

MAINE STATE LEGISLATURE

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RESOLVES

OF THE

GENERAL COURT

OF THE

Commonwealth of Massachusetts,

PASSED AT THEIR SESSION

WHICH COMMENCED ON WEDNESDAY, THE 27th DAY OF MAY, AND
ENDED ON THE 13th OF JUNE, 1818.

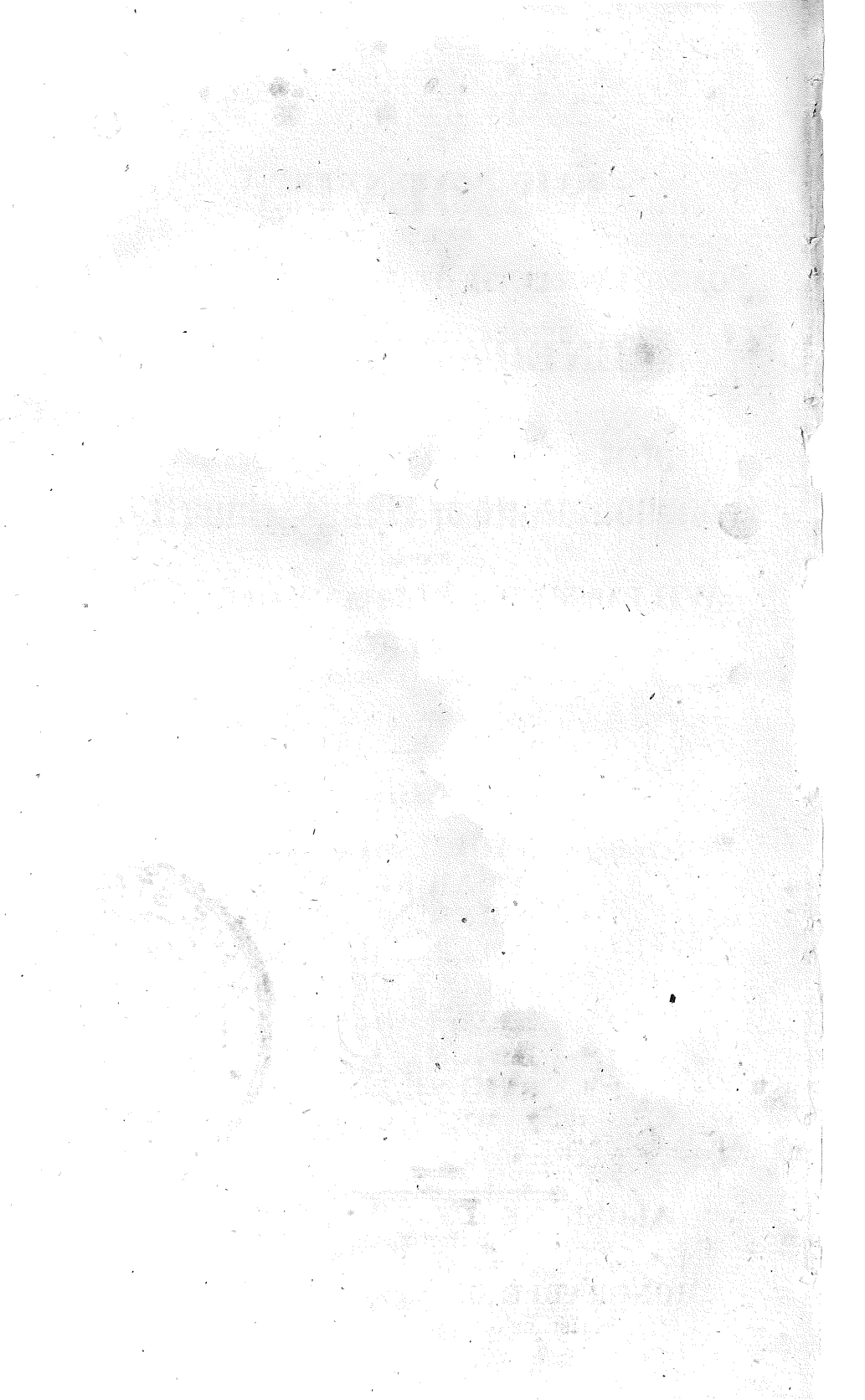
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1818.



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CIVIL GOVERNMENT
OF THE
COMMONWEALTH OF MASSACHUSETTS,
FOR THE POLITICAL YEAR 1818.....19.

HIS EXCELLENCY
JOHN BROOKS, ESQUIRE,
GOVERNOR.

HIS HONOR
WILLIAM PHILLIPS, ESQUIRE,
LIEUTENANT GOVERNOR.

COUNCIL.

HON. NAHUM MITCHELL,
“ **JOSIAH STEBBINS,**
“ **JOHN C. WILLIAMS,**
“ **PETER C. BROOKS,**
“ **SAMUEL CROCKER,**
“ **JOHN PICKERING,**
“ **DWIGHT FOSTER,**
“ **SAMUEL P. P. FAY,**
“ **JAMES BRIDGE.**

ALDEN BRADFORD, ESQUIRE,
SECRETARY OF THE COMMONWEALTH.

HONORABLE DANIEL SARGENT,
TREASURER OF THE COMMONWEALTH.

SENATE.

HON. JOHN PHILLIPS,

PRESIDENT.

COUNTY OF SUFFOLK.

**Hon. John Phillips,
Josiah Quincy,
James Lloyd,**

**Hon. Jonathan Hunewell,
Artemas Ward,
Andrew Ritchie.**

COUNTY OF ESSEX.

**Hon. Israel Bartlett,
Dudley L. Pickman,
Nehemiah Cleveland,**

**Hon. William B. Banister.
Leverett Saltonstall.**

COUNTY OF MIDDLESEX.

**Hon. Joseph B. Varnum,
John Hart,**

Hon. Leonard M. Parker.

COUNTY OF WORCESTER.

**Hon. Oliver Crosby,
Daniel Waldo,**

**Hon. James Humphreys,
Stephen P. Gardner.**

HAMPSHIRE, HAMPDEN AND FRANKLIN.

**Hon. Samuel Lathrop,
Elihu Hoyt,**

**Hon. Jonathan H. Lyman,
Jonathan Dwight, jun.**

COUNTY OF BERKSHIRE.

Hon. Caleb Hyde,

Hon. Daniel Noble.

COUNTY OF BRISTOL.

Hon. James Howland, 2d, Hon. John M. Williams.

COUNTY OF PLYMOUTH.

Hon. Elisha Ruggles, Hon. Ebenezer Gay.

COUNTY OF BARNSTABLE, DUKES' COUNTY
AND NANTUCKET.

Hon. Solomon Freeman.

COUNTY OF NORFOLK.

Hon. Joseph Bemis. Hon. John Endicott.

COUNTY OF YORK.

Hon. Alexander Rice, Hon. William Moody.

COUNTY OF CUMBERLAND.

Hon. Archelaus Lewis, Hon. Samuel Fessenden.

LINCOLN, HANCOCK AND WASHINGTON.

Hon. William King, Hon. William D. Williamson.
James Campbell,

COUNTY OF KENNEBEC.

Hon. Solomon Bates.

OXFORD AND SOMERSET.

Hon. Samuel Small.

SAMUEL F. McCLEARY, Esq. Clerk.

JOHN FARRIE, JUN. Assistant Clerk.

REV. HENRY WARE, JUN. Chaplain.

HOUSE OF REPRESENTATIVES.

HON. TIMOTHY BIGELOW,
SPEAKER.

COUNTY OF SUFFOLK.

Boston,

Stephen Codman,
Benjamin Russell,
Benjamin Whitman,
Charles Davis,
William H. Sumner,
Nathaniel Curtis,
John Howe,
Jonathan Loring,
Benjamin Gorham,
Benjamin Smith,
John Cotton,
Benjamin Rand,
David Sears,
Francis Bassett,
Enoch Silsby.

Chelsea.

ESSEX.

Salem,

John Osgood,
John Prince, junior,
Ebenezer Seccomb,
Samuel Ropes,
Joseph Eveleth.
Joseph Farley.
Silas Little,
Daniel Emery.
Ezra Mudge.

*Ipswich,
Newbury,*

Lynn,

Gloucester,
Rowley,
Salisbury.
Wenham,
Manchester.
Haverhill,
Andover,
Marblehead,
Topsfield.
Amesbury,
Beverly,
Bradford,
Boxford.
Methuen,
Middleton.
Danvers,
Newburyport,

Lynnfield.
Hamilton.
Saugus.

William W. Parrott.
Joshua Jewett.

Paul Porter.

David How.
Thomas Kitteridge.
John Bailey.

Oliver Stearns.
Robert Rantoul.
William Greenough.

Benjamin Osgood.

Frederic Howes.
Stephen Howard,
Ebenezer Moseley.

MIDDLESEX.

Charlestown,

Watertown,
Medford,
Cambridge,
Concord,
Sudbury,
Woburn,
Reading,
Malden.
Chelmsford,
Billerica.
Groton,

Timothy Walker,
Oliver Holden.
Levi Thaxter.
Timothy Bigelow.
Samuel P. P. Fay.
Thomas Wheeler.
Isaac Gibbs.
John Wade.
Edmund Parker.

Samuel Stevens.

Luther Lawrence.

<i>Marlborough,</i>	Daniel Brigham.
<i>Dunstable.</i>	
<i>Sherburne.</i>	
<i>Stow and Boxborough,</i>	Joseph Stone.
<i>Newton,</i>	Joseph Jackson.
<i>Framingham,</i>	John Trowbridge.
<i>Dracut.</i>	
<i>Weston,</i>	George W. Smith.
<i>Lexington.</i>	
<i>Littleton,</i>	Jonathan Manning.
<i>Hopkinton.</i>	
<i>Holliston.</i>	
<i>Stoneham.</i>	
<i>Westford.</i>	
<i>Bedford,</i>	John Meriam.
<i>Wilmington.</i>	
<i>Townsend.</i>	
<i>Tewksbury.</i>	
<i>Acton,</i>	Joseph Noyes.
<i>Waltham.</i>	
<i>Shirley.</i>	
<i>Pepperell.</i>	
<i>Lincoln.</i>	
<i>Ashby.</i>	
<i>East Sudbury,</i>	Micah M. Rutter.
<i>Natick.</i>	
<i>Tyngsborough.</i>	
<i>Burlington.</i>	
<i>Carlisle,</i>	John Heald.
<i>Brighton,</i>	Nathaniel Champney.
<i>West Cambridge.</i>	
<i>South Reading.</i>	

YORK.

<i>York,</i>	Elihu Bragdon.
<i>Kittery,</i>	Joshua T. Chase,
	Mark Dennett.

<i>Wells,</i>	George W. Wallingford.
<i>Berwick.</i>	
<i>Biddeford,</i>	Reuben H. Greene.
<i>Arundel,</i>	Joseph Perkins.
<i>Saco.</i>	
<i>Lebanon.</i>	
<i>Sandford.</i>	
<i>Buxton,</i>	Benjamin Leavitt.
<i>Lyman,</i>	John Low.
<i>Shapleigh.</i>	
<i>Parsonsfeld.</i>	
<i>Waterborough.</i>	
<i>Limerick,</i>	William Freeman.
<i>Limington.</i>	
<i>Newfield.</i>	
<i>Cornish.</i>	
<i>Alfred.</i>	
<i>Elliot.</i>	
<i>Hollis.</i>	
<i>South Berwick.</i>	

HAMPSHIRE.

<i>Northampton,</i>	Ebenezer Hunt, junior.
<i>Hadley,</i>	Samuel Porter.
<i>Hatfield.</i>	
<i>Pelham.</i>	
<i>Southampton,</i>	Asahel Birge.
<i>South Hadley,</i>	Peter Allen.
<i>Greenwich,</i>	Laban Marcy.
<i>Amherst,</i>	Samuel F. Dickenson.
<i>Belchertown,</i>	Eliakim Phelps.
<i>Ware.</i>	
<i>Chesterfield.</i>	
<i>Granby.</i>	
<i>Worthington.</i>	
<i>Williamsburg.</i>	

564 **HOUSE OF REPRESENTATIVES.**

Norwich.

*Cumington,
Westhampton,
Goshen.*

Middlefield.

Plainfield.

*Easthampton,
Enfield,*

Robert Dawes.

Joseph Kingsby, junior.

John Hannam.

Benjamin Harwood.

PLYMOUTH.

Plymouth,

Hingham,

Scituate.

Duxbury.

Marshfield,

Hull.

Bridgewater,

Middleborough,

Rochester.

Plympton.

Pembroke.

Abington.

Kingston.

Hanover,

Halifax,

Wareham.

Carver.

William Nelson.

Jedediah Lincoln.

Elisha Phillips.

Daniel Howard.

Seth Miller, junior.

Reuben Curtis.

Zebadiah Thomson.

BRISTOL.

Taunton,

Rehoboth,

Dartmouth,

Swanzey,

Freetown,

Attleborough.

Job Godfrey.

Thomas Carpenter, 2d.

Caleb Anthony.

Daniel Hale.

Hercules Cushman,

Job Morton.

HOUSE OF REPRESENTATIVES.

565
465
0

Norton.
Dighton,
Eastown.
Raynham,
Berkley,
Mansfield.
New Bedford,

William Wood.

John Gilmore, junior.
Adoniram Crane.

John Nye,
John A. Parker.
Sylvester Brownell.
Billings Coggeshall.
Joseph E. Read.

Westport,
Somerset,
Troy,
Fairhaven.
Seekonk,
Wellington,

Oliver Starkweather.
Thomas S. Baylies.

BARNSTABLE.

Barnstable,
Sandwich.
Yarmouth.
Eastham,
Falmouth,
Harwich.
Truro.
Chatham.
Provincetown.
Wellfleet.
Dennis.
Orleans,
Brewster.

Naler Crocker.

Joshua P. Atwood.
Thomas Fish.

Daniel Comings.

DUKES' COUNTY.

Edgartown.
Tisbury.
Chilmark.

NANTUCKET.

Nantucket.

WORCESTER.

Lancaster,

Benjamin Wyman,

Solomon Carter.

Mendon,

Daniel Thurber.

Worcester,

Abraham Lincoln.

*Oxford.**Leicester.**Rutland.**Sutton,*

Jonas Sibley.

*Westborough.**Brookfield,*

Simeon Draper.

Uxbridge,

Samuel Read.

*Southborough.**Shrewsbury.**Lunenburg.**Dudley,*

Aaron Tufts.

Harvard,

Philemon Atherton.

*Grafton.**Upton.**Hardwick,*

Timothy Paige.

*Bolton.**Sturbridge,*

Sylvester Watkins.

*Holden.**Leominster,*

Joel Crosby.

*Western.**Douglas,*

Welcome Whipple.

New Braintree,

Samuel Mixer.

Spencer,

James Draper, junior.

Petersham,

Asa Pond.

Charlton,

Isaiah Rider,

Ephraim Williard.

*Templeton.**Athol.**Oakham.**Fitchburg.**Winchendon.*

Paxton.

Royalston.

Ashburnham.

Northborough.

Hubbardston,

Westminster.

Princeton,

Northbridge.

Barre,

Ward.

Milford.

Sterling,

Daniel Woodward.

David Rice.

Simeon Metcalf.

Samuel Sawyer,
James Wilder.

Berlin.

Gardner.

Boylston,

Dana.

West Boylston,

North Brookfield.

Milbury.

Phillipston.

Southbridge,

Aaron White.

Joseph Hinds.

Gersham Plimpton.

CUMBERLAND.

Scarborough.

North Yarmouth,

Falmouth.

Brunswick.

Harpwell.

Windham.

Gorham,

Cape Elizabeth.

New Gloucester.

Gray.

Standish.

Alford Richardson.

David Harding, junior.

Jabez Woodman.

568 **HOUSE OF REPRESENTATIVES.**

Portland,

Isaac Adams,
John Woodman.

Freeport.

Durham.

Bridgetown.

Poland,

Josiah Dunn.

Otisfield.

Minot.

Pejepscot.

Baldwin.

Raymond.

Pownal.

Westbrook,

John Jones.

Harrison.

LINCOLN.

Georgetown,

New Castle,

Woolwich.

Wiscasset.

Bowdoinham.

Topsham.

Boothbay,

Bristol.

Waldoborough,

Edgcombe.

Warren,

Thomastown.

Bath,

Union.

Bowdoin.

Nobleborough.

Cushing.

Camben.

Dresden.

Lewiston.

Benjamin Riggs.

Kiah Bailey.

John Murray McFarland.

Jacob Ludwig, junior.

Jesse Page.

Joseph F. Wingate.

*Litchfield.**Lisbon,**St. George.**Hope.**Palermo,**Montville.**Jefferson.**Friendship.**Whitefield.**Putnam.**Alna.**Phippsburg,**Wales.*

Benjamin H. Mace.

Thomas Eastman.

Parker McCobb.

BERKSHIRE.

*Sheffield,**Stockbridge,**New Marlborough,**Egremont,**Pittsfield,**Great Barrington,**Sandisfield,**Southfield,**Tyringham.**Lanesborough,**New Ashford.**Williamstown.**Becket.**Richmond.**Lenox,**Windsor.**Peru.**Alford.**Otis.**West Stockbridge,**Hancock.*

Jared Canfield.

Henry W. Dwight.

Ebenezer Hyde.

James Baldwin.

Phineas Allen.

Reuben Bacon.

Josiah Wolcott.

Eliakim Hull.

Nehemiah Talcott.

Asher Sedgwick.

Sanford Fitch.

570 HOUSE OF REPRESENTATIVES.

Washington.

Lee,

Adams,

Mount Washington.

Dalton.

Cheshire,

Savoy.

Clarksburgh.

Hinsdale.

Florida.

Gershom Bassett.

Isaac Brown.

Ethar A. Rix.

HANCOCK.

Belfast,

Penobscot,

Sedgwick.

Hesborough,

Deer-Isle,

Blue Hill,

Trenton.

Sullivan.

Goldsborough.

Mount Desert,

Vinalhaven.

Frankfort,

Bucksport,

Prospect.

Castine,

Northport.

Eden.

Orland.

Ellsworth,

Lincolnvill.

Surry.

Belmont.

William White.

John Winslow.

Pearl Spofford,

Hezekiah Rowell.

Robert H. Wood.

John Somes.

Joshua Hall.

Samuel Metcalf Pond.

Thomas E. Hale.

Charles Jarvis.

HOUSE OF REPRESENTATIVES.

571

Searsmont.

Brooks.

Buckstown.

Swanville.

WASHINGTON.

Machias.

Steuben.

Columbia.

Addison.

Harrington.

Eastport.

Jonesborough.

Calais.

Lubec,

Horatio Gates Balch.

Robinstown.

Cherryfield.

Perry.

Monroe.

Mexico.

Dennysville.

NORFOLK.

Dorchester,

James Humphreys.

Roxbury,

Sherman Leland.

Weymouth,

Christopher Webb.

Dedham,

William Ellis.

Braintree.

Medfield.

John Ruggles, junior.

Milton,

Jairus Ware.

Wrentham,

Isaac S. Gardner.

Brookline,

Needham.

Medway.

Bellingham.

Walpole.

572 HOUSE OF REPRESENTATIVES.

Stoughton.

Sharon.

Cohasset.

Franklin,

Foxborough.

Dover.

Quincy,

Randolph,

Canton.

Lewis Fisher.

Thomas Greenleaf.

Zenas French.

KENNEBEC.

Hallowell,

Winthrop.

Vassalborough,

Winslow.

Pittston.

Greene.

Reedfield.

Monmouth.

Sydney.

Mount Vernon.

Farmington.

New Sharon.

Clinton,

Fayette.

Belgrade.

Harlem,

Augusta,

William H. Page.

Samuel Reddington.

Ezekiel Brown, junior.

William Pullen.

Pitt Dillingham,

Robert Howard.

Wayne.

Leeds.

Chesterville.

Vienna.

Waterville.

Gardiner,

Temple.

Rufus Gay.

Wilton.

Rome.

Fairfax,

Unity.

Malta.

Dearborn.

Freedom,

Joy.

China,

Joseph Cammet.

Matthew Randall.

Japheth C. Washburn.

OXFORD.

Fryeburg,

Turner.

Hebron.

Buckfield.

Paris,

Jay.

Livermore,

Samuel A. Bradley.

Benjamin Chandler.

Simeon Waters,
Israel Washburn.

Bethel.

Waterford.

Norway.

Hartford.

Sumner.

Rumford,

Lovell.

Brownfield.

Albany.

Dixfield.

East Andover.

Gilead.

Newry.

Denmark.

Porter.

Hiram.

Woodstock.

Peter C. Virgin.

574 HOUSE OF REPRESENTATIVES.

Greenwood.

Sweeden.

Weld.

SOMERSET.

Canaan.

Fairfield.

Norridgwick.

Starks.

Cornville.

Anson,

David H. Raymond.

Strong.

Avon.

New Vineyard.

Harmony.

Industry.

Athens.

Madison,

John Neal.

Embden.

Mercer.

Palmyra.

Freeman.

New Portland.

Solon.

Bingham.

Phillips.

St. Albans.

Kingsfield.

Moscow.

North Hill.

Corinna.

Ripley,

James Bowen.

Bloomfield,

FRANKLIN.

Deerfield,

Asa Stebbins.

Northfield.

Sunderland,
Greenfield,
New Salem,
Montague.

Colraine,
Shutesbury.
Bernardston.

Warwick,
Ashfield.

Charlemont.

Conway,
Shelburn.

Whately.

Leverett.

Buckland.

Wendell.

Orange.

Rowe.

Heath.

Hawley,

Gill.

Leyden.

Nathaniel Smith.

Solomon Smead.

Varney Pearce.

Calvin Smith.

Ashbel Ward.

Joel Parsons.

Ebenezer Hall.

HAMPDEN.

Springfield,
Westfield,

Brimfield,
Blandford,
Palmer,
Granville,

Monson,
South Brimfield.
Wilbraham.

Chester,
Southwick,

Jacob Bliss.

David King,

William Blair.

Stephen Pynchon.

Abner Gibbs.

James Stebbins.

James Cooley,

Reuben Hills.

Deodatus Dutton.

Daniel Collins.

Gideon Stiles.

576 HOUSE OF REPRESENTATIVES.

West-Springfield,
Ludlow.
Montgomery.
Longmeadow,
Russell.
Tolland.
Holland.

Jonathan Smith.

Joseph W. Cooley.

PENOBSCOT.

Hampden.
Orrington.
Bangor,
Orono.
Dixmont.
Brewer.
Eddington.
Carmel.
Corinth.
Exeter.
Garland.
New Charlestown.
Foxcroft.
Sebec.
Hermon.
Levant.
Newport.
Sangerville.
Dexter.
Guilford.

Joseph Treat.

BENJAMIN POLLARD, Esq. *Clerk.*
HENRY CODMAN, Esq. *Assistant Clerk.*
REV. THOMAS BALDWIN, D. D. *Chaplain.*

JACOB KUHN, *Messenger to the General Court.*
JOHN VAUGHAN LOW, *Assistant Messenger.*
JOSEPH FRANCIS, *Page to the House.*

RESOLVES
OF THE
GENERAL COURT OF MASSACHUSETTS,
PASSED AT THEIR SESSION,
WHICH COMMENCED ON THE 27th DAY OF MAY, AND
ENDED ON THE 13th OF JUNE, 1818.

GOVERNOR'S SPEECH.

REPRESENTATIVES' CHAMBER, JUNE 2d, 1818.

The two Houses being in Convention, his Excellency appeared, accompanied by his Council, and the Public Officers of State, and delivered the following

SPEECH :

*Gentlemen of the Senate, and
Gentlemen of the House of Representatives,*

A REVIEW of the past, and an examination of the existing circumstances of the Commonwealth, can never be more pertinent or useful than on occasions like the present. The practical effects of laws upon society, furnish the legislator with the most instructive political lessons, and the safest guides for his future conduct. Laws, which time, that so unerringly develops the merit and demerit of every thing human, has proved to be adapted to the genius and circumstances of the people, command respect, and challenge perpetuation. And such appears to be the happy adaptation of the civil statutes of the Commonwealth, to our

actual condition, as to afford little room for legislative correction. The field of legislation being thus narrowed, the duties of the Legislature will be less onerous; and you may pursue, with less divided attention, the melioration of the criminal code, and the promotion of objects of general utility.

Humanity has long bewailed the miseries which crimes have brought upon society; and the efforts of many individuals and of governments have been continually making to prevent their perpetration. Some very ingenious and learned men, particularly of the last and present centuries, indulging in abstracted views of the human character, and of human rights, have proscribed all capital and corporal punishments, not only as cruel and sanguinary, as unjustifiable and useless, but as tending to produce the crimes they were designed to prevent; and the origin of punishment has been referred to an ardent spirit of domination, or to the malignant passions of men in power.

Benevolence and humanity would delight in the idea that crimes and punishments were speedily to terminate. Hopes have even been cherished by many philanthropists in our own country, that under a mild and mitigated system of penal and criminal law, the utility of public punishments would diminish, or cease. But deductions from the hypothetical rights of individuals, and the perfectability of man, are too subtle and indistinct to be assumed as practical maxims of jurisprudence. If the right of a government to inflict a high degree of punishment be denied, it will be difficult to define a point, at which the right to punish in any degree shall commence.

Meeting the question upon the broad ground of justice and public utility, the government of Massachusetts, maintaining the right to punish, has abolished many of the ancient laws which ordained the infliction of death as a punishment. An appeal to our present statutes will show that great improvements in favor of human weakness have been effected. We can only, however, permit ourselves to boast of an approximation to a due adjustment of punishments to the various grades of offences. Crimes are daily perpetrated, and much remains to be done. Even in the present improved state of our own country, when the spirit of liberty, of philosophy, and of the christian religion, have united to suppress vice and crimes, to mitigate the rigor of

punishments and to endow them with a reforming power, we painfully witness the protracted prevalence of vice and depravity : And it continues to be the indispensable, though irksome duty of a Christian Legislature, to ordain punishment for crimes, and by good and wholesome laws, protect the persons and property of the orderly and virtuous against the depredations and outrage of the unprincipled and audacious.

The utility of a concentrated system of penal and criminal law, in which punishment shall be graduated by the nature and aggravation of crimes, and adapted to the actual state of society and public sentiment, was duly appreciated by your immediate predecessors ; and I have great satisfaction in adding, that a revision of the criminal code of this Commonwealth was, to the fullest extent, referred to a committee of three of our most learned and distinguished Jurists, designated by the Legislature in the month of February last ; from whose talents and labors we may anticipate the most salutary results.

In adverting to objects of general utility, I limit my own views to inviting *your* attention to considerations of that character. The present period being a time of peace, the citizens not only of this state, but of the other states in this confederacy, are assiduously availing themselves of the moment to cultivate and improve the arts of life, and to augment the means of personal and social enjoyment. And it is worthy of particular remark, that in some, if not in most of the states, large appropriations of money have been made by their Legislatures to animate individual labor, and to give effect to combined enterprize. By a reference to the statutes of Virginia it will be seen, that, soon after the termination of the late war, a " Board of Public Works " was instituted, vested with full power to pledge that state in a limited ratio, as a party to any enterprize founded on public utility, that should be approved by the board. By referring to the statutes of the state of New York, of a more recent date, it will be found that the Legislature has assumed in behalf of that state, the construction of a canal from Lake Erie to the confluence of the Mohawk River with the Hudson, and of another canal to communicate with Lake Champlain and the last mentioned river.

In concerns of high import, Massachusetts has not been accustomed to want decision or zeal. Her fiscal resources,

liberated by the late repeal of the internal revenue laws of the United States, are various and might be rendered productive. In the present state of peace and general prosperity, rich as she is in her agriculture, in her various fisheries and manufactures, but especially in her commerce, and the redundant capital of her citizens, she ought to feel herself, without the pressure of additional taxes on the great body of the people, amply competent to every object of general improvement and advantage that can offer itself to her patronage.

The project of cutting a canal through the peninsula of Cape Cod, has repeatedly engaged the attention of the Legislature. The magnitude of that object in relation not only to the coasting trade and commerce of this state, but of the United States, and the facility of communication it would afford, in the event of a war, between Massachusetts Bay and the waters leading to ports on the Delaware and in the Chesapeake, as well as to the contiguous states of Rhode Island, Connecticut and New York, unite in recommending the merits of the undertaking to thorough examination ; whence motives may be eventually derived for the government of this state, and that of the United States, efficaciously to further its accomplishment.

To encourage industry, the great source of competence, and the friend of health and good morals, always merits the care of the Legislature. Improvement in the arts is progressive ; and besides, that prepossessions in favor of established customs and practices oppose themselves to reform, most men are obliged to labor for subsistence, and pursue those plans of execution to which they have been habituated. In agriculture few individuals possess the means of instituting those extensive and elaborate experiments by which the powers of soil and climate are developed. Nothing perhaps can more decidedly evince the intelligent and guardian care of the Legislature over this interesting branch of political economy, than the establishment of the Massachusetts Agricultural Society, and other institutions for the advancement of similar objects, together with the liberal grants of money from the treasury, which have been made in aid of individual contributions. Through the agency of these institutions, and the persevering and generous efforts of the gentlemen by whom they are administered, a lively impulse has been imparted to agriculture, and every

portion of the state is flourishing under their genial influence.

Among the numerous objects which at all times are interesting to the people and government of the Commonwealth, the department of the treasury is one of the most prominent. Although, by the adoption of the Constitution of the government of the United States, the several states have relinquished the most productive sources of revenue, yet from those branches over which the states retain a concurrent jurisdiction, a competent supply, not only for the support of government and the payment of the state debt, may be derived, but for extraordinary contingencies, and the occasional encouragement of any important branch of political economy, that may solicit the fostering care of the state.

At this time it merits particular notice, that for more than twenty years a considerable proportion of the money received into the treasury has been derived from the payment of the interest, and part of the principal, of the United States stock belonging to the Commonwealth. Thus an amount of the six per cent stock of the United States, amounting in the year seventeen hundred and ninety-six, to eight hundred and thirty-two thousand, five hundred and thirty-four dollars, is reduced to twenty-four thousand, three hundred and sixty-two dollars and eighty-seven cents; which stock will be extinguished on the first day of October of the present year. The deferred stock, which in the year one thousand eight hundred and two, amounted to four hundred and sixteen thousand, two hundred and sixty-seven dollars, is now reduced to one hundred and seventy-four thousand, nine hundred and sixty-six dollars and forty-five cents. But by the arrangements of the United States' treasury, under the provisions of sundry acts of Congress, instalments of this stock are to be annually paid, together with the interest, until the first of October one thousand eight hundred and twenty-four, when this stock will likewise be extinguished.

From an estimate that has been communicated to me by the Treasurer of the Commonwealth, it appears, that extraordinary occurrences excepted, the balances of outstanding taxes in the hands of Collectors and Sheriffs; the avails of the tax on banks; the sums arising from the payment of the interest and several instalments of the principal of United States stock; together with a small amount of interest to be received from sundry individuals who are debtors to the state, will enable the Treasurer to meet all the demands

which will be made upon his department in the course of the current year. But inasmuch as the whole of the old six per cent. stock will be extinguished in October, and as it is probable that at least equal demands will be made upon the treasury in succeeding years, a deficiency of revenue after the expiration of the present year, may occur. And it is submitted to your wisdom, gentlemen, whether some mode of supplying the demands and placing the finances of the state upon a stable and productive foundation should not, in the mean time be devised? An arrangement of this nature will rise in importance, should a reduction and extinction of the debt of the state be contemplated.

In selecting sources of revenue, all those considerations which appertain to so delicate a subject will undoubtedly have their merited weight in your deliberations. The farming interest has ever been disposed to contribute its share of the fiscal demands of the state; and on great emergencies, when dangers have pressed on the Commonwealth, its efforts have been limited only by the occasion. The consequences, however, of drawing revenue too copiously from this source, though first felt by the agriculturalist himself, operate remotely upon every class of society. Little objection can be urged against the moderate tax now laid on polls. But taxes on labor must increase its price, or be drawn from that portion of the product of it, which, to maintain the laborer in full vigor, ought to be appropriated to his subsistence. Taxes on polls and real estates, susceptible of being only annually laid, and being slow and expensive in collection, must be circumscribed in amount. But revenue derived from trade and commerce, from duties on luxuries, and on articles which are consumed or used only, or chiefly by the wealthy, while they admit of indefinite extension, are collected with promptness, with facility and little expense.

The Secretary will lay before you, gentlemen, for your information, the report of a special committee of the House of Representatives in Congress, on the subject of the claims of this Commonwealth against the government of the United States, together with sundry accompanying documents; the consideration of which report was postponed until the next session. Although the merits of the claim have never been discussed in the National Legislature, yet, considering the nature and magnitude of the object for which the expendi-

tures were incurred ; the danger of menaced invasion at the period when a large proportion of the disbursements was required, upon a maritime frontier of more than five hundred miles in extent ; the remarkable unanimity of sentiment which then prevailed among all classes of our citizens, and the cordiality with which they united their labors and zeal in raising works of defence against the common enemy ; and more especially the liberal and unhesitating manner in which the resources of the state were employed, as well for the defence of the posts, navy, and other property of the United States, as for the immediate defence of its own territory and population, we may confidently presume, that the general merits of the claim, will be duly appreciated ; and that the enlightened statesmen to whom are now confided the destinies of our nation, will authorize a reimbursement. In this expectation, we feel the greater confidence, from witnessing the adoption of those liberal and comprehensive views of general policy, which have elevated the United States to their present exalted grade in the scale of nations.

It is not deemed necessary, on this occasion, to advert to considerations, which have only an indirect bearing on the subject in question. Whatever agency Massachusetts may have had in establishing the national government ; or however great her sacrifices or valuable her contributions in supporting its existence and efficiency, in the spirit of amity and accommodation which produced the compact, we concede that she enjoys an equivalent ; and in estimating and remunerating her contributions and various efforts for the public defence, she asks only the same measure of justice and equity, that has been observed, for analogous expenditures, towards her sister states.

That the Constitution of the United States has been productive of the most beneficial effects ; that the blessings resulting from it have transcended the utmost hopes of the sages who formed, and the states which adopted it, are subjects of high gratulation and joy, and of devout gratitude to that Being who rules among the nations. But to ensure a continuance of its beneficial effects, the principles upon which it was founded, must be maintained in their purity. The primary apprehensions of many of its friends, which arose from an imagined imbecility in its structure, have subsided ; and the severe trials it has sustained, sufficiently demonstrate its tone and vigor. The proofs of its strength however,

have been intermingled with admonitions of its tendency to accumulate power by refinement and construction ; and should the time arrive when the sovereignty of the states shall be merged in the general government, the catastrophe must probably be effected by the extension of constructive prerogatives. Whatever difficulties may occur in drawing a line between those rights which have been surrendered, and those which are retained by the states, it is to be remembered, that on every question of doubtful import, touching the distribution of power, a favorable construction is due to the individual states, under a provision, sacred as it is decisive, that all powers not expressly given are withheld.

In support of this doctrine, which I deem essential to the preservation of the true nature of our institutions of government, it is highly satisfactory to me to be able to cite the opinions of the President of the United States, and of his immediate predecessor. The opinion of the latter was expressed in giving his negative, among the last acts of his administration, to a bill that had passed both Houses of Congress, on the subject of making appropriations for roads and canals. Among the reasons he assigns for exercising the right of negative, he observes, "that such a power is not expressly given by the Constitution, and that it cannot be deduced from any part of it without an inadmissible latitude of construction ; and believing also that the permanent success of the Constitution depends on a definite partition of powers." And the President in his message, at the opening of the late session of the National Legislature, expressed a concurrent opinion on the same constitutional question, upon the ground "that Congress do not possess the right, assumed in the bill ; that it is not contained in any of the specified powers granted to Congress ; nor," the President adds, "can I consider it incident to, or as a necessary mean, for carrying into effect any of the powers specifically granted." Further to illustrate this important subject, and at the same time to point out the legitimate mode of acquiring power, in instances where the distribution of it may be equivocal, the message adds, that "in cases of doubtful construction, it comports with the nature and origin of our institutions, and will contribute much to preserve them, to apply to our constituents for an explicit grant of power."

Under this aspect, it must yield us the highest satisfaction to reflect, that constitutional principles bear with paramount

weight on our national councils; and forbearing on my part to interpose an opinion on the subject of allusion, we may feel confident that while the great and vital provisions of our Constitution are thus tenderly and watchfully guarded, the rights of the states and the liberties of the people will remain unimpaired.

Gentlemen, we may recognize the general course, but can never enumerate the instances of divine goodness to our fathers, nor to ourselves. Future events are inscrutable. But we see and feel that the condition of our country is flourishing and happy; and it demands our gratitude. The fathers of the revolution indeed promised us much; but more is realized. They promised us liberty; and on what portion of the earth were the blessings of it ever enjoyed to an equal extent? They taught us the value, and inspired the hope of religious freedom; and what impediment here exists to limit the human mind in the pursuit of truth? What authority to bind and enslave the conscience? Nor is this all. From institutions founded on the basis of justice and equal rights, a peculiar spring and force has been imparted to the American character; and our nation, though but of yesterday, is rivalling in science, in arms and the useful arts, the attainments of the most antient and improved nations of Europe. While, then, we admire and venerate the wisdom of our fathers, let us unite in sentiments of gratitude to a benevolent Providence for all our exalted privileges and social blessings.

The Secretary will lay before you, a letter I have recently received from the Honorable Eli P. Ashmun, resigning his seat in the Senate of the United States.

Some further communications will be made to you hereafter by message; and I shall derive great satisfaction in uniting my own endeavors with yours, to promote the public weal.

JOHN BROOKS.

ANSWER OF THE SENATE.

May it please your Excellency,

THE Senate respectfully present to your Excellency their sincere congratulations on your re-election to the Chief Magistracy of the Commonwealth. It is a renewed pledge of the confidence of the people in that ability, integrity and patriotism, which have been so conspicuous in the public services and private life of your Excellency.

The Constitution has made it the duty of the Legislature frequently to assemble for attention to public concerns, for the redress of such grievances as may exist, and for the making of such laws and regulations as the exigences of the state may require. No occasion can be more suitable for a "review of the past and the examination of the existing circumstances of the Commonwealth," than the annual assembly of this Legislature, called together by the free suffrages of the people. The Senate have received with great pleasure, the interesting view presented by your Excellency of the important subjects entitled to their attention. They rejoice to believe that time has proved the excellency of our Constitution, and our most important establishments and laws, and their conformity to the condition and circumstances of the state. It is the sacred duty of the Legislature to repeal any existing laws that are oppressive, and to make such additional regulations, as the general interests of the state may require. But, is there not some danger, that in a government like ours, where acts are passed with so much facility, the statute laws may become too numerous and be too frequently changed? Frequent alterations of laws are attended with great inconveniences, and should be avoided, unless experience has fully proved the evils of those in existence. The Senate are therefore highly gratified, that it has not by your Excellency been thought necessary to recommend any such change, excepting what may relate to "the improvement of the criminal code."

A "Christian Legislature" cannot but feel the obligation, and will not shrink from the duty, however irksome, of ordaining such punishments for crimes, as shall be adequate to the protection of property, and the security of the rights of persons against the fraud and violence of the lawless. The beautiful and brilliant theory of reclaiming the unprincipled and abandoned by the mild and gentle means of persuasion and reproof, so long cherished and inculcated by the benevolent and humane, we are reluctantly compelled to abandon as vain and illusory. The lessons of experience, rather than the suggestions of speculation, are the true sources of wisdom, and the surest foundations of policy. The right and the necessity of inflicting punishments arise from the obligation of government to afford defence and protection. Vengeance on criminals is not the design of penalties; but those penalties are surely too light, that are not sufficient to deter and restrain the atrocity of offenders.

In this period of peace and prosperity, the people in various parts of our country are making great efforts in accomplishing objects of internal improvement. This spirit receives the aid and encouragement of the governments of some of the large states, who are exercising a liberal policy for the increase of their wealth, population and resources. In this career of improvement, Massachusetts has never been behind any of her sister states. The citizens of this state have always been distinguished by enterprize.

Associations for the purpose of improving the arts and accommodations of life have ever found the Legislature ready to encourage them, by granting such powers and privileges as they might reasonably require. Many humane and literary institutions have received the favors of government; and the flourishing state of our Colleges and our ancient and venerable University, which by the Constitution this Legislature is bound to cherish, are noble monuments of legislative patronage, as well as individual liberality.

The Senate will be ever ready to unite with your Excellency in bestowing on the proposed canal and every enterprize for public utility, that attention which its importance may demand; and to aid in accomplishing them, as far as may be the duty of the government, will be among their most pleasing employments.

Among the objects entitled to the attention and patronage of the Government, the Senate have received with great

satisfaction, your Excellency's recommendation of the interests of agriculture. "Under the guardian care of the Legislature," the Berkshire and Massachusetts Agricultural Societies have been incorporated, and "liberal grants of money have been made in aid of individual contributions." Similar institutions are now rising up in various parts of our Commonwealth, encouraged by our most distinguished and public spirited citizens; and their beneficial effects have already been extensively felt.

The lands in this Commonwealth may generally be rendered fruitful, and become a source of increasing wealth and plenty. What though the soil may not "yield her increase," so readily as in the milder climes of the south; an equivalent is found in the health, industry and frugality that attend the labors of our husbandmen. The cultivation of the soil was honored by our ancestors, and we trust will ever be cherished by their descendants.

The communication of your Excellency upon the state of the treasury, at this time peculiarly interesting, shall receive the deliberate attention of the Senate. They learn with pleasure that the receipts at the treasury will enable the state to meet all the demands for the current year. The preservation of public credit is one of the first objects in the policy of every wise government; and it has become the duty of the Legislature "to devise and adopt some permanent and productive plan of finance."

By the adoption of the Constitution of the United States we have granted to the General Government the most productive source of revenue, that which arises from commerce, but the sources which still remain, are adequate to all the wants of the state. One ground of opposition to the Constitution was, a fear lest the authority it granted to Congress "to lay and collect taxes," might, by misapplication, be considered an exclusive power in the general government. But the construction given by the framers of that instrument was, that this right was concurrent in the general government and the individual states; and that "it was not probable this power would be resorted to by the General Government, except for supplemental purposes of revenue." Accordingly the states have continued to exercise it, and have derived a great revenue from this source.

During the late war, a direct tax exceeding six hundred thousand dollars; more than four times the amount of our

annual state tax, was assessed upon this Commonwealth in one year ; taxes were also laid on licenses to distillers, on sales by auction, on licenses to retailers, on notes, on carriages, on household furniture, and various other articles. Now, the internal revenue laws are all repealed, and the resources of this Commonwealth "are various, and might be easily productive." And we can no more doubt the readiness, than the ability of her citizens to meet all the just demands of a government, with which they are so closely connected. To the superintending care of the State Governments, are the people more immediately indebted for the security of their dearest rights, their domestic and personal interests.

The subject of the claims of Massachusetts for expenses incurred during the late war, is intimately connected with the concerns of the treasury. Considering their great importance, as well as their justice, we cannot but regret that they have not yet been adjusted and allowed by the General Government, and that a discussion of them by the National Legislature, if necessary, has been so long delayed. No one can more justly appreciate their merits than your Excellency, who took so important a part in the measures of defence in which they originated. It was at a period of general alarm, and when we were exposed to attack upon every part of our extended frontier. These disbursements were called for by the public, while a remarkable unanimity of sentiment prevailed upon their necessity. But what should ensure at least the patient investigation of these claims, (as your Excellency has justly remarked,) is the liberal and unhesitating manner in which the resources of Massachusetts were employed, as well for the defence of the ports, navy and other property of the United States, as for the immediate protection of its own territory.

The Senate will cheerfully unite with the other branches of the Government in any further measures that may be necessary to effect their settlement.

We unite with your Excellency in mutual congratulations and devout gratitude for all the blessings which have flowed to us from the Constitution of the United States ; blessings beyond the anticipations of its most sanguine friends. But to ensure a continuance of these beneficial effects, "we must often recur to the principles upon which the Constitution was founded, and to the great causes of the union."

No apprehension can now be had of the weakness of a Constitution which has borne us in safety through so many trials and dangers at so eventful a period. The fears of its friends must arise from another source, "the tendency of the government to accumulate power by refinement and construction." Should the sovereignty of the states ever be lost, it will sink gradually before assumption of power. An exposition of the general phrases of the Constitution favorable to the power of the government of the United States would, by degrees, consolidate the states into one sovereignty. Had the Constitution contained no provision upon this subject, in all doubtful cases, a favorable construction would still have been the right of the states. That questions should arise upon the powers of the general or state governments in a confederacy like ours, is to be expected, and we should never forget, that in all cases, the Constitution "contains a provision as sacred as it is positive, that all powers not expressly granted, are withheld."

We have been gratified by the expression of your Excellency's opinion "in support of this doctrine, so essential to the preservation of the true nature of our institutions of government." It is peculiarly important to recur to such vital principles in a time of universal harmony, when the measures of government are watched by no jealousy. The people of the United States should always recollect, that the union is a confederation of independent sovereign states, associated together for limited objects; and that all the powers delegated to the General Government are defined by the Constitution. The consolidation of the states was never contemplated by any of the sages who framed the Constitution. All admitted the evils that would flow from it; the only subject of controversy, was its probability. Fortunately, experience has proved that there is no inconsistency between the just power and strength of the National Government, and the independence of the states. The several states are the great pillars, which support the vast and beautiful temple of our republic, and their union is its strength and security.

It is the grateful duty of the Senate to recognize with your Excellency, "the instances of divine goodness to our fathers and to ourselves." That "no people can be bound to acknowledge and adore the invisible hand which conducts the affairs of men, more than the people of the United

States," was the pious sentiment of the immortal Washington. "We see, we feel that the condition of our country is flourishing and happy, and it demands our gratitude." We behold it rejoicing in health and prosperity, rapidly increasing in population, and enjoying the blessings of civil and religious liberty. Agriculture is every where improving; our manufactures are becoming permanent; and commerce, without the aid of which, agriculture and manufactures must both languish, is free and flourishing. We are making rapid progress in the arts, in science, in literature, and all that adorns and improves society.

The history of all republics will shew, that the existence of this form of government is inseparably connected with purity of manners, the practice of the moral and social virtues, and an ardent patriotism. Let the citizens of this happy Commonwealth then reverence and support our religious, literary and political institutions, and cherish an affectionate remembrance of our fathers, from whom we received them. And above all, let us unite "in sentiments of gratitude to a benevolent Providence, for all our exalted privileges and social blessings."

ANSWER
OF THE
HOUSE OF REPRESENTATIVES.

May it please your Excellency,

THE House of Representatives derives great satisfaction, from the opportunity afforded of again addressing you, as Chief Magistrate of the Commonwealth. It has given, and will continue to give to the communication, your Excellency has been pleased, personally to make to both branches of the Legislature, the attention, demanded by the importance of the subjects submitted to their consideration. This attention is the more required by the clear and able manner, in which those subjects are developed and elucidated.

It is a cause of gratulation, that the laws, regulating and securing the rights and property of our fellow citizens, are generally so well adapted to their condition, that little, if any alteration in the civil code, at present, appears to be necessary. The House of Representatives, while actuated by a due regard to the welfare of its constituents, will not be hasty, in giving its assent to the alteration of laws, that have stood the test of time, and are interwoven with our system of jurisprudence. It will, however, always be among its duties, to assist, in adding to the civil code, such new modifications, as the changes in the condition, and pursuits of the people, may, from time to time, require. Governed by the principle, that laws, should not be continued in force, merely because they are laws, it is hoped that no improper veneration for antiquated statutes, or forms, will prevent those salutary changes, whose necessity may hereafter become apparent. By uniting vigilance with caution, the laws, by a prudent Legislature, will be made so to correspond with the necessities and habits of the people, as to be, neither above nor below their condition,

nor inadequate to their wants. Thus, when the increase of our population, the extension of enterprize in agricultural, manufacturing and commercial pursuits, and other circumstances connected with our growing prosperity, had caused such complication in contracts, and other instruments, concerning real and personal property, as to produce wrongs, for which, in our code, remedy was difficult, reform became necessary. In affording remedies, deep-rooted prejudices were removed, and equity powers, to a certain extent, by the preceding Legislature, were vested in the Supreme Judicial Court. The fabric of our jurisprudence, raised on the basis of the common law, being thus, in a good measure completed, our constituents may congratulate themselves, that no one can suffer wrong, for which he may not obtain remedy from the enlightened and pure judiciary we are favored with, in all cases over which the judiciary has jurisdiction.

In a country, where a comfortable subsistence can be so easily obtained, by those having a moderate share of health and strength, which offers steady and well remunerated employment, consonant with the various inclinations of different individuals; each of whom, according to his wishes, may direct his industry to the cultivation of the soil; to the fisheries; to the navigation of the ocean; to mercantile avocations; to the mechanic arts; or, to our rising manufactories; there certainly is less to be offered in extenuation of crimes, resulting from a trespassing, furtive disposition, than in communities in these particulars, less fortunately circumstanced. While humanity, therefore, looks with compassion on crimes and errors, the offspring of despair and want, she will regard sternly, and frown, as with the full terrors of vindictive justice, on such offences, as owe their origin to depravity of heart, or dissolute idleness. Comparing our present population with that of times past, it has not escaped observation, that crimes of violence have lessened. But we fear, that crimes and misdemeanors, the issues of fraudulent artifice, or a sordid spirit, have increased. These, we shall ever be solicitous to prevent, and consign the cunning and artful knave to public shame, as well as the more daring and violent criminals to public ignominy.

From the labors of the eminent jurists to whom our immediate predecessors referred the examination and revision

of the criminal code, great benefits are confidently expected. We will sedulously co-operate in the formation of "a concentrated system of criminal law," in which punishment will be proportioned to the nature of offences, and to the degree of turpitude and malignity of motive and design, evinced by the offenders, and do all in our power to effect the great end of the criminal code, the prevention of crimes.

Your Excellency may rely on the disposition of this House, to give its attention to the consideration of the objects of general utility, to which you have referred. This period of general prosperity is peculiarly favorable to that developement of internal resources, and extension of public improvements, in which so many of our sister states are assiduously engaged. The examples of New York and Virginia will not be lost upon Massachusetts. The great enterprizes for the promotion of internal navigation, which those states, with broad prospective views, have so wisely and extensively promoted, must produce an useful emulation. Beneficial will be such rivalry. It is not a contest to support cankering military establishments for mutual conquest; nor is it an effort to outshine in the pageantry of courts; but it is a strenuous endeavor in each, to do most, to bring into active operation, and apply its resources in facilitating communications and other improvements, and thus obtain superior advantages to its agriculture, manufactures and commerce. Such rivalry will ever be approved and encouraged by enlightened statesmen for its beneficial tendencies, not only to the states engaged, but to the nation. The population, the wealth, the enterprize, and the intelligence of this Commonwealth, will not suffer it to halt in the rear of any other, in the prosecution and patronage of eminently great and useful undertakings. The flourishing condition of its fisheries; the wide extent and richness of its commerce; the productiveness of its manufactures, when conducted by skill and industry; and the increasing improvement of its agriculture, constantly accumulate the means of public improvement; while the return of peace, and the repeal of the internal taxes and duties, have given it, at once, the double advantage of enlarged prosperity, and lessened burdens. Such a condition enables the Government to extend the resources of the state,

and gives it the salutary powers of affording its aid to works of great importance and permanent utility.

The necessity of, and great public advantages to be derived from a canal, across the isthmus of Cape Cod, early arrested the attention of our ancestors. The project since, at times, has received those promises of encouragement which might be expected, in favor of a design fraught with such important benefits to the public, and so pressingly urged by humanity. All the examinations and surveys concur in its practicability; and the increase of valuable commerce since one thousand seven hundred and ninety-two, the last time it received any actual encouragement from the Legislature, affords strong reasons for believing, that the time has quite arrived when it will be executed. Its immediate utility in connecting different parts of the state; its great advantage to a most important and rapidly increasing coasting trade; its removing the greatest obstacle to an easy and safe communication between the eastern and middle, and southern section of the Union; its peculiarity as a sea canal, for the use of the vessels of all the states; its obvious advantages in time of war, not only in facilitating and protecting the coasting and foreign trade, but in its assistance to a safe and expeditious transport between different naval and military depots; and finally, its affording a short route, to at least, all the smaller classes of ships of war, render it, in our opinion, more peculiarly an object of national, as well as of state patronage, than any other canal in the United States. These, with other considerations, induce us cordially to join with your Excellency in opinion, that from them motives must be derived for the government of this state and that of the United States, efficaciously to further its accomplishment. With such support, united with private enterprize, we entertain no doubt this great undertaking will be early accomplished.

To agriculture, the House of Representatives will afford the encouragement required by an interest, of all interests the most important, and on which all others more or less remotely depend. It affords us pleasure to witness agricultural improvements rapidly advancing, and suitable grants will be made, in aid of the generous and disinterested efforts of the individuals composing the Massachusetts Agricultural Society, and the other societies instituted for

the promotion of this important object. To these associations, many of those improvements may, in justice, be attributed. A proper sum, annually appropriated for the encouragement of agriculture, and the manufacture of its staple productions, will always, under judicious management, be more than remunerated, by the increased produce of the soil, and the enlarged comforts of the people.

To the fiscal concerns of the Commonwealth, we shall give the solicitous attention required, not only by the disclosure your Excellency has so acceptably made of the situation of our finances, but by the Constitution of the state, which enjoins on the House of Representatives, the duty of originating "all money bills." In selecting sources of revenue, we shall be careful to choose those, that will supply the treasury, to the requisite extent; and, that it be done in such mode, as will be most convenient in collection, and bear most equally on our fellow citizens. Aware that the existing taxes are levied chiefly on land, and on the income, and, in the form of a poll tax, on the persons of our constituents, and on the chartered banks; certain articles of mere luxury, and particularly those classes of business which, as affecting the public morals and ordinary modes of trade, cannot be pursued without permission of law, will not escape our views, in the examination of this subject.

We are happy to learn from your Excellency, that the claim of this state on the United States, for part of the expenses incurred in the common defence, during the late war, having received the examination of a committee of Congress, will be submitted to the consideration of that honorable body, at its next session. Not doubting the same measure of justice will be meted to Massachusetts, as has been given to other states, we cannot but believe this business will soon be brought to a satisfactory termination. Calling to mind the remarkable degree of economy which attended the expenditures constituting the amount of that claim; the labors, the services, and the sacrifices made, not only by the state at large, but by towns, and other corporations, and patriotic individuals, in defence of a sea-coast of "more than five hundred miles in extent," much of which, does not constitute any part of the charges against the United States; and especially when we reflect that many of the important works will long remain, monu-

ments of the patriotic zeal and generous devotedness to country, of all classes of our fellow citizens, that had an opportunity to assist in their formation, either by personal labor, or by contributions of money; and knowing, that these works, and the services connected with that claim, were necessary, and intended and used for the common defence; and that most of the works now, and for a long time to come, will require only to be manned and mantled, effectually to defend the ships, the arsenals, the navy yard, and other property of the United States, against any enemy; we cannot believe, that what was done for the defence of all, much of which now remains for national use, will not be remunerated by the General Government.

To the Constitution of the United States, is our country deeply indebted for its security and prosperity. Containing in itself, ample provision for amendment, its powers may be enlarged or diminished, in a peaceable manner, as the good of the people may require, and as the people may will. Any attempt to add to, or diminish its prerogatives by forced constructions, or in any manner, other than that prescribed by itself, will be zealously opposed by all, having a due regard to their own welfare, or that of their posterity. The National Government moving without aberration, in its own orbit, and the respective states confining themselves to their prescribed revolutions, this grand system will revolve in harmony, with a duration as long as the people will love to be happy, and continue to be virtuous and intelligent.

Next to a most gracious God, to whom we offer the devout homage of our hearts, is our gratitude due to those heroes and statesmen, the founders of our republic, whose wisdom and bravery have conferred the great blessings we enjoy. The provision made by Congress, for the relief of the surviving officers, seamen, marines, and soldiers of the revolution, who are, or may be in destitute circumstances, affords some evidence that republics are not always ungrateful. In the source whence this measure emanated, we recognize the distinguished individual presiding over the nation, who in early life gave himself to the dangers and sufferings of the revolutionary contest. Having shared in their dangers, and witnessed their privations, anxious must he have been, that the country to which these desti-

tute warriors had given their all, should provide for them in the decline of life, and gild the clouds of their evening sky with the rays of a nation's gratitude.

May it please your Excellency : By the free suffrages of your fellow citizens, you are again called, in the wisdom of mature age, to guard those rights and liberties, your youthful valor eminently assisted to achieve. In all the measures for the public good, to which you have asked, or may ask its attention, the House of Representatives will be governed by the injunctions of the Constitution of this Commonwealth, as expressed in its imperative language, that its duty shall be at all times "to cherish the interests of literature and the sciences, and all seminaries of them; especially the University at Cambridge; public schools and grammar schools in the towns; to encourage private societies, and public institutions; to give rewards and immunities for the promotion of agriculture, arts, sciences, commerce, trades, manufactures, and a natural history of the country; to countenance and inculcate the principles of humanity and general benevolence; public and private charity; industry and frugality; honesty and punctuality in their dealings; sincerity, good humor, and all social affections, and generous sentiments among the people."

RESOLVES.

JUNE, 1818.

CHAP. CLVI.

Resolve on the petition of Abigail Lear, praying for payment of a Legacy. June 4th, 1818.

On the petition of Abigail Lear, praying that Stephen Wales, Executor of the last will and testament of Enoch Glover, may be authorized and directed to pay over to the said Abigail Lear, the legacy, which the said Enoch Glover, in his said will, gave to Freeman Glover, now deceased, the child of the said Abigail;

Resolved, For reasons set forth in said petition, that the said Stephen Wales, Executor of the last will and testament of Enoch Glover, late of Dorchester, in the county of Norfolk, deceased, be, and he hereby is empowered and directed to pay over to the said Abigail Lear, of Dorchester aforesaid, widow, the mother of Freeman Glover, late of said Dorchester, deceased, all the amount of the legacy given to said Freeman Glover, in and by the last will and testament of Enoch Glover aforesaid; and the Judge of Probate of the county of Norfolk, is hereby authorized to approve of, and allow said payment, in the settlement of said Executor's account in the Probate Office, accordingly.

CHAP. CLVII.

Resolve establishing the Pay of the Council, and the Members of the General Court. June 4th, 1818.

Resolved, That there be paid out of the treasury of this Commonwealth, to each Member of the Council, Senate, and House of Representatives, two dollars for each and every day's attendance, the present political year; and the like sum of two dollars, for every ten miles travel from their respective places of abode, to the place of the sitting of the Legislature, at every session thereof.

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, in addition to their pay as members.

CHAP. CLVIII.

Resolve appointing Benjamin Russell, Printer to the State. June 4th, 1818.

On the petition of Benjamin Russell, of Boston, in the county of Suffolk, praying to be appointed and employed as Printer to the General Court, the ensuing year;

Resolved, That the said Benjamin Russell be, and he hereby is appointed the Printer of this Commonwealth, for one year from the fourth day of June instant, to be fully completed and ended, and until another State Printer shall be appointed in his stead: *Provided*, he the said Russell shall do and perform, or cause to be done and performed, the printing, in a faithful and workman-like manner, on good and suitable paper, and with all reasonable despatch, and to the acceptance of the officers for whom the work may be done.

Be it further resolved, That the compensation which shall and may be allowed and made to the said Benjamin Russell, for printing, and materials furnished as aforesaid, shall be such as the Committee on Accounts may deem to

be just and reasonable ; they, the said Committee on Accounts, taking into consideration and comparison, the pay and allowance heretofore made, for similar and like services rendered, and articles furnished by printers to the General Court, for several years last past.

CHAP. CLIX.

Resolve granting a Tax on the County of Worcester.
June 5th, 1818.

WHEREAS the Clerk of the Circuit Court of Common Pleas for the county of Worcester, has exhibited an estimate, made by the said Court, of the sum necessary to be raised the current year, to defray the expenses of building a House of Correction, in and for said county, and of the purchase of the land on which to build the same ; Therefore,

Resolved, That the sum of five thousand and five hundred dollars be, and the same is hereby granted as a tax for the said county of Worcester, the present year ; to be apportioned and assessed, paid, collected and applied for the purpose aforesaid, according to law.

CHAP. CLX.

Governor's Message. June 4th, 1818.

Gentlemen of the Senate, and

Gentlemen of the House of Representatives,

On the thirty-first of January last, a resolve passed the Legislature, authorizing the Governor, with the advice of Council, to erect a fire proof building, on some convenient part of the land adjoining the State House, for the purpose of safe keeping all the public records of the Commonwealth ; and authorizing the Governor to draw his warrant on the

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treasury for any sum or sums, not exceeding two thousand dollars, from time to time, as the same may be wanted for completing said building.

The subject of that resolve having been laid before the Council, the site on which a building of sufficient dimensions to contain all the records of the Commonwealth examined, and an estimate of the probable expense obtained, it was considered, and so advised by the Council, that the business of erecting a building be postponed, until the next meeting of the Legislature.

That the Legislature may have a distinct view of the reasons upon which the advice of Council was founded, the Secretary will lay before you the proceedings of the Council respecting the same.

A suitable plan and estimate have not been completed, but may be obtained in a short time, should they be deemed necessary by the Legislature.

The Secretary will likewise lay before you copies of resolutions, passed by the Legislature of the state of Georgia, relative to proposed amendments to the Constitution of the United States, together with a letter from the Governor of that State, requesting the same to be laid before the Legislature of this state.

J. BROOKS.

Council Chamber, June 5, 1818.

CHAP. CLXI.

Governor's Message. June 6th, 1818.

Gentlemen of the Senate, and

Gentlemen of the House of Representatives,

This morning I received a letter from the Honorable John Quincy Adams, Secretary of State, stating that his Britannic Majesty's government had given orders for the delivery, to the United States, of Moose, Dudley and Frederick Islands; and that Brigadier General James Miller had been, by order of the President of the United States,

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authorized to receive possession of the same in their name ; suggesting at the same time, that it would be satisfactory to the President, should an officer of this state be appointed to attend at the surrender of the territory. A copy of the letter of the Secretary of State will herewith be laid before you.

J. BROOKS.

Council Chamber, June 6, 1818.

CHAP. CLXII.

Resolve granting Twelve Thousand Dollars for the use of the State Prison. June 6th, 1818.

Resolved, That there be allowed and paid out of the public treasury, for the use of the State Prison, the sum of twelve thousand dollars, to be drawn from the treasury by the Warden of said prison, in such sums as the Directors shall from time to time direct ; and his Excellency the Governor, with the advice of Council, is hereby requested to draw his warrant on the Treasurer for the said sum accordingly.

CHAP. CLXIII.

Resolve empowering the Assessors of Salisbury to sell certain Public Lots. June 8th, 1818.

On the petition of the inhabitants of the east parish in Salisbury,

Resolved, For the reasons set forth in the said petition, that the Assessors of the east parish in Salisbury be. and they are hereby empowered to sell and convey by deed, in fee simple, the lots of land known by the name of the Grape Hill Pasture, and Cow Commons Lots, as described in said petition, situate in the town of Salisbury ; and appropriate the proceeds of sale in erecting a new parsonage house, on the lot near where the parsonage now stands.

CHAP. CLXIV.

Resolve on the petition of the Overseers of the Poor of the town of Beverly. June 8th, 1818.

Resolved, That there be paid out of the treasury of this Commonwealth, to the Overseers of the Poor of the town of Beverly, one hundred dollars in full for a pension, which Israel Morgan, of said Beverly, an insane person, is entitled to receive from this Commonwealth, for two years, ending the nineteenth day of June, in the year of our Lord one thousand eight hundred and eighteen, to be by them applied towards the support of said Morgan.

CHAP. CLXV.

Resolve making the Doings of the town of Standish valid. June 8th, 1818.

On the petition of the inhabitants of the town of Standish, in the county of Cumberland, stating that the doings of said town have, in some respects, been illegal, through inattention, accidents and mistakes, and praying that their several town meetings, and the doings therein, prior to the date of said petition, may be rendered valid ;

Resolved, That the several town meetings held in said town of Standish, as aforesaid, be, and they are hereby rendered good and valid ; and the proceedings had at the several meetings aforesaid be, and they are hereby fully ratified and confirmed : *Provided however*, that this shall not affect any case now pending before any Judicial Court.

CHAP. LXVI.

Resolve on the petition of William Jernegan.
June 9th, 1818.

On the petition of William Jernegan, in his capacity of Treasurer of Dukes' County, praying the allowance of twenty-six dollars and thirty-five cents, paid by him to a Coroner of said county for an inquest ;

Resolved, For reasons set forth in said petition, that there be allowed and paid out of the treasury of this Commonwealth, to the said William Jernegan, Treasurer of Dukes' County, the sum of twenty-six dollars and thirty-five cents, being the sum paid by him as aforesaid ; and that his Excellency the Governor, with the advice of Council, be authorized and requested to draw his warrant on the treasury for the same.

CHAP. CLXVII.

Resolve authorizing John C. Williams, Administrator on B. Sheldon's estate, to pay certain monies in his hands, to the Overseers of the Poor of the town of Deerfield.
June 9th, 1818.

On the memorial of Ebenezer H. Williams and Asa Stebbins, Overseers of the Poor in the town of Deerfield, in the county of Franklin, praying that John C. Williams, Administrator on the estate of Benedict Sheldon, may be authorized to pay over the residuum of the estate of the said Benedict, in the hands of the said Administrator, which would otherwise escheat to the treasury of this Commonwealth, to the Overseers of the poor of that town, that they may dispose of the same for the support of Esther Gardner and her infant children ;

Resolved, That the said Williams, the Administrator, be, and he hereby is authorized and required to pay over to the Treasurer of the said town of Deerfield, the whole of the residuum of the estate of the said Benedict, to aid them in

the support of the said Esther Gardner, the mother of the said Benedict and her infant children : *Provided however*, that should the whole of the sum, which they may receive, not be required for such support, the Treasurer of said town shall be holden to pay the residue into the treasury of this Commonwealth.

CHAP. CLXVIII.

Resolve on the petition of Howel Roberts, granting Forty Dollars. June 9th, 1818.

On the petition of Howel Roberts, praying that he may receive from the Commonwealth, the sum of forty dollars, paid by him, into the treasury thereof, on a recognizance which he had entered into for the appearance at court of Vine Haynes, whom he afterwards procured and delivered up for trial ;

Resolved, For reasons set forth in said petition, that there be paid out of the treasury of this Commonwealth, to the said Howell Roberts, the sum of forty dollars.

CHAP. CLXIX.

Resolve respecting the Troy Indians. June 9th, 1818.

Upon the petition and representation of Jonathan Prownell and others, in behalf of, and concerning Daniel Ward and others, Indians, resident in the town of Troy, in the county of Bristol ;

Resolved, That Captain Sheffel Weaver, of Troy, in the county of Bristol, gentleman, be, and he hereby is appointed Guardian to all the Indians, male and female, living in said town of Troy, or owning lands in said town ; with power to take care of, and provide for said Indians, and to improve all the land they own in said town of Troy, for their

use: And the said Weaver, their said Guardian, shall have and possess like power over said Indians, and their real and personal estate, and like powers over their persons and effects, as Guardians to minors by law now have over the persons, effects, and estates of their said wards, by virtue of an appointment of guardianship, by any Judge of Probate in this Commonwealth; and said Guardian shall give bond, with sufficient surety, in the sum of two thousand dollars, to the Judge of Probate, within and for the county of Bristol, before said Guardian enters upon the execution of his said office, conditioned faithfully to execute the duties of said appointment, and to account annually to said Judge of Probate, for the proceeds of all the property of said Indians, together with all proceeds of labor of the said Indians, which said Guardian may have received; and said Guardian shall also be under oath, faithfully to execute the said duties of his said appointment.

CHAP. CLXX.

Resolve on the petition of Jonathan M. Bissell.
June 9th, 1818.

On the petition of Jonathan M. Bissell, of Greenfield, praying that Thomas Horsley and Joel Lyons, Guardians of John S. Horsley, Lyman B. Horsley, and Proctor P. Horsley, minor children and heirs of Josiah Horsley, late of Gill, deceased, may be authorized to convey to him and his heirs, certain lands, hereafter described, on the conditions hereafter named;

Resolved, For reasons set forth in said petition, that the said Thomas Horsley and Joel Lyons, in their said capacity be, and they hereby are authorized to convey to the said Jonathan M. Bissell, by a good and sufficient deed for that purpose, all the right of said minors in the following tracts of land, lying in Greenfield, in the county of Franklin, bounded and described as follows; that is to say: the one beginning at a stake and stones, at the southwest corner of the same, on the county road leading to Gill, about sixty rods west of mills lately owned by Abiel Ste-

vens; thence running northerly to a stake and stones, on the top of Fall River Hill so called, where the county road formerly ran; thence easterly, to the south line of land owned by the heirs of Joseph Stebbins, to the county road aforesaid; thence on said road to the place of beginning; containing two acres and one quarter, more or less, with the buildings thereon: The other tract contains three acres, more or less, and is bounded as follows; that is to say: beginning at a white oak tree, at the corner of the road leading to the mouth of Fall River; thence south, eighteen degrees east, eighteen rods and sixteen links, to a stake and stones; thence south, five degrees east, twenty rods and sixteen links, to a stake on the bank of Fall River; thence south, twenty-four degrees west, two rods and ten links, to the mouth of Fall River Brook; thence north, twenty-five degrees west, fifteen rods and four links, to a yellow birch tree; thence sixty-seven degrees west, three rods, to a stake and stones; thence north, eighteen degrees west, twenty rods, to a stake and stones, on the county road; thence to the first mentioned bound; on condition, the said Jonathan M. Bissell pay to the said Thomas Horsley and Joel Lyons, Guardians as aforesaid, for the use and benefit of said minors, three fourth parts of the sum of eighty-one dollars and twenty-seven cents, with the interest thereof, from the twenty-ninth day of September, in the year of our Lord eighteen hundred and three; unless the same may have been already paid.

CHAP. CLXXI.

Resolve empowering Abigail Sprague and others, to convey Real Estate. June 9th, 1818.

On the petition of Elijah Low and Joseph Sewall, junior, Assessors of the First Baptist Society in Bath, together with Abigail Sprague, Administratrix on the estate of Oakman Sprague, late of Bath, in the county of Lincoln, deceased, setting forth, that the said Oakman Sprague, in his life-time, together with David Stinson and Thomas Lemont, both of said Bath, gentlemen, received a conveyance

of a certain lot of land in said Bath, in trust for certain persons, who have since erected a meeting house thereon; but that the deed by which said conveyance was made, doth not express said trust: And whereas the persons aforesaid, have since been incorporated into a society, by the name of the First Baptist Society in the town of Bath; and said Abigail is desirous of conveying the interest, which was vested in her late husband, by the deed aforesaid, to said First Baptist Society in the town of Bath, agreeably to the true intent and meaning of the trust reposed in him, the said Oakman Sprague; Therefore,

Resolved, That the said Abigail Sprague, in her said capacity be, and she is hereby fully authorized and empowered to make and execute, with the said David Stinson and said Thomas Lemont, a sufficient deed of the aforementioned premises, to the said First Baptist Society in the town of Bath: *Provided however*, that the said society first pay to said Abigail, all monies advanced to them by said Oakman Sprague, for the purpose of erecting said meeting house, over and above what he may have given for that purpose; and indemnify said Abigail and the heirs of said Oakman Sprague, against all debts that he the said Oakman, became obligated to pay for said society, over and above the cost of the shares, which he the said Oakman, subscribed for, in the meeting house erected upon said land.

CHAP. CLXXII.

Resolve on the petition of John Gilmore. June 9th, 1818.

On the petition of John Gilmore, praying that the Committee empowered to view the waters, dams, &c. in the towns of Bridgewater and Halifax, relative to the fishery on Taunton Great River, may be extended to examine all and singular the facts and circumstances relating to the fishery at those places, at the expense of said towns, or of said petitioner;

Resolved, For reasons set forth in the petition of John Gilmore, that the Committee appointed to view the waters and dams in the towns of Bridgewater and Halifax, be, and

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they are hereby empowered to view all and singular the facts and circumstances relative to the fishery on Taunton Great River, at the expense of said John Gilmore, the petitioner.

CHAP. CLXXIII.

Resolve on the petition of the Congregational Society in Saugus. June 10th, 1818.

On the petition of the Congregational Parish in Saugus, late the Second Parish in Lynn, in the county of Essex, praying for a confirmation of their records and proceedings, notwithstanding certain irregularities and neglects respecting them ;

Resolved, For reasons set forth in said petition, that the records and proceedings of the said parish be, and the same are hereby confirmed and made valid in law, to all intents and purposes ; the meetings of said parish having been called by notifications, posted up by the Committee, and seals to warrants having in some cases been omitted, notwithstanding.

CHAP. CLXXIV.

Resolve on the petition of Augustus Shevrell. June 10th, 1818.

On the petition of Augustus Shevrell, of Stockbridge, in the county of Berkshire, Esquire, praying an allowance for repairs made by him on certain real estate of the Commonwealth, within the said town of Stockbridge ;

Resolved, That the sum of two hundred and twenty dollars and fifty cents be allowed the said petitioner, in full for said repairs ; and that said sum be applied by the Treasurer of said Commonwealth, in part satisfaction and dis-

charge of an execution in favor of said Commonwealth against said petitioner, for rent due from him on account of said estate.

CHAP. CLXXV.

Resolve granting a Tax to the counties of Plymouth and Dukes' Counties. June 10th, 1818.

WHEREAS the Treasurers of the following counties have laid their accounts before the Legislature for examination, which accounts have been examined and allowed ; and whereas the Clerks of the Courts of Sessions for said counties, have exhibited estimates made by said courts, of the necessary charges which may arise within the said counties, for the year ensuing, and of the sums necessary to discharge the debts of the said counties ;

Resolved, That the sums annexed to the several counties contained in the following schedule be, and the same are hereby granted as a tax, for each county respectively ; to be apportioned, assessed, paid, collected and applied, for the purposes aforesaid, according to law, viz.

County of Plymouth, four thousand one hundred and forty dollars,	} \$4,140 00
County of Dukes' County, seven hundred dollars,	700 00

CHAP. CLXXVI.

Resolve authorizing the Treasurer to borrow Money.
June 10th, 1818.

Resolved, That the Treasurer of this Commonwealth be, and he is hereby authorized and directed to borrow of any of the banks in Boston, any sum not exceeding fifty thousand dollars, that may at any time, within the present year, be necessary for the payment of the ordinary demands made

on the treasury ; and that he pay any sum he may borrow, as soon as money sufficient for the purpose, and not otherwise appropriated, shall be received into the treasury.

CHAP. CLXXVII.

Resolve on the petition of Ibrook Eddy. June 10th, 1818.

On the petition of Ibrook Eddy, Administrator on the estate of Jonathan Eddy, setting forth, that the Agent for Eastern Lands, in the year of our Lord one thousand eight hundred and fifteen, made, by mistake, a deed of lot numbered one, in Eddington, to the heirs of Robert Mann ; and that the said Ibrook has, on that account, been put to great expense ; Therefore,

Resolved, That there be paid out of the treasury of this Commonwealth, to said Ibrook Eddy, sixty dollars, in full for his expenses in the premises ; and that his Excellency the Governor, by advice of Council, be, and he is hereby authorized and requested to draw his warrant on the Treasurer of said Commonwealth, in favor of said Eddy, for the same.

CHAP. CLXXVIII.

Resolve on the petition of Lathrop Lewis. June 10th, 1818.

WHEREAS by two resolves, passed the thirteenth day of June, in the year of our Lord one thousand eight hundred and seventeen, "the Commissioners of the Land Office were directed to lay out, settle, and sell six townships of land, on the St. John's Road, so called, leading from Penobscot River to the easterly line of Maine : Also two townships on the road leading from the north line of Bingham's Kennebec Purchase to the Canada line ;" and moreover, "to survey and sell any part of the Common-

wealth's lands within the nine townships, on Penobscot River, to actual settlers; *provided*, that not more than five hundred acres in a township, be sold to any one person or association:" And whereas, by the representation of Lathrop Lewis, Esquire, one of said Commissioners and Surveyor General, it is manifest, that some further pecuniary provisions of the General Court are necessary to enable the said Commissioners to meet the requirements of said resolves; Therefore,

Resolved, That there be paid out of the treasury of this Commonwealth, six hundred dollars, to defray the expense of surveying, into hundred acre lots, township numbered one, and numbered four, on the St. John's Road; and also a further sum of six hundred dollars, to defray the expense of surveying, into one hundred acre lots, townships numbered four in the first range of townships, and numbered four in the second range of townships, on the said road, "from the Bingham Kennebec Purchase to Canada line;" and that a further sum of six hundred dollars be, and hereby is appropriated to be paid out of the public treasury, for the purpose of quieting all the actual settlers already on the Commonwealth's lands, within said nine townships, which said Commissioners, for a proper consideration paid, or secured to be paid, are hereby authorized to do, by surveying and conveying by deed to each settler, such lots as best to include his improvements, regard being had to a general plan and survey of a township; and for the further purpose of surveying within the said nine townships, so many, and such lots, as the Commissioners may judge to be most for the interest of the Commonwealth;

Resolved. That his Excellency the Governor, by and with the advice of the Council, be, and he is hereby authorized and requested to draw his warrant on the Treasurer of this Commonwealth, in favor of said Commissioners, from time to time, for such sums, not exceeding the amount of the three sums aforementioned, as the said Commissioners may request; and said Commissioners are directed to make a particular report of their doings in the premises to the General Court, at its next session.

CHAP. CLXXIX.

Resolve on the petition of Willard Newton.
June 11th, 1818.

On the petition of Willard Newton, of Southborough, in the county of Worcester, Esquire, Executor of the last will and testament of Micah Sherman, late of Marlborough, in the county of Middlesex, Esquire, deceased, who was duly authorized by the Supreme Judicial Court of this Commonwealth, to sell and convey real estate of said deceased, for the payment of debts, &c. And whereas said Newton, Executor, having complied with the rules of law in all respects, excepting filing a bond in the Probate Office, in the county of Middlesex, previous to his making the aforesaid sales, as is required by law ; Therefore,

Resolved, For reasons set forth in said petition, that the said Newton be, and he hereby is authorized and empowered to file such bond as he was required to do by law, in the aforesaid Probate Office, within sixty days from the date of this resolve ; and the same, when so made and filed as aforesaid, shall have the same force and effect in law, in making good and valid those deeds which the said Newton made and passed, in his capacity as Executor, unto Daniel Stevens, Moses Sherman, Winslow Barnes, John Boyd, John Adams, and Nathan Patch, as though the bond had been filed in said office previous to the aforesaid sales, as by law required.

CHAP. CLXXX.

Resolve on the petition of Phineas Kellam, and others.
June 11th, 1818.

On the petition of Susan Cargill, and others,

Resolved, For reasons set forth in said petition, that Susan Cargill, of Wiscasset, in the county of Lincoln, Administratrix on the estate of Thomas M. Cargill, late of Wis-

casset, deceased, be, and she is hereby authorized and empowered to convey to Jane Cargill, of Boston, a certain piece of land lying in Newcastle, bounded northerly on land of said Thomas, westerly on Sheepscot River, southerly on land of Henry Cargill, and easterly on land of William Cargill, and containing about eleven acres ; and also to convey to Phineas Kellam, of Belfast, merchant, another piece of land, lying in said Newcastle, and bounded as follows ; northerly on marsh, owned by William Patterson, westerly on a ditch, by the upland, southerly on marsh of Henry Cargill, and easterly on Sheepscot River, and containing about five acres of valuable marsh ; and to execute deeds to said Jane and Phineas, their heirs and assigns ; which deeds shall, in all respects, be as good and valid, as if they had been executed by said Thomas, in his life time.

CHAP. CLXXXI.

Resolve relative to the Christiantown Indians.
June 11th, 1818.

WHEREAS, by a resolve of the General Court, passed on the sixth day of February last past, the Guardians of the Indians and their property, in that part of Dukes' County, known by the name of Christiantown, were required to lodge in the office of the Secretary of this Commonwealth, within three months from the passing of said resolve, an account of all lands sold by said Indians, with the consent of said Guardians, since the passing of the act, entitled " An act for the protection of the Indians and their property, in that part of Dukes' County known by the name of Christiantown ;" stating particularly to whom sold, the consideration paid, to whom and in what manner : And whereas the said Guardians have not complied with said requisition, Therefore,

Resolved, That his Excellency the Governor be requested to discharge the said Guardians from the said trust, and appoint new ones in their stead ; and that the Attorney or

Solicitor General be required forthwith to compel said Guardians to account for all the property, real and personal, of which they are or have been possessed, in their capacity aforesaid.

CHAP. CLXXXII.

Resolve on the petition of Daniel Sewall. June 11th, 1818.

On the petition of Daniel Sewall, Clerk of the Judicial Courts, and Register of Probate, for the county of York,

Resolved, For reasons set forth in said petition, that the said Daniel Sewall be, and hereby is permitted to keep and hold his said offices at Kennebunk, where he now keeps the same, so long as he shall be continued in said offices, or either of them, under such regulations and restrictions as the court exercising the power of the Court of Sessions for said county may order and direct; any thing in the resolve passed the twenty-seventh day of February, one thousand eight hundred and fifteen, to the contrary notwithstanding.

CHAP. CLXXXIII.

Governor's Message. June 11th, 1818.

Gentlemen of the Senate, and

Gentlemen of the House of Representatives,

By a resolve of the Legislature, passed on the first day of March, one thousand eight hundred and fifteen, the Governor, with the advice of Council, was authorized and requested to appoint an Agent on behalf of the Commonwealth, for purposes mentioned in the resolve, and to draw his warrant on the Treasurer for the sum of two hundred dollars, in favor of such Agent, he to be accountable for the same.

In pursuance of said resolve, George Herbert, Esquire, of Ellsworth, was appointed Agent, and a warrant granted

him for the sum above mentioned; after which the Agent proceeded to execute his duty, as prescribed in the resolve; and having, as he presumes, completed the same, has made a report to me of his doings in the premises, and at the same time has rendered an account of his expenditures and services; giving credit to the Commonwealth for the above mentioned sum of two hundred dollars.

The report of the Agent, and the numerous documents connected with it, together with his account and sundry vouchers, will be laid before you by the Secretary.

J. BROOKS.

Council Chamber, June 11, 1818.

CHAP. CLXXXIV.

Resolve respecting Old Colony Records. June 11th, 1818.

Resolved, That James Freeman, of Boston, D. D. Samuel Davis, of Plymouth, and Benjamin R. Nichols, of Salem, Esquires, be a Committee, and that they be and are hereby authorized and empowered to copy, or cause to be copied and transcribed, the records of the late colony of Plymouth, or such parts thereof as they may deem expedient; and to procure the said copies to be well bound, and deposited in the office of the Secretary of State, in Boston, together with the abstract of the said records, already prepared; and the said Committee are further authorized and empowered to remove the said books of records, one or more volumes at a time, from Plymouth, for the purpose of their being copied; they, or any two of them giving their receipt therefor to the Register of Deeds, at Plymouth; and they are also authorized and empowered to procure the original books of records to be bound, and put into a proper state for preservation, if in their opinion it is necessary; and they are hereby directed, after the same shall be so copied and prepared, to restore the same forthwith to the office of the Registry of Deeds, in the county of Plymouth.

CHAP. CLXXXV.

Resolve for payment of Clerks, &c. June 12th, 1818.

Resolved, That there be allowed and paid out of the public treasury to the Clerk of the Senate and Clerk of the House of Representatives, each, the sum of five hundred and forty dollars ; and to the Assistant Clerk of the Senate and Assistant Clerk of the House of Representatives, each, the sum of three hundred and sixty dollars, in full for their services for the present political year ; one third part of the above sums to be paid at the end of the first session, and the remaining two thirds at the end of the last session of the Legislature.

CHAP. CLXXXVI.

Resolve for Compensation of Clerks, in certain offices.
June 12th, 1818.

Resolved, That there be allowed and paid out of the treasury of this Commonwealth, to the first Clerk in the Secretary's Office, also to the first Clerk in the Treasurer's Office, also to the first Clerk in the Adjutant General's Office, fourteen hundred dollars each, in full compensation for their services for one year, from the first day of this current month of June ; and likewise to each of the other Clerks in said Secretary's, Treasurer's, Adjutant General's Offices, and also to the Clerk in the Quarter-Master General's Office, three dollars and eighty-four cents per day, for each and every day they are respectively employed therein, for one year from the said first day of June current. Also that there be paid as aforesaid, to Joseph Foster, a Clerk in the Treasurer's Office, the sum of one hundred dollars and ninety-six cents, in full for extra services, to the thirty-first day of May last, in addition to his established salary.

CHAP. CLXXXVII.

Resolve on the petition of Josiah Bemis and George Stearns.
June 12th, 1818.

On the representation of Josiah Bemis and George Stearns, for reasons set forth in their petition,

Resolved, That there be allowed and paid out of the treasury of this Commonwealth, to Josiah Bemis and George Stearns, the sum of two hundred and eighteen dollars and sixty-two cents, in full for their claim for damage sustained by them, by reason of a fire at the State Prison, in Charlestown, and in full for blocks, tackle and stones, taken by the Warden of said prison for the use of the Commonwealth; and that his Excellency the Governor, with advice of Council, be requested to draw his warrant on the Treasurer accordingly.

CHAP. CLXXXVIII.

Resolve authorizing L. Walter to sell certain Real Estate.
June 12th, 1818.

Upon the petition of Lynde Walter, executor of the last will and testament of William Walter, late of Boston, in the county of Suffolk, merchant, deceased, praying that he or some suitable person may be authorized and empowered to make sale of certain real estate of said deceased, described in said petition, and apply the proceeds thereof to the payment of his just debts;

Resolved, That for the reasons stated in said petition, the said Lynde Walter be, and he is hereby authorized and empowered to sell, at public auction, the real estate of said deceased, described in said petition, to wit; one undivided moiety or half part of a certain piece or parcel of land, situate in Salem Street, at the northerly part of said Boston, bounded as follows, viz. north-westerly on said Salem Street, there measuring forty feet; north-easterly on land now or late of Nathaniel Baker and Samuel Clark, there measur-

ing eighty-two feet; south-easterly on land now or late of Timothy Thornton and Mr. Perrigo, there measuring forty feet; and south-westerly on land belonging to Christ's Church, there measuring eighty-two feet: And one undivided moiety of a certain other piece or parcel of land, situated in Fish Street, at the northerly part of said Boston, being the same that was conveyed to the said deceased by Eber Lawrence, by deed, dated June ninth, A. D. one thousand eight hundred and two, and recorded in the Registry of Deeds for the county of Suffolk, lib. 201, folio 126. Also, one undivided moiety of a certain piece or parcel of land, situated in Fish Street and Sun Court, at the northerly part of said Boston, being the same which was conveyed to said deceased by Thomas Walter, Nathaniel Smith, M. L. Smith, Harriet T. Walter, and A. M. Walter, by deed, dated June twenty-ninth, A. D. one thousand eight hundred and one, and recorded in the Registry of Deeds for the county of Suffolk, lib. 198, folio 46, reference to the same deeds being had will fully appear; and to make and execute to the purchaser or purchasers thereof a good and sufficient deed or deeds of conveyance for the same; which being acknowledged before a Justice of the Peace, and recorded in the Registry of Deeds for the county of Suffolk, where the land lies, shall be good and sufficient to pass to the purchaser or purchasers, his or their heirs or assigns, all the right, title and interest the deceased had in and to the same; the said Lynde Walter to post notifications thirty days before the sale, and to account for the proceeds thereof with the Judge of Probate for the county of Suffolk, to give bond, and be under oath according to the rules and directions of law for the sale of real estates by executors or administrators.

CHAP. CLXXXIX.

Resolve on petition of Lovell Barnes. June 12th, 1818.

On the petition of Lovell Barnes, of Marlborough, in the county of Middlesex, Esquire, stating that he is Guardian of Artemas Bigelow, Levi Bigelow, Adeline Bigelow, Lu-

ther Bigelow, William Bigelow, and Jotham Bigelow, children and heirs at law of William Bigelow, late of said Marlborough, gentleman, deceased, intestate ; that he was duly empowered by the Supreme Judicial Court of said Commonwealth, for the benefit of said minors, to sell and pass deeds to convey six undivided tenth parts of three several parcels of land in Marlborough, one belonging to each of them, all which they held in common, and to observe the directions of the law for such case provided in all respects in said sale ; that the said Barnes complied with all the provisions of the law, except that, being ignorant that the law required him to post a notification of the sale, in the shire town of the county, he neglected so to do : That pursuant to the authority of said court, the said Barnes sold at public vendue and conveyed by deed, six undivided tenth parts of said land, in several lots, to the following purchasers, they being the highest bidders ; viz. Sylvanus How, Amos Sawyer, Christopher B. Bigelow, Benjamin How, Moses Barnes, and Winslow How ; and praying that the deeds of conveyance, by him executed, to said purchasers, may, by resolve of this General Court, be rendered as good and effectual in law, to convey the rights and interests of said minors, in said land, as if the provisions of the law had been in all respects complied with ;

Resolved, For reasons set forth in said petition, that the deeds therein mentioned, shall be as good and effectual in law, to all intents, to pass and convey all the right and interest which the said minors had in said land, to the said purchasers, as if the requisitions of the law had been complied with, by posting notifications of the sale, in the shire town of the county.

CHAP. CXC.

Resolve appointing a Committee to examine the Treasurer's Accounts. June 12th, 1818.

Resolved, That the Honorable Messrs. Bemis and Ritchie of the Senate, and Messrs. Greenleaf, Codman, and Rantoul be, and they hereby are appointed Commissioners to exam-

ine, liquidate, adjust, and settle, the accounts of Daniel Sargent, Esquire, Treasurer and Receiver General of this Commonwealth, from the seventh day of June, one thousand eight hundred and seventeen, the time of his entering on the duties of his office, to the thirteenth day of June instant, inclusively; and the said Commissioners 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, or his predecessors; and to report their proceedings at the next session of the General Court.

CHAP. CXCI.

Resolve respecting Elliot School Funds. June 12th, 1818.

WHEREAS the Trustees of Elliot School, in Roxbury, hold, in their said capacity, two certain pieces of salt marsh, in said Roxbury, which, from the contemplated works of the Boston and Roxbury Mill Corporation, will become of little or no value to said school, unless said Trustees are authorized and empowered to dispose of the same: And whereas the said corporation have agreed to purchase said pieces of marsh, at the price of one thousand dollars, and said Trustees have petitioned for a resolve, to authorize and empower them to sell and convey the same to the said corporation, for the consideration aforesaid; Therefore,

Resolved, That the Trustees of Elliot School be, and they are hereby fully authorized and empowered to sell and convey unto the Boston and Roxbury Mill Corporation, in fee, for the sum of one thousand dollars, the two certain pieces or parcels of salt marsh, situated in said Roxbury, and severally bounded and containing as follows, to wit; one piece containing two acres, two quarters and one rod, and bounded northwardly on land late of Solomon May, deceased; eastwardly, partly on land of said May, and partly on land belonging to the heirs of Ralph Smith, deceased; southwardly on a creek; and westwardly on land of Captain Joseph Williams. The

other piece containing one acre, one quarter and twenty rods, and bounded southwardly and westwardly by Cambridge Bay, or Tide Mill Creek, so called; northwardly and eastwardly on land of Captain Joseph Williams; *provided* said sum of one thousand dollars, shall be invested, according to the discretion of said Trustees, in other real estate, or loaned on interest, with mortgage of real estate, as collateral security; and the income thereof be appropriated, in future, to the support of said Elliot School.

Be it further resolved, That a deed from said Trustees to said corporation, containing the necessary, legal and proper words of conveyance, to pass an estate in fee simple, executed in the manner prescribed in the tenth section of the act incorporating the Trustees of Elliot School, passed the ninth day of March, in the year of our Lord one thousand eight hundred and four, shall, to all intents and purposes, be good and valid in law, to pass the estate of the Trustees of Elliot School, in the land in the preceding section mentioned and described, unto the Boston and Roxbury Mill Corporation.

CHAP. CXCH.

Resolve providing for Repairing the State House.
June 12th, 1818.

Resolved, That the Governor, with the advice of the Council, be, and hereby is authorized and empowered, from time to time, to make such repairs to the State House as shall be found necessary, and to draw a warrant upon the Treasurer of the Commonwealth, for a sum not exceeding three thousand dollars, to defray the expenses of such repairs.

CHAP. CXCIIL.

Resolve granting Compensation to George Herbert.
June 12th, 1818.

Resolved, That there be allowed and paid out of the treasury, to George Herbert, Esquire, Agent in behalf of the Commonwealth, on the subject of the lands mortgaged by the late Leonard Jarvis, Esquire, under an appointment pursuant to a resolve of first March, one thousand eight hundred and fifteen, the sum of four hundred and fifty dollars on account of his disbursements and services in the duties of said agency, for which he shall be accountable in the final settlement of his accounts.

CHAP. CXCIV.

Resolve making allowance to Jacob Kuhn, for the purchase of Fuel, &c. June 12th, 1818.

Resolved, That there be paid out of the treasury of this Commonwealth, to Jacob Kuhn, Messenger of the General Court, the sum of one thousand dollars, to enable him to purchase fuel, and such other articles as may be necessary for the use of the General Court, together with the Governor and Council Chamber, the Secretary's, Treasurer's, Adjutant General's and Quarter-Master General's offices, and also the Land Office ; he to be accountable for the expenditure of the same.

CHAP. CXCV.

Resolve in favor of Ward Lock and W. Chase.
June 12th, 1818.

Resolved, That there be allowed and paid from the treasury of this Commonwealth, unto Ward Lock, Assistant to the Messenger of the Governor and Council, two

dollars and fifty cents for each day he has been, or may be employed in that capacity, during the present session of the Council : And also that there be allowed and paid to Warren Chase, Assistant to the Messenger of the General Court, forty-seven dollars, in full for his services to the present time.

CHAP. CXCVI.

Resolve for an Allowance to the Committee on Accounts.
June 12th, 1818.

Resolved, That there be allowed and paid to the Committee on Accounts, one dollar per day over and above their pay as members, for the present session, to wit ; Honorable Oliver Crosby, seventeen days, seventeen dollars ; Honorable James Howland, 2d, ten days, ten dollars ; Alford Richardson, Esquire, seventeen days, seventeen dollars ; Samuel Porter, Esquire, seventeen days, seventeen dollars ; John Howe, Esquire, fifteen days, fifteen dollars.

CHAP. CXCVII.

Resolve in favor of Thomas Walcutt. June 12th, 1818.

Resolved, That there be allowed and paid to Thomas Walcutt, a Clerk in the lobbies, for the assistance of the members of the Legislature, seventy-five dollars, in full for his services during the present session of the General Court.

CHAP. CXCVIII.

Resolve to pay the Messenger to the General Court.

June 12th, 1818.

Resolved, That in lieu of the compensation now allowed, there be allowed and paid out of the public treasury, to Jacob Kuhn, in full for his services as Messenger to the General Court, and for his care of the State House, and all other services rendered by him, (except those for which compensation is made by a resolve, passed October nineteenth, one thousand eight hundred and fourteen,) for the year commencing thirtieth day of May last, one thousand dollars, payable quarter yearly ; and his Excellency the Governor, with advice of Council, is requested to draw his warrant accordingly.

CHAP. CXCIX.

Resolve making Compensation to Joseph H. Pierce.

June 12th, 1818.

Resolved, That in full for compensation and expenses for preparing and arranging papers and documents, for the transportation of the same, for clerk hire, printing reports, and sundry incidental expenses, and proceeding to Washington, and attending to the claim of the Commonwealth against the United States ; there be allowed and paid to Joseph H. Pierce, Esquire, the sum of one thousand and seventy-five dollars and four cents ; and that his Excellency the Governor be, and he is hereby authorized to draw his warrant accordingly.

CHAP. CC.

Resolve on the several petitions of Jonathan Nelson, James Mitchell, Elisha Douglas, James Daniels, and Melinda Taylor. June 12th, 1818.

Resolved, For the reasons set forth in his petition, and the evidence offered in support of the same, that there be granted and paid out of the treasury of this Commonwealth, to Ensign Jonathan Nelson, of Palermo, in the county of Lincoln, the sum of one hundred dollars, in full compensation for the expenses and loss of time to which he was subjected by reason of the wounds he received on the first Tuesday of May, A. D. one thousand eight hundred and sixteen, while doing duty in the north company of militia of said town.

Be it further resolved, For the reasons set forth in his petition, and the evidence offered in support of the same, that there be granted and paid out of the treasury of this Commonwealth, to James Mitchell, of Arundel, in the county of York, the sum of twenty dollars, in full compensation for the loss of time he suffered from a wound he received while doing duty in the militia, at a regimental muster, twenty-sixth September, A. D. one thousand eight hundred and sixteen.

Be it further resolved, For the reasons set forth in his petition, and the evidence offered in support of the same, that there be granted and paid out of the treasury of this Commonwealth, to Elisha Douglas, of Lee Plantation, in the county of Hancock, the sum of forty dollars a year, for four years, if said Douglas shall live so long, to commence on the first day of September next, on account of wounds he received in a skirmish with the British troops, at Hampden, in September, A. D. one thousand eight hundred and fourteen.

Be it further resolved, For the reasons set forth in his petition, and the evidence offered in support of the same, that there be granted and paid out of the treasury of this Commonwealth, to James Daniels, of Medway, in the county of Norfolk, during his life, the sum of one hundred dollars a year, commencing on the third day of October, which was in the year of our Lord one thousand eight hundred and sixteen, the time when said Daniels, while doing duty in

the militia, at a brigade inspection and review, received a severe wound in the head, by which his sight was utterly destroyed.

And be it further resolved, For reasons set forth in her petition, and the evidence offered in support of the same, that there be granted and paid out of the treasury of this Commonwealth, to Melinda Taylor, of Granville, in the county of Hampden, the sum of sixty dollars ; her late husband, George Taylor, junior, while a soldier in the detached militia, and doing duty in Colonel Enos Foote's regiment, stationed at Commercial Point, in the fall of one thousand eight hundred fourteen, having been taken sick, and died, at Worcester, on his return home ; and that his Excellency the Governor be, and hereby is requested to draw his warrants on the treasurer for the payment of all the aforesaid sums to the persons to whom they are hereby granted, at such times as may be necessary.

CHAP. CCI.

Resolve respecting the Claim of the Commonwealth against the United States. June 12th, 1818.

THE Committee to whom was referred the communication from his Excellency the Governor, relative to the claim of the State of Massachusetts, against the United States for the services of the militia of the state, and for expenditures during the late war, respectfully report :

That in pursuance of a resolve of the Legislature, passed June, eighteen hundred and seventeen, instructing the Senators, and requesting the Representatives of the State in Congress, to present to the Government of the United States, the claim aforesaid, for the purpose of procuring an adjustment thereof, and of all accounts connected therewith, and for the payment of the balance due thereon ; the said Senators and Representatives in attending to the duty confided to them, at the late session of Congress, presented the subject to the consideration of the National Legislature ; which received and sustained the same, so far, as in the House of Representatives to appoint a very respectable committee to

consider and report thereon ; and that an able and lucid report, which the committee now ask leave to subjoin, was made thereon in the words following, to wit :

“ The committee to whom was referred the resolution relating to the claims of Massachusetts, for expenditures of their militia, for services during the late war, respectfully report :

“ That the claims of the State of Massachusetts are for the reimbursement of expenditures made by her, for the militia employed in the defence of the country, during the late war, and for incidental expenses. A portion of her claims for monies advanced for these purposes, has been admitted and paid by the Department of War. But the accounts and vouchers for the residue, are excluded from an examination by that department, under a construction of the laws relative to the subject, adopted by the Executive Government. At the commencement of the late war, the United States were divided into military districts ; to the command of which, an officer was assigned. And by the principles established for the admission and settlement of claims for the services of militia, the allowance of such as have not arisen for detachments made upon the requisitions of this officer, and actually received by him, and put under his command, is conceived by the Executive to “ lie beyond its authority.” “ And any claim” (in the language of the late Secretary of War) “ which a state may have to reimbursement,” (for other services of its militia) “ must be judged of by the competent authority, on a full view of all the circumstances of the case.” The claims in question, upon a statement of their general outlines, made by the Agents of Massachusetts to the Department of War, are not considered as warranted by a literal conformity to the above mentioned principles, inasmuch as it does not appear that the portion of militia, whose services and expenses are the foundation of the demand, were formally received by the commander of the military district, or placed under his actual command. The claimants insist, that the causes which prevented the most literal compliance with the executive arrangements, in every instance, are susceptible of a clear and satisfactory explanation ; and that there was, in fact, a substantial conformity to the orders and views of the General Government, on all occasions ; and a zealous co-operation with its officers in the measures of defence ;

the troops of the state having been, in some instances, yielded to the command of the United States' officers; and in all, placed in a state of readiness to be transferred to their command in season for any emergency.

"Congress, then, is the only authority competent to 'judge, upon a full view of all the circumstances,' of the merits of the claim, or to authorize some department or judiciary to take cognizance of it, for the purpose of examination and decision: And it thus becomes necessary to exhibit a general view of such principal facts as may contribute to aid the investigation.

"The services, for which reimbursement is claimed, commenced, with inconsiderable exceptions, in July, one thousand eight hundred and fourteen, and terminated in the autumn of that year; and transactions prior, have no apparent relation to the subject of this claim. Those prior circumstances have reference to a law of the United States passed in April, one thousand eight hundred and twelve, and to the orders from the Executive, founded on that law, which having expired in April, one thousand eight hundred and fourteen, all orders issued on that basis, which were unexecuted, of course became obsolete. And from April, one thousand eight hundred and fourteen, to July following, there appeared to have been in existence no orders or requisitions of the Executive Government of the United States affecting the Militia of Massachusetts.

"A brief narration, however, of facts antecedent to that period, accompanied by documents in support of its accuracy, may conduce to a more ready and perfect understanding of the subject.

"It appears, that so early as June, one thousand eight hundred and twelve, prior to the declaration of war, the Secretary of War, by order of the President, called upon the executive of Massachusetts to detach, on the requisition of Major General Dearborn, such part of the militia, as he might think necessary for the defence of the sea coast; in consequence of which, that officer required a detachment of forty-one companies.

"An opinion being at this time entertained by the Governor of Massachusetts, that no danger of invasion existed; and that under such circumstances, the militia ought not to be placed at the disposal of an officer of the United States, having himself few or no troops under his command, with

the advice of his council, required the opinion of the Judges of the Supreme Court on those two questions. Their opinion confirmed his construction of the constitution, and his reasons for declining a compliance with the requisitions were signified to the Secretary of War by letter, August fifth, one thousand eight hundred and twelve.

“Events proved, that no danger of invasion existed at that period, and no detrimental consequence resulted from this collision of opinion, between the Executive of the United States, and of Massachusetts.

“The detachment required (though no doubt, providentially intended,) would have caused great inconvenience to the militia, and needless expense to the United States; and have impaired, instead of strengthening the measures of defending the sea coast, as parts of the force must have been withdrawn from some districts to protect others, while the whole was exposed, and the forces of the state were in universal readiness to defend their homes, and to march upon the shortest notice.

“It is alleged by the claimants, that the opinions of the Executive, and of the highest tribunal of the state, formed upon great deliberation, and on a solemn occasion, must at least be considered as proceeding from an honest conviction, in whatever estimation their correctness may be held. And in confirmation of this position, reliance is placed upon the fact, that immediately upon the foregoing requisition, orders were issued by the Executive of Massachusetts, ‘for placing the militia in the most effective possible state,’ and apprising them, ‘that in case of invasion, or imminent danger thereof, they were to march without delay, and when in the service of the United States, to be placed under the orders of the President thereof.’

“This order was sent the same day it was issued, to Major General Dearborn; and shortly after this, a body of militia, consisting of three companies, was placed in the service of the United States, at Eastport, on the frontier, under the orders of General Boyd.

“These suggestions and facts might be entitled to a fair and deliberate consideration, if the doctrines maintained by the state authorities had continued to influence its proceedings, at the period to which the present claim relates; at which time, in the view taken of the subject by the committee, circumstances had so changed, that those opinions, though

never formally renounced, do not appear to have furnished the rule of conduct of the government of Massachusetts. If this view should be sanctioned as correct, it will follow, as already intimated, that all these preceding constitutional doubts and expositions, and the measures and motives connected with them, may be excluded from this inquiry. On the fourth of July, one thousand eight hundred and fourteen, (the law of April, one thousand eight hundred and twelve, and all orders emanating from it in Massachusetts, having become *functi officio*) a general requisition was issued by the Secretary of War to the State Executives (under the laws of February, one thousand seven hundred and ninety-five, and eighteenth of April, one thousand eight hundred and fourteen) to hold in readiness ninety-five thousand men; and on the eighth of the same month, a requisition was made by General Dearborn upon the Executive of Massachusetts, for a detachment of one thousand one hundred men. This requisition was immediately complied with; the men were placed under his actual command, and the claims for their services have not been disputed.

“This is considered by the claimants, (and, as the committee conceive, with justice) as constituting a new epoch in the relations between the government and state, to which all the posterior measures ought to be referred.

“On the fifth of September, one thousand eight hundred and fourteen, another requisition was made by Major General Dearborn, for four thousand six hundred and fifty men, exclusive of officers. Of these it was his object to station two thousand two hundred for the defence of Boston, one thousand one hundred for Portland, one thousand one hundred for Kennebec, and two hundred and fifty for York. On the sixth of that month a general order was issued by Governor Strong, comprehending preparations more extensive than General Dearborn at that time required. On the seventh of that month, the Governor writes to the Secretary of War, enclosing him the order, and reminding him that he had lately detached one thousand one hundred men, at the request of General Dearborn, but that such objections and inconveniencies had arisen from that measure, that it could not then be repeated; and that the militia, called out on this occasion, would be placed under the command of a major general of the militia. To this communication, the

letter from the Secretary of War, of September seventeenth, one thousand eight hundred and fourteen, is an answer.

“These facts present to view, the question principally affecting the claim. Were the objections and inconveniences alluded to by the government of Massachusetts in the last mentioned letter, real, or pretended? Did they arise from a disposition to enforce the opinions avowed two years before, or from causes altogether independent of these opinions, and for which that government was not responsible?

“If these difficulties were altogether imaginary, and the fruit of a determination to contravene the authority of the United States over the militia, it would seem to be just that the state should defray its own expenses. But if the constitutional objections, formerly relied upon, were at the time, not only waved, but a sincere desire for co-operation with the government of the United States in the defence of the state, was manifested by the adoption of the most effectual measures; and if the deviations from the established arrangements of the national government were both merely formal and justifiable, under the pressure of the emergency, the claim would be relieved from all objections, which oppose the reference of it to the proper department for settlement, upon equitable principles.

“Various considerations and facts, connected with the transactions of this period, will be found conducive to a just decision on this question. And in the first place, there seems to be no sufficient reason to infer, that the executive government of Massachusetts, having by its compliance with the requisition of July, for eleven hundred men, waved the objections formerly urged against placing the force under the command of the United States’ officers, after more than two years had been afforded for deliberation, should afterward, in the short space of sixty days, revert to those objections. Again, on the seventeenth and eighteenth of September, one thousand eight hundred and fourteen, and after Governor Strong had written the foregoing letter to the Secretary of War, of the seventh of that month, another requisition for one thousand one hundred and sixty-two men, was made by Major General Dearborn, and complied with by the Governor, and the men placed at his disposal. Besides these, the corps of two hundred and fifty men, required by Major General Dearborn for the defence

of York, and in aid of Commodore Hull, were detached under his orders.

“Further, as a considerable portion of the force required was intended for the defence of the District of Maine, an officer was deputed by the Governor, with instructions to make arrangements for placing the troops required, under the officers of the United States, if the same could be done, without exciting discontent and collisions among them, which would have been fatal to the service. For this purpose, this officer made the most faithful exertions to reconcile the militia to this measure ; and had so far succeeded, as to have organized a corps of eleven hundred men to be placed under the command of General Chandler, the officer commanding in that quarter, next in rank to General Dearborn ; and would probably have completed a similar arrangement for the whole ; but while proceeding towards the accomplishment of this object, that officer was ordered upon another service, and thereupon symptoms of discontent and jealousy were manifested by the officers and men ; so entirely and violently adverse to the transfer of command, from their own officers to those of the United States, of subordinate grades, having few or no United States’ troops under them, that it was judged inexpedient and dangerous to expose the service to the collisions which were menaced from these sources, at a period of great peril and alarm, while the enemy were hovering on the coast.

“It is proper also to remark, that the militia of Massachusetts had been organized, agreeably to the laws of the United States, into companies of sixty-four privates each. When called into actual service, General Dearborn conceived it to be his duty, under the orders he had received, to disregard this regulation, and organize the companies anew, by consolidating them into companies, at sometimes of ninety privates, and at other times into companies of one hundred privates ; and into regiments of ten companies each, dismissing, or refusing to pay the supernumerary officers thus occasioned. Thus, too, the militia were transferred from the command of officers of their own election, as provided for by the laws of Massachusetts, to the command of those whom they had not elected.

“It may easily be conceived, that these changes, in a system established by law, had a tendency to create uneasiness among the troops, and to impair the harmony of ac-

tion and *esprit du corps* of train bands, which had been so long habituated to a different system of drill and tactics, also prescribed by the laws of the United States.

“It may be remarked further, that it appears to have been a point conceded on the part of the Executive of Massachusetts, when regular forces and militia were united, each having in command officers of equal grade, that the officer of the regular forces would be entitled to the command. But the claimants state, that when the requisition in July, one thousand eight hundred and fourteen, was complied with, the eleven hundred men, then placed in the service of the United States, were, by General Dearborn, placed in detachments of from one to two hundred each, in the different forts and garrisons along the maritime frontier of Massachusetts; and that wherever they were so stationed, an officer of the United States’ army of equal grade of that of each detachment, although there were few, if any regular troops at that time in such garrison, was nevertheless assigned to it; thereby superceding the militia commandant, in the command of each detachment.

“This statement, your committee, from the circumstances of the times, and from evidence of a general nature before them, are induced to believe to have been substantially correct. And these are some of the more prominent among the reasons which operated in September following, to render it hazardous to the service, if not impossible in fact, to subject the militia to the control of the officers of the United States.

“It further appears, that arrangements for defence were made in a spirit of perfectly apparent harmony; first between the Governor and General Cushing, and afterwards between General Dearborn and the committee of military defence of the state of Massachusetts. That this officer was consulted on all important occasions, and that his plans were adopted, or the proceedings of the committee were by him approved. That his son, a Brigadier General in the Massachusetts militia, was placed in a command subject to the orders of his father, and by an understanding between him and the State Executive, which gave the latter the effective command of the harbor of Boston. That a portion of those troops not actually placed under his command, were held in readiness to be so placed, at a moment’s warning, in virtue of the same arrangement, and were at the same

time stationed in the best possible position for effectual co-operation. That at the request of Commodore Bainbridge, three thousand militia were held in readiness by General Welles, for the defence of the United States' navy yard and ships ; and that the Secretary of the Navy approved of the preparations for the protection of the harbor and public property, and expressed the most unequivocal approbation and satisfaction in the proofs of 'zeal and alacrity' displayed on the occasion. That the people of Boston, and the neighboring country, turned out almost in mass, to work upon the fortifications, in aid of the officers and troops of the United States ; and that the whole force of the state was upon the alert, and in a state of preparation to engage in the defence of the country against invasion. The objections, which subsisted among the militia to being detached under the command of officers of the United States, do not appear to have proceeded from hostility to those officers, nor to have been confined to any political party. They arose principally from the belief, that a new organization, upon which the commanding officer insisted, would be exceedingly inconvenient, by separating officers from men, who had been habituated to mutual confidence, by discharging some of the former, as supernumeraries, and by depriving those who remained, in some instances, of their command, and their rank.

"Upon a deliberate examination of the facts and documents connected with the claim, the committee are led to conclude, that the only colorable objections to its allowance, is the omission of the Governor of Massachusetts to place the militia, in all instances, under the actual and immediate command of General Dearborn. The Governor, however, in retaining them under their own officers, does not appear to have been influenced by the constitutional objections by which his measures were actuated, at an earlier period, and under different circumstances. Inconveniences and objections did exist, for which he was not responsible, but which he manifested a disposition to obviate, by a literal compliance with the requisitions of the United States, in some instances ; and by substituting the best arrangements in his power, when attempts to enforce such a compliance, would have been, in his belief, repugnant to sound discretion. As, therefore, the services of the militia were called for by the United States, and faithfully performed, and the deviation

from an exact conformity to the letter of the Executive requisitions, in all cases, was attributable to causes which were incident to the novelty of the case, and against the recurrence of which, provision may be made by law, for the more perfect organization of the militia.

“They, therefore, report, as their opinion, that the accounting officer of the war department, be directed to audit and settle the claim of said state, upon such terms, and in such manner, as may embrace the merits of such claim; and they ask leave to report a bill for that purpose.”

The committee also state, that the said report was not acted on, further than to be received in the House of Representatives, owing to the accumulation and priority of other business, but that there is reason to believe it will come under consideration at an early day of the ensuing session of Congress; and from the zeal and ability of the delegation, the character and description of the services and expenses rendered and incurred, and the enlightened and patriotic feelings which cannot but actuate the administrators of a government, emanating exclusively from the will of a free and intelligent people, and dependent at all times, for its usefulness and efficiency, in a great measure, on their favor and affection; they confidently trust, that a claim for services, so effectively and economically rendered, as were those of Massachusetts, will receive a prompt and liberal investigation, and a fair and equitable allowance.

The committee, therefore, from the exposition heretofore made, the perspicuous illustration now communicated, and the full and reiterated expression of the sentiments of all the branches of the State Government, renewedly and recently given in relation to the claim aforesaid, deem it necessary at this time only to recommend the adoption of the following resolve, which is respectfully submitted.

J. LLOYD, *Per Order.*

Resolved, That his Excellency the Governor, be requested to cause to be delivered to the Honorable Harrison Gray Otis and the Honorable Prentiss Mellen, Senators of the United States from Massachusetts, or either of them, such accounts, documents and papers, as may be necessary to support the claim of the Commonwealth against the United States, for the use of the Senators and Representatives in

Congress from this state. And that the said Senators be instructed, and the Representatives requested, to attend to, and prosecute the said claim, and to use their best endeavors, that a fair and equitable adjustment thereof may be speedily obtained. And that his Excellency the Governor, with advice of Council, be authorized to draw his warrant on the treasury for such sum or sums, not exceeding five hundred dollars, as may be necessary for the transportation of said papers and documents, and the care and safe keeping of them at Washington, and for such other incidental expenses as may be incurred by the delegation in the prosecution of the claim of the state.

CHAP. CCII.

Resolve on the Governor's Message, respecting Moose Island. June 13th, 1818.

The Committee of both Houses, to whom was committed the message of his Excellency the Governor, communicating a letter from the Honorable John Quincy Adams, stating that his Britannic Majesty's Government had given orders for the delivery to the United States, of Moose, Dudley and Frederick Islands, and suggesting that it would be satisfactory to the President of the United States, should an officer of the Commonwealth of Massachusetts be appointed to attend at the surrender of the territory; having considered the same, ask leave to report the following resolve.

By order, **JOSIAH QUINCY**, *Chairman.*

Resolved, That his Excellency the Governor be, and he hereby is authorized and requested to appoint such officer of the militia of this Commonwealth as he may deem suitable and proper, to attend in behalf of said Commonwealth, at the surrender of Moose, Dudley and Frederick Islands, and to take such other measures in relation thereto, as, in his judgment, the interest and dignity of the Commonwealth may require.

ROLL, No. 79.....June, 1818.

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

REPORT, that there is now 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 respectfully submitted.

OLIVER CROSBY, *Per Order.*

PAUPER ACCOUNTS.

Town of Adams, for board and clothing sundry paupers, to 28th May, 1818,	\$ 111 08
Anson, for board and clothing sundry paupers, to 25th May 1818,	53 65
Amherst, for board and clothing Robert Richardson, wife and daughter, to the 27th May, 1818,	72 30
Acton, for board, doctoring and nursing James Sherland, till his death, 29th April, 1818, and funeral charges,	42 83
Abington, for board and clothing Thomas Seymore, to 4th June, 1818,	30 47

Brookfield, for board, clothing and nursing Abigail Severance and James Benton, to 10th May, 1818,	57 00
Bradford, for board and clothing Joshua L. Alsears, to 1st June, 1818,	26 87
Blanford, for board and clothing Samuel Walker Biel and Lettice Bruster, to 21st May, 1818,	74 58
Boxborough, for board, clothing, doctoring and nursing John McCoy, to 23d April, 1818,	73 08
Brookline, for board and clothing Peter Henry till his death, and funeral charges,	9 50
Barre, for board and clothing Samuel Lee and Sally Taylor, to 17th May, 1818,	62 00
Brimfield, for board, clothing and doctoring Jonathan Hill and John Christian, to 1st June, 1818,	113 47
Beverly, for board and clothing sundry paupers, to 1st June, 1818,	148 90
Bath, for boarding, clothing, doctoring and nursing sundry paupers, to 27th May, 1818,	211 38
Belfast, for support of Margaret James and three children, to 31st May, 1818,	117 00
Bradford, Samuel, keeper of gaol in the county of Suffolk, for support of sundry poor prisoners confined for debt, to 10th May, 1818,	349 30
Belchertown, for board, clothing and doctoring sundry paupers, to 5th June, 1818,	71 22
Baldwin, for board and clothing Daniel Hickey, to 1st May, 1818,	37 96
Bellingham, for board and clothing sundry paupers, to 29th May, 1818,	187 75
Bridgewater, for board and clothing sundry paupers, to 11th June, 1818,	78 00
Boston, for board and clothing sundry paupers, to 1st May, 1818,	7626 54
Cushing, for board, clothing and nursing Mary Henderson, to 19th May, 1818, and Peggy Rowley, till her death, and funeral charges,	38 50

PAUPER ACCOUNTS.

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Chester, for board, clothing and doctoring sundry paupers, to 25th May, 1818,	102 25
Conway, for support of sundry paupers, to 23d May 1818,	68 52
Concord, for board, clothing and doctoring sundry paupers, to 1st June, 1818,	270 97
Colrain, for board, clothing, nursing and doctoring Richard and Rachel Hines, to 23d May, 1818,	77 56
Cheshire, for board, clothing and doctoring sundry paupers, to 23d May, 1818, and expense for removing Jane Newton and her children out of the state,	168 76
Carlisle, for board, clothing and doctoring Robert Barber, to 25th May, 1818,	42 75
Cummington, for support and doctoring John Sampson, to 25th May, 1818,	54 34
Camden, for board, clothing and nursing John Bloom, and house rent for Richard Conway's family, to 29th January, 1818,	114 45
Charlestown, for board and clothing sundry paupers, to 3d June, 1818,	434 30
Dedham, for support and doctoring James Saunders, to 1st June, 1818,	20 18
Durham, for board and clothing sundry paupers, to 1st June, 1818,	217 20
Danvers, for board and clothing sundry paupers, to 26th May, 1818,	795 88
Enfield, for board and clothing Deborah Butterworth, to 25th May, 1818,	17 54
Edgarton, for board, clothing, doctoring and nursing sundry paupers, to 27th May, 1818,	252 33
Granville, for board, clothing and doctoring Simon Hoffman and George Taylor, to 23d May, 1818,	58 86
Gill, for board, clothing and doctoring sundry paupers, to 30th May, 1818,	112 64

Guardian of Dudley Indians, which sum the Treasurer is directed to charge said Indians, and deduct the same from the sum due them from the Commonwealth, to 1st May, 1818,	179 01
Greenwich, for board, clothing, doctoring, and nursing sundry paupers, to 26th May, 1818,	140 40
Gloucester, for board and clothing sundry paupers, to 10th May, 1818,	573 05
Gorham, for board and clothing Robert Gilfilling, to 31st May, 1818,	27 10
Hopkinton, for support of Silence Cook, to 2d June, 1818,	32 50
Hubbardstown, for board and clothing Abner Hybra, to 27th May, 1818,	24 56
Haverhill, for board and clothing John Wilson, to 7th May, 1818,	83 67
Hodgkins, Joseph, late keeper of house of correction in county of Essex, for allowance made by Court of Sessions, to 10th November, 1817,	195 12
Harlem, for board and clothing William Youling, to 10th May, 1818,	33 60
Hallowell, for board, clothing, doctoring and supplies, to sundry paupers, to 3d June, 1818,	295 74
Hamilton, for board and clothing Ellis Cook, to 6th April, 1818, and Mary Moucrief, till her death, and funeral charges,	146 21
Holland, for board and clothing Jonathan Hill, to 15th December, 1817,	37 84
Hardwick, for board and clothing Hannah Morgan, to 1st June, 1818,	59 00
Hancock, for board and clothing Rebecca Osborn and Hannah Winn, to 30th May, 1818,	54 00
Ipswich, for board and clothing sundry paupers, to 1st June, 1818,	627 66
Jay, for board and clothing Elizabeth Bell, to 18th May, 1818,	19 00

PAUPER ACCOUNTS.

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Lenox, for board, clothing and nursing sundry paupers, to 24th May, 1818,	201 47
Lee, for support of sundry paupers to 20th May, 1818,	176 00
Leyden, for board, clothing and doctoring sundry paupers, to 21st May, 1818,	100 04
Longmeadow, for board and clothing sundry paupers, to 23d May, 1818,	47 59
Leeds, for support and doctoring sundry paupers, to 24th May, 1818,	150 00
Litchfield, for support of Jerusha Twambly, to 19th May, 1818,	15 50
Lanesborough, for board, clothing and doctoring sundry paupers, to 1st June, 1818,	117 89
Lynn, for board and clothing sundry paupers, to 30th May, 1818,	385 64
Littleton, for board and clothing John Putnam, to 3d June, 1818,	57 84
Lubec, for board, nursing and doctoring Samuel Hudson till he left the state,	16 00
Montgomery, for board and clothing Moses Canair, to 7th June, 1818,	25 89
Monson, for board, clothing and doctoring James Worthington, to 20th May, 1818,	27 76
Monmouth, for board and clothing Peggy Magner, to 1st June, 1818,	18 00
Middleborough, for board, clothing and doctoring John Fitzgerald and Betsy Quite, to 1st April, 1818,	38 08
Montague, for board, nursing and doctoring Elizabeth Sicklen, to 21st May, 1818,	52 67
Milton, for board and clothing Archibald McDonald, to 3d June, 1818,	24 70
Marblehead, for board and clothing sundry paupers, to 31st May, 1818,	134 31
Marshfield, for board and clothing Samuel Holmes, to 20th May, 1818,	61 45

Manchester, for support of Abraham Gloss, to 14th March, 1818,	84 00
New Bedford, for board and clothing sundry paupers, to 1st April, 1818,	182 68
New Castle, for board and doctoring sundry paupers, to 4th May, 1818,	91 08
Northampton, for board, clothing and doctoring sundry paupers, to 21st May, 1818,	145 16
Northfield, for board and clothing Amos Riley, to 23d May, 1818,	24 55
Norwich, for board, clothing, doctoring and nur- sing Daniel Williams, till his death and fune- ral charges,	35 24
Newbury, for board and clothing sundry paupers, to 1st June, 1818,	850 44
New Salem, for support, nursing and doctoring Philip Haven, to 4th April, 1818,	85 38
North Yarmouth, for board, clothing and doctor- ing George Young, to 2d June, 1818,	33 84
Newburyport, for board and clothing sundry pau- pers, to 1st June, 1818,	709 28
Palmer, for board and clothing William and Phe- be Mendum, to 8th May, 1818,	40 50
Poland, for board and clothing Bethany Wilson's five children, until they left the state, 6th April, 1817,	55 00
Portland, for board and clothing sundry paupers, to 1st June, 1818,	980 69
Plymouth, for board and clothing sundry paupers, to 1st June, 1818,	418 75
Pittsfield, for board, clothing and doctoring sun- dry paupers, to 1st June, 1818,	160 58
Russell, for board, clothing and doctoring Sally Harrington, to 15th January, 1818,	87 04
Rowe, for support of Betsey Carpenter, to 21st May, 1818,	52 00

PAUPER ACCOUNTS.

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Readfield, for board and clothing Edward Burgess, and Collins Cameron, to 21st May, 1818,	114 00
Roxbury, for board and clothing sundry paupers, to 3d June, 1818,	272 96
Randolph, for supplies to William Read, to 20th April, 1818,	39 72
Rowley, for board, clothing, doctoring, and nursing Elle Collins and Benning Dowe, to 1st May, 1818,	45 17
Swansey, for support of Garnet Burns and James Garner, to 23d May, 1818,	42 50
South Reading, for doctoring Susan Jackson, to 30th January, 1818,	4 06
Saco, for support of Mrs. Donmore and children, to 25th May, 1818,	46 00
Southbridge, for board and clothing London Derry, to 18th May, 1818,	67 20
Shelburne, for board and clothing sundry paupers, to 23d May, 1818,	60 20
Sandisfield, for support of Richard Dickson, wife and daughter, to 19th May, 1818,	31 50
Stockbridge, for board, clothing, doctoring and nursing sundry paupers to 1st June, 1818,	308 33
Sheffield, for support, doctoring and nursing Joseph Williamson, until his death, and funeral charges,	30 60
Spencer, for board, clothing and doctoring sundry paupers, to 27th May, 1818,	222 50
Sandwich, for support of Esther and Mason Raymond, to 28th May, 1818,	42 00
Scarborough, for support and doctoring John S. Moulton, to 23d April, 1818, and expense of removing,	69 30
South Berwick, for board and clothing Lemuel Woodworth, to 4th June, 1818,	33 00
Southwick, for board and clothing George Reed, to 1st June, 1818,	67 20

Springfield, for board, clothing, and doctoring sundry paupers, to 25th May, 1818,	212 65
Salem, for board and clothing sundry paupers, to 2d June, 1818,	2812 02
Taunton, for board and clothing sundry paupers, to 31st May, 1818,	247 46
Tyringham, for board, clothing, and doctoring Richard Gardner and wife, to 1st January, 1818,	70 29
Uxbridge, for support of sundry paupers, to 23d May, 1818,	48 60
Vassalborough, for board and clothing Abigail Fairbrother, to 1st June, 1818,	25 62
West Stockbridge, for board and clothing sundry paupers to 8th May, 1818,	44 12
Wareham, for support of William Long, to 27th May, 1818,	20 90
Warren, for support of sundry paupers, to 27th May, 1818,	117 00
Westfield, for board, clothing and supplies, to sun- dry paupers, to 1st June, 1818,	96 11
Waldoborough, for board and clothing Handle and Phebe Andrews, to 6th June 1818,	124 00
Wade Thomas, keeper of House of correction, in the county of Essex, for board and clothing sundry insane persons, to 1st June, 1818, in- cluding allowance, made by Court of Sessions,	322 80
Whately, for board and clothing Benjamin Mat- thew, to 18th May, 1818,	145 76
Westhampton, for board and clothing sundry paupers, to 28th May, 1818,	100 16
Western, for board and clothing Eliza and Har- riot Trim, to 25th May, 1818,	124 00
Worcester, for board and clothing sundry pau- pers, to 1st June, 1818,	192 38
Westbrook, for board, clothing, doctoring and nursing John Burns, to 8th May, 1818,	81 70

MILITARY ACCOUNTS.

647

Walpole, for board and clothing Elizabeth Ellis and Nancy Hearn's two children, to 1st June, 1818,	36 70
Williamstown, for support and doctoring sundry paupers, to 30th May, 1818,	67 38
Westborough, for support of Dinah, a Negro, to 1st December, 1817,	57 20
West Springfield, board, clothing and doctoring sundry paupers to 25th May, 1818,	145 43
Ward, for board and clothing Francis Savage, to 10th April, 1818,	18 40
Westford, for board, clothing and doctoring James Deirce, to 18th June, 1818,	28 10
York, for board, clothing, doctoring and nursing sundry paupers, to 30th May, 1818,	206 00
Total Paupers,	\$27,458 43

MILITARY ACCOUNTS.

Courts Martial, &c.

Barnard, Robert F. for expenses of a Court Martial, held at Great Barrington, 27th and 28th January, 1818, whereof Thomas Stephens was President,	\$ 90 20
Clark, Joseph, for expenses of a Court Martial, held at Waterville, February 11th, 1818, whereof Henry W. Fuller was President,	150 28
Carter Solomon, for expense of a Court Martial, held at Westborough, 3d of March, 1818, whereof Iven Jewett was President,	236 83
Whitney Timothy P. for expense of a Court Martial, held at Dedham, 13th December, 1817, whereof Jonathan Whitney was President,	186 56
Total,	\$ 663 87

MILITARY ACCOUNTS.

Brigade Majors and Aids de Camp.

Hight, William, to 1st May, 1818,	19 00
Hubbard, Russell, to 9th October, 1818,	30 50
Treat, Joseph, to 10th May, 1818,	85 83
Total,	<hr/> \$ 135 33

Brigade Quarter-Master's Accounts.

Bradbury, William, for 1817,	18 25
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Adjutant's Accounts.

Billings, Asahel, to 27th April, 1818,	25 62
Barrows, Asa, to 1st June, 1818,	17 37
Bemis, Isaac, to 3d June, 1818,	46 50
Burr, Samuel, to 2d June, 1818,	56 71
Champney, John, to 1st June, 1818,	71 01
Carter, Willis, to 1st May, 1818,	36 55
Clement, Jesse, to 15th May, 1818,	17 56
Chadburn, Samuel, to 18th September, 1817,	5 80
Elder, Nored, to 20th February, 1818,	21 12
Fairfield, Jotham, to 20th May, 1818,	10 39
Farrar, David, to 18th May, 1818,	11 88
Fales, David S. to 1st June, 1818,	30 87
Gray, Moses, to 16th March, 1818,	55 97
Harris, Moses, to 5th May, 1818,	68 43
Hammond, Moses, to 1st January, 1818,	36 50
Henrick, Oliver, to 1st September, 1817,	33 35
Kimbal, Moses, to 4th April, 1818,	27 62
Leach, Cephas, to 5th May, 1818,	46 00
Lothrop, Cyrus, to 5th May, 1818,	62 00
Noble, Charles, to 15th April, 1818,	15 18
Orr, Hector, to 1st May, 1818,	47 41
Poor, Daniel A. to 1st May, 1818,	24 41
Remick, Benjamin, to 7th April, 1818,	12 67

SHERIFFS' AND CORONERS' ACCOUNTS. 649

Sampson, John, to 16th April, 1818,	26 73
Stone, Hosea, to 14th April, 1818,	5 23
Talmond, William, to 13th October, 1817,	61 51
Thompson, Arad, to 1st May, 1818,	54 65
Worthington, Gad, to 10th March, 1818,	25 76
Wild, William C. to 20th May, 1818,	41 00
Total,	<hr/> \$ 994 80

Expenses of Horses to haul Artillery.

Brackett, Nathaniel, for 1816 and 1817,	10 00
Bangs, Deal, for 1816,	5 00
Fessenden, Ebenezer, for 1817,	5 00
Lee, Charles, for 1816 and 1817,	10 00
Total,	<hr/> \$ 30 00

Courts Martial, &c.	663 87
Brigade Majors, &c.	135 33
Brigade Quarter-Masters,	18 25
Adjutants,	994 80
For Artillery Horses,	30 00

Total, Military,

\$ 1842 25

SHERIFFS' AND CORONERS' ACCOUNTS.

Andrews, Andrew, Coroner of Berkshire County, for an inquisition on the body of a stranger, and funeral charges, to May, 1818,	20 45
Cooper, John, Sheriff of Washington, for return- ing votes, to 17th May, 1818,	28 00
Hamlin, Cyrus, Sheriff of Oxford, for distributing precepts, and returning votes to April, 1818,	38 00
Hoyt, Epaphras, Sheriff of Franklin, for return- ing votes, to 25th May, 1818,	7 60

PRINTERS' ACCOUNTS.

Hunnewell, Richard, Sheriff of Cumberland, for distributing precepts, and returning votes, to May, 1818,	34 75
Robbins, Chandler, Sheriff of Kennebec, for returning votes, to 6th May, 1818;	19 40
Thatcher, Samuel, Sheriff of Lincoln, for returning votes, to May, 1818,	16 00
Watson, George, Sheriff of Hancock, for returning votes, to May, 1818,	20 00
Worth, Jethro, Sheriff of Dukes' County, for distributing precepts and returning votes, to 28th May, 1818,	71 50
Total,	8325 70

PRINTERS' ACCOUNTS.

Ballard and Wright, for publishing sundry acts, and notices to 29th May, 1818,	13 00
Cushing, Thomas, C. for publishing acts and resolves, and notice of Commissioners of Land Office, to May, 1818,	22 67
Goodale, Ezekiel, for publishing acts and resolves, list of taxes, notice of Commissioners of Land Office, &c. to February, 1818,	70 16
Hastings, William, for publishing acts and resolves, to 1st August, 1818,	16 67
Lindsey, Benjamin, for publishing acts and resolves, to May, 1818,	16 67
Manning, William, for publishing notice of Commissioners of Land Office, notice respecting Deaf and Dumb, and acts and resolves, to 10th January, 1818,	29 69
Rogers, Henry, for publishing acts respecting Courts in Middlesex and Worcester, to March, 1818,	4 75
Russell, Benjamin, by Russell, Cutler & Co. for printing done for the government, to 10th June, 1818,	2900 82

MISCELLANEOUS ACCOUNTS.

651

Young and Minns, for publishing notice respecting Deaf and Dumb, and acts and resolves, to June, 1818,

53 75

Total, \$ 3128 66

MISCELLANEOUS ACCOUNTS.

Burdett, James W. for stationary furnished the Government, to 10th June, 1818,

227 40

Bradley, Josiah, & Co. for oil for the State House, to 5th June, 1818,

68 77

Boston Glass Manufactory, for glass for State House, to 10th June, 1818,

41 52

Bacon, Henry, for assisting the Messenger of the General Court, to 12th June, 1818,

47 50

Commissioners appointed to visit Marshpee and Herring Pond Indians, viz.

Honorable Dudley L. Pickman, 82 00

“ William B. Bannister, 84 00

“ Benjamin Whitman, Esquires, 76 00—242 00

Committee appointed to examine Old Colony Records, viz.

Reverend James Freeman, 412 45

Benjamin Nichols, Esquire, 131 00

Samuel Davis, Esquire, 84 00

Joseph Avery, for stationary, 6 34

Benjamin Loring, for stationary, 1 50—335 29

Durant & Snelling, for sundries for State House, to 10th June, 1818,

61 22

Francis, Mary, for her son Joseph, as Page to the House of Representatives, to 12th June, 1818,

18 75

Greenleaf, Oliver C. for stationary, furnished the Government, to 30th January, 1818,

4 50

Kuhn, Jacob, for balance due him on the 10th June, 1818, over and above the several grants made by the General Court, of the 10th June, 1817, and 16th January, 1818,

64 53

RESOLVE TO ROLL NO. 79.

Loring, Benjamin, for stationary furnished Secretary's Office, to 16th May, 1818,	3 50
Low, John V. for assisting the Messenger of the General Court, to 12th June, 1818,	40 00
Low, Lewis, for assisting the Messenger of the General Court, to 12th June, 1818,	40 00
Thompson, James, for sundries for the State House, to 10th June, 1818,	84 31
Total,	\$ 1276 29

Aggregate of Roll No. 79.

Expense of State Paupers,	27,458 43
Do. Militia,	1,842 25
Do. Sheriffs and Coroners,	255 70
Do. Printers,	3,128 66
Do. Miscellaneous,	1,276 29
Total,	\$ 33,961 33

Resolved, That there be allowed and paid out of the public treasury, to the several corporations and persons mentioned in this roll, the sums set against such corporations, and persons' names respectively; amounting in the whole to thirty-three thousand, nine hundred and sixty-one dollars and thirty-three cents; the same being in full discharge of the accounts and demands to which they refer.

June 12th, 1818—Approved,

J. BROOKS.

COMMONWEALTH OF MASSACHUSETTS.

SECRETARY'S OFFICE, OCTOBER 15, 1818.

By this I certify, that the Resolves printed in this pamphlet, which passed at the session of the General Court, beginning May 27th, and ending June 13th, 1818, have been compared with the originals in this office, and appear to be correct, except that on page 622, five lines from top, for "*thirteenth*," read "*thirtieth*."

ALDEN BRADFORD,

Secretary of the Commonwealth.

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