

Monday March 6. 1843.

Mr. Stetson presented several petitions which on his motion were referred as follows, the order relating to that subject being suspended to wit,

Petition of William Frost and 97 others of Argyll, Edinburg and Howland, praying for aid to build bridges to complete the road to Bangor Head and referred to the committee on State roads. Sent down for concurrence.

" of John Marsh and others of Argyll plantation for grant of land for support of Schools: also to provide for taxing improvements on lands where the fee is in Waterville college road and referred to the committee on Literature and Literary Institutions. Sent down for concurrence.

" of William H. Nason and others Selectmen of Plymouth praying the Legislature to es-

tablish the corners of said town referred to the committee on Division and alteration of counties: Sent down for concurrence.

Petition of the Directors of Northern Bank of Hallowell for a reduction of its capital stock read and referred to the committee on Banks and Banking in concurrence.

" of William Anson for remuneration for compiling and drafting a map of the disputed territory, read and referred to the committee on Claims in concurrence.

" of William Freeman for leave to receive tolls on Salt Water Tides bridge was read and referred to the next legislature in concurrence.

Remonstrance of Putnam Wilson against the petition of Siram Braddock read and referred to the committee on State Lands in concurrence.

" of Thomas Brew of Bangor against the exaction of exorbitant interest on arrears read and reference to the committee on the Judiciary in concurrence.

that the committee on State roads inquire into the sum necessary to be appropriated for the repair of the Canada road: read and passed in concurrence.

The Committee on Agriculture reported Legislature inexpedient on the subject of an order relative to reducing the bounty on wolves: read and accepted in concurrence.

On motion of Mr. Ingalls the Senate proceeded to the consideration of Bill entitled an act to secure to certain persons the right to draw water from Moose Pond in Waterford.

Mr. Main moved to amend by inserting after the word southerly in the proviso the words "or northerly" Mr. Stickland moved to recommit and while that motion was pending, the bill on motion of Mr. Trice was laid on the table.

Mr. Parris from the committee on the Judiciary reported order of notice returnable to the next Legislature on petition of Charles L. Norris and others, and Legislature inexpedient on orders relating

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to repeating section fifteenth of the thirtieth chapter of the revised statutes, and relative to petitioners for location of roads: also on resolution of the State of Vermont relative to the Travelling privilege: and that resolves to legalize the acts of Justices of the peace and ministers of the Gospel in the solemnization of marriages ought not to pass: severally read and accepted. Sent down for concurrence.

The same committee made a report asking to be discharged from the further consideration of the report of the committee appointed to ascertain the present valuation and condition of townships No 3, range 13 - and an act to abolish imprisonment for debt: severally read and accepted. Sent down for concurrence.

Mr. Bridgman from the Committee on Literature and Literary Institutions reported leave to withdraw on petition of the Superintending School Committee of Brewer: and legislation inexpedient on an order relative to visitation of primary schools, read and accepted.

Sent down for concurrence.

was referred Bill entitled,

An act authorizing the several school districts in the several towns in this State to establish school district libraries reported that the same ought not to pass: read and accepted. Sent down for concurrence.

to repeal an act additional to an act to regulate the Herring fishery, passed to be engrossed in the House, was read once, and on motion of Mr. Savitts indefinitely postponed. Sent down for concurrence.

Resolves in relation to the taxation of certain lands (laid on the table by Mr. Caryl) were read twice, the rule being suspended, and passed to be engrossed. Sent down for concurrence.

On motion of Mr. Caryl the Senate proceeded to the consideration of Bill entitled An act^{to} authorize the treasurer of State to receive the claims of this State for expenditures in relation to the North Eastern Boundary, and other claims on the United States, together with the amendment submitted

374. by Mr. Cary in the words following:
"Provided however that this act shall
not be so construed as to authorize
the Treasurer to receive any money
that may have been assigned to
this State under an act of Con-
gress providing for the distribution
of the net proceeds of the public Lands,
and the question of agreeing to the
amendment was decided in the af-
firmative, by yeas and nays as
follows:

Yea. Messrs Anderson, Atwood, Burling,
Cary, Cunningham, Dana, East-
man, Frye, Harcelon, Ingalls
Kavanaugh, Leavitt, Main,
Meritt, Mitchell, Mitchell,
Parris, Patterson, Sawtelle, Smart,
Stanley and Stetson - - - 22.

Nay. Messrs. Bodwell, Bridgman, Hunt,
Lowell and Thout - - - 5.

The bill was further amend-
ed by striking out section 1. and as thus
amended passed to be engrossed, Sent
down for concurrence.

Resolve in favor of James Robinson
was read a second time, and
passed to be engrossed. Sent
down for concurrence

Bill entitled

183. An act to incorporate the Thomaston
Mechanic Association,
and

- to incorporate the Levant Mechan-
ic Association, were read a
second time and passed to be en-
grossed in concurrence.

An act to promote the usefulness of
Common Schools (reported in the
House from the Committee on
Literature and Literary Insti-
tutions)

- to change the names of certain
persons (reported in the House)

- in addition to chapter fifty
four of the revised Statutes,
(introduced in the House)

- to incorporate the Swanville
Manufacturing Company (laid
on the table on demand by Mr.
Cunningham)

- explanatory of the seventeenth
article of chapter first of the
revised Statutes (reported from
the committee on the Judiciary
to which it was referred)

- relative to certain lands in

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The town of Greenville in the County of Piscataquis (reported from the committee on Literature and Literary Institutions in petition of citizens of Greenville)

and

An act making betterments and improvements on certain lands liable to taxation (reported from the Select committee to which it was referred were severally read once and tomorrow at ten o'clock assigned for a second reading.

Mr. Garcelon from the committee on division of towns to which was referred the petition of Samuel Weston and others reported

Bill introduced

An act to incorporate the town of Kennebec which was read once.

Mr. Brigham submitted an amendment, and on motion of Mr. Dana the bill and proposed amendment were laid on the table and three hundred copies ordered to be printed for the use of the legislature.

Leave of absence was granted to Mr. Bodwell from and after tomorrow.

An act to ascertain the amount and description of estates, and of certain descriptions of persons within this State / reported by Mr. Anderson from the committee on valuation on an order relative to taking a new valuation / was read once and on motion of Mr. Ingalls laid on the table and three hundred copies ordered to be printed for the use of the legislature.

On motion of Mr. Smart, Bill entitled an act to amend chapter fifty first, section ninth of the revised Statutes was taken up.

On motion of Mr. Smart the bill was amended on sheet annexed marked A. and passed to be engrossed Sent down for concurrence.

On motion of Mr. Main the Senate reconsidered its vote assigning Thursday next for a second reading of Bill entitled an act to annex Dearborn plantation to the town of Waterville and tomorrow at ten o'clock was assigned.

On motion of Mr. Smart, Bill entitled an act providing for the appointment of an additional justice of the Supreme Judicial

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Court was taken up and indefinitely postponed in concurrence.

Adjourned.

Oliver Haskell, Secretary.

Tuesday March 7. 1843.

Remonstrance of Francis Fittler and others inhabitants of the town of Winthrop against the petition of Samuel Weston and others, read and referred to the committee on Division of towns in concurrence.

The following orders were read and passed in concurrence.

Instructing the committee on the Judiciary to inquire into the expediency of amending the nineteenth section of the Seventeenth chapter of the revised Statutes.

That the same committee inquire into the expediency of amending the law in relating to mortgages.

Directing the committee on Roads and Bridges to report a bill so amending the several charters for toll bridges granted by this State, that all toll bridges may be passed over, at the same rate of speed as free bridges.

Bill entitled,
An act additional to the tenth section of the eleventh chapter of the revised Statutes an-

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authorizing clerks of Judicial courts
to act as registers of deeds in
certain cases.

and

An act respecting agencies of foreign
insurance companies within
this State, were read and referred
to the committee on the Judiciary
in concurrence.

to amend Chapter one hundred
and fifty first, section eighth
of the revised statutes, came
up indefinitely postponed:
The Senate recessed from its
vote passing the bill to be
engrossed, and indefinitely post-
poned the same in concurrence.

Report of the committee
on State Lands giving leave to with-
draw on petitions of Andrew Pease
and John Howland, read and accepted
in concurrence.

Resolve making an appro-
priation for the Insane Hospital
was read a second time and on motion
of Mr. Leavitt laid on the table.

Bill enlisted

An act in addition to chapter fifty

four of the revised Statutes
was read a second time and
on motion of Mr. Eastman
laid on the table.

An act to incorporate the Swanville
Manufacturing Company
was read a second time and
on motion of Mr. Stetson
laid on the table.

Resolve in favor of the town of Poland
(introduced in the House) was
read once and tomorrow at
ten o'clock assigned for a second
reading.

Mr. Brooks from the
committee on the Pedler Law made
a report asking to be discharged from
the further consideration of petitions
of Sarah Holt and others, Stockbridge
& Spring and others, William Brown
and others, A. Hall and others, C. J.
Wingate and others, William Parker
and others, Elisha Clark and others,
Samuel Moody and others, David Crockett
and others, Isaac Turbush and others,
John G. Hayes and others, William Smith
and others, J. C. Grant and others, and
C. M. Cobb and others; read and accepted.
Sent down for concurrence

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Mr. Lowell from the committee on engrossed bills reported as curiously engrossed Bill entitled: -
An act to change the name of the town of Usher.

- “ concerning suits where either
“ of the District Judge is a party.
- “ to incorporate the Hanover Agricultural Society.

an additional act regulating
the inspection of fish.

and

Resolve authorizing the sale of a meeting
house in the town of Sadgavick.

Bill entitled
An act making the betterments and
improvements in certain lands
liable to taxation was read a
second time. Mr. Cary moved
to amend by inserting before the word
towns the word “incorporated” and by
striking out the word “plantation”
The yeas and nays were ordered and while
the question was under consideration
from the bill with the amendment
was laid on the table.

A message was received

By the Secretary of the State from the 353.
Hon. John Fairfield resigning the
office of Governor and accepting that
of United States Senator for the un-
expired term of the Hon. Benel Williams.

The message was read and
on motion of Mr Frye:

Ordered, that
Mr. Frye be a committee to in-
form the Honorable executive coun-
cil that, the office of Governor having
become vacant, by the resignation
of the Hon. John Fairfield, and
that fact having been officially
communicated to the Senate, by
the Secretary of State, the exercise
of the office of Governor devolves
on the Hon. Edward Kavanagh, Pres-
ident of the Senate, who will forth-
with enter upon the discharge
of the duties incumbent on him in
that capacity, according to the pro-
visions of the constitution. Mr. Frye
afterward reported that he had performed
the duty assigned him.

On motion of Mr. Ingalls
Ordered: That Mr. Ingalls be a com-
mittee to accompany the Hon. Edward
Kavanagh President of the Senate, to
the Chamber of the Honorable executive
council, that he may then and there
enter upon the exercise of the office of

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Governor. Mr. Ingalls subsequently reported that he had attended to that service.

The President addressed the Senate as follows.

Gentlemen:

A provision in the Constitution of the State, having intervened to interrupt the relation in which the kind favor of the Senate had placed me in regard to its members, I am now to withdraw from the chair assigned to me at the commencement of the session, for the purpose of entering upon the discharge of other duties.

On this occasion, it is a subject of high gratification to be permitted, in this place, and in the presence of the honored gentlemen constituting this body, to renew expressions of sincere acknowledgments for the honor of having been selected to preside over your deliberations; no event in my past life has more sensibly affected me.

While endeavouring to discharge satisfactorily the duties imposed on me by your suffrages, I can assure you, Gentlemen that my highest aim has been to merit your enlightened approbation; and, if I have failed in this in any degree, your kindest indulgence is

1863. invoked for the best intentions.

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Independently of a very great mass of business affecting private and local interests, many important subjects regarding the welfare of all the citizens of this State have been pending before us, and they have all received a patient investigation and a free discussion. May the results of our deliberations prove acceptable to our constituents.

Now, entertaining as I ever shall on my part, the most cordial feeling of friendship for every member of this Senate, I pray you, Gentlemen, at this moment of our separation, to accept my warmest thanks for the support received from you, on all occasions, in the discharge of my special duties.

The President accompanied by Mr. Ingalls then withdrew.

On motion of Mr. Cary
Ordered: That Messrs Cary, Sawbelle, and Millest be a committee to receive, sort and count the votes for a President pro tem, said committee having attended to the duty assigned it, reported that the whole number of votes given was - - - - - 28.

Necessary for a choice - - 15.

Virgil D. Davis had - - 15.

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Rowland H. Budgham rd - 11.

Shepard Cary - - - 1

Blank - - - 1.

The report was accepted and Virgil S. Harris was declared elected President of the Senate pro tem.

The President pro tem entering the chair addressed the Senate in the words following.

Senators:

For this distinguished honor I thank you.

In accepting the important trust you have tendered me, permit me to assure you that whatever abilities I possess shall be devoted to the interests of our constituents and the honor of our State.

Mr. Ingalls submitted the following resolution which was unanimously agreed to. -

Whereas there is a vacancy in the office of Governor of this State by reason of the election of the recent incumbents of that office to the Senate of the United States; and

Whereas, by the constitution of this State it is made the duty of the President of the Senate to assume and exercise the duties of the office of

Governor, whenever a vacancy has occurred therein; and 387.

Whereas the duties of the Hon. Edward Kavanagh President of this Senate are for the time being suspended, therefore,

Resolved unanimously - That there be entered upon the Journal of the Senate this token of our high respect for the Hon. Edward Kavanagh not only for his great personal merit; but for the very able and courteous manner in which he has exercised the duties of the chair in this Senate, and for the very kind treatment we, each and all, have experienced from him while presiding at this board.

On motion of Mr. Ingalls
Ordered: That a message be sent to the Governor and Council informing them that the Hon. Virgil S. Davis has been elected President pro tem of the Senate.

On motion of Mr. Ingalls
Ordered: That a message be sent to the House informing that body that the Hon. Virgil S. Davis has been elected President pro tem of the Senate.

On motion of Mr. Cary
the Senate resumed the consideration

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of Bill entitled An act making the betterments and improvements on certain lands liable to taxation, together with the amendment proposed by that gentleman.

The question of agreeing to the amendment submitted by Mr. Cary was decided in the negative as follows:

Yeas. Messrs: Anderson, Cary, Cunningham, Dana, Parris, Sawtelle, Smart, Stanley, Wickland - 9.

Nays. Messrs: Atwood, Bridgman, Burns, Eastman, Hubbard, Hunt, Ingalls, Leavitt, Main, Merrill, Mitchell, Patterson, Stetson and Stout - - - 14.

On motion of Mr. Main the bill was amended on sheet annexed marked A and on motion of Mr. Hunt laid on the table.

Order from the House directing the joint Standing Committee to make final reports upon all matters pending before them on or before Monday the thirteenth of March current read and passed in concurrence.

1823. Petition of E. W. Bachelder to have 389.
money refunded to him which was
paid by mistake, read and referred to
the committee on claims in con-
currence.

Bill entitled
An act regulating judicial process
(laid on the table in the House) was
read and referred to the committee on
the Judiciary in concurrence.

Bill entitled
an act amendatory of the fifty seventh
section of Chapter twenty fifth of the
revised Statutes (introduced in the House)
was read and referred to the committee
on Roads and Bridges in concurrence.

Mr. Hunt from the
committee on Parishes reported leave so
withdraw on petition of Edwin Rey-
nolds and others: read and accepted: Sent
down for concurrence.

Mr. Faye from the
committee on manufactures reported
leave so withdraw on petitions of
Charles A. Stevens and others, and David
M. Greeley and others; and legislation
inexpedient on the subject of the petition
of Henry Darling and others: also reference
to the next legislature on petitions of P. B.

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Turner and others, A. M. Robinson and others, and David B. Hinkley and others, severally read and accepted. Sent down for concurrence.

Bill entitled

An act to repeal an act additional to an act to regulate the Herring fishery came up the House having insisted on its former vote, proposed a conference and appointed as conferees Messrs Turner of New Isle, Ames of Thomaston and Simpson of Sullivan. Mr. Leavitt moved that the Senate adhere to its former vote and the question being ordered to be taken by yeas and nays was decided in the affirmative as follows.
 Yeas. Messrs Burling, Cary, Dana, Garston
 Leavitt, Main, Mitchell, Paris,
 Sawtelle, Stanley, Stetson & Stickland 12.

Nays. Messrs. Bridgman, Brooks, Cunningham, Eastman, Hunt, Ingalls,
 Lowell, Millett, Patterson & Smart - 10.

Bill entitled

An act to authorize the Trustees of the Ministerial fund of the First parish in Acton to convey the same (reported from the committee on Parishes on petition of Horace Bodwell and others) was read once and tomorrow at

18.3. ten o'clock assigned for a second reading. 391.
ing).

On motion of Merritt
the Senate proceeded to the consideration
of Bill entitled an act to provide for
the taxation of Rail Roads and rail
road property in this State, and after
some discussion the bill on motion
of Mr. Ingalls was laid on the table.

Bill entitled
An act modifying the Government of
the Insane Hospital and for other pur-
poses was read a second time amended
on sheets annexed marked A + B, and
passed to be engrossed. Sent down
for concurrence.

Bill entitled
An act relating to lands in the
town of Greenville in the County of
Piscataquis was read a second time
and passed to be engrossed. Sent down
for concurrence.

Adjourned.

Dee Haskell, Secretary.

— Wednesday March 8. 1863. —

Bill entitled

An act to authorize the treasurer of State to receive the claims of this State for expenditures in relation to the North Eastern Boundary, and other claims on the United States, came from the House, that body having nonconcurring the Senate and adhered to its former vote.

Mr. Meritt moved that the Senate recede and concur with the House in passing the Bill to be engrossed as amended. On motion of Mr. Hunt the bill and motion were laid on the table.

On motion of Mr. Ingalls the Senate reconsidered its vote passing to be engrossed Bill entitled,

An act modifying the government of the Insane Hospital and for other purposes, and on his motion the bill was recommitted. Sent down for concurrence.

Mr. Sawtelle was appointed chairman of the committee on the Judiciary in place of Mr. Paris, elected President pro tem, and the vacancy in the committee was supplied by the appointment of Mr. Nelson.

An act to promote the usefulness of Common Schools was read a second time. Mr. Patterson moved that the consideration of the bill be indefinitely postponed, and on motion of Mr. Garcelon the bill and motion were laid on the table.

The President laid before the Senate a letter from the Hon. Benjamin F. Eastman resigning the office of Senator from the Seventh Senatorial district, from and after the present session of the legislature.

On motion of Mr. Patterson Bill entitled an act for the choice of Representatives to Congress was taken up. Mr. Patterson submits an amendment to strike out all between section one in the third line and the word 'the' in the nineteenth line and insert the words following. 'The counties of York and Cumberland shall compose the first district and in the twenty eighth Congress shall be entitled to one representative - in the twenty ninth Congress shall be entitled to two representatives - in the thirtieth Congress shall be entitled to two representatives - in the thirty first Congress shall be entitled to one representative and in the thirty second Congress shall be entitled to two representatives.'

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The counties of Lincoln and Oxford shall compose the second district and in the twenty eighth congress shall be entitled to two representatives in the twenty ninth Congress shall be entitled to one representative in the thirtieth Congress shall be entitled to one representative in the thirty first Congress shall be entitled to two representatives and in the thirty second Congress shall be entitled to one representative.

The counties of Rembert and Franklin shall compose the third district and be entitled to one representative"

Mr Ingalls moved to amend the amendment by striking out "one" in the fourth line and inserting "two" and in striking out "two" in the fourth line and inserting "one".

And on motion of Mr. Ingalls the bill and proposed amendments were laid on the table.

Mr. Garfield moved a reconsideration of the vote by which the Senate adhered to its vote indefinitely postponing the consideration of Bill entitled, an act to repeal an act additional to an act to regulate the Herring Fishery and the question being ordered to be taken by yeas and nays was decided in the negative as

No 3. follows:

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Yeas. Messrs: Atwood, Brigham, Cunnings-
ham, Eastman, Farwell, Hunt,
Ingalls, Merrill, Millett and
Patterson - - - - - 10.

Nays. Messrs: Anderson, Brooks, Bur-
leigh, Cary, Dana, Leavitt, Main,
Parris, Sawtelle, Stanley, Nelson
and Strickland - - - - - 12.

Mr. Tye was excused from voting.
Sent down for concurrence.

On motion of Mr. Ingalls the
Senate proceeded to the considera-
tion of Bill entitled an act to pro-
vide for the taxation of rail road
and rail road property in this State
together with the amendments submitted
by Mr. Ingalls to strike out all after
the enacting clause and insert the
words following:

"Section 1. It shall be the duty of the
agent of any incorporated railroad
within this State, to file with the
State Treasurer a certificate, under oath
on the first day of May in each year,
of the then par value of such railroad,
lying within this State, together with
the just par value of any real es-
tate belonging to any such corporation,
the depots and other property, belong-
ing thereto and making part of the
corporate property of said rail road

396 corporation, designating what part of such value is within the limits of any town in this State, viz: what length of road, number and value of depots, and other corporate property. And it shall be the duty of every such rail road corporation to keep at all times, within this State, a duly authorized agent for the purposes aforesaid.

Sec. 2. It shall be the duty of the State Treasurer to enter the value of any rail road, and such other property belonging thereto, in a book kept for the purpose, as it existed on the first day of May; and he shall assess on each rail road corporation one fourth of one percent upon the value so returned, and a lien shall be had upon all the property so certified and returned, as upon real estate for the collection of taxes by the laws of this State. And the said rail road shall be held liable to the State for the sum assessed upon such road, depots and other corporate property, together with costs, charges and interests as hereinafter provided.

And it shall be the duty of the State Treasurer to issue his warrant to said rail road agent, requiring him to pay into the treasury of State, the sum so ordered and assessed upon such rail road, within months; and in case said sum is not so paid, within the term aforesaid, the said

rail road, and other corporate property belonging thereto, shall be conditionally forfeited to the State. In case the assessment aforesaid be not paid as required by this act, the State Treasurer shall, on the expiration of said term of months advertise the same in the newspaper printed by the printer for the State, weeks successively.

Section 3. Any rail road corporation, by their agent, may at any time within years, redeem said rail road and other corporate property, by paying into the State Treasury the sum so assessed, together with all intervening costs and charges, and interest at the rate of per cent, per annum, from the date of the first advertisement. And if not paid within said term of years, the said rail road shall become and be the property of the State.

Section 4. The State Treasurer shall put to the credit of each and every town in this State through which any rail road does now or may hereafter pass per centum of the sum so ordered and assessed upon such road per mile, according to the number of miles of road within each town, in payment of so much of the State tax set to such town. And the State treasurer is hereby directed so soon as may be, to send his certificate to the town treasurer of such town of the amount

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to credited to such town, and this certificate shall be conclusive evidence of the payment of so much of the State tax charged to any such town for the time being."

And the question of agreeing to the amendment was decided in the negative by yeas and nays as follows.

Yea. Mr. Ingalls - - - - - 1.

Nays. Messrs. Wood, Brigham, Brooks, Cary, Cunningham, Dana, Eastman, Elliot, Garcelon, Hunt, Leavitt, Mains, Merritt, Millett, Mitchell, Parris, Patterson, Smart, Stanley, Stetson & Stickland - 21.

The Bill was amended on sheets annexed marked B & C and passed to be engrossed by yeas and nays as follows:

Yea. Messrs. Anderson, Brooks, Burlingame, Cary, Cunningham, Dana, Eastman, Elliot, Garcelon, Leavitt, Mains, Merritt, Millett, Parris, Patterson, Sawtelle, Smart, Stanley, Stetson, and Stickland - - - - - 20.

Nays. None - - - - - 0.

Mr. Stout at his request was excused from voting. Sent down for concurrence.

Adjourn of Amos Copping attorney for the heirs of James Fay for reduction of State tax was read, and the rule being suspended, referred to the com-

143. *mitted on State valuation. Sent down for* 399.
concurrence.

*Mr. Dana from the com-
mitted on State lands reported leave to
withdraw on petition of Hiram Brad-
dock; read and accepted. Sent down for
concurrence.*

*Bill entitled
An act to annex Dearborn plantation
to the town of Waterville.*

*Explanatory of the seventeenth
rule of Chapter first of the
revised Statutes*

and

*to authorize the trustees of the
ministerial fund of the first
parish in Acton to convey the
same, were read a second time
and passed to be engrossed.
Sent down for concurrence.*

*to change the names of certain
persons,*

and.

*Resolved in favor of the town of Poland,
were read a second time and pas-
sed to be engrossed in concur-
rence.*

Bill entitled

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An act allowing the receivers of Frankfort Bank further time to close its affairs (reported by the committee on Banks and Banking)

Resolved in favor of John Beckwith and others (reported from the committee on State Lands on petition of John Beckwith)

in favor of Ebenezer B. Simonson (reported from the committee on Military pensions on petition of Ebenezer B. Simonson)

and

in favor of G. W. Maxing (reported from the same committee on petition of George W. Maxing) were severally read once and tomorrow at ten o'clock assigned for a second reading

Bill entitled

An act to incorporate the Hancock Agricultural Society

to change the name of the town of Usher.

concerning suits where either of the district judges is a party,
and

1843. An additional act regulating the 401.
inspection of fish were severally
passed to be enacted.

Resolve authorizing the sale of a
meeting house in the town
of Sedgwick was finally
passed.

Adjourned.

Clere Haskell, Secretary.

Thursday Mar 9.

— Thursday March 9. 1843. —

Remonstrance of Elisha Pettingill and others against the petition of Francis F. Haines and others, was read and referred to the committee on division and alteration of counties in concurrence.

Report of the committee on Roads and Bridges on petition of R. H. Gardiner and others came from the House nonconcurrent and the consideration of the same indefinitely postponed. The Senate receded from its former vote and concurred in the indefinite postponement.

Petition of Hiram Mander of New Vineyard to be set off and annexed to the town of Industry read and laid on the table.

Mr Eastman has leave of absence from after tomorrow.

Resolved in relation to the distribution of the annual school fund (laid on the table in the house) was read twice, the rule being suspended, and passed to be engrossed in concurrence.

The committee on the Judiciary to which was referred an act in relation

1843. to costs in criminal prosecutions more 403.
a report asking to be discharged from
the further consideration of said bill and
recommending its reference to the committee
on the petition of John Dunning and others.
On motion of Mr. Holson the further con-
sideration of the report and bill was indef-
initely postponed. Sent down for con-
currence.

Bill entitled
An act for the promotion of Agriculture
Horticulture and Manufactures was
read a second time. Mr. Brooks moved
its reference to the next legislature. Mr.
Cary moved to recommit the bill and
that question being in order was decided
in the negative by yeas and nays as follows:
Yeas. Messrs. Burling, Cary, Dana, Frye,
Gardner, Hubbard, Main, Morrill,
Mitchell, Parris, Sawtelle, Stanley,
Holson and Stickland 14.

Nays. Messrs. Anderson, Atwood, Bridgham,
Brooks, Cunningham, Eastman,
Elliott, Hunt, Ingalls, Leavitt, Lovell,
Millet, Patterson, Smart, and Hunt. 15.

On motion of Mr. Cary the bill was
laid on the table.

Remonstrance of Theophilus Nickerson against
the petition of Levi D. Crook & others was read and
referred to the committee on roads & bridges in concurrence.

Thursday Mar 9.

Mr Sawtelle from the committee on the Judiciary reported legislation inexpedient on an order relative to Superintending School committees; on resolves of the State of New Hampshire in relation to postage and the franking privilege; on resolutions of the State of New York on the same subject; on resolutions of the State of Connecticut in relation to the public lands; resolutions of the State of Kentucky relative to an amendment of the constitution in relation to the choice of President and vice President; and on resolves of the State of Maryland in relation to Slavery in the district of Columbia; and that an act to regulate the setting of fires ought not to pass, severally read and accepted. Sent down for concurrence.

Mr Elliot from the Committee on roads and bridges reported reference to the committee on State roads on petition of William Frost and others; read and accepted. Sent down for concurrence.

Mr Garcelon from the committee on Division of towns reported leave to withdraw on petitions of Francis Radoux and others and Joshua Coggins and others; and reference to the next Legislature on petitions of Isaac Jordan

Thomby; also order of notice to the next Legislature on petitions of James S. Holmes and others and Samuel Wheeler and others, severally read and accepted. Sent down for concurrence.

The same committee made a report asking to be discharged from the further consideration of Remonstrance of Francis Fuller and others. Read and accepted. Sent down for concurrence.

Mr. Sawbelle from the committee on the Judiciary, to which was referred bill entitled an act concerning Sheriffs, reported that the same ought not to pass. On motion of Mr. Leavitt the report was laid on the table.

Bill entitled
An act to incorporate the proprietors of Sandy river bridge reported from the committee on roads and bridges on petition of James M. Hilton and others, was read twice (the rule being suspended) amended on sheet annexed marked A. and passed to be engrossed. Sent down for concurrence.

Bill entitled
An act allowing the receivers of Frankfort Bank further time to close its affairs, was read a second time, amended on sheet annexed

406. marked A. and passed to be engrossed. Sent down for concurrence.

Bill entitled
An act relating to Royall's river / reported
from the committee on Interior
Waters on petition of James C. Rice
and another /

to authorize the removing obstructions in Pleasant river / reported
from the same committee on petition of Ichabod W. Bucknam and others /

to prevent obstructions in East Machias river / reported from said Committee on petition of Charles Cox and others /

to incorporate the Narragansett river company / reported from the same committee on petition of William Burnham and others /

to dissolve the bond of matrimony between James Starr and Mary Starr / reported in the House from the select committee to whom was referred the petition of James Starr /

additional in relation to Special

administrators (reported from the 407.
Committee on the Judiciary to which
it was referred.)

and

An act to set off a part of the Whitney
tract from the town of Argyle, and Argyle
plantation, and annex the same
to the town of Oldtown (reported
from the committee on division of
towns on petition of Cyrus Moore)
were severally read once, and tomorrow at
ten o'clock assigned for a second reading.

Mr. Hunt from the
Committee on engrossed bills reported
as correctly engrossed.

Resolves in relation to the taxation of
certain lands. and the same
were finally passed.

Mr. Patterson from the
Committee on State prison submitted
a report which was laid on the table
and three hundred copies were ordered
to be printed for the use of the legislature.

Bill entitled
an act additional regulating Banks and Banking
(reported from the committee on Banks and
Banking on an order relative to that
subject) was read once: laid on the table
and three hundred copies ordered to be printed
for the legislature.

408.

Thursday Mar 9.

Petition Daniel Brown for a Military
pension was laid on the table.

Adjourned.

Levi Haskell, Secretary.

Friday March 10. 1843.

Remonstrance of Nathaniel Mayo and others against the petition of Francis F. Haines + others read and referred to the Committee on division and alteration of counties, in concurrence.

Report of the Select Committee to which was referred the petition of Daniel S. Woodman, granting order of notice to the next legislature, was read and accepted in concurrence.

The Committee on Interior Waters reported leave to withdraw on petitions of Michael Pike, Hannibal Longfellow, J. E. McCusick and others and Amos Davis + others, severally read and accepted in concurrence.

The Committee on State valuation reported legislation inexpedient on orders relative to the valuation of Hitting; relative to the valuation of Elliot and South Berwick; relative to the valuation of Berwick and North Berwick; relative to the valuation of all towns in the State and relative to raising the valuation of any town in the State. Severally read and accepted in concurrence.

The same committee reported leave to withdraw on petitions of inhabitants of Frankfort and Timothy Walker, severally read and accepted in concurrence.

The committee on State Lands reported leave to withdraw on petition of Francis Bowman and others, and memorial of Jacob Main, severally read and accepted in concurrence.

Bill entitled
An act concerning Hawkers and Pedlars
came from the House that body having
nonconcurred in the amendments of the
Senate, and passed the bill to be engrossed
as amended on sheet annexed marked B.
Mr. Brown, moved to read and concur
with the House, and while that motion
was pending, the bill on motion of Mr.
Bridgman was laid on the table.

Resolve in favor of John
Beckwith and others, was read a second time,
and on motion of Mr. Dana laid on the
table.

Resolve in favor of E. W.
Maxim was read a second time and on
motion of Mr. Bridgman laid on the table.

Resolve in favor of Ebenezer B. Simonton was read a second time
on motion of Mr. Peterson laid on the table.

1843.

Bill entitled 411.

An act in addition to an act to incorporate the Penobscot Boom Corporation was read a second time. Mr. Wood moved to strike out all after the enacting clause an insert the words following.

"Section 1. There shall be allowed and paid to the Penobscot Boom Corporation a toll or broomage upon all lumber secured and rafted in manner provided in the act to which this is additional, including the warp and wedges, by which they are rafted, thirty three cents per thousand feet board measure the scale or survey being the same as that by which logs are usually purchased and sold in Penobscot river; and this shall be in full for the toll or broomage secured by the sixth section of the act of incorporation, to which this is additional.

Sec. 2. There shall be allowed and paid to said corporation for each and every raft of logs containing not less than one hundred of the same mark, not taken away, as provided for in the fifth section of the act of incorporation aforesaid the sum of four cents per thousand board measure. And said four cents shall be in full for running, scouring and keeping the logs not taken away by the owners thereof. And the quantity of feet contained in said logs so run away and secured shall be deemed and taken to be equal to the average of logs passing through said boom of the same mark

for that year.

Sec. 3. The log agent shall take charge of all logs which have no marks, called prize logs, and marked logs not claimed by anyone called scattering logs, which he shall secure and safely keep until all the logs for that year are rafted out of the boom.

Sec. 4. The log agent shall sell all the aforesaid logs at public auction, after having published a notice of the time and place of sale, with a description of the several marks and the number of logs with each mark and the number of logs without mark in two newspapers published in the city of Bangor, at least fifteen days before said sale.

Sec. 5. After said sale said log agent shall forthwith pay over to the treasurer of the Penobscot Boom Corporation the proceeds of the sale of the prize logs, after deducting the expense of advertising and sale and after paying the boomage due said corporation on said logs. And the said treasurer shall pay out on demand the same to the owners of the logs which have passed the boom that year and whose marks have been recorded in the boom masters book, in proportion to the quantity of logs which each owner or owners has or have that year ^{had} pass through said boom.

Sec. 6. Said log agent shall after the sale aforesaid forthwith pay over to the treasurer of the County of Penobscot the proceeds of the sale of said logs with scattering marks & shall leave with said treasurer a list of said marks

1843. and a statement of the quantity of 413.
each mark, and the amount for which
each separate mark sold for; and if within
one year from that time, any person or
persons shall appear and prove his, or their
ownership to any of the logs so marked, then
the treasurer of said State shall pay over to such
person or persons, the amount for which his,
or their logs so proved, were sold, and the remain-
der shall remain in said treasury for said
County.

Sec. 7. The Penobscot boom corporation shall
have a clerk, who shall keep an exact ac-
count of all the expenditures and of the
income of said corporation, and return the
same in detail, under oath, on or before
the tenth day of January, annually, to
the Secretary of State." And the question
being ordered to be taken by yeas and
nays was decided in the negative as
follows:

Yeas. Messrs. Atwood, Carleton, Smart and
Peterson - - - - 4.

Nays. Messrs. Anderson, Bridgman, Brooks
Burling, Cary, Frye, Hubbard, Ingalls,
Leavitt, Main, Millett, Mitchell,
Parier, Pasterson, Stanley, Stuckland,
and Strout - - - - 17.

Mr. Burling moved to
amend by striking out in the fourth
line the words "same rate of" (and inserting)

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the words "thirty six cents per thousand and feet board measure", and the question was decided in the negative by yeas and nays as follows.

Yeas. Messrs. Atwood, Burlingame, Carleton,
Mitchell, Paris, and Setson - - - 6.

Nays. Messrs. Anderson, Bridgman, Brooks,
Cary, Cunningham, Elliot, Frye,
Hittbard, Ingalls, Leavitt, Lowell,
Main, Merritt, Patterson, Stanley,
Stuckland and Thout - - - 17.

The bill was passed to be engrossed.
Sent down for concurrence.

On motion of Mr. Patterson the Senate proceeded to the consideration of Bill entitled an act providing for the choice of representatives to Congress together with the proposed amendments. Mr. Ingalls withdrew the amendment submitted by him on the eighth instant, and the question pending being the amendment proposed by Mr. Patterson, the same was agreed to by yeas and nays as follows:

Yeas. Messrs. Anderson, Burlingame, Cary, Cunningham, Dana, Elliot, Frye, Carleton, Main, Merritt, Paris, Patterson, Sawtelle, Stanley, Setson, & Stuckland. - - 16.

Nays. Messrs. Bridgman, Brooks, Hittbard

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Hunt, Ingalls, Leavitt, Lowell, Mil- 415.
lett, Mitchell, Smart & Stout - H.

And the question of passing the
bill to be engrossed as amended was decided
in the affirmative by yeas and nays as
follows - -

Yeas Messrs: Anderson, Burleigh, Cary, Dana,
Ellist, Garcelon, Mains, Merritt, Paris,
Patterson, Sawtelle, Stanley, Tesson,
and Stickland - - - H.

Nays Messrs: Brigham, Brooks, Frye, Hub-
bard, Hunt, Ingalls, Leavitt, Lowell,
Millet, Mitchell and Stout - - H.
Sent down for concurrence.

Resolved in relation to the
rights of certain citizens of this State (re-
ported from the select committee to
which was referred to the petition of Seth
May) were read once, and laid on the table
and three hundred copies ordered to be printed
for the use of the legislature.

On motion of Mr. Smart
Bill entitled an act to incorporate
the town of Perimeter was taken up and to-
morrow at ten o'clock assigned for its
second reading.

Bill entitled
An act additional in relation to Special

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administrators was read a second time and passed to be engrossed. Sent down for concurrence.

An act to prevent obstructions in East Machias river was read a second time and passed to be engrossed. Sent down for concurrence.

to dissolve the bonds of matrimony between James Starr and Mary Starr was read a second time and passed to be engrossed in concurrence.

Resolue transferring the State valuation of that part of the town of Hope set off to the town of Appleton

and,

correcting the valuation of the county of Aroostook introduced in the House, were read once and tomorrow at ten o'clock assigned for a second reading. -

additional to a resolue in relation to the State valuation of the towns of Millinot and Auburn (laid on the table in the House) was read once and on motion of Mr. Millett laid on the table.

Mr Sawtelle from the committee on the Judiciary reported a order of notice to the next legislature on petition of Samuel Bennett and others, read and accepted. Sent down for concurrence.

Bill entitled
An act to amend the fourteenth Chapter
of the Revised Statutes was read the second
time and on motion of Mr Stetson
laid on the table

Adjourned.

Oliver Haskell, Secretary.

Saturday March 11. 1843.

Mr Brooks from the Committee on division and alteration of Counties reported leave to withdraw on petitions of Inhabitants of that part of Madawaska embraced within the limits of the Counties of Piscataquis and Penobscot and the Selectmen of Plymouth, severally read and accepted. Sent down for concurrence.

Mr. Mitchell from the Committee on Interior Fisheries reported leave to withdraw on petition of the inhabitants of Harpswell: read and accepted. Sent down for concurrence.

The same Committee to which was referred an abstract of the returns of inspectors of fish made a report recommending that said returns be placed on the files of the Senate: read and accepted sent down for concurrence.

The Committee on incorporation of towns made a report asking to be discharged from the further consideration of an order relative to repealing the act of incorporation of the town of Passadumkeag; also reference to the next legislature on petition of inhabitants of Madawaska settlement. Severally

Mr. Hunt from the committee on engrossed bills reported as correctly engrossed, Bill entitled,
An act to incorporate the Levant Mechanic association.

and
" to incorporate the Thomasson Mechanic Association and they were passed to be enacted.

The same committee reported as correctly engrossed
Resolves in relation to the State valuation of the towns of Bethel and Hanover and the same were finally passed.

Mr. Brooks from the same committee reported as correctly engrossed Bill entitled an act relating to the settlement of paupers and the same on motion of Mr. Strickland was laid on the table.

Bill entitled an act to incorporate the town of Hennepes was read a second time. Mr. Brigham withdrew the amendment submitted by him on the sixth instant. The bill was amended on that annex marked A.

On motion of Mr. Stanley

the bill was further amended by striking out "Rennebec" and inserting "West Hallowell" in the title, and wherever it occurs in the body of the bill.

Mr. Bridgman renewed his motion to amend by inserting after the eighth section the words following.

"Any five legal voters within the proposed town, may in writing apply to any justice of the peace within the County, and he shall thereupon issue his warrant calling a meeting of the legal voters aforesaid, and cause the same to be posted up in three conspicuous places within said town, ten days at least before the time appointed for said meeting. When the said voters have assembled together, they shall proceed to choose a chairman and Secretary, and then vote on the question, 'whether they will accept this act of incorporation.' If a majority are in favor of accepting, then this act shall take effect from and after that day, and the said voters may then determine how a meeting shall be called for the organization of the town. If a majority shall be opposed to accepting, then this act shall be thereafter void".

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

1823 Yeas Messrs: Anderson, Atwood, Bridgman 421.
Hubbard, Leavitt, Millett, Stetson - 7.

Nays Messrs Brooks, Burleigh, Cary, Cunnings-
ham, Dana, Elliot, Garcelon, Merritt,
Mitchell, Parris, Patterson, Sawtelle,
Smart, and Strickland - - - 14.

Mr. Hubbard moved
to amend Section Six in lines four, nine,
and twelve, by inserting after the word
"Read" in those lines the words "and shall be
ell". And the question of agreeing to the
amendment being ordered to be taken by
yeas and nays was decided in the affirmative
as follows:

Yeas Messrs: Anderson, Bridgman, Brooks,
Cary, Cunningham, Dana, Elliot,
Garcelon, Hubbard, Leavitt, Merritt,
Millett, Mitchell, Parris, Patterson,
Sawtelle, Smart, Stetson, Strickland
and Trout - - - - 20.

Nay. Mr. Atwood - - - - 1.

And the question of pas-
sing the bill to be engrossed being or-
dered to be taken by yeas and nays, was
decided in the affirmative as follows.

Yeas Messrs Anderson, Brooks, Burleigh,
Cary, Cunningham, Dana, Elliot,
Garcelon, Main, Merritt, Mitchell,
Parris, Patterson, Sawtelle, Smart,

Stickland and Stout - - - 17.

Messrs. Atwood, Bridgman, Hubbard,
Leavitt, Millett and Pelson - - 6.
Sent down for concurrence. -

Mr. Burling from the com-
mitted on State roads reported reference to
the next legislature on an order relative
to the State road in the town of Exumville;
also on petition of Sabez Fund and others;
John T. Hunter and others, and sundry
inhabitants of Piscataquis: severally
read and accepted. sent down for concurrence.

The Committee on the Judi-
ciary to which were referred two entitled
an act regulating judicial process, and
an act directing the manner of dispo-
sing of petitions to the legislature in
certain cases, reported that the same
ought not pass: read and accepted,
sent down for concurrence.

Bill entitled an act to re-
peal the charter of the Bangor and Brewer
Ferry Company reported from the Committee
on roads bridges on petition of Levi D. Cook
and others)

and

An Act amendatory of the fifty seventh
section of chapter Twenty Fifth of the revised.

1843. Statutes (reported from the same com- 423.
mitted to which it had been referred)
were read once and Monday next at ten
o'clock assigned for a second reading.

On motion of Mr. Brooks:

Ordered: That the Senate hold two sessions
a day, from and after this day, commencing
at ten o'clock A. M. and half past
two P. M.

Adjourned.

Sen Haskell, Secretary.