

MAINE STATE LEGISLATURE

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RESOLVES,

Of the General Court of Massachusetts,

PASSED AT THE SESSION BEGAN AND HELD, AT BOSTON, ON

WEDNESDAY, THE SIXTH DAY OF JANUARY, A.D. 1808.

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GOVERNOR'S SPEECH.

STATE-HOUSE, FRIDAY, JANUARY 8.

At 12 o'clock, the Senate attended in the Representatives' Chamber, agreeably to assignment, when His Excellency the Governor, entered, attended by the Honourable Council and the Sheriff of Suffolk, and delivered the following

SPEECH:

GENTLEMEN OF THE SENATE, AND

GENTLEMEN OF THE HOUSE OF REPRESENTATIVES,

I HAD the honour, in your last session, to submit to your consideration, my sentiments upon the nature of our Commonwealth, as a Government in itself, and as a State forming an important member of the Government of the United States.

I then expressed to you my ideas, of what might be considered a due and regular administration of a Government thus situated and thus connected. On a careful revision of that communication, I do not find any material errors, in the principles upon which it was predicated—I shall, therefore, improve the advantages of this interview, in an attention to the jurisprudence of the State, and to its defence against foreign enemies.

It is readily seen, that the matters, which will more particularly demand your attention, must relate to the internal government of the Commonwealth, and to its defence against the invasion of foreign powers—That those, which regard the for-

mer, are principally connected with the Judiciary Department, under the constitutional guidance of the Legislative Authority, and that those, which regard the latter, are generally, connected with our situation, as a part of the United States.

All amendments and regulations, that can be suggested, having a tendency to promote the due administration of justice, so that it may be obtained promptly, and without delay, in a cheap and easy manner, conformably to established equal laws, will have the countenance of the Representatives of a free people.

But, as there was, in the last session, a committee, appointed to deliberate in the recess, and to report on this subject at large, I hope I shall not have occasion to trouble you with any observations on the Judiciary Department, unless, it shall be on an act passed in the last session, to establish a new Court of General Sessions of the Peace—As that Act is supposed to be very defective, and is not within the commission of the committee of the recess, I have a special message prepared upon it, which the Secretary will lay before you.

There is another subject connected with the Judiciary Department, which I think worthy of Legislative attention; that is the exemptions from serving on grand and petit Juries—I am inclined to believe, that those exemptions, in the country from whence we derive the trial by jury, were originally exclusions, with a view, to prevent an undue interference of the powers of a mixed government; there is not the same reason in an elective republic; and as an exemption by privilege, it operates very unequally, increasing the burthen of civic duties upon the shoulders of that part of the community who are not the best able to bear it.—Should any questions arise on this subject, in regard to the constitutionality of a retrospective principle, the act may be modified so as to avoid any thing wrong.

The defect, supposed to be found in the Act passed in the last session, for establishing a new Court of General Sessions of the Peace, has suggested to me the caution of your having those bills, which obtain an order, in either house, for a second reading, printed for the use of the members of the whole Court. Were all bills, which have importance enough, to obtain an order for a second reading, to be printed, in such a number of copies, as that each member should have one, it would reduce the Legislature, substantially, though not formally, to a committee of the whole on each bill. The expense of the press seems to form the only objection to this mode of procedure.

But if the bill is intended for an Act of public concernment, it ought to be of importance enough to defray the expense; and if it is on a private concern, the party interested ought to bear the charge of printing it. There is no impropriety in my making the suggestion, because the practice would greatly aid the Governor in the part the constitution gives him in legislation.

There are divers matters of importance, which I think will merit your attention, and which I shall submit to your deliberations by special messages—Among these will be one, accompanied by a Report of the Adjutant General, upon the state of the militia.

The militia, which we must rely on, as our natural defence, is, by an Act of Congress, left, principally, where the constitution of our Commonwealth had placed it, under the economy of our own particular State government.

You will observe, by the report of the Adjutant General, that the rank and file of the militia, amount to sixty thousand four hundred and twenty two: that these are arranged into Divisions, Brigades, Regiments, Battalions, and Companies, and that those are completely officered. This, in a country, where the Artillery, and all the necessaries for a camp and supplies of an army are procured from the ground, must render its defence respectable, and under the blessing of God, effectual.

Where there has been any Muster of a body of the militia, that would allow of a review by the Commander in Chief, in the course of the year, I have not neglected it. The three Brigades of the first Division, I have reviewed with great pleasure and satisfaction, and have also reviewed a number of detached Corps of the first Brigade of the third Division—these bodies of the militia, are a greater part of them in a uniform dress, and are well armed—they are in a good state of discipline, and exhibit a great regard to subordination; a few weeks in a camp life, will make them generally good troops. The Artillery Corps are very well disciplined. The officers of all the militia deserve much attention from the government. The Companies raised at large have taken great pains to accomplish themselves and have succeeded admirably well—they are good troops.

There has been a Muster of the first Brigade of the second Division, but I had no notice from Major General BRICKETT that such a Muster was intended, until after I had engaged to review the first and second Brigades of the first Division on the same week, and on days which would not admit my going into the county of Essex; but from information to be relied on, I can assure the honourable Senate and House, that great attention has been paid to that Brigade by its officers, and that on the parade they did honour to their country.

By knowledge gained from every part of the Commonwealth, I am able to assure you, that there exists an ardent spirit of improvement in the militia, which has never before been seen; there is evidence of an emulation that does them, officers and men, much honour. They appear, as if preparing for the business of an important crisis, as if they considered the military defence of their country, to be their common and ordinary duty.

In the recess, the President called for a detachment of eleven thousand and seventy five men, including a proportionate number of officers, as this State's quota of one hundred thousand of the militia, ordered by Congress to be detached if necessary.

This detachment was readily made, the documents and papers of which I will send with a special message. You have, I believe, a peculiar pleasure in being informed, that the drafts, to form the detachment, were executed with the greatest possible promptness, in every part of the Commonwealth.

GENTLEMEN OF THE SENATE, AND

GENTLEMEN OF THE HOUSE OF REPRESENTATIVES,

Since your adjournment an unfortunate circumstance has happened, which with the causes that produced it, have placed our nation in a political point of standing, with one of the European powers seriously diverse from what it was when you returned from this House to your counties and towns. This is yet a subject of national negotiation, and being constitutionally in the hands of the national authority, I forbear to state any fact, or to utter any opinion respecting it.

Since the Independence of the U. States was recognized, by the power from whence they originated, twenty-seven years have been witnesses to our political happiness; as well as to our public and private prosperity. Our national government has been conducted on the principle that we ought to remain in a state of perfect neutrality, as to the controversies of Europe. This is, certainly, our wisest policy.—It is found amongst the maxims of the illustrious Washington, who made the glory and happiness of his country his particular study.

The convulsions of Europe, resulting from great and unexpected revolutions and calamitous wars among the nations there, have caused them to assume a policy too peculiar and novel, and to project plans too extensive and interesting to allow us, though at so great a distance from them, to remain in that security and quiet, which our equal indifference, as a government, to them all, encouraged us to hope for.

The rights of neutrality, founded in moral principle, and un-

equivocally established as law, by the common consent of nations ; assured the freedom of commerce to neutrals, with all places that were not besieged by an enemy, with an expectation of a surrender—The idea of holding the whole of an enemies' country under a seige by words, and prohibiting the commerce of neutrals by proclamations, has been lately adopted, first by one, and then by another power, but this is nothing less, than an assumption of the prerogative, to control or direct the affairs of other nations against their consent.

As two of the most powerful nations, in that quarter of the globe, have adopted such an extraordinary principle, and the United States remain the only neutral power that can be affected by it, we are in danger of being drawn into the votex of their general, and expensive war.—Thus situated, our government has passed an act laying an Embargo on our own outward bound navigation.—Why should our vessels go to sea, if France takes all that are going to England and her provinces ; and Great-Britian takes all going to France, and her dependencies, or the countries of her allies, where are our vessels to be sent to ?

This Embargo operates in a grievous manner, upon those, who depend on commerce, or any of its appendages for support ; but we can have no reason to believe, that this measure is adopted either wantonly or with wrong intentions in our government.—If these blockading decrees are to be rigorously enforced by the powers who have issued them, our government wants time to consider of the measures we ought ultimately to adopt, and permanently pursue.

To suffer our country to be stript of its maritime property and seamen, before we deliberate, would be the height of folly—If we are to contend with more than one power, we need not hurry to the contest, if with one only, as an incidental ally against the other, we ought to proceed with caution, under a compact of alliance, and not to rush with rashness, and without due preperation to the combat. To extend our hand to either of the belligerent powers as an ally, without a preliminary invitation, would lay us completely at the feet of that power, and make her enemies, the enemies of the United States.—The Act of Embargo is a measure of our constitutional government, and can be done away in a day whenever our national situation shall render it eligible to do it.

We have no claim to an exemption from these calamities, which are incident to other powers. We yet enjoy privileges and public advantages, that render us the envy of others, therefore to murmur at the appearance of misfortune is to express our ingratitude, in the strongest language.

Had we continued our civil and political connexion with Europe, the wars of the power we should have been connected with would have been our wars ; and the measure of our burdens in their support would have been given by men, not elected or appointed by us : by men over whom we could have no control, and whose own burdens must have been lessened in proportion as they should have increased ours.

As a free people—under free constitutions of civil government, we have a right to express our sentiments on public concerns—But our constitutions were not intended to carry this principle so far, as to excuse in any form, sedition against our governments, or to allow wicked men to invite foreign powers to the invasion and conquest of our country.—The governments we are under may err—The people may make a wrong choice of rulers ; but neither of these errors can justify an opposition to, or an attempt to change the nature of the government. It is the first principle in the social compact, to submit to the voice of the majority. The second is an entire and ready obedience, to the voice of our Rulers, issued within the authority given them by the constitution.

At this important crisis, when our wisest and best men cannot decide, with satisfaction to themselves, what are the best measures to pursue, we ought to be instructed, as a people, from this, not rashly to condemn the measures adopted, or suddenly to censure our leaders for their decisions.

It is clear beyond all controversy, that no measure can effectuate our security unless we are firmly united among ourselves. A division of the States, would instantly dissolve the nation ; and destroy every obligation to civil and social duty. This our enemies see. They know that if the present national constitution was dissolved, the United States could never again exist as a sovereign and independent power ; but must fall a contemptible victim to foreign despots, or what is more likely, become the abject dependents of petty tyrants among themselves. Under those circumstances, our contests and bloody civil wars, which might with sound reason be expected, are too distressing to bear a description.

As our security, and even our existence, as a nation, depend on our union ; and as a union cannot be preserved, without an efficient vigorous government, it is very extraordinary, that men, under any party designation, or political appellation, should assume the character of friends to their country, while they are endeavouring to destroy the national union, and to overthrow the principles on which the federal government is founded.

To furnish powers, with whom we are engaged in controversy, with arguments against us, to expose to them our weakness, to

originate and dress up new claims, which those powers have never conceived of—To gratify our enemies by treating our own government with contempt, and its constitution with ridicule, must be a strange kind of patriotism. If this is the buisness of men owing allegiance to their country, it is highly criminal. If it is by a few foreigners who have gained a residence in the country, as no doubt a greater part of it may be, it must be considered as a base misuse of the indulgence they derive from their situation. Under these circumstances, we must rely upon the intelligence and good understanding of the great body of American citizens. They know that men will differ in their opinions, on the principles, and the administration of governments, as much as they do in their statutes and countenances ; and that the exercise of a prudent candour is necessary, in relinquishing their own, and acquiescing in the opinion of a constitutional majority.

It is time that our eyes were opened, not only to our danger, but to our true interest—It is time that we had become one people ; without invidious distinctions, having no appropriate appellation, but that of American citizens. We may rely upon it that an elective government, can never destroy our nation, or overthrow our liberties. Yet we may be assured from the nature of things, as well as from ancient and modern history, that a want of union among ourselves, will inevitably involve us in slavery and ruin.

GENTLEMEN,

This is an important crisis in our national concerns. Our country, filled with enterprize and industry, delights in commerce; but lately adverse circumstances have opposed themselves to its accustomed success ; some of these I have already mentioned—There are others (among which may be numbered an unsubstantial and excessive medium) which have resulted from the economy of the particular States. The disastrous consequences flowing from these, are now, unfairly ascribed to the administration of the National Government. The design of this is apparent—but I am happy in being satisfied, that your proceedings and sentiments in this session, will be such, as shall convince our foreign and domestic enemies, that Massachusetts yet holds her very important rank in supporting the federal government on its own principles, as predicated on those of the revolution ; and that no circumstances, however perilous, or appearances however doubtful and gloomy, can cause this Commonwealth to shrink from a contest wherein the honour and independence of the United States are drawn into question.

JAMES SULLIVAN.

ANSWER OF THE HOUSE OF REPRESENTATIVES.

June 14, 1808.

May it please your Excellency,

ON few occasions have the Legislature convened, under circumstances, claiming more just solicitude, or more deep interest. Causes beyond our control, and events beyond our foresight have changed the aspect of the world, and annihilated relations, cemented by the force of ages. Accustomed to consider the wars of Europe, as competitions of private interest, or public pride, calculated to engage the passions of the contending parties, and inoperative beyond them, neutral powers have calmly watched the issue, and buried in their own bosoms, all fear and all affection. After a profuse expenditure of blood and of treasure, the exhausted combatants, have resumed their former stations, and ratified their peace, by treaties, founded on ancient rights, and ancient boundaries. Hence, though war has desolated its plains, with unusual frequency, Europe, until lately presented to the Philosopher and the Statesman, nearly the same political proportions, which almost two centuries since, were settled as the basis of its sovereignties. But times are changed, and we are changed with them. A new policy has stimulated the ambition, and a new system invigorated the spirit of conquest. Power has assumed the decision of right, and regulated its dominion by the success of intrigue, or the terror of violence. Laws hitherto deemed sacred and immutable, in the intercourse of nations, have been silently worn away by interpretation, or obliterated by royal proclamations and imperial decrees. The progress, from a case of exception, to a general precedent, and from a general precedent, to an unbending principle, has been uniformly accelerated by the success of arms, and the acquiescence of peaceful powers. Interest, and not reason, has promulgated the rule and the argument of its existence, as well as of its justice, has been boldly inferred from the policy of its adoption. A self conceived necessity, measured by the extent of force, has settled not merely the comity, but the rights of nations, and a coercion of the sword, has quickened a reluctant obedience.

Under this extraordinary pressure of events, a desire to avoid the calamities of war, and to enjoy the advantages of an honourable neutrality, has induced the United States to submit to many

infringements of their rights, and many irregular exercises of belligerent authority. Knowing, that in a struggle, if not for existence, at least for future safety, nations with most friendly intentions, are at times compelled to harsh conduct, we have borne without murmur, ordinary inconveniences. We love peace, because we have known the miseries of war. We love peace, because we have neither the wish nor the means to gratify the lust of conquest. We love peace, because we have felt its benefits. Our commerce, our agriculture, and our manufactures are nourished by it. We love peace, because it is essentially the character of a free, industrious, and frugal people, and comports with their permanent and truest interests. But there is a point beyond which forbearance becomes pusillanimity and destruction. If we submit, we must resign our national sovereignty; and if we resist, security must be purchased by heavy burthens. It is a choice of evils, which the wisest cannot avert, and the bravest cannot vanquish.

To this crisis, the United States seem rapidly hastening. The fate of other nations, should admonish us to use our means of defence with promptitude and zeal. We have learned a lesson which is every way important, that we can never safely rely upon the justice of nations, and that a recognition of our rights, depends upon our ability to enforce them. True policy therefore dictates, that for the future, whether in peace or in war, we should accumulate naval and military resources, not as the instrument of hostile aggression, but as the protection of national dignity. Some persons, at the present moment, are ready to attribute our embarrassments to the policy adopted by the general government; but the true causes are rooted in Europe. Though remote, we are not beyond the reach of its convulsive movements, and when kingdoms are shaken, or created by a word, in the strength of our own arms, and the fortitude of our own hearts, exists the sole pledge of our safety.

We adopt the conduct of your excellency in respect to our national government; and relying on their fidelity, and on their wisdom, we express no opinion, as to the principles to be maintained, or the measures to be pursued. We most cordially agree, that a generous confidence in our rulers, and an inviolate obedience to their authority, is necessary to ensure to us, domestic tranquillity and foreign respect. Errors may arise; but amidst all the collisions of opinions, the real patriot, should never forget, that no policy can be fatal, which maintains against all foreign influence, the rights and the honor of his country. A constitution-

al remedy lies, to correct errors ; but disunion and distrust which it will always be the interest of foreign nations to cherish among us, are the seeds of destruction, which we sow in our own bosoms, and from them can reap a harvest only of confusion or slavery. We should learn, if we have not already, bitterly learned, that there exists no nation, whose attachment to us, extends beyond its own particular interests ; that we should banish all undue partiality and animosity, that we should cultivate with all, an honest friendship, and preserve a jealous circumspection, according to the character and the conduct of their rulers. Among ourselves, we should bury all party distinctions as odious, and embrace the politician of every sect, whose path is illuminated by patriotism. Already have we deeply suffered from local disputes. Already have Europeans calculated upon our internal weakness, and measured its extent, by the opposition of our Councils. The hazard of insult and offence, has been materially lessened, by an apparent security from resentment. " It is indeed time that our eyes were opened, not only to our dangers but to our true interests.

We have yet a confidence, that without a compromise of national honor, peace may be preserved. A steady and sober policy, a just and conciliatory conduct, and a resolute and inflexible independence, will, we trust convince foreign powers, that we shall not take counsel of our fears, or of our passions. It cannot be their true interest, or ours, to promote hostilities. A liberal candor, may yet render a resort to the ultimate decision of arms, unnecessary. If however war should ensue, (which we most sincerely deprecate,) we may with sober confidence, appeal to Heaven, for the justice of our cause. In such an event, we are bold to affirm, that *Massachusetts*, will not shrink from its duty ; but with firm and honest zeal, awaken its revolutionary spirit, and support the national administration, with all its civil, and all its military resources.

We are happy to learn from your Excellency, the flourishing state of the militia of this Commonwealth. Their discipline, and correct organization, at all times important, is at the present moment, peculiarly interesting. To the other subjects communicated, we shall give an immediate attention as well from personal respect, as from their being recommended by the executive department. And we cannot conclude, without expressing to your Excellency, our unfeigned wish, that you may long be confirmed in your health and happiness, for the benefit of your friends, and of your country.

May it please your Excellency,

THE Senate consider your recent communications to both branches of the Legislature very important, and highly evincive of your great attention to the general concerns of our country, and of the solicitude you feel for its safety and happiness.

A correct sense of the genius and spirit of our government, predicated on the principles of the revolution, confederated with others, and guaranteed republican, by a national constitution, as displayed in a former speech of your Excellency, ought, at this crisis, to produce for the common good, the confiding and united efforts of every friend to our country.

As from our courts of law, the whole community justly expect a prompt, cheap, easy and impartial administration of justice, the Senate will never withdraw their attention from the Judiciary, while it is deemed susceptible of any improvement.

Grand and Petit Juries forming a very important part of our Judicial system, too much deliberation cannot be bestowed on the means of rendering them more exalted and pure, and more independent of any improper influence. On their ability and fidelity the citizen and the public rely much for their rights and security.

In a free government, unnecessary exemptions from offices and duties so important, should be considered dishonourable.

We have been pleased in observing the countenance and encouragement which the Commander in Chief has bestowed on the Militia ; and at this important and portentous crisis of our national affairs, we have great consolation in finding their condition so highly respectable, and that there is an emulation, and ardent spirit for improvement generally prevailing among them. The promptness and zeal with which the President's late requisition was complied, by officers and soldiers, are honorable to this State, and the nation ; and may be considered as *prompt pledges* of what Americans are capable, when roused by a sense of danger and insults to their common country, and arrayed in its defence at the command of the law.

Any modification of our military system, which may be considered an improvement, and such arrangements as are suitable to be made by this Commonwealth for the defence of our country, shall have, as they justly merit, the pre-eminent attention of the Senate.

As the occurrences which have interrupted our political happiness and prosperity, and have imposed on our National Administration, studious to preserve peace with all nations, and on our government, distinguished for its moderation, pacific maxims and strict neutrality, the necessity of providing the means of repelling aggressions, do still continue to be subjects of national negotiation ; every honest and patriotic citizen will acknowledge that a confidence in our rulers, and a support of their measures, is essentially requisite to ensure public safety.

Mingled with the adverse appearance of our foreign relations and concerns, are many propitious circumstances productive of enjoyment and gratulation, for which we have great cause to be thankful.

When moral rights, a liberal policy, or the most obvious principles of common justice, shall be respected by belligerents, they will cease to blockade, by proclamations and words only, the commerce of neutral nations. However grievous and afflictive the Embargo may be judged, which at this moment arrests the customary progress and profits of our enterprising fellow citizens, yet it can be but trivial in the reflections of real patriotism, compared with the idea of a capture of *their* property, and of *our* seamen ; and of both being rendered subservient to the nefarious work of violating the peace and rights of our own people.

Under circumstances so critical, interesting and portentous as that statesmen of the deepest reflections, wisdom and experience, are able to select measures by reasoning on their probable, not certain results ; it becomes every citizen to acquiesce, with calmness and confidence, in the deliberations of the constituted authorities. In great public emergencies, the exercise of patience and firmness, and a compliance with governmental decisions, is doubly a duty. An obstinate, unyielding opposition, and a proneness to rash and indiscriminate censure, are licentious indulgencies in all free governments. Deeply impressed with a sense of the pernicious tendencies of such hostilities against our constituted authorities, our surprise is equalled only by our regrets, that any should be found among us wishing and endeavouring for the destruction of the national union, and the principles on which our national government is founded. The demerits of such proceedings can be exceeded only by the political depravity of the motives which may have influenced them. Such men, wherever born, or resident, cannot be American. There is, however, a comfort and satisfaction in believing that this is not their country. The few who are capable of aiding, with arguments, the powers in

controversy against us ; of originating and urging new claims in their favor, and of treating our government and constitution with ridicule and contempt, must indeed be foreigners and aliens—and strangers to the principles of an indulgent and forbearing nation.

The sacred right of reasoning and expressing our sentiments on subjects of a public concernment, is among the last a free people will ever yield ; but we agree with your Excellency in excluding from this constitutional right a license for wicked men to invite and encourage foreign powers to invade our liberties, or our country—or insidiously to plot a change of the nature of our government ; for the preservation of which, this right was established and rendered sacred. Such seditious and dangerous practices claim, and cannot fail of receiving from our courts of justice, the prompt and necessary animadversions of the law.

We believe with you, sir, that could individuals divest themselves of their political prejudices, and become indifferent to the invidious distinctions with which they have been characterized, so as coolly and faithfully to consult their true interest and duty, as citizens, and their consciences, as christians—our elective governments would long continue unimpaired, and our liberties be permanently secure : but that disunion, and its concomitant evils, may speedily produce the overthrow of both.

Whatever trials and conflicts may be in reserves for our nation; however appearances may become doubtful, gloomy and perilous, we confidently flatter ourselves, that Massachusetts will evince to the world her determination to be prepared for the worst events, and that she will never shrink from a necessary contest to maintain the honor and independence of the United States.

IN SENATE—January 26th, 1808.

Read and accepted, and Ordered that Mr. GANNETT, Mr. PERRY, and Mr. GRAY, be a Committee to present the same to his Excellency the Governor.

SAMUEL DANA, President.

RESOLVES.

LXIX.

Resolve for the delivery of the copies of the constitutions of this State, and the United States lately printed, and bound for the use of the Government. Jan. 9th, 1808.

Resolved. That the books containing copies of the constitutions of this Commonwealth, and of the United States, which have been printed for the use of this Government, be deposited in the Secretary's office. And the Secretary is hereby directed to deliver a sufficient number of said books, for the use of his Excellency the Governor, his Honor the Lieu. Governor, and the members of the honorable Council, for the time being, while in session. And the Secretary is further directed to deliver to the messenger of the General Court a sufficient number of said books, for the use of the members of the Senate, and House of Representatives, for the time being, while in session. The messenger to take care of the books last mentioned, during every recess of the Court.

LXX.

Resolve on the petition of Allen Crocker. Jan. 14th, 1808.

On the petition of Allen Crocker, praying for reasons set forth in said petition, that the Treasurer may be directed to fund, agreeable to a law of this Commonwealth, one moiety of two notes now in his possession for Thirty seven hundred and twenty dollars, given to the heirs of the late James Otis, Esq. by a special resolve of the 8th June, 1792.

Resolved, That the Treasurer of this Commonwealth, be and he hereby is directed to receive of the said Allen Crocker, the two notes in his possession, and pay thirty six per cent, of the principle with interest, to the first of January 1808, and issue to said Crocker a new note for the balance, bearing an interest of five per cent, per annum.

LXXI.

Resolve for paying Thomas Wallcut, Sixty Dollars.

Jan. 14th, 1808.

Resolved, That sixty dollars be allowed and paid out of the public treasury to Thomas Wallcut, in full for writing done for the House of Representatives in the recess of the Legislature, according to his account herewith exhibited.

LXXII.

Resolve for the pay of the Members of the Council and Legislature. Jan. 14th, 1808.

Resolved, That there be allowed and paid out of the treasury of this Commonwealth to each of the Members of the Council, senate, and House of Representatives, two dollars per day, for each day's attendance the present session, and the like sum for every ten miles travel from their respective places of abode, to the place of the sessions of the Legislature. *And be it further resolved*, That there be paid to the President of the Senate, and the Speaker of the House of Representatives, each, two dollars per day for each, and every day's attendance, over and above their pay as members.

LXXIII.

Resolve authorizing, Sarah Oliver, of Salem to sell and convey estate of certain Minors. Jan. 14th, 1808.

Upon the petition of Sarah Oliver, of Salem, in the County of Essex, widow, mother, and guardian of Daniel Oliver, Benjamin Lynde Oliver, jun. Sally P. Oliver, and Elizabeth D. B. Oliver, minors, stating that the said minors, as heirs of their Grandfather, Andrew Oliver, Esq. are entitled to one undivided twentieth part each, of and in certain parcels of land tenements, and hereditaments, whereof the said Andrew Oliver was legally seized in his life time, and afterwards disseized, and praying that she may be authorized to sell, release, and convey all the right and title of said Minors, in and to said lands, tenements, and hereditaments, unto the tenants thereof.

Resolved for reasons set forth in said petition, That the said Sarah Oliver, guardian as aforesaid, be, and hereby is authorized to sell, release and convey, for such consideration or considera-

tions, as she may deem meet, at private sale, all the right, title and interest of said Minors, in and to the lands tenements and hereditaments, whereof the said Andrew Oliver was seized in his life time, and afterwards died disseized as aforesaid, unto the tenant or tenants thereof respectively, or to any person or persons now in possession thereof, claiming title thereto since, and to make, and execute and acknowledge any deed or deeds in this behalf, proper or necessary; *Provided however*, that the said Sarah Oliver shall before such sale or sales, give bond with sufficient surety or sureties to the Judge of Probate of the said County of Essex to account for the proceeds of such sale or sales according to law.

LXXIV.

Resolve appointing a Committee to adjust the Treasurer's accounts. Jan. 20th, 1808.

Resolved, That the Hon. Mr. Titcomb, Mr. Harris, of Charlestown, and Mr. Heath, of Roxbury, be a Committee to examine and adjust the accounts of Thompson J. Skinner, Esq. Treasurer of this Commonwealth, from the time of his appointment to said office, to the thirtieth of June, one thousand eight hundred and seven, inclusively. And the said Committee are directed and empowered to deface all notes, and due bills, orders or other obligations, issued under the authority of this Commonwealth, by any Officer thereof, which have been redeemed by the Treasurer during the time aforesaid, and to report an account of their proceedings to the present General Court.

LXXV.

Resolve authorizing the Committee for procuring the printing of Colony Laws, to employ a Clerk, and to receive records &c. of the Secretary. Jan. 20th, 1808.

Resolved, That the Committee appointed by a resolve of the Legislature passed the nineteenth day of January, in the year of our Lord one thousand eight hundred and seven, to contract for the printing of the general laws of the late Colony and Province of Massachusetts Bay, be authorized to employ a Clerk to transcribe the same, or such parts thereof as they may judge expedient, and to allow such Clerk a suitable compensation therefor, and that the same Committee be authorized to receive from the Secretary of this Commonwealth, any records of such laws, in the

department of State, which said Committee may deem proper to effectuate the purposes of their Commission, and the said Secretary is hereby required to deliver the same to the said Committee accordingly, the said Committee giving a receipt to the Secretary therefor, to be accountable for the same records; and to return them when no longer necessary for the use of said Committee.

LXXVI.

Resolve directing the Secretary to have reprinted the laws of the three last sessions of the General Court, so that the pages be numbered in regular progression to five hundred, or as near that number as may be to complete a session. Jan. 20th, 1808.

Whereas the Laws of this Commonwealth, passed at the three last sessions of the Legislature have been by mistake printed with a distinct and several paging, and not with a paging ascending in a arithmetical series, as has been always before the same sessions practised:

Resolved, That the laws so passed, at said three last sessions, be reprinted by the printer of the Commonwealth, under the direction of the Secretary thereof, in one pamphlet, of the same size of the Octavo volumes of the General Laws and to be well sewed and covered with blue paper, pasted. And that the paging be continued from the first page thereof, through the said pamphlet, in an ascending arithmetical series; and that hereafter all the Laws passed at each session of the Legislature, shall be paged in a continually ascending arithmetical series, until the number of pages shall amount to five hundred, or as near as may be thereto, regard being had to the printing of all the laws passed in the same session, in the same series, and when so often as the number of pages shall amount to five hundred regard being had as aforesaid, the same shall be considered as constituting a volume; and a proper title page, and a large copious analytical index to such volume, shall, at the expense of the Commonwealth, be prepared by the Secretary of the Commonwealth, or under his direction, and shall be annexed to and printed with the last number of laws constituting such volume, and such index shall conform, as near as may be, to the plan of the index annexed to the volumes of laws published pursuant to a resolve, passed the twenty-eighth day of February in the year of our Lord one thousand seven hundred and ninety-nine. And for the more easy citation of the laws of the General Court, *Be it further resolved*, That all the acts pas-

sed by the same Legislature, between the General Election of any one year, and the next succeeding General Election, shall be deemed Chapters, and numbered in a series arithmetically progressing from the first to the last act, so passed by the same Legislature. *And be it further resolved*, That hereafter all resolves of the Legislature, passed at any sessions thereof, shall be printed and indexed in the same manner. And further the Secretary aforesaid shall cause a temporary index to be annexed to the laws and resolves passed at every sessions of the Legislature, until the same shall constitute a volume as aforesaid.

LXXVII.

Resolve granting Charles Turner four hundred and eighty-six dollars and fifty cents. Jan. 21st. 1808.

The Committee of both Houses appointed to examine the account of Charles Turner, jun. Esq. Agent to explore and mark out a route from Penobscot river, to the eastern line of the Commonwealth, ask leave to report, that upon the examination of the said Turner's account, the expense attending said survey, amounts to nine hundred and eighty-six dollars, and fifty cents, of which sum he has received five hundred dollars, by virtue of a resolve passed the 20th. of June, 1807, leaving a balance due to said Turner of four hundred and eighty-six dollars and fifty cents.

Therefore resolved, That the Governor, with the advice of the Council be requested to draw his warrant on the Treasurer in favour of said Turner, for the sum of four hundred and eighty-six dollars and fifty cents to be in full for said account.

Be it further resolved, That the plan of said road, exhibited by said Agent, be deposited in the land office of this Commonwealth.

LXXVIII.

Resolve granting half a Township of land to the town of Gloucester, they to make a harbour at the northeastern part of said town. Jan. 22d. 1808.

Whereas it has been represented to this Court that a convenient harbour may be conveniently made upon the northeastern part of the town of Gloucester, at the foot of Pigeon Hill (so called) by filling up a gap between a point of land, called the Piliions and the great leage at the mouth of Pigeon Cove, about twenty rods up

on a rocky foundation; and it appears that such a measure would be attended with public advantage.

Resolved, That for the purpose of filling up said gap, and making said harbour convenient, there is hereby granted to the said town of Gloucester, for the purpose aforesaid, one half a township of land, six miles square, to be laid out and assigned to them by the agents for the sale of eastern lands, out of any unappropriated lands in the district of Maine, with usual reservations and restrictions; excepting the ten townships of land on Penobscot river purchased of the Indians.

Provided however, that the avails of said land shall be laid out, and expended for the purposes aforesaid, under the direction of an agent, to be appointed by his Excellency the Governor.

And provided also, that the town of Gloucester shall cause the said half township to be surveyed and located, and a plan thereof returned into the Land Office, within the term of three years.

LXXIX.

Resolved directing the distribution of the laws passed at the first session of the ninth Congress. Jan. 26, 1808.

Resolved, That the copies of the Laws of the United States of the first session of the ninth Congress, be distributed in the following manner, by the Secretary, viz. To the clerk of each town or district, and to the assessors of each plantation within this Commonwealth, which pay a State tax, one copy for the use of such town, district, or plantation; to each county clerk of the Supreme Judicial Court, one copy; to each clerk of the Courts of Common Pleas and General Sessions of the peace one copy for the use of their respective Courts, within the several Counties; to each Judge of the Supreme Judicial Court, one copy; to the Sheriff of each county, and to the Judges of Probate in the several counties, one copy each; to the Attorney General, Solicitor General, Quarter Master General, and Adjutant General, one copy each, to the Register of Deeds, and to the Register of Probate for each County, one copy each, for the use of their respective Offices, and to each county Attorney, one copy; to each Major General one copy; to the University at Cambridge one copy; to Williamstown and Bowdoin Colleges, the American Academy of Arts and Sciences, and the Historical Society, one copy each; to his Excellency the Governor, his Honor the Lieut. Governor, each of the Members of the present

Honorable Council, to the President of the Senate, and the Speaker of the House of Representatives, and to each Member of the present General Court, one copy; to the Treasurer, the Secretary, Clerk of the Senate, and a Clerk of the House of Representatives, one copy each.

And be it further resolved, That upon the death, resignation, or removal from office of either of the said Clerks, of the aforesaid towns, or districts, or law courts, Judges of Probate, Sheriffs, Treasurer, or either of the assessors of Plantations, Attorney General, Solicitor General, Major Generals, Adjutant General and Quarter Master General, also either of the said Registers of Deeds, and county Attornies; he or his executors or administrators respectively, shall be held and obliged to deliver over the same to his successor in office, for the use of their several offices.

LXXX.

Resolve increasing the Pension of Samuel Grant. Jan. 27th 1808.

Resolved, That the Pension of Samuel Grant shall in future be seventy-five dollars annually, to commence on the first day of June last; and his Excellency the Governor, with the advice of Council, is requested to issue a warrant on the Treasury accordingly.

LXXXI.

Resolve granting Timothy Dix, jun. liberty to sell Lottery Ticket. etc. Jan. 30th, 1808.

Whereas from the petition of Timothy Dix, jun. and the maps and documents accompanying the same, it appears that a road to pass from Colebrook, on Connecticut river, through the northern notch (so called) of the White Hills, to the eastern markets; would make an actual saving of more than forty miles travel, that to make the same through said notch, a good carriage road, would be attended with more expense than could reasonably be required or expected from new settlers, or the proprietors of the lands.

That said road would prove of great public utility, particularly to that portion of the community, who are situated in the district of Mame. And whereas the Legislature of the State of New Hampshire from a consideration of these premises, did by an Act, passed June 18th, 1807, grant unto the said Timothy Dix, junior, leave to raise by a public lottery the sum of three thousand dollars; which act provides that the said Dix shall give

bonds with sufficient sureties in the sum of six thousand dollars, conditioned for expending said money upon, and making said road through the said notch to the acceptance of the Judges of the Court of Common Pleas, for the county of Coos. And further provides that the said Dix shall, before the appointment of the managers of said lottery, obtain leave to expose to sale tickets in said lottery, and to draw the same within this Commonwealth.

Therefore,

Resolved, That the said Timothy Dix, jun. have leave to expose to sale tickets in said lottery, and to draw the same in any town or place within this Commonwealth. *Provided*, that the said Dix shall give bonds in the sum of six thousand dollars to the Treasurer of this Commonwealth, conditioned for laying out said sum of three thousand dollars upon, and making said road through said notch, a good cart and waggon wheel road, to the acceptance of the said Judges of the Court of Common Pleas for the county of Coos. *Provided further*, that the managers of said lottery shall give bonds in the sum of six thousand dollars to the Treasurer of this Commonwealth, conditioned for making sale of no more tickets than is necessary for raising the said sum of three thousand dollars, exclusive of the expenses thereof, and for rendering an account to the General Court of this Commonwealth of all their doings, and of all charges by them made and allowed by the 18th day of June, Anno Domini, 1810.

LXXXII.

Resolve on the Petition of Thomas Ruggles and others, for a company of Cavalry in Columbia and Steuben. Jan. 30th, 1808.

Resolved, That his Excellency the Governor, with the advice of Council, be authorized and requested to raise by voluntary enlistment, a troop of cavalry in the towns of Columbia and Steuben, in the county of Washington, within the first Regiment, in the second brigade, and tenth division of the militia of this Commonwealth; *Provided*, the standing companies in said regiment are not reduced below the number required by law. And the said troop shall be subject to all such rules and restrictions as are or may be provided by law for governing the militia of this Commonwealth.

LXXXIII.

Resolve on the Petition of William Stoddard, Feb. 2d, 1808.

On the Petition of William Stoddard, praying that further time may be allowed to the creditors of Samuel Merrill, late of North Yarmouth, in the county of Cumberland, to bring in and prove their claims against said estate before the Commissioners who have been appointed thereon, for reasons set forth in said petition :

Resolved, that the Judge of Probate for the county of Cumberland be, and hereby is authorized and empowered to grant and allow a further time of one month, to commence on the first Tuesday of February next, to the creditors of the said Samuel Merrill, to bring and prove their claims against said estate before the Commissioners who have been appointed to receive and examine the same, though the time allowed by law has elapsed.

LXXXIV.

Resolve allowing the Quarter Master General five hundred and fifty dollars to defray the expenses of Penobscot Indians. February 2d, 1808.

Resolved, That there be paid to Amasa Davis, Esq. Quarter Master General, the sum of five hundred and fifty dollars, for the purpose of discharging all such necessary and reasonable expenses, as may have been or may be incurred by any of the Chiefs of the Penobscot tribe of Indians on a visit to the town of Boston, during the present session of the legislature, and also for the purpose of paying for any presents, which his Excellency the Governor may think proper to make to said Indians, he, said Quarter Master General to be accountable for the expenditure of the same; and that his Excellency the Governor with the advice of the Council, be requested to draw his warrant upon the Treasurer for the aforesaid sum of five hundred and fifty dollars accordingly.

LXXXV.

Resolve on the petition of Bartlett Holmes and others.

February 2, 1808.

Resolved, That his Excellency the Governor, with the advice of Council, be and he is hereby authorized and requested to raise by voluntary enlistment a Company of Artillery in the town of

Falmouth, in the county of Cumberland ; within the first regiment, in the second brigade, and sixth division of the militia of this Commonwealth. Provided the standing companies in the said town of Falmouth shall not be reduced below the number required by law ; and said company shall be subject to all such regulations and restrictions as are or may be provided by law for the government of the militia of this commonwealth.

LXXXVI.

Resolve on the petition of the Selectmen of New Bedford.
February 2, 1808.

Whereas the Selectmen of the town of New Bedford, in the county of Bristol, have petitioned the Legislature that the Treasurer of this Commonwealth, may be directed to stay an execution now in the hands of the Sheriff of Bristol, against Stephen Cunningham, for one thousand and eighty-six dollars, thirty-three cents, on the tax of the said town, for the year one thousand, eight hundred and six. Be it resolved for the reasons set forth in said petition that the Treasurer be, and he is hereby ordered to stay any further process on said execution for the term of one year from the passing of this resolve.

LXXXVII.

Resolve on the petition of the town of Newry.
February 3, 1808.

On the petition of the town of Newry, stating that on the seventeenth day of February in the year of our Lord, eighteen hundred and six, Josiah Russell one of the Selectmen of said town drew his warrant, directed to Ithiel Smith, jun. therein and thereby requiring him to notify and warn the freeholders and other inhabitants of said town, qualified to vote in town meetings to assemble on the fourth day of March in the year aforesaid, for the purpose of choosing town officers, &c. who duly served the same, and that said warrant at the time of the service of the same, was only signed by one of the Selectmen of said town, nor until the day previous to the meeting of the inhabitants of the said town, pursuant to said warrant, and praying that the doings and proceedings of said town may be ratified and confirmed, the neglect of the other Selectmen of said town in not seasonably signing said warrant, notwithstanding:

Resolved, That the doings and proceedings of said town of Newry, at said meeting, and all subsequent meetings of said town be ratified and confirmed, and be deemed and held good and valid in all respects, and in the same manner, as if said warrant at the time of the service had been signed by all or a majority of the Selectmen of said town.

LXXXVIII.

Resolve on the petition of Oliver and Seth Smith.
February 6, 1808.

Whereas Oliver Smith and Seth Smith, guardians of Ebenezer Marsh, have petitioned this Court, shewing that the said Marsh is seized in fee of two certain parcels of wood land, situate in Hadley, in the county of Hampshire, one parcel containing about sixteen acres, and bounded east and west by high ways, south by lands of Daniel Cook, and north by land of Perez Smith, and lying in the third division of inner commons there, the other parcel containing about three Acres, bounded east by an highway, North by lands of the heirs of Timothy Stockwell, west, by land of Eliphalet Marsh, and south by land of Perez Smith, and lying in the second Division of Inner Commons there, and that it would be greatly for the interest of their said ward that the same parcels of lands should be sold, and the full value thereof vested in meadow land for his use, and praying that they may be authorized to make sale of the said parcels of Land for that purpose.

It is therefore Resolved, That the said Oliver Smith and Seth Smith, guardians as aforesaid, be and they hereby are empowered to sell and convey in fee simple, by deed or deeds duly executed, acknowledged and recorded, the two parcels of land aforesaid, to such person or persons, as they shall think proper for the full value thereof, according to their best discretion, and to vest the proceeds of the said sale in meadow lands for the use of the said Ebenezer Marsh; the same to be by deed duly executed, acknowledged and recorded, conveyed to him, and his heirs in fee simple with the usual covenants of warranty.

Provided however, That before the sale of the said parcels of land, the said Oliver and Seth, shall give bond to the Judge of Probate for the county of Hampshire and his successors, in a reasonable penalty, by him to be named, with sufficient sureties by him to be approved; conditioned, that they act faithfully and im-

partially, and according to their best discretion, in the sale of the said parcels of land, and in vesting the proceed hereof in Meadow lands for the use of the said Ebenezer Marsh, to be holden by him and his heirs in fee simple as aforesaid.

LXXXIX.

Resolve granting Theodore Lincoln, Esq. one hundred and forty dollars. February 6th, 1808.

Resolved, That one hundred and forty dollars be granted and paid out of the public treasury of this Commonwealth to Theodore Lincoln, Esq. in full compensation for his services as agent to the Passamaquoddy tribe of Indians from the 27th of February 1806, to the 26th January 1808, according to his account herewith exhibited; and his Excellency the Governor with the advice of Council is requested to issue a warrant on the Treasury accordingly for the payment of the said sum of one hundred and forty dollars.

XC.

Resolutions proposed by Mr. Ripley. February 8th, 1808.

Whereas the pacific and impartial policy pursued by the Government of the United States in relation to the belligerent nations of Europe; appears at the present period to have no effect in exciting a fair and honest reciprocity in their conduct. And from the present aspect of our foreign relations, it being altogether uncertain how long the blessings of peace will continue to us; and as under circumstances of national exigency, an expression of approbating sentiments towards the national government, on the part of the individual States becomes not only proper and expedient but an important duty. Therefore be it

Resolved, That the legislature of Massachusetts views with the highest approbation the wise, dignified and energetic measures pursued by the Government of the United States in relation to the violation of our neutral rights: and more especially the outrageous attack on the American Frigate Chesapeake.

Resolved, That in the present state of our commercial relations, when the proclamations and decrees of the belligerents of Europe impede the progress of our mercantile pursuits in almost every part of the world, we consider the imposing of the Embargo, a wise, and highly expedient measure, and from

its impartial nature calculated to secure to us the blessings of peace.

Resolved, That in the convulsed state of the civilized world, when a war of exterminating aspect spreads its destructive consequences over nations remote from the scene of its immediate fury, and when the experience of former ages, affords no assistance in calculating its effects or duration, that we repose the highest confidence in the wisdom and patriotism of the national government, to arrest from us, if possible, the impending danger, or in the event of encountering it, to direct our energies with a spirit and decision becoming the rulers of a *free and Sovereign People*.

XCI.

Resolve on the petition of Benjamin Lincoln, Esq. directing the agents of Eastern lands to give a copy of a deed of certain land, and making such copy valid. February 10th, 1806.

Whereas Benjamin Lincoln, of Hingham in the county of Plymouth, Esq. by his petition to the Legislature at their present session, states that the original deed from the committee for the sale of eastern lands, dated the seventh day of March, in the year of our Lord seventeen hundred and eighty six, to him the late Thomas Russell, Esq. and the late Hon. John Lowell, now both deceased, their heirs and assigns of two townships of land in the County of Lincoln, but now within the County of Washington; being numbers one and two, has been casually lost, and has never been recorded either in said county of Lincoln or said County of Washington; and prays that the title acquired by him the said Benjamin, and his said associates by virtue of the deed aforesaid, may be confirmed to them, their heirs and assigns.—And whereas it appears that the facts set forth in the said petition are true, and it is reasonable that the prayer thereof should be granted.

Therefore resolved, That the title acquired by the deed aforesaid to the said townships be, and the same is hereby confirmed to the said Benjamin, Thomas and John: their heirs and assigns, upon the terms, conditions and provisos contained in the said deed; and that a copy from the record of said deed in the Land Office of this Commonwealth, certified as a true copy of the same, by the agents for the sale of eastern lands, shall, for all legal purposes, have the same force and effect as the said original deed might or could have, if produced.

XCII.

Resolve on the petition of Thomas Stimpson and others, for a company of Cavalry. February 12th, 1808.

On the petition of Thomas Stimpson and others praying for liberty to raise by voluntary enlistment a company of cavalry, in the fourth regiment, second brigade, and second division of the militia of this Commonwealth.

Resolved, That his Excellency the Governor, with the advice and consent of Council, be and he is hereby authorized and empowered to raise by voluntary enlistment a company of cavalry within said fourth regiment, second brigade, and second division of the militia of this Commonwealth. Provided the standing companies in said regiment, are not reduced thereby below the number prescribed by law. Said company of cavalry when raised, to be attached to the squadron of cavalry in said second brigade, and second division and subject to all such rules and regulations as are, or may be provided by law for governing the militia of this Commonwealth.

XCIII.

Resolve on the Petition of James Robinson for the extension of time for building Pond Street. February 13th, 1808.

Upon the petition of James Robinson, President of the Pond Street Corporation, praying in behalf of said Corporation, an allowance of further time to build and complete a street from the Boston side of Charles-river bridge to Hanover Street, across the Mill pond in Boston.

Resolved, That one year from the first day of January last, be and is hereby allowed to said Corporation to complete said street.—And that said street, or such part thereof as shall be made on or before the first day of January 1809, shall become a street and highway for the accommodation of the public.

XCIV.

Resolve on the Petition of Ebenezer Poor, jun. Feb. 16th, 1808.

On the petition of Ebenezer Poor, jun. and others praying for assistance in making a road through the tract belonging to this Commonwealth, adjoining the northeasterly part of East Andover, being a part of the road now opening from Canada, through the northern notch of the White Hills in the State of New-Hamp-

shire by Errol and East Andover to Hallowell and Portland.—
Resolved, That there be and hereby is granted to the said Ebenezer Poor, jun. his heirs or assigns, three thousand acres of land, to be laid out under the direction of the agents for the sale of Eastern lands, in one tract, in any of the land belonging to this Commonwealth, excepting the tract through which said road passes, and the ten townships purchased of the Indians, on Penobscot river. Provided that the said Ebenezer Poor, jun. shall within eighteen months from the passing of this resolve open and complete, or cause to be completed, a good and passable road for travellers, and teamsters, with their horses, teams and carriages, at least sixteen feet in width, with all the necessary causeways and bridges extending from East Andover to the northwesterly line of the tract aforesaid, in the most convenient direction to meet the aforesaid road leading by Errol and East Andover, to Hallowell and Portland; and the Justices of the Court of the General Sessions of the peace for the county of Oxford, or the major part of them are hereby directed to view and examine said road when completed, and if in their opinion the same is done according to the true intent and meaning of this resolve, they shall make a certificate thereof; and the committee for the sale of Eastern lands, or the major part of them, are hereby directed, upon the receipt of such certificate, to execute a deed to the said Ebenezer Poor, jun. his heirs or assigns of the tract aforesaid, in manner as above described.

XCV.

Resolve on dividing taxes between West Cambridge, Brighton, and Cambridge. Feb. 16th, 1808.

Whereas the town of West Cambridge, and the town of Brighton, at the last valuation, belonged to, and were a part of the town of Cambridge, and the same have since become separate towns by acts of the Legislature, and no provision is made in the acts of incorporation of said towns of West Cambridge and Brighton; what proportion of the tax of the town of Cambridge arising from the polls and estates of the inhabitants of the said towns of West Cambridge and Brighton, shall be placed to said town.

Therefore resolved, That the sum of one dollar and fifty-three cents be, and hereby is deducted from the valuation of the town of Cambridge and charged to the town of West Cambridge, as their proportion for taxation until a new State valuation be taken.

Be it further resolved, That the sum of one dollar and eight

cents, be and hereby is deducted from the valuation of the town of Cambridge, and charged to the town of Brighton, as their proportion for taxation, until a new State valuation be taken.

XCVI.

Resolve authorizing any attorney for the Commonwealth to discharge two executions against Hervey Prebles. Feb. 18, 1808.

Whereas Hervey Prebles, of Blanford in the county of Hampshire, has represented, by petition, that he is a prisoner in goal at Northampton, on two executions in favor of this Commonwealth, one for the sum of one hundred and twenty dollars, the other for sixty dollars, and the costs of scire facias; which sums have been paid by the sureties, on default upon his recognizances for the aforesaid sums, and that he is wholly unable to pay the same.

Therefore *resolved*, For reasons set forth in his petition, that any attorney for the Commonwealth, be, and he is hereby authorized to discharge said executions upon the payment of costs and prison charges.

XCVII.

*Resolve granting monies to Horatio G. Balsh for services as agent for this Commonwealth, and Indian affairs.
February 19th, 1808.*

Resolved, That there be allowed and paid out of the Treasury of this Commonwealth to Horatio G. Balsh, agent for the Penobscot tribe of Indians, and agent for the Commonwealth's lands, one hundred and sixty-five dollars and twenty-nine cents, in addition to the sum of one hundred and eight dollars now in the hands of said agent, in full for his services and expenses as agent, as aforesaid; and his Excellency the Governor, with the advice of Council is requested to issue his warrant on the Treasury accordingly.

And whereas by the said agent's report annexed to, and accompanying his account against this Commonwealth, there appears to be in the hands and possession of said agent, sundry notes belonging to this Commonwealth, taken by him the said agent as aforesaid, for the rent or lease of meadows, amounting to two hundred and ninety-two dollars, and eighty-eight cents.

Therefore be it resolved, That the notes as aforesaid taken by said agent for the rent of meadows, be collected and held by said agent, subject to the future disposition of the General Court.

XCVIII.

Resolve granting two hundred and forty-eight dollars, seventy-one cents, to Nathaniel Dummer and others, Commissioners to adjust a settlement with the Pejepscot proprietors and settlers on their lands. February 20th, 1808.

On the petition of Nathaniel Dummer, John Lord, and Ichabod Goodwin, commissioners, appointed by the Governor and Council, under a resolve of 1798, and one other resolve of 1801, to adjust a settlement between the Pejepscot proprietors, so called, and the settlers on the said proprietors' land in the District of Maine.

Resolved, That there be allowed and paid out of the Treasury of this Commonwealth to Nathaniel Dummer, John Lord, and Ichabod Goodwin, Esquires, the sum of two hundred and forty-eight dollars and seventy-one cents, being the balance in full for their services, in executing the duties of their trust under the aforesaid commission and resolves. And his Excellency the Governor with the advice of Council, is requested to issue his warrant for the said sum on the Treasury accordingly.

XCIX.

Resolve for loaning Ephraim Bruce, of Shrewsbury, eight hundred dollars. February 20th, 1808.

Resolved, For reasons in the petition set forth, that there be advanced and paid out of the Treasury of this Commonwealth on loan to the said Ephraim Bruce, the sum of eight hundred and ten dollars. And that his Excellency the Governor, with the advice of Council, be, and hereby is requested to draw his warrant on the Treasurer accordingly.

Provided, That the said Ephraim Bruce shall first give bond to the Treasurer of this Commonwealth in the sum of twelve hundred dollars, conditioned that he the said Ephraim Bruce shall repay the said sum of seven hundred and sixty dollars, with interest therefor, whenever he shall be thereunto required.

C.

Resolve discharging the Quarter Master General of money received, and making an appropriation for his department. February 20th, 1808.

Resolved, That Amasa Davis, Esq. Quarter Master General be, and he is hereby discharged from the sum of eleven thou-

sand and seventy-nine dollars and twenty-three cents, viz. five thousand dollars drawn on warrant, dated February 24th, 1807; five thousand five hundred dollars drawn on warrant, dated August 28th, 1807; and five hundred and seventy-nine dollars and twenty-three cents, received on account of the Commonwealth, from Samuel Brown, Esq. agent for the United States, for fifty thirteen inch shells.

Resolved, That one thousand eight hundred and eighty-four dollars and seventy-seven cents be paid to the said Amasa Davis, Esq. out of the Treasury of this Commonwealth, as the balance of his account with the Commonwealth, up to the first day of February, 1808, including his salary, office rent, and clerk hire, for one year, ending the 17th day of January, 1808.

And be it further resolved, That the sum of fifteen thousand dollars be paid to the said Quarter Master General from the Treasury of this Commonwealth, to meet the expenses of his department the ensuing year, for the application of which he is to be accountable; and that his Excellency the Governor be requested to issue his warrant on the Treasury for the amount, at such periods, and in such sums, as his Excellency with advice of Council may deem expedient for the public service.

CI.

Resolve on the Petition of Chester Smith, authorizing him as administrator to execute a deed to the inhabitants of West Springfield. February 20th, 1808.

On the petition of Charles Smith, administrator of the estate of Noadiah Smith, late of West Springfield, deceased, setting forth, that about ten years ago, the said deceased contracted with the Selectmen of said town for a certain piece of land, with an orchard on the same, lying near his dwelling house in said town; and in consideration thereof, the said deceased agreed to deed to the inhabitants of the said town a certain piece of land with a small house on the same, that the said deceased made out his deed to the said town, but did not execute it, and entered into the improvement of the first mentioned premises, and by order of the Selectmen, one Samuel Ward, a pauper, entered into the possession and improvement of the last mentioned premises, and praying that he may be authorized in his said capacity to make and execute a deed to the said town of the last mentioned premises, upon condition the Selectmen of said West Springfield, in

behalf of the inhabitants of said town, shall make and execute to the widow and heirs of said deceased a deed of the first mentioned premises.

Resolved, that the said Chester Smith be, and he hereby is authorized in his capacity of administrator, to make and execute a good and sufficient deed to the inhabitants of West Springfield of a certain piece of land with a small house on the same, lying in said West Springfield supposed to contain one and a half acres: bounded northwardly on a highway, west, south, and east on land owned by Jere Stebbins, Esq. *Provided*, The Selectmen of said West Springfield, for the time being, in behalf of the Inhabitants of said town; shall make and execute to the widow and heirs of said Noadiah Smith deceased, a good and sufficient deed of a certain piece of land mentioned in said petition, lying near the dwelling house of the said deceased, with an orchard on the same, estimated to contain about one and a half acres, bounded westerly on a highway, northwardly on land of Rev. Doctor Lathrop, eastwardly on land of Levi Brooks, and southwardly, partly on a highway; and the deed thus made by the said Chester Smith, shall be as good and valid as if it had been made by the deceased in his life time.

CII.

Resolve on the Petition of Nathan Kimball and others authorizing James Kimball to execute a deed to Asa, Uriah, and Daniel Gage. February 20, 1808.

On the petition of Nathan Kimball, Elijah Kimball, Uriah Gage, Daniel Carleton, and James Kimball, stating that in the life time of Asa Gage, late deceased, and on whose estate the said James Kimball is administrator, the said Asa together with the said Uriah Gage and Daniel Carlton received a deed of conveyance from the said Nathan Kimball, of certain real estate therein described under an agreement to dispose of the same, for the payment of the said Nathan's debts, and to return to him the said Nathan his heirs or assigns, the overplus, if any there should be, and further stating that the whole object of said agreement was not effected during the life of said Asa; and praying that the said James Kimball, administrator on the said Asa's estate, may be authorized to fulfil the same so far as it concerns the said Asa.

Resolved, That the prayer of said petition be granted, and that the said James Kimball, administrator on the said Asa Gage's es-

tate be and hereby is empowered together with the said Uriah Gage and Daniel Carlton to sell, and by deed or deeds duly executed, to convey all such parts of the real estate of the said Nathan as the said Nathan conveyed to the said Asa, Uriah and Daniel for the purposes aforesaid, as remained unsold at the time of Asa's decease, and to do and perform whatever the said Asa might or ought to do and perform in and about the premises were he now in full life.

CIII.

Resolve empowering James Prentiss of Boston to sell certain real estate. February 23, 1808.

On the petition of James Prentiss, of Boston in the County of Suffolk, Merchant, setting forth that he is guardian of Sally Gardner, Mary Ann L. Gardner, and Nathaniel Gardner, minor and heirs of Nathaniel Gardner deceased, and Helen Maria Mellen, and Sophia Ann Mellen minors, and heirs of Leonard Mellen deceased, and that said Minors are interested in certain lands situated in township number four, in the fifth range of townships lying between Kennebeck and Penobscot rivers.

Resolved, for the reasons set forth in said petition that he, the said Prentiss, be authorized, and he is hereby fully authorized and empowered to sell and dispose of all or any part of the lands aforesaid, or any of the interest of said minors therein at private sale or otherwise, in such manner, and on such terms as he shall judge most conducive to the interest of his said wards, and that his deed therefor duly executed, acknowledged and duly recorded, shall make to the grantee or grantees thereof, as good and perfect a title thereto as the said minors respectively have therein at the time of such grant, he the said Prentiss being at all times liable to account for the proceeds of such sale in the same manner, as he whold by law be liable to account for the sale of the personal estate of said Minor. *Provided nevertheless*, that the said Prentiss shall first give bonds to the Judge of Probate, for the County of Middlesex, and his successors in said office, for the use of said minors, in such sum and with such surety or sureties, as shall be satisfactory to said Judge, faithfully to account for the proceeds of the sales hereby authorized, as he would by law be liable to account for the sale of the personal property of said minors.

CIV.

Resolve discharging Thomas Andrews from five several executions.

February 23, 1808.

On the petition of Thomas Andrews, of Boston in the County of Suffolk, praying that the sum of five hundred and seventy-six dollars, due from him to this Commonwealth, by virtue of five several executions dated the seventh day of December in the year of our Lord, one thousand eight hundred and five, which executions issued on several judgments, rendered by the supreme judicial court holden at Boston, within the county of Suffolk, and for the counties of Suffolk and Nantucket on the third Tuesday of August in the year of our Lord one thousand eight hundred and four.

Resolved, That the whole of the aforesaid sum due by virtue of the five executions aforesaid, be and hereby are remitted to said Thomas Andrews; and that the Sheriff of the county of Suffolk be and he hereby is directed to discharge said Andrews from prison, provided he is there confined for no other cause than the five executions aforesaid.

CV.

Resolve allowing Thomas Gardner to choose a lot of land in lieu of twenty dollars gratuity. February 24th, 1808.

Resolved, For reasons set forth in said petition; that the said Thomas Gardner, have, and he hereby has liberty to choose a lot of two hundred acres of land, as laid out in the township of Marshall, and to receive a certificate of the same, in the same way and manner as he might have done, had he originally made his application for land. And the treasurer of this Commonwealth is hereby empowered and directed to erase the name of Thomas Gardner from a warrant now in his office in which the said Thomas is entitled to receive the sum of twenty dollars.

CVI.

Resolve, directing the Treasurer to subscribe ten certificates of six per cent stock of the United States &c, to the new loan.

February 24th. 1808.

Be it resolved, That the Treasurer of this Commonwealth, be, and he is hereby authorized and directed to subscribe the ten

certificates of six per cent stock of the United States, amounting to seventy-six thousand, six hundred, and eighteen dollars, seventy-four cents; and the certificate of three per cent stock for two thousand four hundred and sixty-eight dollars and ninety-five cents, which are the property of this Commonwealth and are transferable to the new loan, opened at the loan office of the United States for this State. And that he be, and he is hereby authorized and directed to receive the new six per cent stock proposed to be issued in lieu thereof.

CVII.

*Resolve granting a township of land to the town of Plymouth.
February 24, 1808.*

On the petition of the inhabitants of the town of Plymouth praying for further Legislative aid, for the security and preservation of their harbour; by repairing the beach mentioned in said petition.

Resolved, For reasons set forth in said petition that there is hereby granted to the said town of Plymouth, for the purpose aforesaid, a township of land six miles square to be laid out and assigned to them by the agents for the sale of eastern lands, out of any unappropriated lands in the District of Maine, with the usual reservations and restrictions, excepting the ten townships of land on Penobscot river purchased of the Indians. *Provided however*, that the said town of Plymouth shall within two years from the passing of this resolve, raise and appropriate four thousand five hundred dollars, in addition to the above grant, the whole to be applied, and laid out under the direction of William Davis, Nathaniel Goodwin, and Zacheus Bartlett, Esq's, the agents who were appointed by a resolve passed the fourth day of March, in the year of our Lord one thousand eight hundred and six. *Provided also*, that the said town of Plymouth shall cause the said township to be surveyed and located, and a plan thereof returned into the Land Office, within the term of three years.

CVIII.

Resolve on the petition of Elijah Baker and others appointing a Committee to ascertain the facts relative to their loss, by running the line between this State and New-York.

February 24th, 1808.

On the petition of Elijah Baker, and others setting forth

that by running of the line between this Commonwealth and the State of New-York, in the year 1787, certain parts of their farms situate in the towns of Egremont and Allford in the County of Berkshire, and Hillsdale in the State of New-York, and formerly residents in Egremont and Allford, and praying for compensation for the loss of said lands.

Resolved, That Simon Learned, Moses Hopkins and Azariah Eggleston, Esquires, be a Committee to repair to the aforesaid towns, at the expense of the petitioners to examine into the facts set forth in said petition, and report at the first sessions of the next General Court.

CIX.

Resolve authorizing Jonathan Harris to execute a release of the right of his wards to a house in Cornhill, in Boston, &c.

February 25th, 1808.

Whereas it appears to this Court, by the petition of Jonathan Harris, James Green, Thomas Millar, and Benjamin Goodwin, and the documents accompanying the same, that Richard Devens, late of Charlestown in the county of Middlesex, Esquire, deceased, in and by his last will and testament, devised certain real estate which he owned in Centre wharf, so called, in Boston, one half thereof to his daughter Mary Harris, and the other half thereof to the children of his late daughter Rachel Green, but that after making said will, said testator conveyed most of his estate in said wharf to the Broad street Association in the town of Boston, and in lieu thereof became interested in the capital stock and property of said corporation, to the amount of one seventh of one twentieth of the whole. That said testator always afterwards considered the said property last mentioned as a substitute for his said estate in Centre wharf, and supposed that the same would pass to said devisees as such by force of said will, but it is doubted whether the same can so pass. And whereas it further appears as aforesaid, that the said testator in and by his said will did also devise to the heirs of his late son David Devens, one half of a certain house in Cornhill in Boston; and in the same clause of said will, did further declare that he held a deed from his said son of the other half of said house, but that it was given on a particular occasion, and through neglect the same was not deeded back again to his said son; and therefore that the whole of said house was to be the property of the heirs of his said son at the said testator's decease; and doubts are entertained whether the whole

of said house, with the appurtenances passes to the heirs of his said son by said lease. And further, that in and by the residuary clause in said will, the said testator gave and bequeathed all the residue and remainder of his estates, real and personal, that he should leave otherwise undisposed of at his decease, to all his grand children that should then be living, to be equally divided between them. And that the said testator appointed the said Harris, Green, and Millar executors of his said will. And it further appears aforesaid, that said petitioners, and all the said grandchildren who are of full age, are satisfied that it was the intention of said testator that all his right in the capital stock or property of said Broadstreet Association, should pass by his said will to his said daughter Mary Harris, and the children of his said daughter Rachel Green. And that all his estate in the said house in Cornhill, with the appurtenances, should pass by said will to the children of his said son David. And that such of the said grandchildren as are of full age have accordingly executed the releases necessary on their part respectively to carry the said intentions into effect; and furthermore, that the said Jonathan Harris, James Green, and Benjamin Goodwin are guardians respectively of all the grandchildren of the said testator who are under age. That is to say that Jonathan Harris is guardian of Henry Harris, George Harris, Harriot Harris, Charlotte Harris, and Amelia Augusta Harris. And the said James Green is guardian of Abigail D. Green and Richard D. Green; and the said Benjamin Goodwin is guardian of Charles Devens. And the said petitioners therefore pray, that the said Jonathan Harris, James Green, and Benjamin Goodwin may be respectively authorized to make and execute good and sufficient releases to extinguish the rights or claims of their respective wards derived to them from said residuary clause, in and to the said capital stock or property of the said Broadstreet Association, and in the said house with the appurtenances in Cornhill in Boston, saving however to the said Abigail D. Green and Richard D. Green, together with their brother the said James Green, jun. the right to one moiety of said testator's interest in said capital stock or property of said Broadstreet Association, pursuant to said testator's intentions.

Therefore resolved, That the said Jonathan Harris be, and he hereby is authorized for, and on behalf of said wards, to make and execute to the heirs of the said David Devens, deceased a good and sufficient release and extinguishment of all the right and claim of his said wards in and to said house in Cornhill in Boston with

the appurtenances. And also to make and execute to the said Mary Harris, and to the children of the said Rachel Green deceased respectively, a good and sufficient release and extinguishment of equal halves, of all the right and claim of his said wards, in and to the capital stock, or property of the said Broadstreet association. And also that the said James Green, be and he hereby is authorized for, and on behalf of his said wards to make an execute to the heirs of the said David Devens deceased a good and sufficient release and extinguishment of all the right and claim of his said ward in and to the said House in Cornhill in Boston, with the appurtenances. And also to make and execute to the said Mary Harris, a good and sufficient release or extinguishment of one half of all the right and claim of his said wards, in and to the capital stock or property of said Broadstreet Association. And also that the said Benjamin Goodwin be, and he hereby is authorized for and on behalf of his said ward, to make and execute a good and sufficient release and extinguishment to the said Mary Harris, of one half of all the right and claim of his said ward, in and to the capital stock, or property of the said Broadstreet association, and to make, and to execute to the children of the said Rachel Green deceased, a good and sufficient release and extinguishment of the other half of his said ward's right or claim in and to the said capital stock or property of said Broadstreet association.—*Provided however*, That all and every of the said releases, shall only extend to release and extinguish such rights or claims of the said wards respectively, as are derived from, and by the said residuary clause in said will.

CX.

Resolve for paying fifty dollars to the Gentleman, who shall preach the Election Sermon. February 25, 1808.

Resolved, That the Gentleman who shall preach the Election Sermon on the last Wednesday of May next, shall be allowed and paid out of the Treasury of this Commonwealth the sum of fifty dollars.

CXI.

Resolve directing the Treasurer to credit Ballstown one hundred and seventeen dollars, and ninety cents, and issue his warrant against Jefferson for the same amount. Feb. 25, 1808.

Whereas the treasurer of this Commonwealth has issued his warrant against the town of Ballstown in the county of Lincoln, for two hundred and fourteen dollars, sixty six cents, it being the sum assessed to said town for the year 1807. And whereas a town by the name of Jefferson, lying within the former limits of the town of Ballstown, has been incorporated since passing the tax act, for 1807. And whereas the two towns have mutually agreed upon the sum each should be holden to pay of said tax, viz. the town of Jefferson, one hundred seventeen dollars ninety cents; the town of Ballstown ninety-six dollars, seventy-six cents.

Therefore resolved, That the treasurer of this Commonwealth pass to the credit of Ballstown the sum of one hundred and seventeen dollars, ninety cents, and issue his warrant for the same amount against the town of Jefferson.

CXII.

Resolve on loaning five hundred dollars to Nahum Wait and Alpheus Davis. February 25, 1808.

Upon the petition of Nahum Wait and Alpheus Davis, setting forth that one Daniel Murray, administrator with the will annexed of John Murray, Esq. at the district court holden at Boston in the District of Massachusetts, on the first day of June last recovered judgment against them for the possession of certain premises described in the writ of said Daniel, which had been heretofore conveyed in Mortgage to the said John deceased, unless they should pay to the said Daniel in his said capacity three hundred and forty seven dollars, and twenty cents, as in the same judgment is expressed, and further stating that they have heretofore paid into the treasury of this Commonwealth a certain sum in satisfaction of the original mortgage and praying for some relief in the premises.

Resolved for reasons in the same petition set forth, that there be advanced and paid out of the treasury of this Commonwealth, on loan, to the said Nahum Wait and Alpheus Davis, the sum of five hundred dollars. And that his Excellency the Governor, with the advice of Council, be and hereby is requested to draw his warrant on the treasury accordingly.

Provided, That the said Nahum Wait, and Alpheus Davis, shall first give bond to the treasurer of this Commonwealth in the sum of one thousand dollars, with sufficient surety, conditioned that they, the said Nahum and Alpheus, shall repay the said sum of five hundred dollars, with the interest thereof whenever they shall be thereunto required.

CXIII.

Resolve granting John Wells thirty dollars for apprehending Zadock Sherman. February 26, 1808.

On the petition of John Wells, praying for compensation for pursuing, apprehending and committing to goal Zadock Sherman.

Resolved, For reasons set forth in said petition that there be paid out of the treasury of this Commonwealth to said John Wells, thirty dollars; and that his Excellency the Governor be, by and with the advice of the Council requested to issue his warrant accordingly.

CXIV.

Resolve on the petition of George Ulmer and others, granting one quarter of a township to the proprietors of Duck trap Bridge. February 26, 1808.

On the petition of George Ulmer and others, proprietors of Duck trap Bridge, praying for legislative aid to enable them to rebuild said bridge.

Resolved, For reasons set forth in said petition that there is hereby granted to said proprietors for the purpose aforesaid, one quarter of a township of land, of the contents of six miles square, out of any of the unappropriated lands in the District of Maine, excepting the ten townships lately purchased of the Penobscot Indians, to be laid out under the directions of the agents for the sale of Eastern lands, who are hereby authorized and directed to give a good and sufficient deed of the same, subject to the usual reservations and conditions of settlement.

Resolve on the Petition of Caleb Gannett and John Mellen, authorizing them to make roads through lots of certain minors. February 26th, 1808.

On the petition of Caleb Gannett and John Mellen guardians of their respective children, after named, viz. Caleb Gannett,

guardian of Thomas Brattle Gannett, and Elizabeth Latham Gannett, and John Mellen guardian of Catharine Saltonstall Mellen, and John Wendell Mellen; praying that they may be authorized to lay out such, and so many roads through certain lots of lands in Cambridge, in the county of Middlesex, as in the judgment of said guardians, and of the other proprietors of said lots will enhance the value of the same.

Resolved, That said Caleb Gannett and John Mellen be, and they hereby are authorized to unite with the other proprietors of said lots, in laying out and making roads through said lots, in the same manner that said minors could have done were they of the full age of twenty-one years.

CXVII.

Resolve empowering Lemuel Winslow, to vest a sum of money in real estate, for the use of Lemuel Sherman. Feb. 26th, 1808.

On the petition of Lemuel Winslow, guardian of Lemuel Sherman, of Rochester in the county of Plymouth, a non compos.

Resolved, That the prayer of the petition be granted, and that the said Lemuel Winslow be authorized and empowered, and he is hereby authorized and empowered to vest a sum of money the property of the said Sherman, now in the hands of said guardian, in real estate, in the name and for the use of the said Lemuel Sherman under the care and direction of the Selectmen of the town of Rochester. And the Judge of Probate for the county of Plymouth be, and he is hereby authorized on being satisfied that the said Lemuel Winslow has complied with the object, and intention of this resolve; to allow and pass to the credit of the said Lemuel Winslow in the accounts of his guardianship of the estate of the said Lemuel Sherman such sum as he shall expend in the purchase of real estate according to this resolve.

CXVIII.

Resolve on the petition of Joseph Wales authorizing the Judge of Probate of Worcester, to appoint agents to settle estate of Abijah Willard deceased. February 26th, 1808.

On the petition of Joseph Wales, praying for leave to sell the remaining part of the estate of Abijah Willard, late of Lancaster, deceased, an absentee, being that part of said estate which was set off to the widow of said deceased, for her right of Dower, during her natural life, and she being also now deceased.

Resolved, That the Judge of Probate for the county of Worcester be, and he is hereby authorized to appoint some suitable person, other than the above-named petitioner, to settle said estate, such person so appointed, giving security for observing and conforming to the rules and regulations of the law in settling insolvent estates.

CXIX.

Resolve on the petition of Samuel Freeman, Esq. Judge of Probate for Cumberland county, authorizing the Court of Sessions to make him allowance. February 26th, 1808.

On the petition of Samuel Freeman, Esq. Judge of Probate for the county of Cumberland stating that his present allowance is not an adequate compensation for his services; and it appearing that the same is insufficient:

Therefore resolved, That the Court of Sessions for said county be and hereby are authorized and empowered to make the Judge of Probate for said county for the time being, such allowance for his services in addition to the fees that are or may be established by law as they may judge reasonable and just, to be paid out of the treasury of said county.

Provided however, That such allowance together with such fees, shall not exceed the sum of three hundred dollars per annum.

CXX.

Resolve on the Petition of Thomas Powers. Feb. 27th, 1808.

On the petition of Thomas Powers, praying that the time for receiving and allowing claims on the estate of James Sloan, late of Greenwich in the county of Hampshire, represented insolvent, may be extended.

Resolved, For reasons set forth in said petition, that the Judge of Probate for the county of Hampshire be, and he hereby is authorized to extend the commission of insolvency on the estate of said James Sloan, so as to allow the commissioners therein named a further time of ninety days from the passing of this resolve, to receive, examine, and allow any further claims to said estate, which to them may appear reasonable and just, they giving notice of the time and place of their sitting, by advertizing the same three weeks previous thereto, in the Hampshire Gazette, printed at Northampton, in said county of Hampshire: *Provided however*, that the whole expense arising under this resolve, be borne by such creditors as shall prove new claims, in proportion to their respective claims.

CXX.

The Committee appointed to explore and survey a rout for a water communication from the harbour of Boston, through the towns of Weymouth, Abington, Bridgewater, Raynham, by Taunton river, Narraganset bay, to Long-Island Sound, beg leave to

REPORT—

That they commenced the survey at high water mark, Weymouth Fore River Landing, and passed over the most suitable land for making a water communication through the towns described in their commission, taking the course, distance, and difference of level at every station. The distance on this rout from the commencement of the survey, to the tide water at Williams's landing place, Taunton river, is twenty-six miles; the highest land they passed over, is at Howard's meadow, in Bridgewater, which is an hundred and thirty-two feet, ten inches and four tenths above the tide waters. This height we should have considered as an insurmountable impediment, and have abandoned any further survey, but from the elevated situation of the ponds in its vicinity, viz. Weymouth Great Pond is about four miles from the Landing place, the height of which is an hundred and forty-seven feet, five inches and four tenths above the tide water, and fourteen feet seven inches above the highest land on this rout. The surface of this pond contains five hundred and seven acres, sixteen rods; its depth varies from ten to eighteen feet. The overflowing of this pond formerly was in two directions, one running to the south into Taunton river, the other north into Weymouth river, but the late improvements for the erection of mills on the northern outlet, has so lowered the pond, that the water now passes through this outlet only, on which stream there are five mills, which in some years, as in the last, were kept constantly in use during the dryest seasons. The banks of this pond are well calculated to raise its waters at a very small expense. Cramberry Pond is situate in Braintree, about four miles from the summit height in Howard's meadow, which is well calculated for a reservoir, being surrounded with high land on every part, excepting one natural outlet at the northerly end, of fifty feet in breadth, across which there is the remains of an ancient mill-dam, which might be easily rebuilt, and raised eight or ten feet; its surface is an hundred and sixty feet, nine inches and six tenths higher than the tide water, making it twenty-seven feet, eleven inches and two tenths above the summit height; there is also a stream which empties itself rapidly into this pond at the

southerly end. The communication of Weymouth Great Pond with the summit height, must unavoidably pass by the outlet of Cramberry Pond, by which it can be connected, or not, as occasion may require. This communication will intersect several small streams which would serve as auxiliaries to supply any loss of water in its passing from the ponds to the summit level. There are also several streams at the west of the summit, which, if requisite, might easily be led as feeders for the Canal at the upper level; the most noted of them are, one from the Bear Swamp, the other from Curtis's Pool. Of the Ponds adjacent, there are two in Braintree, one called the Great, the other the Little Pond. The Great Pond is situated about five miles from the summit height, and is an hundred and nine feet, five inches and two tenths above tide water; this can be conveyed to the third level if needed, on the northerly part of the Canal. The largest pond on this rout is situated partly in Bridgewater, and partly in Raynham, called Nippimicket Pond, is reputed to contain about a thousand acres; its surface is forty-nine feet, one inch and four tenths above the tide water. This pond alone is sufficient to supply the whole of the Canal below its level on the southerly part of it, till it meets Taunton river at Williams's landing; from whence the river is navigable to Narraganset bay, and Long-Island Sound. We passed also (on this rout) by Furnace and Forge Ponds, which could easily be conveyed to the Canal, if an additional supply is wanted in the lower levels.

We observed throughout this survey, that the streams generally inclined towards the east, and the land appearing more favourable for a Canal, induced us to survey a more eastern rout, commencing at Weymouth Back Landing and passing through the towns described in our commission, as far as Titicut Bridge, which is over the principal branch of Taunton river, the distance about twenty-three and one fourth miles, noting in the same manner the course, distance, and level of each station, as in our former rout, both of which are described on the Plan. The summit height on this rout is at Curtis's meadow, where, as on the other rout, the waters divide itself, and take different directions, one part running southerly towards Taunton river, the other northerly to Weymouth river; its height an hundred and thirty-one feet ten inches above tide water. The Weymouth Great Pond can be led to this summit with much less expense, than to the summit of the former rout, the distance is about three and an half miles, and is fifteen feet, seven inches and four tenths lower than the Pond. Cramberry Pond can also be led into it, if more water is needed. The first pond we pass on this rout,

is Whitman's Pond, in Weymouth, about three quarters of a mile from Back River Landing; and is fifty-four feet, ten inches and nine tenths above tide water, and can be conducted to the fifth level. This Pond is sufficient to supply all the Locks below its level on the north part of the Canal. The next pond is called Burrill's Mill-Pond, which is ninety feet, two inches and five tenths above tide water; this will serve for a reservoir for the third level. On the north part of the Canal, in Abington, we pass by Nash's Mill-Pond, which is eighty-two feet, five inches and seven tenths above tide water, which will furnish water for the fourth level; this rout can be fed with many small streams which we intersect, as also some small rivers. After crossing John's river in Bridgewater, which leads into Taunton river in a very circuitous rout, and bordered with swamps, we avoided following the course of the river, and crossing over the high lands, we intersect the same water at Titicut Bridge, where we finished this survey.

In both those routs more favorable ground for a Canal might be selected, than is represented on the Plan. Such a correct survey would require much time, and consequently create great expense. Your committee, considering that the information of the practicability of such an object was all that the Honourable Court required of them. From the quantity of water which is above the summit height; we readily formed an opinion that a Canal might be made to connect Taunton great river with the harbour of Boston; but the calculation of the size and draught of water, we agreed to defer until the survey was completed, but by the dispensation of Providence in the death of Colonel Baldwin, your Committee, as well as the public, are deprived of the talents and abilities he possessed in this particular branch of his profession; we should have discontinued our survey, and made a particular Report of the progress made at the time of his decease. But considering that through the whole course of our survey, there were but few instances of a difference in opinion, and those not so material as to affect the principle.

As Canals wholly depend on an ample supply of water at their summit height, to enable us to form a more correct judgment, we took an accurate survey of the Weymouth Great Pond, from which we make the following calculation:

1st. That the surface of the Pond contains five hundred and seven acres and sixteen rods, equal to 22,089,276 square feet.

By raising the waters of the Pond three feet will give the command of five feet depth, making 110,446,380 cubic feet.

Admitting a canal to be built, sufficient to receive a vessel from seventy-five to an hundred tons burthen, drawing eight feet of water, such as the coasting vessels which trade between Boston and New-York—those employed in the Southern trade draw less water, being of the same burthen—the Locks in this case must be in length eighty feet, breadth twenty-two, depth ten—making for each Lock, 17,600 cubic feet.

At this upper level there will be a loss of 2 Locks of water for each vessel—35,200 cubic feet,

Supposing 12 passages each day—422,400 cubic feet.

For 8 months, or 244 days, is cubic feet 103,065,600

Leaving for waste by leakage, evaporation, &c. 7,380,780

110,446,380

Exclusive of Cramberry Pond, which at five feet deep, affords 6,534,000

With the above surplus, 7,380,780

Which allows one eighth part for loss, 13,914,780

Without considering the flow from springs, inlets and rains, this Pond is 13 feet 4 inches 2-10ths higher than Weymouth Pond.

The upper level on either rout may be reduced ten feet for one mile in length, in which the water will accumulate sufficient to supply any loss by exhalation, and not being so exposed to leakage, will at the same time be a saving of two Locks.

2d. The second level from the summit height, must receive its whole supply from the same source with the upper level, excepting some small streams it intersects, which may be used as feeders for this level.

3d. The third level, on the northerly part of the Canal, can receive aid from the Braintree Great Pond, which lies about eight feet higher than this level; its surface is equal to Weymouth Pond, and empties itself into Fore River; it will furnish water for all the Locks below this level.

4th. The seven upper Locks on the southerly part of the Canal must also receive their principal supply from the same source with the upper level. There are several streams at short distance from this part of the Canal, from which could be formed Reservoirs to supply any deficiency.

5th. The eighth level passes by the side of Nippinitick Pond, which is the largest Pond on either rout, and will afford all the water necessary for the Canal till it meets the tide water on Taunton Great River.

6th. On the Eastern rout, the highest grounds is at Curtis's Meadow, in Abington, which can receive its water from the same source as the other rout, with much more ease, as before stated. The seven upper levels on the northerly part of this Canal, must also receive its supply of water from Weymouth Great Pond.

7th. The eighth level passes by Whitman's Pond, which is before described, empties itself in Weymouth Black River, and contains water sufficient for all the Locks below it.

8th. The southerly part of this Canal, in addition to the water from the upper level, can receive a full supply from Blanchard's Nash's, Bicknell's, Hobart's, and the Furnace Ponds, till it meets the main branch of Taunton River, at Titicut Bridge, from whence to Taunton Landing, the distance of seven miles, the river navigation would be preferable, to continuing the Canal, if the bed of the river be lowered in some places.

The Locks and Levels described on the Plan, are of the equal height of ten feet each; the different situations and number of Locks cannot be ascertained with certainty, until the Canal is properly located. The survey was taken with the spirit level, without any deduction for the curvature of the earth.

There are many other large Ponds between the harbour of Boston and Taunton river, not being within the limits of the Resolve, were not included in the survey. On the west, in the towns of Canton, Stoughton, Sharon, Norton, &c. which perhaps might be connected with Neponset, (or Milton) river; and on the east, in Middleborough, Pembroke, Halifax, &c. which probably might better connect Taunton river with the North river, in Scituate harbour.

Many great advantages will be received by the towns through which this Canal passes, by a water communication, for the great quantity of timber, plank, &c. for ship-building, with which this part of the country abounds: The number of iron works will be accommodated, by an easy conveyance of the heavy articles of their different manufactories of their furnaces, forges, and slitting-mills, while the great object of facilitating the trade between this and the Southern States, is accomplished, by avoiding the great delay and danger in passing round Cape Cod, which causes the loss of many lives as well as property annually, added to the superior advantages of an inland communication by water between the capitals of New-York and Massachusetts, in a time of war.

Which is humbly submitted, by

WILLIAM TAYLOR, }
ELIPHALET LOUD, } *Committee.*

Boston, February 1, 1808.

Resolved The Committee to whom was referred "the report of a Committee appointed to explore and survey a rout for a water communication from the harbour of Boston through the towns of Weymouth, Abington, Bridgewater, Raynham, by Taunton river, Narraganset Bay, to Long-Island Sound"—Report,

That the Committee appear to have executed the duties of their commission, with great accuracy and fidelity, and that their Report and Plan contains much valuable information, and demonstrates the union of the Harbour and Sound to be practicable in the course surveyed.

Your Committee are destitute of the documents and information which would enable them to decide whether the proposed rout be the most eligible of any that may be discovered, and are not prepared to recommend the undertaking of this project at the public expense. They however indulge a hope, that the survey now made will invite the attention of the public, and of enterprising citizens to this useful employment; and for this purpose they recommend the following Resolve, which is submitted.

H. G. OTIS, *per order*.

Resolved, That the report of William Taylor and Eliphalet Loud, who were appointed by a Resolve of the General Court, in March 1806, "to explore and survey a rout for a water communication from the harbour of Boston to Long-Island Sound," be printed in the Independent Chronicle and Columbian Centinel, and all the other newspapers in which the Laws of the Commonwealth are published; and that said Report, and the Plan accompanying the same, be carefully preserved on the files of the General Court; and that the Committee who performed said service, present their accounts to the Committee of Accounts for allowance.

In Senate Feb. 18, 1808.

Read and passed, sent down for concurrence.

SAML. DANA, *President*.

In the House of Representatives, Feb. 22, 1808,

Read and concurred.

PEREZ MORTON, *Speaker*.

Feb. 28, 1808, Approved.

JAMES SULLIVAN,

True Copy—Attest, JONAS L. AUSTIN, *Sec'y*.

CXXI.

Resolve granting and confirming a tract of land to the town of Southwick. February 29th, 1808.

On the petition of the inhabitants of the town of Southwick, in the county of Hampshire, praying that a certain tract of land

on Sodom Mountain within the bounds of the said town of Southwick, which was originally granted to the proprietors of Westfield, and by them conveyed to said inhabitants, may be confirmed to said inhabitants.

Resolved, For reasons set forth in said petition, that a tract of land in the said town of Southwick, lying on Sodom Mountain, bounded west on Granville line, north on Westfield line, east partly on the fourth tier of lots, and partly on the road or highway, south on Connecticut line, be and hereby is granted and confirmed unto the said inhabitants of the town of Southwick and their assigns forever : *Provided however*, that nothing herein contained shall be construed to oblige this Commonwealth, in any way or manner, to make any compensation to said inhabitants for any defect of title to the same tract of land or any part thereof : *Provided also*, that nothing herein contained shall be so construed as to affect any former grant or grants of said land, or in any way to impair the lawful rights or claims of any person or persons to the same land or any part thereof.

CXXII.

*Resolve on the petition of Jonathan Bowman and Wife.
February 29th, 1808.*

Upon the petition of John Bowman and Hannah his wife in her right, praying that they may be authorized to sell certain real estate, devised to the said Hannah and her children, by the last will and testament of Jonathan Frye, late of Andover in the county of Essex, deceased.

Resolved, That the said John and Hannah be, and they are hereby fully authorized and empowered, to sell at public vendue, and pass deeds to convey any real estate devised to the said Hannah and her children, in and by the last will and testament of the said Jonathan Frye, deceased, and the same being duly acknowledged and registered, shall be good and valid in law to pass the same estate, *provided* they shall first advertise the time and place of the intended sale in the same manner, guardians having a licence therefor are obliged to do ; *and provided further*, That they shall first give bond to the Judge of Probate in the county of Essex, with sufficient sureties to be approved by him, conditioned that they shall render an account of the proceeds of the said sale, in the Probate Office in like manner as guardians by law are required to do, and also account for the same, to their said children, or appropriate the same for their benefit, as the

said Judge shall order and decree, in the same proportions as they are entitled to have, and hold the said real estate by force of the said will, and in all other things conform to the regulations of law relating to the sale of real estate by guardians.

CXXIII.

Resolve allowing the accounts of the Trustees of the Grafton Indians. February 29th, 1808.

Whereas it appears by examining the accounts presented by the trustees of the Grafton Indians from January 12th, 1804, to the 8th September 1807, that the articles are reasonably charged, and the sums well vouched, and right cast, and that there is a balance remaining in his hands in favour of said Indians, the sum of two thousand two hundred and fifty-three dollars, and eighteen cents, and five mills. *Resolved*, That the said accounts be accepted and allowed, and that the said Trustee stands charged with the said sum of two thousand, two hundred and and fifty-three dollars, and eighteen cents, and five mills, for which he is to account hereafter.

CXXIV.

Resolve on the petition of William Tudor. March 1st, 1808.

On the petition of William Tudor, Esq. and for the reasons therein set forth.

Resolved, That the said William Tudor, Esq. be and he hereby is allowed the term of twelve months to pay and satisfy an execution, now in the hands of the Sheriff of the county of Suffolk, issued on a judgment rendered at the Supreme Judicial Court in the county of Suffolk, against the said William Tudor, John Peck, and William Whetmore, Esq. *Provided*, The said William Tudor, shall on or before the return day of said execution, give security to the Treasurer of the Commonwealth to satisfy said judgment, and the interest which may arise thereon within the time aforesaid, and the said Sheriff is hereby directed to return the said execution in no part satisfied.

CXXV.

Resolve on the Petition of Elisha Hutchinson. March 1st, 1808.

On the petition of Elisha Hutchinson of Birmingham in the county of Warwick in the United Kingdom of Great Britain,

and Ireland, guardian of John Hutchinson, a minor, and son of said Elisha Hutchinson, praying by his attorney George Watson Brimmer, of Boston, in the county of Suffolk, and Commonwealth aforesaid, merchant, for leave to sell and convey certain real estate of said John Hutchinson.

Resolved, That George Watson Brimmer, above named, be and he hereby is authorized to sell at public auction, or at private sale, and execute a sufficient deed or deeds to convey all the real estate situated in this Commonwealth, to which said John Hutchinson, is entitled, or of which he is seized as an heir to Mary Hutchinson, deceased, late the wife of the said Elisha Hutchinson and mother of the said John Hutchinson, *Provided*, that said George Watson Brimmer, shall first give bonds to the Judge of Probate for the county of Suffolk, for the time being and his successors in said office with sufficient surety or sureties, that he will apply the proceeds of such sales to the use of said minor, and account for the same to said minor.

CXXVI.

Resolve allowing to Daniel Jackson, Esq. the sum of twelve hundred and twelve dollars, seventy-two cents. March 1st, 1808.

The Committee of both Houses to whom was referred the annual account of Daniel Jackson, Esq. Superintendent of the State's Prison, ending the first day of December last, have attended that service by examining the said account as transmitted by his Excellency the Governor, amounting to eighteen thousand two hundred and twenty dollars and ninety-four cents; which they believe to be correct; and finding a balance due to said Jackson on said account, of twelve hundred and twelve dollars and seventy-two cents, they beg leave to propose the following resolve, all which is submitted.

NATHAN WILLIS, *per order.*

Resolved, That there be allowed and paid out of the Treasury of this Commonwealth to Daniel Jackson, Esq. Superintendent of the State's Prison the sum of twelve hundred and twelve dollars, and seventy-two cents, as the balance of his account up to the first day of December, eighteen hundred and seven, and his Excellency the Governor, by and with the advice of Council, is hereby authorized to issue his warrant accordingly.

CXXVII.

Resolve on the petition of Joseph Stone. March 1st, 1808.

On the petition of Joseph Stone of Harvard, in the county of Worcester, setting forth that an execution had issued against him on his bond of recognizance at the supreme court at Worcester, for the appearance of one Isaiah Parker, for the sum of five hundred dollars, praying that the execution be stayed, to enable him to raise the money from the property left in his hands by said Parker.—*Therefore resolved*, That execution be stayed for the term of nine months, *provided*, that such security be given to the Sheriff as he shall deem sufficient to ensure the payment at that time.

CXXVIII.

Resolve on the petition of Thomas Noyes and Israel Hunting. March 2, 1808.

On the petition of Thomas Noyes and Israel Hunting praying that the heirs of William Fuller, Esq, late of Needham in the county of Norfolk deceased, may be authorized and empowered to convey by deed, a certain tract of land containing about eleven acres more or less, situate and being in that part of said town of Needham called the Hundreds.—*Resolved*, for reasons set forth in said petition, that the guardians of the minor heirs of the said William Fuller, be and hereby are authorized and empowered to join with the heirs of the said William Fuller, that are of age, in making and executing good and sufficient deed or deeds of said eleven acres of land to the said Thomas Noyes and Israel Hunting the petitioners.

CXXIX.

Resolve directing the Attorney General to stay proceedings against certain settlers in the District of Maine. March 2, 1808.

Whereas by a resolve of the General Court passed the third day of March, 1806, the Attorney General was directed to eject certain settlers in the counties of Hancock and Washington, who shall fail of completing the payment for the lots on which they had settled respectively, on or before the third day of March 1807, and whereas it appears that the said payments are not yet fully completed.—*Therefore resolved*, That the said Attorney General be directed to stay his proceedings relative to the same

for the further term of twelve months, from the passing of this resolve. And the Agents for the sale of Eastern Lands are directed in the mean time to receive any monies which the said settlers may pay, and to make out the deeds of their respective Lots, in the usual manner, any thing in the said resolve of March third, 1806, to the contrary notwithstanding.

CXXX.

Resolve to present the Chaplain with the Laws and Maps.
March 2, 1808.

Resolved, That the Secretary of the Commonwealth be and hereby is directed to present and deliver to the Rev. Mr. Baldwin the present Chaplain to both Houses, a set of the printed Laws of this Commonwealth.—A set of printed Journals.—And a set of Maps of this State.

CXXXI.

Resolve for further distribution of General Laws. March 2, 1808.

Resolved, That his Excellency the Governor, his Honor the Lieutenant Governor, and each member of the present honourable Council, and each member of the present Senate, and House of Representatives, be entitled to receive, one set of the last edition of the General Laws of this Commonwealth, who have not already each received a set of the same according to a resolve passed the thirty-first of January, one thousand eight hundred and seven. And the Secretary is hereby directed to deliver the same accordingly.

Be it further resolved, That one set of said General Laws, be, by the Secretary, delivered to each Register of Probate, and each Register of Deeds, for the use of their respective offices, and to each Clerk of the Courts of Sessions, for the use of their respective Courts, in the several Counties in this Commonwealth.

CXXXII.

Resolve on the petition of William Brewer and Isaac Davis.
March 2, 1808.

On the petition of William Brewer and Isaac Davis, administrators on the estate of Benjamin Davis, late of Brookline in the County of Norfolk, deceased, praying to be authorized to make and execute a deed to Artemas Stone of said Brookline of a

piece of land sold to him by the said Benjamin Davis, who died before any deed thereof was executed.

Resolved, for reasons set forth by the said petitioners, that the prayer of their petition be granted, and the said William Brewer and Isaac Davis be, and they are hereby authorized and empowered to make and execute a good and sufficient deed of the land sold by the said deceased to the said Artemas Stone, they first giving satisfactory bonds to the Judge of Probate, for the said County of Norfolk, conditioned that they will faithfully account under oath at the Probate Office for the monies received by them for the sale of said land.

CXXXIII.

Resolve on the petition of Mary O Neil, directing the Attorney General and Solicitor General to institute an inquest of Office, March 2, 1808.

Whereas Mary O Neil has petitioned the General Court, and made it appear that James O Neil, her husband, being an alien came with her and three children into the county of York, in this State, and there purchased a tract of land for a farm, and mortgaged the same for a part of the purchase money, and after living many years on the same, erecting buildings thereon, and bringing it to a state of valuable improvement, died, still an alien unnaturalized, leaving the said Mary with a family increased by three other children born within this Commonwealth; the mortgagee has obtained possession of the whole for a small sum of money compared with its value, and refuses redemption by the said Mary and her Children.—*Resolved*, That the Attorney and Solicitor General, or either of them be, and hereby are directed if on enquiry they think proper to institute an inquest of office, or such other legal process as they shall see fit, for the recovery of said land to the intent, that after paying to the said mortgagee, what shall appear to be equitably his due, and after defraying charges out of the same, the Commonwealth may do with the residue for the said Mary O Neil, and her children, as equity and humanity require.

CXXXIV.

Resolve instructing the Senators and Representatives of this State in Congress to endeavour to procure an amendment to the Constitution of the United States. March 2, 1808.

Resolved, That the Senators and Representatives, of this Commonwealth, in the Congress of the United States be, and they

hereby are requested to use their best endeavours to procure such an amendment to the Constitution of the United States, as will empower the President of the United States to remove from office any of the Judges of the Courts of the United States, upon an address to him made for that purpose, by a majority of the House of Representatives, and two thirds of the Senate in Congress assembled.

Resolved, That the Governor be, and he hereby is requested to transmit the foregoing resolution to each of the Senators and Representatives from this Commonwealth in the Congress of the United States, also to the Governor of the State of Vermont to be laid before the General Assembly of that State.

CXXXV.

Resolve authorizing the Governor to draw warrants on the Treasurer in favour of the Superintendent of the State's Prison.

March 2d, 1808.

Resolved, That his Excellency the Governor, by and with the consent of the Council, be, and he is hereby authorized to draw warrants upon the Treasurer of this Commonwealth in favour of the Superintendent of the State's Prison, for such sums and at such periods as he may deem expedient, not exceeding ten thousand dollars, to enable said Superintendent to perform his contracts, and defray the expenses of said prison for the present year, he to be accountable for the same.

CXXXVI.

Resolve on the Petition of John Allen. March 2, 1808.

On the petition of John Allen, praying that a further time may be allowed him for the payment of a certain note due from him to this Commonwealth for a tract of Eastern lands.

Resolved, For reasons set forth in said petition, that a further time of payment of one year from the expiration of the time of payment, in said note expressed, be and hereby is allowed to said John Allen, and that the Treasurer of the Commonwealth be, and is hereby required to govern himself accordingly.

CXXXVII.

Resolve on the Petition of the Overseers of Bowdoin College. March 3d, 1808.

On the petition of the Trustees and Overseers of Bowdoin College,

Resolved, That there be, and hereby is granted two townships of land, of the contents of six miles square each, to be laid out, and assigned from any of the unappropriated lands of this Commonwealth in the District of Maine, at the expense of the grantees, (except the ten townships on Penobscot river purchased of the Indians, and the township number four, in the second range of townships north of the Waldo patent) the same to be vested in the trustees of Bowdoin College and their successors forever, for the use, benefit, and purpose of supporting said College, said township to be laid out under the direction of the Commonwealth agents for the sale of Eastern lands, subject to the usual reservations and conditions of settlement.

CXXXVIII.

Resolve granting one hundred and forty dollars to Doctor John Thorn. March 5th, 1808.

On the petition of John Thorn,

Resolved, That forty dollars be granted and paid out of the public treasury to Doctor John Thorn, in full of his account of attendance and medicine in the cure of John Maxwell, who was wounded while doing military duty on the 5th day of May last.

CXXXIX.

Resolve on the Petition of Jonathan Young. March 5th, 1808.

On the petition of Jonathan Young, a pensioner, who lost an arm, while doing public military duty, and praying for further relief:

Resolved, That the said Jonathan Young shall be allowed fifty dollars annually from the first day of March, eighteen hundred and eight, in lieu of the pensions formerly granted to him; and the Governor, with advice of Council, is requested to draw his warrant from time to time on the treasury for the payment of the same accordingly.

CXL.

Resolve on the Petition of Hannah Chore. March 5th, 1808.

On the petition of Hannah Chore, one of the Natick Indians, and wife of John Chore, a Negro, praying that the guardian of said Indians may be empowered to sell land of said Hannah Chore.

Resolved, That the Honourable Jonathan Maynard, Esq. guardian of said Indians, be, and he hereby is authorized and empowered to sell at public vendue to the highest bidder, so much of said Hannah's real estate, and in such part as can be best spared, as will amount to sixty dollars, said guardian giving suitable notice of such sale, by publishing the same as is provided in the law for selling the estate of minors by guardians, and that the said guardian be empowered to make and execute a good and sufficient deed or deeds to the purchaser or purchasers, which shall be good and valid in law, said guardian to apply the money arising from such sale to discharging the debt expressed in said petition, and to be accountable as guardian of said Natick Indians.

CXLI.

Grant of five hundred dollars in full satisfaction of all demands of Robert Treat Paine, Esq. March 8th, 1808.

Resolved, That there be paid out of the public treasury of this Commonwealth to the Honourable Robert Treat Paine, Esq. the sum of five hundred dollars in full for his services in commencing and prosecuting the several libels for the forfeiture of absentees' estates, instituted by him, for all his services concerning said prosecutions, and for all other demands whatever, against the said Commonwealth.

CXLI.

Resolve granting Lemuel Parker a new trial. March 8, 1808.

On the petition of Lemuel Parker, praying for a new trial, in an action on which judgment was rendered by the Supreme Judicial Court in and for the county of Middlesex, at April term, in the year of our Lord eighteen hundred and three, in favour of Simon Gilson, of Pepperell, in said county of Middlesex, against him the said Lemuel Parker for the sum of two thousand five hundred and ten dollars and seventy five cents, damage and costs of suit.

Resolved, for the reasons set forth in said petition that the said Lemuel Parker be, and he hereby is authorized and empowered to sue out of the Clerk's Office of the Supreme Judicial Court for the said county of Middlesex a writ of review of the said action in common form, returnable at the next term of the said court, to be holden within and for said county of Middlesex, and to

prosecute the same writ in the same way and manner, to all intents and purposes, as if the same had been granted by the Justices of the said Court, on petition within three years after the rendition of the said judgment.

Provided however, That if the said Simon Gilson shall at the said next term, elect to have the said original action and all demands which existed between the parties on the thirteenth day of April in the year of our Lord eighteen hundred and two, referred to other referees in the same way and manner they were referred, by a certain rule of the said court made at the April term of said Court, within and for said county of Middlesex in the year last aforesaid, and the parties aforesaid cannot agree upon such referees, that then the court may, and shall have power to name three or five referees; and if the said Lemuel Parker, shall not consent to submit the said action and demand to such referees named by the court in manner and form aforesaid, then the said writ of review shall and may be discontinued by the court and the said Simon shall be entitled to recover his costs; but if the said Simon shall not consent to such reference, or the court shall decline to name referees as aforesaid, then the said writ of review shall proceed and trial be had thereon, in the same way and manner in all respects, as in cases of writs of review granted by the said court on petition.

CXLIII.

Resolve releasing Moses Herrick from a judgment of the Supreme Judicial Court. March 8, 1808.

On the petition of Jonathan Herrick, praying that Moses Herrick his surety may be released from the payment of a judgment of the Supreme Judicial Court, passed against him at the Supreme Judicial Court, at Northampton, at September term 1807, on the forfeiture of a recognizance, which was for the appearance of the said Jonathan, before the said court on the fourth Tuesday of April, 1807.

It appearing that the said Jonathan, as principal, has paid the full forfeiture of his recognizance, which was for the same appearance with costs, and costs on the prosecution of the said Moses, on his said recognizance.—*Therefore resolved,* That the said Moses, be, and he hereby is released from the said judgment, and that no execution issue therein.

CXLIV.

Resolve granting to the Boston Athenæum, Laws, Resolves and Maps. March 8, 1808.

Resolved, That there be, and there is hereby granted to the proprietors of the Boston Athenæum, one set of the public and private printed laws of this Commonwealth, together with the resolves, and Map of Massachusetts proper, and the District of Maine, and that the Secretary of this State be enjoined to deliver the same accordingly.

CXLV.

Resolve rendering valid the doings of Portland Light Infantry. March 9, 1808.

Whereas Martin Nichols, John W. Smith, and George Lovis, commissioned Officers of a Company of Light Infantry in the town of Portland have petitioned this court, that the doings of said company may be confirmed.

Therefore resolved, That the proceedings and doings of the said Light Infantry Company, raised in pursuance of a resolve of the General Court, which was approved by the Governor, on the twenty eighth day of January, in the year of our Lord eighteen hundred and seven, be and hereby are confirmed, and rendered valid in law, any irregularities in their doings, or in their enlisting roll, to the contrary notwithstanding.

CXLVI.

Resolve authorizing William Southgate to make a sufficient deed to Henry Morse. March 10, 1808.

On the petition of William Southgate, administrator on the estate of John Southgate deceased, praying to be empowered to make a good and sufficient deed to Henry Morse, conveying to him five acres of land in Spencer, in the county of Worcester, which the said Henry had bargained and paid for, to the said John in his life time, and received his receipt not under seal. It appearing that the facts stated in said petition are true, and also that all the heirs of age and guardians to the minor heirs of the said John Southgate are consenting. *Wherefore resolved*, that the said William Southgate be, and he hereby is authorized and empowered to make, and execute to the said Henry Morse his heirs and assigns, a good and sufficient deed of conveyance of the said five acres of land.

CXLVII.

Resolve requesting the Governor to order Brigade Majors to inspect town magazines, and make returns. March 10th, 1808.

Whereas from the returns in the Adjutant-General's Office, it appears that some Brigade Inspectors have neglected to perform a part of the duty enjoined on them by law, which is to inspect the several town magazines, within their respective Brigades, and present all deficient towns to the Grand Jury, in the same county, and have omitted to make returns thereof to the Adjutant-General's Office.

Therefore be it resolved, That his Excellency the Commander in Chief be, and he hereby is requested to take such measures as he may judge to be proper and necessary in the premises, and issue his orders requiring the several Brigade Majors forthwith to inspect the town magazines within their respective brigades, and make accurate returns thereof to the Adjutant-General's office without delay.

CXLVIII.

Resolve for paying certain persons for services rendered in the trial of Moses Copeland, March 10th, 1808.

Resolved, That there be allowed and paid out of the treasury of this Commonwealth, to the several persons who attended the Court of impeachment on the trial of Moses Copeland, Esq. as follows: To Joshua Head, Esq. for serving and returning the summons, the sum of fifteen dollars and seventy-five cents. To Jacob Kuhn, Crier of the Court, the sum of five dollars. To Jeremiah Allen, Esq. Sheriff of the county of Suffolk, for his attendance three days, the sum of twelve dollars. To John D. Dunbar, Clerk of said Court, including copying and recording, the sum of fifteen dollars. To George Willington, a witness on the part of government, one hundred and twenty-two dollars. To Benjamin Webb, a witness on the part of the said Copeland, two dollars.

And that his Excellency the Governor with the advice of Council is hereby requested to issue his warrant accordingly.

CXLIX.

Resolve directing the Attorney and Solicitor General to commence suits to obtain a legal decision on the validity of certain leases made by the Penobscot Indians. March 10th, 1808.

Resolved, That the Attorney General and Solicitor General be

and they are hereby authorized and directed, if they shall judge it expedient, to commence and prosecute one or more suits, for the purpose of obtaining a legal decision on the validity and effect of certain leases made or supposed to have been made by the Penobscot tribe of Indians to certain persons, of lands on Penobscot river claimed by said Indians, and also of the right assumed by said lessees, to cut masts, spars, and logs on said lands, and such suit or suits to prosecute to final judgment.

CL.

Resolve granting three hundred dollars to the Solicitor General in addition to his salary for one year. March 10th, 1808.

Resolved, That there be allowed and paid out of the public treasury to Daniel Davis, Esq. Solicitor General, three hundred dollars, in addition to his salary, from the first day of March, 1807, to the first day of March, 1808.

CLI.

Resolve granting extra pay to the Committee on Accounts. March 10th, 1808.

Resolved, That there be allowed and paid out of the public treasury, to the Committee appointed to examine and pass on accounts, presented against the Commonwealth, for their attendance on that service, during the present session, the sums annexed to their names respectively, in addition to their pay as members of the Legislature.

Hon. Thomas Hale, fifty-six days, fifty-six dollars.

Hon. David Perry, fifty-six days, fifty-six dollars.

Nathan Fishers, forty-nine days, forty-nine dollars.

Silas Holman, fifty-one days, fifty-one dollars.

William Young, thirty-six days, thirty-six dollars.

which sums shall be in full for their services aforesaid respectively.

CLII.

Resolve for removing the disqualification of Colonel Robert Gardner, and Majors Benjamin Harris and Amasa Stetson, to hold any military commission. March 10th, 1808.

Whereas, Robert Gardner, late Lieutenant-Colonel-Commandant of a regiment in the Legionary brigade, in the town of Boston, and Benjamin Harris and Amasa Stetson, Majors in said

brigade, have prayed for relief from a sentence of a Court Martial, which adjudged them to be removed from office, and disqualified the said Robert Gardner from holding any military commission under this Commonwealth during his life, and the said Benjamin Harris and Amasa Stetson, each for the term of ten years. And whereas it appears highly reasonable that the said sentence, so far as it respects disqualification, should be reversed:

Be it therefore resolved, That so much of the sentences of a Court Martial holden at Boston, on the 20th day of June, 1804. Whereof Major-General Ebenezer Mattoon was President, as it respects the disqualification of Robert Gardner, Benjamin Harris, and Amasa Stetson, from holding any military commission under this Commonwealth, either for life or for a term of years, be and the same is wholly reversed.

CLIII.

Resolve discharging Colonel Jeduthan Willington from sentence of a Court Martial. March 11, 1808.

Whereas it appears that Jeduthan Willington, late Lieutenant-Colonel-Commandant of the first regiment in the first brigade and third division of the militia, has been tried by a Court Martial holden at Cambridge, on the 20th day of April, 1803, whereof Major-General John Cutler was President, and has been by the sentence of said Court Martial removed from his office, and adjudged to be incapable of holding any military commission under this Commonwealth for the term of ten years, and whereas it appears that said Court Martial was not legally and regularly organized and that the proceedings thereof were erroneous.

Therefore resolved, That the proceedings of the Court Martial, holden at Cambridge on the 20th day of April, 1803, whereof Major-General John Cutler was President, for the trial of Jeduthan Willington, Lieutenant-Colonel-Commandant of the first regiment, first Brigade and third division of the militia of this Commonwealth, be, and the same is hereby wholly set aside.

CLIV.

Resolve granting four hundred dollars to Henry Johnson to relieve him under his suffering a wound, when on duty, as a Deputy Sheriff. March 11, 1808.

Whereas, Henry Johnson of Winslow, in the county of Kennebeck, and late one of the Deputy Sheriffs thereof, while in the ex-

execution of the duties of his office, on the twenty-fourth of November last past, was wounded by sundry persons disguised as Indians, and the said Henry hath petitioned this Court to afford him some relief.

Therefore resolved, that there be allowed and paid out of the treasury of this Commonwealth to the said Henry Johnson the sum of four hundred dollars, and the Governor with the advice of Council, is hereby authorized and empowered to draw his warrant in favour of said Henry on the Treasurer for said sum.

CLV.

Resolve for mounting twelve pieces of cannon on travelling carriages. March 12th, 1808.

Resolved, That his Excellency the Governor be and hereby is authorized to direct the Quarter-Master-General to procure to be mounted, not exceeding the number of twelve of the large cannon belonging to this Commonwealth, viz. four of twelve pounds, and four of eighteen pounds, and four of twenty-four pound caliber, on travelling carriages, to be the best calculated to change their positions in the most easy and expeditious manner by draught horses, and shall order them to be stationed at such places on the sea coast as his Excellency shall from time to time direct: *Provided however*, that if his Excellency shall judge that the safety of the Commonwealth shall not require the whole of the cannon aforesaid, to be mounted as above directed, then in such case his Excellency is hereby authorized to cause such of the said number of twelve only, to be mounted as he shall judge proper.

Be it further resolved, That the Resolve which passed the second of March instant, directing that all the cannon of twelve pound caliber and upwards, should be mounted on travelling carriages be and hereby is repealed.

CLVI.

Resolve granting Jacob Kuhn sixty dollars for superintending repairs in and about the State House. March, 12th, 1808.

Resolved, That there be paid out of the treasury of this Commonwealth the sum of sixty dollars to Jacob Kuhn, messenger of the General Court, in full for his services in superintending sundry repairs and improvements in and about the State House, agreeably to several orders and resolves of the Legislature since March 5th, 1806.

CLVII.

*Resolve granting William A. Gale forty-two dollars.
March 12th, 1808.*

Resolved, That there be paid out of the treasury of this Commonwealth forty-two dollars to William A. Gale, assistant to William Gale, messenger of the Governor and Council, being for twenty-one days' attendance, while the Messenger was sick.

CLVIII.

Resolve directing the Quarter-Master-General to purchase gunners, quadrants, and requesting the Governor to employ Charles Hammond as an instructor for their use. March 12th, 1808.

Resolved, That the Commander in Chief be, and he is hereby authorized and requested to direct the Quarter-Master-General to contract with Charles Hammond, of Bangor, in the county of Hancock, for twelve Gunner's Quadrants, which he has lately invented, and for which he has a patent from the President of the United States, of such size of parallels, as the Quarter-Master-General shall think proper. *Provided*, That said Quadrants be well and perfectly made and that no more than twenty dollars be allowed for each quadrant.

And be it further resolved, That his Excellency the Commander in chief be, and he is hereby authorized and empowered to employ the inventor of the said Quadrant, to instruct the several companies of Artillery in this Commonwealth, in the use of the said quadrant for one year, and that he be allowed and paid therefor by this Commonwealth, the same pay and emolument as are allowed to a Major of Artillery in the military establishment of the United States.

CLIX.

Resolve appointing a Committee to locate the Middleborough and New Bedford Turnpike road. March 12th, 1808.

Resolved, That the Honourable Nathan Willis, Seth Spooner, and Isaac Lazell, Esquires, be and are hereby appointed a Committee to locate the Turnpike road, granted the present sitting of the General Court, by an act, entitled, "An Act to establish the Middleborough and New Bedford Turnpike Corporation," and it shall be the duty of said Committee to locate said road in the direction described in said act, and as soon as may be after the

completion of said location, as aforesaid, to make returns thereof, including the several courses, and the distance of each course, to the Courts of Sessions, to be holden in and for the counties of Plymouth and Bristol respectively.

Provided, That nothing contained in this resolve shall be construed to impair the power of the Court of Sessions in said counties, or either of them to appoint committees according to law, to appraise and assess such damages as may be sustained by any individuals over whose land the said road may pass, in all cases where said corporation and such individuals cannot by mutual agreement ascertain the damages thus arising.

CLX.

Resolve allowing a further time to explore and lay out a road from Augusta to Bangor.

Resolved, That the Committee appointed by a resolve of the General Court, passed June 19th, 1807, to examine the different ways from the Bridge in Augusta, on Kennebeck River, to the town of Bangor, on the Penobscot River, and to ascertain the best route for a road; be allowed a further time to examine, explore, and lay out said road, agreeably to said resolve of June 19th, 1807, and report the same to the next General Court, at their winter session.

CLXI.

Resolve exempting Superintendent, Keepers, and Watchmen of the State Prison, from military duty. March 12th, 1808.

Whereas it is reasonable that the Superintendent, Keepers, and Watchmen, employed in and about the State Prison, should be excused from doing Military, and certain other duties, excepting about said Prison, *Therefore resolved*, That the Superintendent, Keepers, and Watchmen, who are, or may hereafter be employed in and about the State Prison, shall hereafter be excused from doing military duty, or duty as watchmen, excepting such as they may be required by law to perform for the security of said prison; and also that they shall be exempted from serving in any office in the town and county, in which said Prison is situated.

CLXII.

Resolve granting John Fillebrown four hundred and forty-two dollars, for transcribing Colony Laws. March 12th, 1808.

Resolved, That there be allowed and paid to John Fillebrown, jun. for his services as a Clerk to a Committee appointed by a resolve of the 19th of January, 1807, for printing certain Colony Laws, from the 24th of July last, to the 25th of February instant, four hundred and forty-two dollars, in full for his services to the said 25th February instant, and the Governor, with the advice of Council, is requested to draw his warrant on the Treasury of this Commonwealth accordingly. *And be it further resolved,* That there be no further proceedings had under said resolutions, until the further order of the General Court.

CLXIII.

Resolve for paying Chaplain and Clerks of both Houses. March 12, 1808.

Resolved, That there be granted and paid out of the public Treasury, one hundred dollars to the Rev. Thomas Baldwin, Chaplain to the Legislature; to John D. Dunbar, Esq. Clerk of the Senate; and to Charles P. Sumner, Esq. Clerk of the House of Representatives, three hundred and fifty dollars each, in full for their services aforesaid the present session; and to George E. Vaughn, Esq. Assistant Clerk of the Senate, two hundred and eighty dollars, and Thomas Wallcut, Assistant Clerk of the House of Representatives, two hundred and eighty dollars, in full for their services aforesaid the present session, which, with the sums heretofore granted, shall be in full for their services as aforesaid respectively the present year.

CLXIV.

Resolve directing the Attorney General to commence and prosecute an action against the Pejepscot Proprietors. March 12, 1808.

Resolved, That the Attorney General be, and he hereby is directed to commence and prosecute to final judgment, an action against the proprietors of the Pejepscot claim, or against any person or persons who in his opinion are chargeable and liable for the same, for the sum which has been paid out of the Treasury of this Commonwealth, to Nathaniel Dummer, Icabod Goodwin and John Lord, Esq's. for their services and expenses as

Commissioners under the resolves of June 29th, 1798, and March the 5th. 1801, which sum the said proprietors ought to have paid to said Commissioners, for their proportion of the expenses, and compensation of said Commissioners.

And be it further resolved, That there be advanced and paid out of the Treasury of this Commonwealth the sum of five hundred dollars, to the said Attorney General, to defray the expense of an inquest of office, or such other suits, or process as may be commenced by the said Attorney General, by virtue of the resolve of the 24th of February, A. D. 1807, the said Attorney General to be accountable for the same; and his Excellency the Governor by and with the advice of the Council, is requested to draw his warrant upon the Treasurer for that sum accordingly. And whereas a suit or inquest of office by the Commonwealth, vs. Josiah Little, in virtue of a resolution of the General Court passed June 29th, A. D. 1798, was, at the Supreme Judicial Court began and holden at Augusta, on the third Tuesday next following the fourth Tuesday of June, A. D. 1799, submitted under a rule of the same court, to which rule the Pejepscot proprietors, so called, became parties, and in which there were certain express stipulations. And whereas among other things it was expressly provided in said rule, that if the proprietors should neglect or refuse to comply with and perform their stipulations contained in said rule, according to the true meaning and effect thereof, that then the said rule or any report that should be made pursuant thereto, or judgment rendered thereupon, should be absolutely void, and of no effect whatever, either in court or elsewhere, if the Commonwealth should at any time after such neglect or refusal, elect so to consider it, and that the nullity of the same might be given in evidence on any issue between the said Commonwealth, or any person claiming under the same; and the said Little, the said proprietors, or any person claiming under either of them. And whereas the referees under the same rule, did on the first day of February, A. D. 1800, duly make and return to the Supreme Judicial Court, an award or report by which were awarded to the same proprietors the tracts of land therein described, subject to the provisions and regulations stated in the said rule respecting settlers, which report at February term at Boston, A. D. 1800, was accepted by said court and judgment rendered accordingly, viz. as of July term, A. D. 1799, at Pownalborough in the county of Lincoln. *Therefore be it resolved,* That the Commonwealth hath, and hereby doth determine and elect to consider the said rule, report and judgment as

void, null and of no effect whatever, either in court or elsewhere. *And it is hereby further resolved*, That the defendant or defendants having neglected and refused to comply with, or perform their stipulations as aforesaid, that the said rule, report and judgment, rendered thereupon, is and shall be considered as null and void and of no effect whatever, either in Court or elsewhere, and that in any action, or process, which may be instituted against the said Little, or said proprietors, or any of them, the decision of which may depend on this, or any resolve, mentioned in the said rule, or passed touching the subject matter thereof, the same may be given in evidence, under the general issue, as also the said refusal, and non-performance of the said Little, or said proprietors.

And be it further resolved, That there be, and there hereby is granted a new trial of the said action or inquest against said Little, or the said Little and the said proprietors; and the said Supreme Judicial Court are hereby authorized to cause to be entered, and to sustain the same action, and to cause due notice thereof to be given to the adverse party, and to have, and cause such proceedings to be had thereon, as would have been regular, had said action been continued from term to term in said court, to the present time; and to do therein, what by law, and of right ought to be done, had no submission thereof been made, and the Attorney General is hereby directed to take all the proper and necessary measures for a new trial of the same action or process as aforesaid.

CLXV.

Resolve discharging Joseph Ruggles, Inspector of Beef and Pork from four hundred and thirty-eight dollars, and two cents upon his paying to John Vinal and others certain sums.

March 12, 1808.

Whereas it appears to this legislature that Joseph Ruggles, Esq. Inspector General of Beef and Pork, has received the sum of sixteen hundred ninety-eight dollars from forty Deputy Inspectors for fees which accrued in part during the life of Stephen Bruce, late Inspector General, and in part subsequent to his decease, and prior to the appointment of the said Ruggles to that office. And whereas the said Ruggles has discounted with certain of said Deputies the sum of four hundred thirty-eight dollars, two cents for fees due from the estate of said Bruce, for their services, and the sum of eighty-four dollars, nine cents, are due to Daniel Jackson, Esq. for brands which are now in use by

the Deputy Inspectors, and the sum of one hundred five dollars fifty cents, is also due to Elisha Doane for store rent; which became due before the appointment of said Ruggles. And whereas John Vinal, jun. during the interval between the death of the said Bruce and the appointment of his successor, did grant certificates of inspection, and discharge certain duties appertaining to the office of Inspector General. *Therefore resolved*, that the said Joseph Ruggles be, and hereby is discharged from any demand which the Commonwealth might have against him for the sum of four hundred thirty-eight dollars, two cents, paid by him as aforesaid to the said Deputy Inspectors, and that the said Ruggles upon the further payment of the sum of eighty-four dollars and nine cents, to the said Daniel Jackson, and of four hundred fifty dollars to the said John Vinal, jun. in full compensation of his services, and of one hundred five dollars, fifty cents to said Doane or his assigns for Store rent, and upon the payment of the balance of the said sum, received by him, viz. the sum of six hundred twenty dollars thirty-nine cents, to the children of said Stephen Bruce, or the legal guardians of such as may be minors for their use, the said Joseph Ruggles shall be discharged from all demand on behalf of said Commonwealth for the residue of the sum received by him as aforesaid.

CLXVI.

Resolve authorizing H. G. Balsh, to pay costs on prosecution of trespassers on lands of the Penobscot Indians.

March 12th, 1808.

Resolved, That Horatio G. Balsh, Agent and Superintendent of the Penobscot tribe of Indians, be, and he hereby is directed and empowered, to pay any costs that have, or hereafter may arise on the prosecution of any trespasser, or trespassers, out of the monies that may be received on the notes, now in his hands, or out of any monies that he may receive for the Commonwealth the present year, taking receipts for all monies he may pay out which shall be received and allowed, on his annual settlement with the Legislature.

CLXVII.

Resolve granting further time for settlers on Mount Desert to make payment. March 12th, 1808.

Whereas by a resolve of the General Court, of the 24th day of June, 1806, the agents for the sale of Eastern lands were di-

rected to settle with certain persons in possession of lands, on the Island of Mount Desart, prior to the year 1785, and twelve months from the date of the resolve, were allowed to the settlers to make payment for their lands, but the time allowed by a resolve passed the 24th February, 1807, not being sufficient to complete the business.

Therefore resolved, That a further time of twelve months from the twenty-fourth day of February, 1808, be allowed to the agents to settle the business, and for the settlers to make payment for their lands agreeably to said resolve of the 24th June, 1806.

CLXVIII.

Resolve appointing John Wells, Esq., one of a Committee to settle the accounts of the Treasurer of this Commonwealth.

March 12th, 1808.

Resolved, That John Wells, Esq. of Boston, be, and hereby is appointed one of a Committee to settle the accounts of the Treasurer of this Commonwealth, agreeably to a resolve which was passed the eighteenth of January last, in the room of Mr. Heath, of Roxbury, who at his request, is hereby excused from serving as one of said Committee.

CLXVI.

Resolve authorizing H. G. Babb to pay costs on prosecution of trespassers on lands of the President Indians.
March 12th, 1808.

Resolved, That Henry G. Babb, Agent and Superintendent of the President's lands of Indians, do, and he hereby is directed and empowered, to pay any costs that have, or hereafter may be on the prosecution of any trespassers, or trespassers, out of the moneys that he has received on the note, now in his hands, and any moneys that he may receive for the Commonwealth, or any other moneys for all moneys he may pay, and shall be received and allowed, on his annual settlement, with the Legislature.

CLXVII.

Resolve granting further time for settling the Mount Desart lands.
March 12th, 1808.

Resolved, That a further time of twelve months from the twenty-fourth day of February, 1808, be allowed to the agents to settle the business, and for the settlers to make payment for their lands agreeably to said resolve of the 24th June, 1806.

Roll No. 58. March 1808.

THE Committee on accounts, having examined the several accounts they now present,

REPORT, That there are due to the corporations and persons hereafter mentioned, the sums set to their names respectively, which, when allowed and paid, will be in full discharge of the said accounts to the several dates therein mentioned.

Which is respectively submitted,

THOMAS HALE, *per order.*

Pauper Accounts.

D. C.

Town of Alford, for supporting Polly Stoddard, and eight children to the time they were sent out of the Commonwealth including expenses of their removal,	20 22
Andover, for boarding, clothing, and doctoring, Thomas Walker, to 10th February, 1808, and Patrick Kallahan, to 1st February, 1808,	110 52
Adams, for boarding, clothing, nursing and doctoring, Freeman Blakely, Susanna Camp, and Joseph Fournerea, to 9th January, 1808,	138 86
Billerica, for boarding, clothing and doctoring William Love and his wife, and Michael Taylor, to 30th Jan. 1808,	165 64
Bellingham, for boarding, clothing and doctoring, John Lewis, including funeral charges,	30
Brookline, for supporting Jacob Harvey to 14th Feb. 1808,	67 20
Becket, for boarding, nursing and doctoring, Prince Starkweather and family, to 1st January, 1808, including funeral charges,	34 05
Brookfield, for boarding and clothing, George Baston, to 1st January, 1808, and Luke Tinney, to the time of his death, including his nursing, doctoring and funeral expenses,	158 71
Brimfield, for boarding, clothing and doctoring, John Swaney, to 7th April, 1807, and John Wakely to 26th January, 1808,	186
Bridgewater, for boarding and clothing William Blake-ly and Frederick Binger, to 1st January, 1808,	83 56
Boxford, for boarding and clothing Mahitabel Hall, to 2d January, 1808,	65

Barrett Joseph, for boarding and clothing convicts, lunatics and poor debtors, including funeral charges, to 24th February, 1808,	196 65
Boxborough, for boarding and clothing John M'Coy, to 15th February, 1808,	40 09
Bernardstown, for boarding and clothing Hugh Cassey and removing him out of the Commonwealth,	63 76
Belchertown, for boarding and clothing Amos Ames and wife, to January 18th, 1808,	89 61
Barre, for boarding and clothing John C. Dandorick, to 1st January, 1808, and Priscilla Humphreys, to the time of her death, including doctoring and funeral charges,	115 82
Boston, Board of Health, for boarding, nursing and doctoring sundry paupers on Rainsford's Island, including funeral charges, to 10th February, 1808,	595 12
Beverly, for boarding, clothing, nursing and doctoring sundry paupers, to 1st February, 1808, including funeral charges,	349 64
Bangor, for boarding, nursing and doctoring Robert Richards and Abraham Brewer, to the time of their going out of the Commonwealth,	87 50
Bath, for boarding, clothing and doctoring sundry paupers, and expense for removal, to 25th January, 1808,	241 39
Boston, for boarding and clothing sundry paupers, to 1st December, 1807,	4416 28
Cheshire, for boarding, nursing and doctoring John Thompson and wife, to the time of her death, and his going out of the Commonwealth,	22 04
Charlestown, for boarding, clothing and doctoring sundry paupers, including funeral charges, and Dr. Gamage's bill, to 21st January, 1808.	229 55
Cambridge, for boarding, clothing and doctoring James Sharland, William Crabtree, Stephen Ball, Robert Stimson, Luther Abbott, John B. Fuller, John Salage and Joseph Torry, to 14th January, 1808,	251 96
Cape-Elizabeth, for boarding and clothing James Bumsbottom, James Jehays, and Abraham Birks, to 2d January, 1808,	162 50
Colerain, for boarding and clothing, Sally Leomineer, and two children of Polly Gardner, to 6th February, 1808, and doctoring Henry Rogers and family,	101 06
Chester, for boarding, clothing, nursing and doctoring, Daniel Smith, to 20th January, 1808,	101 42

RESOLVES, March 1808.

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Carlisle, for boarding and clothing Robert Barber, to 3d January, 1808.	D. C. 45 20
Charlton, for boarding, clothing and doctoring Thomas Adams and Edward Madden, to 1st January, 1808,	124 14
Concord for boarding and clothing William Shaw to 8th January, 1808. And for Moses Barron and William Powers, omitted in the last roll,	87 24
Conway, for boarding, clothing and doctoring John Allen to 22d. January, 1808,	119 92
Deblois George, keeper of the Alms house in Boston to 1st. December, 1807,	297 65
Danvers, for boarding, clothing, and doctoring, John J. Hires, Timothy Hogden, Jane Duckedy, Nancy Leonard, John Kirby, and Ruth Persons to 11th January, 1808,	337 55
Dunstable, for boarding, clothing, and doctoring Margaret Lane, to 25th February, 1808.	51 71
Dracut, for boarding, clothing, and doctoring Lucy Jaquith, to 22d February, 1808, and supplies for Richard Baker 1st February, 1808,	89 22
Dover, for boarding, clothing, and nursing Patrick Cowin to 21st January, 1808;	64 80
Doggett Samuel, for boarding, and clothing James Hatchell and sundry poor debtors in Gaol, in Dedham, to 29th January, 1808,	153 53
Dedham for boarding, and clothing Eleanor Carrol to 1st January, 1808;	39
Dorchester, for boarding and clothing John Harrison to 7th February, 1808, and Patty Hearsey to 22d December, 1806, and Lydia Wyman to 21st January, 1808, including doctor's bill for her and her child,	167
Deerfield, for boarding, clothing and doctoring William Clarke, to 7th February, 1808,	84 34
Egremont, for boarding and clothing the Widow Daly and three idiot children, and Betsy Randol to 7th January, 1808,	311
Easton, for boarding; nursing; and doctoring Antheny Morril, to 6th February, 1808,	82 57
East Hampton, for boarding, clothing, nursing, and doctoring John Hall to 19th January, 1808,	65 23
Edgartown, for boarding, nursing, and doctoring Thomas Furgiston, to the time he left the town,	93 92

Gorham, for boarding, nursing, and doctoring Job Grant, till the time of his removal out of the State, and Robert Gilfilling, to 24th January, 1808,	D. C. 176 25
Gloucester, for boarding, clothing, and doctoring sundry paupers, to 10th November, 1807,	1086 89
Granby, for boarding, clothing, and doctoring Ebenezer Dervin and John Murrey, to 8th February, 1808,	121 46
Greenwich, for boarding, and clothing Lot Lee to the time he left the Commonwealth,	26 45
Gill, for boarding and clothing, Sarah Hamlington to 25th January, 1808,	39 80
Greenfield, for boarding, clothing, and doctoring James Logan and Eunice Converse, to 22d January, 1808,	156 37
Groton, for boarding, clothing and doctoring John C. Wright and wife, Eunice Bentract and William Lepier and wife to 10th January, 1808. And Edward M'Lane and John Ward, to the time of their death, including funeral charges,	412 73
Great Barrington, for boarding, clothing, and doctoring Isaac Catherine, Mary Hoose, and John Wittie to December 26th, 1807, and the expense of the removal of Achsah Wheeler out of the Commonwealth,	202 24
Hubbardston, for boarding, nursing, and doctoring Peter Barber to the time of his death, including funeral charges,	33 47
Hallowell, for boarding, clothing, nursing, and doctoring two children of Jonathan Powers, Rachel Cummings, James Carroll and wife to 1st January, 1808. And Jonathan Powers and wife to the time of their death, including funeral charges,	808 07
Hodgkins Joseph, keeper of the house of Correction in Ipswich, for boarding, and clothing sundry paupers to 18th January, 1808,	233 85
Hunt Joseph, for doctoring convicts, and poor debtors, confined in Concord Gaol, to 12th February, 1808,	7 75
Haverhill, for boarding and clothing Philip Slace and William Tapley, to 1st January, 1808, including doctor's bill,	162 70
Hinsdale, for boarding, clothing, nursing, and doctoring William Barker and wife to 19th February, 1808, including the expense of removing his wife out of the Commonwealth,	88 47

Hiram, for supporting Daniel Hickley to 1st November 1807,	D. C. 33
Hopkinton, for boarding and clothing Thomas Boyd to 4th February, 1808,	60
Hartshorn Oliver, for supporting seventy-two poor debtors since June last, to 3d February, 1808, confined in Boston Gaol,	729
Hadley, for boarding, clothing, nursing, and doctoring George Andries and wife, Friday and wife, and Edward Kneeland to 1st January, 1808,	270 72
Hutson John for boarding sundry poor debtors in Salem Goal, in full to 29th February, 1808,	897 55
Ipswich, for boarding, clothing, and doctoring, Betsey Smith, James Lao, and John Obrian to 2d February, 1808,	124 90
Lanesborough, for boarding, clothing, and doctoring Jerusha Welsh, to 1st January, 1808, and Joseph Smith to time of his death including funeral charges,	69 87
Lynn, for boarding, clothing, and doctoring sundry paupers to 8th February, 1808,	189 54
Lenox, for boarding, clothing and doctoring Abraham Palmer and child, to 15th January, 1808,	67 53
Lexington, for boarding, clothing and doctoring John D. Clifford, to 4th February, 1808,	155 64
Lincolnvile, for boarding, clothing and doctoring Alexander White, to 18th January, 1808, and Isabel Woodbury, to the time of her death,	101 75
Lunenburg, for boarding, clothing and nursing George W. Shute and Felix Stool, to 22d January, 1808, and John Kelley, to the time he left the town,	159 89
Lyden, for boarding and clothing Jedediah Fuller, his wife and one child, and Elizabeth Wagoner and daughter, to the 25th January, 1808,	117 74
Lincoln, for boarding and clothing Thomas Pocok, to 1st February, 1808,	88
Limington, for boarding John O. Ryan, to 1st January, 1808,	68 10
Longmeadow, to sundry supplies for James Robbins and family, and for James M'Gee, till the time of their removal out of the town,	23 08
Littleton, for boarding, clothing and doctoring Richard Crouch, to 11th February, 1808,	65

Milton, for boarding, clothing and doctoring Thomas Webster, John Murry, Rebecca Welsh and four children, to 24th February, 1808,	D. C. 155 50
Methuen, for boarding, clothing and doctoring Thomas Pace, to 1st January, 1808,	65 03
Marblehead, for boarding, clothing and doctoring sundry paupers, to 6th February, 1808,	800 62
Medway, for boarding, nursing and doctoring Moses Bradley, with a broken leg, till the time he went out of the Commonwealth,	16
Marshfield for boarding and clothing Peggy and Philip Mitchell, to 15th May, 1807,	93 92
Manchester, for boarding and clothing Thomas Douglas, to 2d February, 1808,	72 40
Mendon, for boarding, clothing and doctoring Robert Ellison, to 10th January, 1808,	80 72
Middleborough, for boarding and clothing Edward Brown, to 5th February, 1808,	48
Marlborough, for boarding, clothing and doctoring Joseph Waters, to 5th January, 1808,	69 41
Newburyport, for boarding, clothing and doctoring, sundry paupers, 1st January, 1808, including funeral charges,	1703 11
Newton, for boarding, clothing, nursing and doctoring William Buzzard, to the time of his death, including funeral charges,	71 55
North-Yarmouth, for boarding, clothing and nursing, William Elwell, to 1st January, 1808.	103 40
Needham, for boarding, clothing, nursing and doctoring John Rice to 19th February, 1808, and Anne Collison, to the time of her death, including funeral charges,	107 21
Nantucket, for supplies for James Plato, to 1st Jan. 1808, and Dukey, a black man, to the time of his death, including funeral charges, and John Smith a poor debtor confined in goal, until he was discharged,	57 33
Northfield, for boarding, clothing and doctoring, Neil M'Arther, to the time he left the town, and Richard Kingsbury, to 25th January, 1808,	98 86
Northampton, for boarding, clothing and doctoring, William Welsh and James Aldridge, to 1st Feb. 1808,	103 80
Norton, for boarding, clothing, nursing and doctoring, Joseph Pratt, to 1st February, 1808,	100 01

Newbury, for boarding, clothing, nursing and doctoring sundry paupers, including funeral charges, to 1st January, 1808,	D. C. 889 77
Oxford, for boarding and clothing, Catharine Jourdon, to 1st January, 1808,	59 57
Overseers of Marshpee Indians, for boarding and clothing Elizabeth Isaacs, Quashaba, Bulhen, to 10th January, 1808, and Catharine Asher, to the time of her death, including funeral charges,	163 12
Pittsfield, for boarding, clothing and doctoring Peter Huran, to 8th January, 1808, and Hustan William's child till he went out of the Commonwealth.	113 56
Plymouth, for boarding, clothing and doctoring, William Burn, Polly Durant and Patrick Smith, till they went out of the town, and John Fitzgerald, to 10th January, 1808,	147 84
Palmer, for boarding and clothing William Mendon, to 5th February, 1808,	48 13
Portland, for boarding, clothing and doctoring, sundry paupers, including funeral charges to 1st Jan. 1808,	1319 94
Quincy, for boarding, clothing, nursing and doctoring, William Oliphant to 27th January, 1808, and Jonathan Miller to the time of his death, including funeral charges,	202
Roxbury, for boarding, clothing and doctoring sundry paupers, to 3d January, 1808,	368 98
Reading, for boarding, clothing and doctoring Samuel Bancraft, to 25th January. 1808.	98 80
Rutland, for boarding, clothing and doctoring William Henderson, to 30th December, 1807,	83 66
Rowley, for boarding, clothing, nursing and doctoring Elle Collings and Hannah Harris, to 1st Jan. 1808,	87 57
Springfield, for boarding and clothing John Padley, to 1st January, 1808, and John Cone to the time of his death, including funeral charges, and Polly Warraugh, Richard Doeghen and wife, to the time they went out of the Commonwealth, including doctor's bill,	132 40
Southwick, for boarding, clothing and doctoring George Read, to 1st January, 1808,	67 20
Shirley, for boarding, clothing and doctoring Simon Cox, James Mills, Roderick M'Kenzie and wife, to 25th January, 1808, and John Kelley, to the time he left the town,	130

Swanzey, to boarding and clothing Manual Durnips, to 6th December, 1807, and Sally Robbins' child and Thomas Connelly, to 8th January, 1808,	D. C. 79 90
Sudbury, for boarding and clothing John Weighton, to 12th February, 1808,	43 40
South-Hadley, for boarding, clothing and doctoring Peter Pendergrass, to 7th January, 1808,	59 65
Sturbridge, for supplies to James Banton, to 5th January, 1808,	43 34
Sidney, for boarding, clothing and doctoring John Lyons, to 18th December, 1807, and Henry Lyons, to 1st January, 1808,	58 92
Sterling, for boarding, clothing and nursing Joseph Hyde, to 1st January, 1808,	61
Shrewsbury, for doctoring and supplies for Cezar West and his wife, negroes, to the time of their death, including funeral charges,	22 21
St. George, for boarding and clothing Robert Hows, to 1st January, 1808,	57 20
Salisbury, for boarding and doctoring Zachariah Richardson, to 26th May, 1808, including funeral charges of Eli Field,	25 17
Salem, for boarding, clothing, nursing and doctoring sundry paupers, including funeral charges to 1st January, 1808,	1140
Standish, for boarding and clothing Allice Noble, to 1st January, 1808,	52 80
Stockbridge, for boarding, clothing, and doctoring Jeremiah Elkey, and Sarah Horsford to 8th December 1807,	81 48
Stoneham, for boarding John H. Clannod to 29th January, 1808,	52
Sharon, for boarding, clothing, and nursing Stephen Flood, to 14th January, 1808,	56 60
Sandwich, for boarding, clothing, and doctoring Levinah Richardson, to 4th January 1808,	34 65
Taunton, for boarding, clothing, and doctoring Henry Ash, Edmund Shores, George Hazzard, Manuel Disniss and supplies for Robert Wilson, to 13th February, 1808,	229 56
Tyringham, for boarding and clothing Ralph Way, to 1st January, 1803,	58 09
Troy for boarding and clothing Francis Brow, to 21st February, 1808,	98 50

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Topsfield, for boarding, clothing and doctoring Thomas Camerford, to 18th February, 1808,	D. C. 83 50
Tisbury, for boarding, clothing and doctoring John Cook, to the time he left the town,	119 25
Uxbridge, for boarding, clothing and doctoring Betty Trifle, David Mitchel and Patience Hazard, to 1st February, 1808,	131 25
Westford, for boarding and clothing Phillip Jackson and Fanny and Patty Gardner, to the 6th of January, 1808, and for supplies for Christopher Shepard to the same time,	123 28
Warwick, for boarding, clothing and doctoring Samuel Griffith to 5th January, 1808,	43 70
Watertown, for boarding, clothing, nursing and doctoring Nathaniel Wagnee, to the time of his death, including funeral charges,	37 25
West-Stockbridge, for boarding, clothing, nursing and doctoring Lucy Lane, to 1st January, 1808. Boarding and doctoring Anna Tobias and Margaret Brown and her children to the time they were sent out of the Commonwealth, including the expense of their removal,	72 38
Walpole, for boarding and clothing Sally Davis and Robert Clew, to 1st January, 1808,	143 40
Windsor, for boarding, clothing and doctoring Henry Smith and wife to 6th January, 1808,	81 68
Warren, for boarding and clothing William Moorman to 4th January, 1808,	52
Western, for boarding and clothing Thomas Boyd, to 28th January, 1808,	11 70
Washington, for boarding and clothing Phebe Clark to 1st January, 1808,	39 80
Worcester, for boarding, clothing and doctoring Peter Willard, Jack Meloon, Henry Bradley, William Dutton, Augustus Binon, James Campbell and Sarah Cook, 1st January, 1808,	289 57
Wrentham, for boarding, clothing and doctoring Bristol Trask to the time he left the Commonwealth, and Richard Price to the time of his death including funeral charges,	31 15
Winthrop, for boarding and clothing William Gaskel, to 4th January, 1808,	62
Westfield, for boarding, clothing and doctoring William Davis to 1st January, 1808,	68 27

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Do. of Militia,	7,520 71
Do. of Sheriffs, &c.	403 43
Do. of Printers,	2,700 5
Do. of Miscellaneous,	3,682 30
Total,	42,625 4

Resolved, That there be allowed and paid out of the public treasury, to the several corporations, and persons mentioned in this roll the sum set against such corporations and persons names respectively, amounting in the whole, to forty-two thousand six hundred twenty-five dollars and four cents; the same being in full discharge of the accounts and demands to which they refer.

In Senate, March 10th, 1808. Read and accepted, sent down for concurrence.

SAMUEL DANA, *President*.

In the House of Representatives, March 10, 1808. Read and concurred.

PEREZ MORTON, *Speaker*.

March the 12th, 1808.

BY THE GOVERNOR.—APPROVED,

JAMES SULLIVAN:

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OF JUNE 1807, AND JANUARY, 1808.



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ERRATA.

The omission of a regular succession of numbers in the paging from 92 to 96 was not discovered in season to be corrected, but as the Index conforms to the present paging no inconvenience can arise.