopers of Plantation No 1, with the report there on, committed to the joint standing committee on incorporation of Towns. Sent down for concurrence. Came up concurred.

Orders of the House committing the Remonstrance of the Town of Ellsworth against the petition of the Inhabitants of Surry - Remonstrance of the Selectmen of Cherryfield against the petition of Moses Hinkley to the joint standing committee on incorporation of Towns came up for concurrence. Read & severally concurred.

Petition of the Court of Sessions for the County of Cumberland read & committed to the joint standing committee on Turnpikes Bridges & Canals. Sent down for concurrence. Came up concurred.

Petition of Brady Bailey read & committed to the joint standing committee on New Trials. Sent down for concurrence. Came up concurred.

The joint committee on the subject of communicating messages between the two Houses reported the following Order.

Ordered, That all messages from either House of the Legislature to the other, be communicated in writing, signed by the President of the Senate & the Speaker of the House of Representatives respectively & transmitted by the respective messengers of the two Houses. Read & passed. Sent down for concurrence. Came up concurred.

Ordered That the Messengers of the Senate be directed to furnish each member of this board with one copy of the weekly & semi weekly papers printed in Portland during the present session. Read & passed. B. reconsidered.

On Orders of the House committing the Remonstrances of the inhabitants of Plantations Nos. 8 & 9. Towns of Gouldsboro, Trenton, Sullivan & Penobscot against the petition of Zachew Porter & others praying that Belfast in the County of Hancock may be made a half shire, to the joint standing committee on incorporation of towns, came up for concurrence. Read & severally concurred.

Order from the House, That the several joint Committees of this Legislature, who were appointed at the last session thereof and did not finish the business, then committed to them, now resume such as remains unfinished came up for concurrence. Read & concurred. ~~Resolved~~

Adjourned till 9 o'clock to morrow

Saturday January 13. 1821

Present

William D. Williamson Esq. President

Geo. Edmund Esq.

Jonathan Page

Saml. Smade

Jos. E. Foxcroft

William Kendall

John McDonald

Andrew Wilham

Jm^l O'Brien

Charles Morse

Joshua Gage Esq.

John Moore "

Barret Potter

Daniel Rose

As. W. Ripley

Nathl Green

Sim^d Bawtelle

J. W. Leaven

Ordered that Mr Green be appointed on the committee on Banks & Banking instead of Mr Moody. - Mr Leaven on New Trials instead of Mr Williamson. - Mr O'Brien on public lands instead of Mr Foster. - Mr Kellum on Accounts instead of Mr Leaven. - Messrs Rose, Leaven & Bawtelle on Bills in the 3^d reading instead of Messrs Moody, Foster & Williamson. - Messrs Rice & Gage on Engrossed Bills, instead of Messrs Bawtelle & Leaven.

Ordered that Messrs Green & Morse with such as the House may join, be a committee to superintend & controul the incidental expenses of the Legislature during the present session.

Read & passed Sent down for concurrence.

Came up & concurred & Messrs Robbins of Green, Francis of Leeds & Shaw of Waterford all joined.

Ordered that Messrs Page & Bawtelle with such as the House may join be a committee to consider & report what compensation shall be allowed to the Committee on the subject of the State valuation. Read & passed Sent down for concurrence. Came up & concurred & Messrs. Clark of Portland, Little of Buckleport & Burr of Litchfield joined.

Order of notice on petition of John Sargent & others, & of John Bennoch reported by committee on Fisheries &c. Read & accepted. Sent down for concurrence. Came up concurred.

P. C. Perley & 4

Petition of Enock Perley & others committed to the joint Standing Committee on Fisheries, Bridges & Canals. Sent down for concurrence. Came up concurred.

P. Dan. Hall & 4

Petition of Daniel Hall & others committed to the joint Standing Committee on Fisheries. Sent down for concurrence. Came up concurred.

P. B. Tolson & 4

Petition of Benjamin Tolson & others committed to the joint Standing Committee on the incorporation of Towns. Sent down for concurrence. Came up concurred.

Mr Gage had leave of absence for eight days.

Ordered that Messrs Gage & Witham with such as the House may join be a committee to consider what shall be allowed to James Bridge, Albert Newhall & William Sean Eggs a committee appointed by a resolve of the Legislature to examine certain Banks in this State, for their services & expenses in attending to that duty & to report by bill or otherwise.

Read & passed. Sent down for concurrence. Came up concurred & Messrs Eggs of Lebanon, Johnson of Belfast & Chase of Livermore are joined.

Ordered that the committee on the expenses of the Legislature during the Session, be directed to enquire & report what further compensation shall be allowed to the Secretary of the Senate & to the Clerk of the House of Representatives respectively, for their services in making up their journals & arranging their papers of the last Session. Read & passed. Sent down for concurrence.

Orders of Notice reported on the petition of John Geasey & others, by the Committee on Turnpikes &c. on the petitions of Nathaniel Meuser & others & of Lemuel Gooding & others by the Committee on Parishes &c. Read & severally accepted. Sent down for concurrence. Came up severally concurred.

An Order of the House committing the petitions of Joshua Young & others, of Thomas W. Faden & others, of the Remonstrance of the Town of Wayne against the petition of Pelag Hays, to the Committee on the incorporation of towns, - of Eli Longly & others, of Nathaniel Burnham & others to the joint standing Committee on Turnpikes, Bridges & Canals, of William Hinson, to make valid certain marriages, to the joint standing Committee on New Trials, came up for concurrence. Read & severally concurred.

Ordered. That Messrs Small, Kendall, & Green be the Committee on the part of the Senate to consider whether any & if any what alterations ought to be made in the several laws now in force providing for the support & maintenance of the poor instead of Messrs Moody, Williamson & Boutelle appointed at the last Session. Read & passed.

An Order of the House came up requesting the Senate to join their Committee consisting of Messrs Abbot, Locke, Hunt Miller & Wain appointed at the last Session, on the subject of making any alterations that may be necessary in the existing fire bill, ~~for concurrence~~.

Read ~~concurred~~ & Messrs. Rose, Boutelle & Leaver are joined.

The Bill entitled "An Act, to incorporate a number of the inhabitants of the town of Portland in the County of Cumberland into a religious Society by the name of 'The first Universalist Society in the town of Portland'" having had two several readings passed to be en-

ingressed. Sent down for concurrence

The partial Report of the Committee appointed to investigate the doings of certain Banks made at the last session was committed to the Committee to whom was referred the further report on the same subject made at the present session. Sent down for concurrence. Came up concurred

Ordered That Messrs. Wilson, Gage, Page, Rose & Leaven be committee to arrange the seats of the members at this board. Read & passed

Mr Wilson of the Committee made the following Report

Right	Left
1 George Wilson Esq	1 Gen. Page Esq
2 Joshua Gage "	2 John Morse "
3 Samuel Small "	3 Barnet Potter "
4 Joseph E. Townsend "	4 Daniel Rose "
5 William Henderson "	5 James W. Ripley "
6 John W. Donela "	6 Nathl Green "
7 Andrew Witham "	7 Thos. Boutelle "
8 J. Eldrich "	8 J. W. Leaven "
9 Chas. Morse "	9 Alex. Rice "
10 Edward Kellerman	

Read & accepted

Mr Potter gave notice that he should on Monday morning make a motion to have the vote, accepting the above report, reconsidered.

An Order of the House appointing Messrs. Currier of Readfield, Reed of Walaboro & Allen of Sanford a Select Committee with such as the Senate may join to take into consideration the situation of the Officers & Soldiers who were furnished by this State or who were regularly commissioned & enlisted under the General -

Government & served in the late war between the United
States & Great Britain, & that said Committee have leave
to report to this Legislature by Bill resolve or otherwise.
came up for concurrence. Read & concurred & Messrs
Ripley McDonald joined.

Adjourned till 9 o'clock on Monday