

Monday, January 14. 1839.

Met according to adjournment.

A communication was received from the Treasurer of State, transmitting a copy of the accounts of Joshua Carpenter and Sarnes Smith, presented to the last Legislature. Read, and with the accompanying Documents referred to the Committee on Claims. Sent up for concurrence.

Resolve, authorizing the Land Agent to exchange certain lands with Massachusetts was read a second time, and tomorrow at ten o'clock assigned for its further consideration.

Bill - an Act directing the mode of choosing County Commissioners, Clerks of Courts, and County Attorneys, was read once, and referred to Messrs Otis of Hallowell, Mildram of Wells, Walker of Bridgton, Homer of Bucksport, Levensaler of Thomaston, Parker of Sturten, Walker of Laith, Mcmill of Brewer, Wyman of Thowhegan, Cla of New Sharon, Elliot of Kennebec, and Crocker of Foxcroft, with such as the Senate might join. Sent up for concurrence.

Resolve, repealing a Resolve constituting the State Treasurer an Auditor of Accounts against the State, (reported by Mr. Otis from the Committee on Finance,) was read once, and tomorrow at ten o'clock assigned for a second reading.

Message of the late Governor Heint on the North Eastern Boundary, was, on motion by Mr. Allen of Bangor, taken up, and with the accompanying Documents referred to the Com-

mitted on the North Eastern Boundary. Sent up for concurrence. 81

Bill - an Act to divorce Ebenezer Cobb and Mary Cobb was taken up, and Friday at ten o'clock assigned for its 3<sup>d</sup> Reading.

On motion by Mr. Cushman of Dexter,  
Ordered that the Committee on Agriculture be directed to inquire into the expediency of authorizing an Agricultural Survey of the State to be made. Sent up for concurrence.

On motion by Mr. Paine of Sanford,  
Ordered. That the Committee on State Lands be directed to inquire into the expediency of abolishing the office of Surveyor General of Land, or of graduating his pay according to the service he performs. Sent up for concurrence.

Report of the Committee on Division of towns, granting an order of notice on the petition of Jacob C. Staples and others was read and accepted. Sent up for concurrence.

Mr. Bradley of New Gloucester had leave to lay on the table the following Resolves.  
Resolve concerning the Public Money.

Reports of the Committee on the Judiciary that legislation is inexpedient

- on the petition of Asa Redington & others,
- " of the Penobscot Medical and Surgical Association.
- " on Bill respecting the collecting of taxes on land owned by Tenants in Common,
- " on Order, relative to hears, parents, &c,



On order relative to defendants and respondents having the right to close in the argument in civil and criminal prosecutions, came from the Senate accepted for concurrence, and the House concurred.

Report of the Committee on Incorporation of Towns, granting Order of Notice on petition of William Palmer and others came from the Senate accepted for concurrence, and the House concurred.

An order came from the Senate for concurrence, directing the Committee on the Judiciary to inquire into the expediency of amending the Second Section of an Act passed March 22: 1836, entitled an "Additional Act, directing the method for laying out and making provision for the repair and amendment of Highways", and the House concurred.

Petition of Moses Saunders Jr. to be discharged from certain notes given to the State for Lands, was read, and referred to the Committee on State Lands, in concurrence.

Petition of Robert Goodenow and others relative to the License Laws, was read, and referred to the Committee on the License Laws in concurrence.

Petitions of Seth Beals and another, for the repair of the Gun House in Turner,  
 " of John S. Kimball and others for an appropriation to build a Gun House in Garland, were read and referred to the Committee on the Militia. Sent up for concurrence.

Petition of E. I. Clark, and 44 others.

" of Isaac Ladd and 59 others, relative to the License Laws, were read and referred to the Committee on the License Laws. Sent up for concurrence.

Petition of the inhabitants of Sturton, for an act to regulate the taking of fresh fish in the Turk Stream, was read, and referred to the Committee on Interior Fisheries. Sent up for concurrence.

Petition of David Whitten, to be set off from No. 7. and annexed to the town of Gouldsboro', was read and referred to the Committee on Division of Towns. Sent up for concurrence.

Petition of inhabitants of Wilson for an appropriation for the purpose of repairing and completing the road from H. G. O. Barrows to the foot of Moose Head Lake was read and referred to the Committee on State Roads. Sent up for concurrence.

Message of the late Governor Bent, in relation to the Geological Survey, was on motion by Mr. Dane of Hennepunk taken up, and referred to the Committee on Agriculture. Sent up for concurrence.

Adjourned.

Attest,

Geo Robinson.  
Clerk.

Tuesday Jan'y 15. 1839.

Met according to adjournment.

An order came from the Senate for concurrence, instructing the Committee on the Judiciary to inquire into the expediency of reporting a bill providing for an equal distribution of the property of Insolvent Debtors among their Creditors, and, upon such a distribution being made, that not only the body of the debt shall be exempted from arrest, but that all property subsequently acquired by him shall be exempted from attachment, and the House concurred.

An order came from the Senate for concurrence, instructing the Committee on the State Lands to inquire into the expediency of abolishing the office of Surveyor General, with leave to report by Bill or otherwise; and the House concurred.

Petition of A. G. Patten and another to be incorporated by the name of the Dover Iron Manufacturing Company, was read and referred to the Committee on Manufactures, in concurrence.

Bill - An Act to incorporate the Maine Steam Navigation Company, was taken up. Mr. Lee of Frankfort offered an amendment to the Bill, but before the question was taken, the Bill and amendment were, on motion by Mr. Paine of Sanford, laid upon the table.

Petition of Ira Wadleigh for an extension of the <sup>time</sup> for payment of certain notes due the State, was

read, and referred to the Committee on State Lands in concurrence.

A communication from John Walker, signifying his acceptance of the office of Councilor, to which he had been elected, came from the Senate and was read.

Report of the Committee on Elections, that Roger Cla, now holding a seat in this House from the town of New Sharon is not legally entitled to the same, and that Daniel Howes is legally elected a Representative from said town, was read and accepted.

A message was received from the Senate proposing a Convention of the two Branches in the Representatives Hall Yesthwith for the purpose of administering to John Walker, Councilor Elect, the oaths of office, and requesting the concurrence of this House, the House concurred, and the Clerk informed the Senate thereof by message.

The Senators immediately came in, and a Convention was formed.

### In Convention.

Mr Cole of Paris was charged with a Message to the Councilor Elect, to inform him that the two Houses had assembled in Convention for the purpose of administering to him the necessary oaths of office; who, having attended to the duty assigned him, reported, that the Councilor Elect would attend the Convention Yesthwith.

Whereupon, John Walker, the Councilor Elect, came

in, attended by the members of the Council and the Secretary of State, and took and subscribed the necessary oaths of office.

The Convention then separated.

Daniel Howes, declared by the Committee on Elections duly elected a Representative from the town of New Sharon, was appointed one of the Committee on the Bill directing the mode of choosing County Commissioners, Clerks of Courts, and County Attorneys, in lieu of Roger Cla whose seat is vacated; and the Clerk informed the Senate thereof by message.

Report of Committee on Roads and Bridges granting order of notice on petition of Richard Smart and others was read and accepted. Sent up for concurrence.

Resolve, authorizing the Land Agent to exchange certain lands with Massachusetts, was read the second time, and passed to be engrossed. Sent up for concurrence.

On motion by Mr. Small of Raymond.

Ordered. That Messrs Small of Raymond, Hussey of Saco, Perry of Georgetown, Southby of Embury and Sanjoy of Saco, with such as the Senate might join, be a Committee to inquire into the expediency of so altering the laws, that County Roads may hereafter be built at the County's expense. Sent up for concurrence. Concurred, and Messrs Barker, W. M. Rice, and Emery were joined.

On motion by Mr. Nelson of Nelson,



Ordered. That the Committee on the Judiciary be instructed to inquire into the expediency of reducing the fees for Justice Writs before and after judgement, to fifty cents, and annex a penalty for a violation of the law. Sent up for concurrence.

On motion by Mr Cary of Houlton

Ordered, that the same Committee be instructed to inquire into the expediency of passing a law, allowing towns and Counties the right of taxing lands that are in possession of individuals although the State possesses the fee of the same, and allowing towns and Counties to sell said individuals right of redemption to liquidate said taxes. Sent up for concurrence.

On motion by Mr Cushman of Dexter.

Ordered, That the Committee on the Judiciary be instructed to report a Resolue so altering and amending the Constitution of this State, that the tenure of Judicial Offices shall be changeable and limited to years. Sent up for concurrence.

On motion by Mr. Delord of Baileyville.

Ordered, That the same Committee be instructed to report a Bill to this House securing to each citizen of this State the right of owning one yoke of oxen exempt from attachment. Sent up for concurrence.

On motion by Mr. Kimball of Lebanon,

Ordered, That the Treasurer of State be directed to communicate to this House all sums of money paid out of the Treasury for the erection of the Insane Hospital.

On motion by same.

Ordered, That the Secretary of State be directed to communicate to this House the original estimate of the probable expense of erecting and completing the Insane Hospital, together with all subsequent estimates made by Committees of the Legislature, touching expenditures necessary for the erection and completion of said building.

On motion by Mr. Alderman of Wells,

Ordered, That the Secretary of State be directed to lay before this House the Annual Report of the Adjutant General for the year 1838.

On motion by Mr. Bradley of New Gloucester,

Ordered, That the Committee on the Pay Roll be directed to make up the pay of Roger Cla and Ezekiel Gilman, up to, and including this day.

Petition of Nahum Baldwin and others, to be set off from Mercer and annexed to New-Sharon.

Of Freeman Dexter and another, that that part of their farm situated in Wayne, might be set off to Winthrop,

Remonstrance of Selectmen and others of Raymond, against the petition of Levi Holsten and others.

" of Selectmen of Hiram, against the annexation of Jacob Stanley and others to the town of Pater,

were read and referred to the Committee on Division of Towns. Sent up for concurrence.

Petition of J. C. Burnham and 33 Others of Town-  
 enough to be set off from said town and  
 annexed to Laco.

" of Charles Ingalls, that so much of his  
 farm as lies in Fairfiele, Somerset  
 County, might be annexed to Waterville  
 Kennebec County, was read and refer-  
 red to the Committee on Division and Altera-  
 tion of Counties. Sent up for concurrence.

Petition of Inhabitants of Westbrook, for the re-  
 peal of the law imposing a tax of ten  
 dollars upon Pedlars of Tin Ware.

" of Eleazer Dunham and Others, to be  
 incorporated by the name of the South  
 Paris Aqueduct Company,  
 were read and referred to the Committee on Man-  
 ufactures. Sent up for concurrence.

Petitions of Stephen Shehan

" " Simeon Woodward, for change  
 of name,  
 were read, and referred to the Committee on  
 change of names.

Resolue concerning the Public Money, was  
 read once; and Mr. Quensater of Thomaston  
 moved that it be indefinitely postponed; before  
 the question was taken the House

Adjourned.

Attest,

Geo Robinson  
 Clerk.

Wednesday January 16. 1839.

Met according to adjournment.

The House resumed the consideration of the Resolutions concerning the Public Money, which was under discussion when the House adjourned, when on motion by Mr. Allen of Bangor, the Resolutions were laid on the table.

Report of the Committee on Roads and Bridges granting an Order of Notice on the Petition of Nathaniel Mayo and others, was read and accepted in concurrence.

On motion by Mr. Cary of Houlton

Ordered, That Messrs Cary of Houlton, Faine of Bangor and Weston of Augusta, with such as the Senate may join be a Committee to report the time and manner to be prescribed by the Legislature of this State in making choice of a Senator for this State in the Senate of the United States. Sent up for concurrence.

On motion by Mr. Allen of Alfred,

Ordered, That the Joint Standing Committee on Literature and Literary Institutions be directed to take into consideration the expediency of purchasing a sufficient number of copies of the History of Maine to supply those towns in the State which have not heretofore been supplied. Sent up for concurrence.

An order came from the Senate for concurrence, directing the Committee on Banks and Banking to inquire into the expediency of providing by law, that if at any time, any incorporated Bank in this State shall suspend or refuse the payment

of its Bills in Specie when demanded at its counter, such Bank shall at the same time suspend its Banking operations as a Bank for all purposes of discount, or of paying out, directly or indirectly its monies or means of discharging its liabilities to the public, and the suspension of its Banking operations as aforesaid to continue until it resumes the payment of its bills in full, and pays them in specie at its counter on demand.

And also, that it shall be the duty of the Bank Commissioners, upon being informed of such refusal or suspension by any Bank, to repair forthwith to such Bank, and strictly and minutely to examine into its condition, and report the same to the Governor for information to the Executive, and for publication if he may judge expedient.

And also, in case such Bank shall continue to suspend or refuse to pay its bills as aforesaid longer than        days from the time of its final refusal, that the Bank Commissioners be authorized and empowered by and with the advice of the Governor and Council to close such Bank and cause proceedings to be had as provided for in the 33<sup>d</sup> Section of "an Act to regulate Banks and Banking" approved by the Governor March 31<sup>st</sup> 1831. and the House concurred.

An order came from the Senate for concurrence, directing the Committee on the Militia to inquire into the expediency of amending the 28<sup>th</sup> Section of the Militia Law of this State, approved March 8<sup>th</sup> 1834, so that compensation "in lieu of rations" for military duty, be computed in conformity with the distance each officer and member may be compelled to travel from their respective places of abode, to the place of inspection and "review," and the House concurred.



An order came from the Senate for concurrence, directing the Committee on Agriculture to inquire what has been the usual rate of tolls taken by millers in this State (and if it has been uniform) for grinding corn and grain, and what is allowed by law; and if the several Millers have regulated their tolls by said law; and the House concurred.

The order to inquire into the expediency of repealing the Charter of the "Kennett Log Driving Company," came from the Senate, that body having reconsidered its vote referring the same to a select Committee, and having referred the same to the Committee on the Judiciary. The House receded from its former vote and concurred with the Senate in its reference.

On motion by Mr. Chase of Duckfield,

Ordered, That the Committee on the Judiciary be instructed to inquire into the expediency of so altering the law as to give to Overseers of the Poor the power to take the property of persons who actually become chargeable, not exceeding Twenty Dollars and apply the same to their support in certain cases. Sent up for concurrence.

A communication was received from the Treasurer of State, transmitting a statement of all monies paid out under appropriations for the erection of the Insane Hospital. Read, and ordered to lie on the table.

Resolve repealing a Resolve, entitled "A Resolve constituting the State Treasurer an Auditor of accounts against the State," was read a second time and passed to be engrossed. Sent up for concurrence.

Resolue in favour of the town of Lexington (laid on the table of the Senate by Mr. Steward) was read once and tomorrow at ten o'clock assigned for a Second Reading.

The Report of the Joint Select Committee appointed by an order of this day, presenting the time, place, and manner of making choice of a Senator of this State in the Senate of the United States, came from the Senate accepted for concurrence as follows.

"That to constitute an election of a Senator of this State in the Congress of the United States shall require the concurrent vote of both Branches of the Legislature, and a majority of all votes given in each Branch respectively. That the House of Representatives shall, on Thursday the seventeenth day of the current month, at eleven o'clock in the forenoon, proceed to the choice of a Senator on their part by ballot, and continue to ballot until a choice on their part be effected or until they shall have balloted four times without effecting a choice; and thereupon the House shall cease to ballot and inform the Senate by Message of the election or failure to elect on their part; whereupon the Senate shall, at twelve o'clock, (noon) of the same day, proceed to elect a Senator on their part by ballot; and if an election is made on the part of the House, and the Senate shall concur in electing the same person on their part, it shall constitute an election. But if the Senate elect on their part a person other than the one elected on the part of the House, the Senate shall notify the House thereof by Message; and the House shall thereupon assign some subsequent <sup>day</sup> for coming to an election on their part, by ballot as aforesaid; and if upon such trial the House shall concur with the Senate in electing on their part the same person as was elected on the part of the Senate, the

person thus chosen shall be considered as duly elected a Senator from this State in the Congress of the United States. But if the House shall upon such trial, non-concur with the Senate, and on their part elect a person other than the one chosen by the Senate, the House shall notify the Senate thereof by Message; and the like proceedings shall be continued by the respective Branches until an election be effected, or further attempts be considered unavailing. In the event of the House of Representatives failing to come to an election on their part after the first four Callotings, and the Senate not coming to a choice on their part after four Callotings, the Senate shall cease to Callot and notify the House thereof. Whereupon the House shall assign a subsequent day for coming to a choice on their part, and similar proceedings, as before provided, shall be repeated until an election be effected, and the House concurred.

The Secretary of State came in and informed the House, that agreeably to its order of yesterday, he had taken from the files in his office the Report of the Adjutant General, and asked leave to lay the same before the House. On motion by Mr. Milledrum of Wells, the Report was laid on the table and 300 copies ordered to be printed, for the use of the Legislature.

The Report of the Committee on Elections, that Gooding Drake is legally elected a Representative from Albion, was taken up and accepted.

On motion by Mr. Mon of Waterville,  
Ordered, That the Committee on the Pay Roll be directed to make up the pay of Thomas Burrill up to, and including the 16th inst.

Bill. An Act additional to the several acts now in force relating to the partition of Real Estate. was read twice, and tomorrow at ten o'clock assigned for third Reading.

Bill. an act directing the mode of choosing County Commissioners, Clerks of Courts and County Attornies, referred by the House on the 14th. inst. to a Select Committee, came from the Senate, that Body having non-concurred the House, and referred the Bill to the Committee on the Judiciary. The House receded and concurred.

Petition of Benjamin Manta &c. and another that certain Lots may be set off from New Vineyard and annexed to Anson, was read and referred to the Committee on Division of towns in concurrence.

Petition of Nathaniel C. Bee and another that the doings of the Selectmen of Phippsburg in defining the limits of Companies in that town, may be made legal, was read and referred to the Committee on the Militia, in concurrence.

Petition of C. C. Fawar and others that Calais may be made the Third Town of Washington County,

" of Inhabitants of Pembroke in aid of the petition of C. C. Fawar and others, for the same,

were read, and referred to the Committee on the Division of Towns. Sent up for concurrence.

Petition of C. D. Walker and 56 others,

Petition of Solomon L. Howes and others relating  
to the License Laws,  
were read and referred to the Committee on  
the License Laws. Sent up for concurrence.

Petition of Abel Spaulding for a Military Pension,  
" of Wm. M. Jordan for a continuance of his  
pension,  
were read and referred to the Committee on Pen-  
sions. Sent up for concurrence.

Petition of Samuel Dudley and others for an  
alteration of the Act incorporating Sugar  
Island Side Board Company,  
was read and referred to the Committee on  
Interior Waters. Sent up for concurrence.

Remonstrance of John Black against the Pe-  
tition of David Whitten,  
was read and referred to the Committee on Di-  
vision of Towns in concurrence.

Petition of the President of the Penobscot Bank  
that the loan made by said Bank to  
the State, may be refunded,  
was read and referred to the Committee on  
Banks and Banking. Sent up for concurrence.

Petition of trustees of Gatham Academy and Teachers  
Seminary, that the Governor and Council  
may be authorized to appoint a Teach-  
er of Civil Engineering and attach him  
to said Seminary  
was read and referred to the Committee on Litera-  
ture and Literary Institutions. Sent up for concu-  
rence.



Petition of Samuel Milliken Es: for change of  
name  
was read and referred to the Committee on  
Change of Names.

97

Report of Committee on Division of Towns, granting an Order of  
Notice on the petition of Robinson Hammon,  
was read and accepted in concurrence.

Adjourned,

Attest,

Geo R. Bineon  
Clerk.

Thursday January 17. 1839.

Met according to adjournment.

Resolves, in favor of Harvey C. Robinson  
 " " in favor of Amos Davis,  
 were read once, and tomorrow at ten o'clock assigned  
 for a Second Reading.

Bill. An Act to incorporate the Thomaston The-  
 ological Institution, was read twice, and tomor-  
 row at ten o'clock assigned for a Third Reading.

Report of the Committee on the Militia grant-  
 ing leave to withdraw on Petition of Joshua  
 Carpenter, on Petition of William  
 Cakes and others  
 were read and accepted in concurrence.

Bill. An Act in addition to an Act entitled  
 an Act for the support and regulation of  
 Mills, (referred from the last to the present  
 Legislature)  
 was read and referred to the Committee on  
 Agriculture in concurrence.

A communication from the Governor,  
 transmitting Resolutions adopted by the Legis-  
 lature of Arkansas, in relation to the Public  
 Lands within that State, came from the Sen-  
 ate, referred to the Committee on State Lands  
 and the House concurred.

Petition of Benjamin Robinson and others relative  
 to the License Laws  
 was read and referred to the Committee on

The order of the House, instructing the Committee on the Judiciary to report a Bill to this House, securing to each citizen of this State the right of owning one yoke of oxen exempt from attachments.

Also an order instructing the same Committee to report a Resolue for altering the Constitution as regards the tenure of Judicial Offices, severally came from the Senate so amended as to instruct said Committee to inquire into the expediency of the same. The House read, and concurred.

A communication from Jeremiah Goodwin, accepting the office of Treasurer of State to which he had been elected, and transmitting his bond, was read and referred to the Committee on the Treasures report in concurrence.

The day and hour having arrived designated by the two Branches for the choice of a Senator in Congress, the House proceeded to the election of a Senator on its part. Messrs Gary of Houlton, Rose of Augusta, Rawson of Brunswick, Cushman of Dexter and Denance of Portland were appointed to receive, sort, and count the votes; who having attended to that duty reported that the whole number of votes was One Hundred and Eighty One. Necessary to a choice Ninety One.

Benj Williams had One Hundred and Eleven,  
George Evans - Sixty Three,  
John T. Tenney - Four.  
Ezekiel Whitman Three.

Reuel Williams was thereupon declared elected on the part of the House a Senator in the Congress of the United States for the term of Six years from the third day of March next, and the Clerk informed the Senate thereof by message, and requested its concurrence.

A message was received from the Senate, informing the House, that that body had concurred with the House in the election of Reuel Williams as a Senator in the Congress of the United States from this State.

On motion by Mr. Talbot of East Machias.  
Ordered, That the Committee on the Judiciary be directed to inquire into the expediency of passing an act abolishing imprisonment for debt, except in cases of fraud and of upholding all Acts now in force for the relief of Poor Debtors, and of passing an entire new act for that purpose. Sent up for concurrence.

On motion by Mr. Tyler of Newfield.  
Ordered, That Messrs Tyler of Newfield, Swanton of North Yarmouth, Fuller of Boothbay, Satter of Sullivan, Fowler of Lubec, Drake of Allion, Smith of Norway, Garcelon of St Albans, True of Garland, Haskins of Camden, Lovejoy of Sebec and Hedges of New Thom, with such as the Senate may join, be a Committee to receive all claims against the State, which may be presented, agreeably to the several acts to encourage the production of wheat and corn. Sent up for concurrence, and Messrs Stewart, Shaw and Bradley were joined.

On motion by Mr. Wyman of Skowhegan,  
Ordered, That the Committee on Claims

be instructed to inquire into the expediency of paying to Elisha W. Withie of Starks in the County Somerset, his proportional part of the Surplus of Revenue deposited with this State by the General Government, agreeably to the Deposit Act of Congress passed June 1836. Sent up for concurrence.

Resolved for the repair of a gun house in Turner, was read once, and tomorrow assigned for a second reading.

The House again resumed the consideration of the Resolutions concerning the Public Money. After some remarks by Messrs Allen of Bangor and Licensater of Thornaston, it was laid on the table.

Mr. Otis of St. George, by leave of the House, laid upon the table a Bill entitled, An Act Limiting the powers of County Commissioners.

Report of Committee on Division of Towns, granting an Order of Notice on petition of H. G. O. Searnes and another, was read and accepted. Sent up for concurrence.

A Report of the Committee on the Judiciary that Legislation is inexpedient.

On an order relative to changing the time of the annual State Elections and meeting of the Legislature.

On Petition of John Smith and others, relative to the same subject, were read, and laid on the table.

Petition of Nathaniel Merryman for a new



County.

Petition of Wm R. Fite and 112 others for same,  
 " Moss Dennett and others for same.  
 were severally read and referred to the Committee  
 on Division and Alteration of Counties.  
 Sent up for concurrence.

Petition of Inhabitants of New Sharon, that  
 a certain portion of the Inhabitants  
 of the town of Mercer may be set  
 off from said town and annexed to  
 New Sharon,

" of Jacob Maine and others, to be set off  
 from Dearborn, and annexed to Del-  
 grade

" of Nathaniel Springer that so much  
 of his farm as lies in the town of Free-  
 port may be set off to Brunswick.  
 were read and referred to the Committee on  
 Division of Towns. Sent up for concurrence.

Petition of John Brown and 57 others for an  
 inquiry into the proceedings of the  
 Kennebec Dam Company, and  
 also that measures may be taken to  
 protect the fisheries in the Kennebec  
 river and its branches,  
 was read and referred to the Committee on  
 Interior Fisheries. Sent up for concurrence.

Petition of Lyander Cutler and 58 others of Des-  
 ter, for an Agricultural Survey of  
 the State

" of William Holmes and others for the  
 appointment of Weighers and Inspec-  
 tors of Potatoes,  
 were read, and referred to the Committee on

Petition of the Directors of the Manufacturers and Traders Bank, for the reduction of the Capital Stock of said Bank, was read and referred to the Committee on Banks and Banking. Sent up for concurrence.

Petition of James Thomas and others for an alteration in the Militia Laws, was read and referred to the Committee on the Militia. Sent up for concurrence.

Petition of Ellis Tedford and others, for an extension of the powers granted to the Honorable Log Driving Company, was read and referred to the Committee on Interior Waters. Sent up for concurrence.

Petition of Philip Greely and others, to be incorporated by the name of the Cumberland Wharf Fishing Company, was read and referred to the Committee on Manufactures. Sent up for concurrence.

Petition of Selectmen of Dixmont and Newburg, relative to the License Laws, was read and referred to the Committee on the License Laws. Sent up for concurrence.

Petition, that Alfred James Stone Mose may be allowed to take the name of William Hunt Mose was read and referred to the Committee on Change of names.

Petition of Samuel Tappenden and 45 others,

Petition of Rufus W. Brackett and 90 others  
 " - Prudence B. Thurston and 69 others,  
 " - Miriam L. Brackett and 130 others  
 severally relating to Slavery in the District  
 of Columbia, were read and laid on the table.

The Committee on Engrossed Bills, reported  
 as truly engrossed,  
 Resolved in favor of James Small,  
 and the same finally passed. Sent up for  
 concurrence.

Adjourned.

Attest,

Geo Robinson  
 Clerk.

Friday, January 18, 1839.

Met according to adjournment.

An Order came from the Senate for concurrence, directing the Secretary of State to notify the Governor, that the Legislature have this day, by a concurrent vote of the Senate and House of Representatives elected Beaul Williams of Augusta, in the County of Kennecott, a Senator to represent this State in the Congress of the United States for six years from and after the third of March next, and that the Governor be requested to furnish him with certificates and testimonials of his election, to enable him to take his seat in the Senate of the United States from and after the time aforesaid; and the House concurred.

An order came from the Senate for concurrence, instructing the Committee on the Judiciary to inquire into the expediency of so altering the law in relation to Divorce, as to give jurisdiction to the Justice of the Supreme Judicial Court, in cases of adulterous desertion for a less period than five years, and the House concurred.

An Order came from the Senate for concurrence instructing the Committee on the Judiciary to inquire as to the expediency of amending the law passed January 31, 1834, in relation to trustees—

Also, that the same Committee inquire as to the expediency of making further provision by law for preventing trespasses on logs lying on the banks of rivers and streams, and the House concurred.

On motion by Mr. Allen of Bangor

Ordered, That the Treasurer of State be directed to examine the accounts of Luther Brackitt, when Sheriff of Washington County, presented to the Legislature for allowance, at its last Session, and now on file in the office of the Secretary of State, and report thereon to this House.

Resolve concerning the Public Mooney was taken up. Mr. Paine of Sanford moved an amendment to the same, when on motion by Mr. Dose of Augusta, the Resolve and amendment were laid on the table, and 300 copies thereof ordered to be printed for the use of the Legislature.

Report of the Committee on the Treasures Bond came from the Senate accepted for concurrence, as follows, "that in the opinion of the Committee said Bond is good and sufficient"; and the House concurred.

Bill. An Act to Divorce Ebenezer Cobb and Mary Cobb, was read a third time, and Wednesday the 23rd inst assigned for its further consideration.

Bill. An Act to incorporate the Thomaston Theological Institution, was read a third time, the amendments of the Senate adopted and ordered to lie on the table.

Bill. An Act additional exempting certain goods and chattels from attachment, execution and distress, was read twice, and tomorrow, at ten o'clock assigned for a third reading.

Bill. An Act for the limitation of criminal prosecutions, was read twice, and Tuesday next at



Ten o'clock assigned for a third reading.

107

Tell. - An Act limiting the powers of County Commissioners, was read twice, and referred to Messrs Ols of St. George, Porter of Machias, Weeks of Clinton, Lyman of Portland, Dinsmore of Anson, Brackett of Acton, Colburn of Newry, Smith of Vinelhaven, Howe of New Sharon, Packard of Blanchard, Emerson of Eastline, and Thompson of Caddington, with such as the Senate might join. Sent up for concurrence. Concurred, and Messrs Felcher, Cornstock and Durnont were joined.

Resolve in favor of Amos Deane was read once and tomorrow at 10 o'clock assigned for a second reading.

Resolve making an appropriation of Land for officers and soldiers of the Revolution and their widows, was read once and Monday at ten o'clock assigned for a second reading.

Resolve for the purchase of the History of Maine was read once, and Tuesday next, at ten o'clock, assigned for a second reading.

Resolve in favor of Harvey C. Robinson,  
" " of the town of Lexington,  
" procuring indexes to the Public Documents,  
" for repair of Gun House in Turner,  
were severally read a second time, and passed to be engrossed in concurrence.

Resolve in favor of Amos Davis assigned of Nathaniel Haskell, was read a second time, and passed to be engrossed as amended, in concurrence.

Bill. - An Act additional to the several acts now in force, relating to the partition of Real Estate, was read a third time, and passed to be engrossed as amended, in concurrence.

Mr. Moor, from the Committee on Elections, reported a Resolve, that John I. Lowjoy, claiming a seat in this House from the District of Dorset, Litch. and Southerbank, is constitutionally elected to the same; which Resolve, on being read, passed.

Report of the Committee on the Judiciary, that legislation is inexpedient, on an order relative to the Usury Law, was read, and accepted in concurrence.

Report of Committee on Literature and Literary Institutions, granting leave to withdraw on petition of Henry Saunders, was read and accepted in concurrence.

On motion by Mr. Moor of Waterville, Ordered, that the Committee on the Pay Roll be instructed to make up the pay of Joseph Chase, up to and including the 18th inst.

A communication from the Secretary of State, in compliance with an Order of the House, of the 15th inst. requiring him to communicate the original estimate of the cost for completing the Insane Hospital, was received, read, and laid on the table.

Petition of William King, for the incorporation of the Concord Copperas Manufactory, was read and referred to the Committee on Manufactures in concurrence.

Petition of Schnathan Treat and others for a bridge  
across Marsh Stream, in Frankfort, near  
Marsh Village.

was read and referred to the Committee on Roads  
and Bridges in concurrence.

Petition of Sethus Goodwin and others, for an  
alteration of the law so as to exempt  
from attachment certain articles  
not now exempted,

of Mrs. J. H.ondall and others, of Banga,  
to be incorporated by the name of the  
Orphan Asylum.

were read and referred to the Committee on the  
Judiciary. Sent up for concurrence.

Mr. Allen of Banga presented the account of  
W. S. Farot as Surveyor on the North Eastern Town-  
dary, and on his motion the same was referred to  
the Committee on the North Eastern Town-  
dary. Sent up for concurrence.

Petition of Alexander Foster that so much of his Real Es-  
tate as lies in New Vineyard may be annexed  
to the town of Strong.

was read and referred to the Committee on Division  
of towns. Sent up for concurrence.

Petition of Marcus Paul, for compensation in con-  
sequence of injuries received while perform-  
ing military duty.

was read and referred to the Committee on Military  
Pensions. Sent up for concurrence.

Petition of Isaaciah James and others, to be set off  
from Dearborn, and annexed to Waterville  
was read and referred to the Committee on Division of

Towns. Lent up for concurrence.

Petition of David Bartlett and others.

" " Leavelius W. Milliken and others

" " Nathaniel Pease

" " Thomas L. Griffin

severally relating to Slavery, were read, and laid on the table.

Adjourned,

Attest

Geo Robinson

Clerk.

Saturday January 19. 1839.

111\

Met according to adjournment.

The Committee on engrossed Bills reported as truly engrossed.

Resolve, repealing a Resolve constituting the State Treasurer and Auditor of Accounts against the State.

" authorizing the Land Agent to exchange certain lands with Massachusetts;

and the same finally passed. Sent up for concurrence.

Resolve in favor of Amos Doane, was read a second time and passed to be engrossed in concurrence.

Bill - An Act additional exempting certain goods and chattels from attachment, execution and distress, was read a third time, and passed to be engrossed in concurrence.

Report of the Committee on Division and Alteration of Counties, granting an Order of Notice on the petition of Josiah Libby and others, was read and accepted in concurrence.

Report of the Select Committee to which was referred an Order to inquire into the expediency of so altering the laws, that County Roads may hereafter be built at the expense of each County, that legislation upon that subject is inexpedient, was read, and accepted in concurrence.

Resolve in favor of the Peoples Bank at Bangor



was read once, and Monday, at ten o'clock assigned for a second reading.

An Order from the Senate for concurrence, requesting the Governor to lay before the Legislature all papers and documents in his possession relating to the Insane Hospital; and the House concurred.

On motion by Mr. Daggett of Chandleesville,

Ordered, That the Committee on Agriculture be requested to inquire into the expediency of amending the law granting money to Agricultural Societies to be used as premiums - that such premiums shall not be confined to the members of such Societies, but be extended to all persons (within the limits of such Society) who shall produce the best specimens. Sent up for concurrence.

On motion by Mr. Marden of Palermo.

Ordered, That the Committee on the State Lands, be instructed to inquire into the expediency of prohibiting by Law the sale of said Lands to any but actual settlers, and so graduating the prices of said Lands as to give the greatest encouragement to the enterprising portion of the yeomanry of our State. Sent up for concurrence.

Mr. Fowler of Lutes offered the following order.

Ordered That be a Committee to contract with some person or persons in addition to the printers already contracted with, to do the printing for this Legislature - to the end that said printing may be done with greater dispatch.

On motion by Mr. Paine of Sanford, the order was laid on the table.

A communication from the Treasurer of State,

transmitting a copy of Luther Becketts account, as Sheriff of the County of Washington in 1837, was read and referred to the Committee on Accounts.

Petition of Nathaniel Hill and others, for the appointment of a Committee to run and settle the line between the towns of Lyman and Haddam.

was read, and on motion by Mr. Dudley of Lyman, laid on the table.

Petition of Moses Hodsdon and others that real and personal estate, to a certain amount, may be exempt from attachment and execution, was read and referred to the Committee on the Judiciary. Sent up for concurrence.

Petition of William Shaw and others in aid of the petition of those individuals praying to be set off from Meriden and annexed to New Sharon.

was read and referred to the Committee on Division of Towns. Sent up for concurrence.

Circumstance of Alexander Cummings Jr. and others, against the petition of Richard Smart and others, for a Bridge over Marsh river at Prospect, was read and referred to the Committee on Roads and Bridges.

The vote whereby the account of W. P. Parrott, as Surveyor on the North Eastern Boundary, was referred to the Committee on the North Eastern Boundary, was reconsidered, and the account laid on the table.

Report of the Committee on Division and

Alteration of Counties, granting leave to withdraw on petition of J. L. Funnham and others, was read, and on motion by Mr. Hensley of Sacc. was laid on the table.

The Bill to incorporate the Maine Steam Navigation Company, together with the amendment of Mr. Sacc, was taken up; and the question on striking out the following words in the 2nd Section,

"And no assessments or instalments shall be required by said Company whereby any Stockholder shall be held to pay more than twenty five dollars on each share",

Having been ordered to be taken by Yeas and Nays, was decided in the Affirmative - Yeas 76. Nays 43. (See Appendix, page 83)

And the question of adding the following Section to the Bill;

"Section 3. Be it further enacted, that the individual property, rights and credits of each Stockholder shall be held liable for the payment of the debts of the Corporation, in the same manner that his individual property, rights and credits are by law held for the payment of debts contracted by him in his individual capacity." Having been ordered to be taken by Yeas and Nays, was decided in the Affirmative, Yeas 79. Nays 41. (See Appendix, page 86)

Mr. Carey of Houlton moves, that the Bill be indefinitely postponed, which motion was decided in the negative Yeas 53. Nays 33. (See Appendix, page 90)

The Bill then passed to be engrossed as amended. Sent up for concurrence.

Adjourned.

Attest,

Geo Robinson

Clerk