

# MAINE STATE LEGISLATURE

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# RESOLVES

OF THE

NINTH LEGISLATURE,

OF THE

STATE OF MAINE,

PASSED AT THE SESSION

WHICH COMMENCED ON THE SEVENTH DAY OF JANUARY, AND ENDED ON  
THE SIXTH DAY OF MARCH, ONE THOUSAND EIGHT HUN-  
DRED AND TWENTY NINE.

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Published agreeably to the Resolve of the 28th June, 1820.

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Portland:

DAY & FRASER.....PRINTERS TO THE STATE.  
1829.

## APPENDIX.

### MESSAGES OF THE GOVERNOR.

*To the Senate and House of Representatives :*

I have received the resignation of Samuel Fessenden as Major General of the fifth Division of the Militia of this State.

Knowing the honorable sentiments and high intelligence, which have governed his conduct as an officer and a man, it has not been without deep regret, that I have consented to his discharge.

I submit to your consideration the fact, that there is a vacancy in the station he lately occupied.

ENOCH LINCOLN.

COUNCIL CHAMBER, }  
January 27, 1829. }

*To the House of Representatives :*

Pursuant to the order of the House of Representatives, requesting "that any Reports which the late or present Land Agent has made of his doings to the Governor and Council as is required by the ninth section of "An Act entitled 'An Act to promote the sale and settlement of the Public Lands,'" passed February 20, 1828 ; also any accounts which said Land Agents may have settled with the Governor and Council," may be communicated to the House ; I have the honor to transmit herewith copies of the doings of the Council of the 3d day of July and 22d day of December 1828, and first day of January 1829, in relation to the settlement of the accounts of the late Land Agent, with copies of the documents recorded therewith. Also a copy of the report of the present Land Agent of his doings up to the first day of January last, and copies of his accounts as settled yesterday with the Governor and Council.

ENOCH LINCOLN.

COUNCIL CHAMBER, }  
Portland, Feb. 5, 1829. }

### STATE OF MAINE.

HOUSE OF REPRESENTATIVES, FEB. 13, 1829.

The joint standing committee on State Lands, to whom were referred the message of the Governor and the documents trans-

mitted therewith, made in pursuance of an order of the House of Representatives, requesting that the reports and accounts of the late and present Land Agent be communicated to the House, have had the same under consideration, and ask leave to REPORT :

That among the documents transmitted, was the report of a committee of the Council of July 3, 1828, to whom were referred the accounts of James Irish, Esq. late Land Agent, which report was accepted by the Council and approved by the Governor, and by which it appears, that the

Amount due from and in the hands of said Irish, as per report of James C. Churchill, auditor of said Agent's accounts for the year 1827, was	\$41,944 31
Due for sales of land up to July 3, 1828,	12,946 81

Making a total of	<u>\$54,891 12</u>
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That the amount of old notes delivered over was	31,306 77
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And notes for sales from January 1, to July 3, 1828,	5,990 59
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That there was due on old contracts	5,219 10
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And on contracts with settlers to be paid in labor,	1,475 00
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That amount of judgments including costs was	2,935 10
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The interest on which was thereafter to be credited to the State ;

And that said Agent's account of money paid into the Treasury, and expenses allowed, was	6,411 95
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And notes in the hands of Jona. P. Rogers, not finally to be credited till received,	707 00
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The interest on which is to be charged said Agent.

All of which being passed to said Irish's credit left a balance of	845 61
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	<u>\$54,891 12</u>
--	--------------------

That there was an unknown amount in suit against one Ira Wadleigh ;

The said balance charged the State was carried to a new account, viz.	845 61
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As also the amount of the notes in the hands of said Rogers,	707 00
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Which are to be credited to said Agent when received.

The amount of interest due on said judgments, the interest on the demands in the hands of said Rogers, and the unknown amount due from said Wadleigh were also charged to new account.

There was also transmitted an accepted and approved report of Council of January 1, 1829, by which it appears that the account with said Irish was adjusted as follows :

To balance of last account	\$845 61	By sundry items of credit	\$1691 85
“ amount of notes with Rogers,	707 00	“ balance carried down,	528 90
“ amount of interest due on notes, &c.	550 16		
“ amt. in suit against Ira Wadleigh settled Oct. 23, 1823,	117 98		
Amounting to	\$2,220 75		\$2,220 75
To balance	\$528 90		

Accompanying the aforesaid Reports of Council were several schedules of items of which the several sums aforesaid were composed.

It further appears from the documents communicated that the present Land Agent's account has been settled to January 1, 1829, a statement of which follows :

To amt. of cash collected on old notes,	\$11,057 88	By debts due the State as per settlement of account with former agent,	45,451 55
To bal. remaining unpaid exclusive of interest,	34,393 67		
	45,451 55		
To cash paid M. Harris, Treasurer,	9074 58	“ amt. of sales of land to defray expense of public buildings,	45,230 60
To amt. of notes delivered to same,	36,156 02		
	\$45,230 60		
To sundry expenses	1,761 50	“ amt. rec'd on old notes and interest,	11,682 29
“ cash pd. M. Harris,	13,666 66	“ sales of land for Canada Road,	9,672 80
“ amt. of balances due for land, timber and hay, secured by notes exclusive of in.	23,349 41	“ sales of sett'g lands,	6,961 40
“ Thos. Knolen's old note secured in Hill and others notes for settling lands,	4 32	“ sale of timber lands,	10,390 51
“ contracts surrendered, being credits for sale of set. lands,	134 23	“ amt. received of Wm. Emerson for burnt timber,	302 60
“ bal. carried to new account,	683 13	“ amt. received for hay,	131 67
		“ amt. rec'd for timber cut by trespassers	347 81
		“ am't rec'd on old contracts,	110 17
	\$39,599 25		\$39,599 25

By which it appears there was then in the hands of the present Land Agent of the demands delivered over by the late Land Agent, the sum of	\$34,393 67
exclusive of interest ;	
And also the sum of	23,349 41
being amount of balances due for land, timber and hay, secured by notes in his hands exclusive of interest ;	
And that the balance due from him was	693 13
Amounting in all to the sum of	<u>\$58,426 21</u>

It further appears that the Land Agent on the first day of January made a report of his doings to the Governor and Council as required by the 9th section of the Act, to promote the sale and settlement of public lands ; an extract from which follows :—  
 “ The lands in the Townships on the Penobscot River where settlements have commenced, have been surveyed by many different persons, and in some instances by those who were very negligent, or were incompetent to the business. This has in many instances occasioned the interference of lines, and much uncertainty concerning the bounds and situation of lots in several of the townships. The practice of former Legislatures of granting land to be located by the grantees, has occasioned much embarrassment in the management of the public lands ; considerable expense must be incurred to ascertain and fix the bounds between the land conveyed, and that owned by the State.

The manner in which the lands claimed by the Indians on the Penobscot river is held, is inconvenient and tends greatly to retard the sale and settlement of the public lands.”

All which is respectfully submitted.

SAMUEL M. POND, *per order.*

HOUSE OF REPRESENTATIVES, Feb. 16, 1829.

Read and accepted.

GEORGE EVANS, *Speaker.*

IN SENATE, Feb. 25, 1829.

Read and concurred.

NATHAN CUTLER, *President.*

### MESSAGE OF THE GOVERNOR.

*To the Senate and House of Representatives:*

I have the honor to communicate to you information that the Hon. Reuel Washburn, has resigned the office of Counsellor in

this State, in consequence of sickness in his family. Regreting very sensibly a circumstance, which my respect for this Counsellor renders interesting, it is my duty to commend the subject to your early attention.

ENOCH LINCOLN.

COUNCIL CHAMBER,  
Portland, Feb. 23, 1829. }

The Committee, to whom was referred so much of the Governor's Speech as relates to the North-Eastern Boundary, have had the same under consideration and ask leave to REPORT.

That the people of this State fully appreciate the importance of asserting their just rights to the large and valuable tract of country at the north-eastern angle of our State which is claimed by the British nation. This territory contains about six and a half millions of acres—about one third of our State ; is well watered by the St. John river and its tributaries, is valuable for its pine timber, and still more so for the excellence of its soil, and is destined, at no very distant day, to support and sustain from its own productions, a body of farmers equal in number to that of any other tract of country, of the same extent, in New-England—our title to this territory was, until recently, not only *unquestioned* by the British Government, but was, in numerous instances, *expressly recognized* by it. Their claim to it seems to have had its origin in that modern, but detestable doctrine, that “ what convenience requires, policy sanctions.”

The mass of facts and documents, collected and embodied in a Report made to our last Legislature in relation to this subject, was well calculated to rouse the attention of the people of the United States, and especially of this State, to this interesting object, and to produce conviction in the minds of all, that no intelligent man or tribunal can, by possibility, decide this important question against us. Our commissioners, who negotiated the Treaty of Ghent, having no suspicion that this territory or any portion of it was claimed by the British Government, made provision in the 5th article for the *eventual* settlement of the North-Eastern Boundary by an umpire.

But it may be safely affirmed from the discussions which were had on this occasion, in the course of which we were asked to *cede to them a passage way for their mail between Halifax and Quebec for an equivalent*, that it did not enter into the contemplation of the British or American commissioners, that our title to this territory was, under this article, *to be drawn in question* ; but they intended merely to provide a practical mode of running and ascertaining the boundary line on the surface of the ground.

There seems to have been an understanding between the Government of the United States and the British Government early in 1826, that each party should abstain from any acts which might be construed into an exercise of the rights of sovereignty or soil over the disputed territory, except for the purpose of preserving it in its then present state, until the final determination of the question. The motive to this understanding, it is obvious, was the prevention of dangerous collisions between the people of neighboring and friendly powers. This understanding, it is believed, has been hitherto scrupulously observed on the part of the United States and this State ; but the committee are concerned to say, it has not been respected by the authorities of New-Brunswick, and as recently as August last, *was expressly disclaimed and renounced by the British government*. Citizens of this State, settled on the Aroostic and other points within our ancient and well established limits, have been subjected to the operation of foreign laws—their possessions taken away on writs of trespass and intrusion—their persons arrested on a charge of sedition and other offences against the crown of Great Britain, and tried, convicted and imprisoned. And when our government have remonstrated against these acts of aggression and outrage, what has been the answer of the British government ? “ We will make you no satisfaction—the whole of this territory, of right, belonging to us, and therefore, we must, and will cause our laws to operate on all persons within it—and, if we have not just title to it, we have the actual possession and jurisdiction, and therefore, all, who settle or are found on this territory, owe a local and temporary obedience to the laws of New Brunswick.” Thus this *assumed* exercise of jurisdiction over the whole disputed territory will, in all probability, at some future time, be urged by the British government *as evidence of their title, and our acquiescence* in their claim. It is evident therefore, that we are not restrained by any supposed understanding between us and the British government from causing the authority of our laws to operate for the protection of our citizens settled on this territory, still less that we are not at liberty to prevent the forest lands from being stripped of their timber.

The government of the United States, though it has assumed (and we are not disposed at this time to question the right) the authority to settle our title to this tract of country, by referring the dispute to an umpire, has no means, it will be recollected, of exercising actual jurisdiction, or of making itself felt on this territory, except through the instrumentality of this State and its laws. If then the controversy should fail to be settled within two years, the time stipulated within which the umpire must decide, and which is perhaps, not improbable, the question occurs, are we to remain silent and passive spectators, while our neigh-



bors of New Brunswick shall strip the land of its timber, persecute and expel our citizens, and cause their own settlers to spread over the territory? It is not believed the people of Maine are prepared to submit to such usurpation—that they will suffer nearly one third of their whole territory to be thus wrested from them without an effort or a murmur.

The people of this State have a constitutional right to claim, and do claim of the government of the United States, that they will not suffer the integrity of our State to be violated—that they will assist us in preserving our ancient land-marks, and in vindicating our undoubted right to all the territory assigned and secured to us by the treaty of 1783. The present national administration has uniformly manifested a zeal and solicitude in relation to this subject highly gratifying to the people of this State; and we hope and trust the next administration will be equally anxious to vindicate and maintain *all* our just rights.

All which, with the accompanying Bill “to prevent foreigners from exercising acts of jurisdiction within this State by serving civil or criminal process,” is respectfully submitted.

T. BOUTELLE, *per order.*

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## STATE OF MAINE.

JANUARY 7th, 1829.

ORDERED, That the Governor be requested to lay before the House, the Register, in which are recorded the resolutions and advice of the Council, agreeably to the third section of the second part of the fifth article of the constitution, and that the Clerk of the House communicate this request to the Governor by Message. Read and passed. JAMES L. CHILD, *Clerk.*

## GOVERNOR'S MESSAGE.

*To the House of Representatives.*

As an apology for omitting to comply immediately with your requisition, I take the liberty of offering this communication, with the disposition to submit to your direction, but with the belief that the reasons I shall tender will justify my course. You have ordered me to be requested to lay before you the Register in which is recorded, the resolution and advice of Council which embraces the whole period of our political existence as a separate State. It is principally on constitutional objections that I defer to your wisdom the opinions now most respectfully presented in reply to your Message; yet it may be permitted to add some incidental views.

The documents, a copy of which, if a sufficient number of Clerks can be engaged to make it shall be furnished, are open

and it is believed ought always to be open to the inspection of every citizen, in the Secretary's office.

They ought also to be subject to the examination of the Senate as well as of the House of Representatives, but they cannot be if removed.

A record is also a sacred article of official property in every department of the government, and should be preserved under the responsibility of its elected conservators and guardians.

An original record, from which character and public duty receive their testimony, in all nations and under any government, even of the utmost despotism, has been considered as in the hands of those whose station required its preservation, that is to say, of the delegates whose opinions it contains, and whose acts it attests.

The Council has occasion every day to use its record and cannot fulfil its own duties without having the opportunity to refer to the precedents there inscribed.

In addition to these observations it is submitted that the constitution never intended the submission of the records of a department to transportation. If you shall conclude that the volumes of copies, the original of which are at every moment unlocked and which every citizen may revise at any time, are not sufficiently public, your intimation that the originals are demanded will leave to me no wish but that of obeying your will; the difficulty of a compliance with your resolution having arisen from the consideration that our own original records might or might not be equally the property of a co-ordinate department as of another proposing to take from us their use.

Not interpreting your order as one requiring that Council shall be indefinitely deprived of the use of its documents as far as the record contains them, as in many instances it does exclusively, as many persons as can be engaged in the service will be immediately employed to fulfil the duty required.

ENOCH LINCOLN.

COUNCIL CHAMBER, }  
Portland, Jan. 8, 1829. }

## GOVERNOR'S MESSAGE.

*To the House of Representatives :*

I submitted with great deference to your consideration a few remarks relative to the Records of the Executive Department of this government, being removed from its use and controul for an indefinite period.

My solicitude to obey the wishes of the House of Representatives, and of each member of it, has induced me to endeavor to

arrive at the result proposed, consistently with the principles I entertain. I have therefore requested the Secretary of State, the person having the custody of the Records of the State, among which are those you have called for, to attend you in the course of the present day with them, for the purpose of submitting them to your inspection, and awaiting your pleasure as to their return.

January 9, 1829.

ENOCH LINCOLN.

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## HOUSE OF REPRESENTATIVES.

JANUARY, 9, 1829.

The Secretary of State, after the foregoing message was received, came in and addressed the Speaker of the House as follows, and laid upon his table the Register and Records referred to.

MR. SPEAKER—At the request of the Governor, and in compliance with the provisions of the Constitution, I have the honor to lay before the House of Representatives, the volumes of the Register of the Council, in which are recorded the Resolutions and advice of that board, from the organization of the government of this State to the present time; and to inform this honorable House that I will wait their pleasure as to the return of them.

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## REPORT OF THE COMMITTEE.

House of Representatives, }  
JANUARY 13, 1829. }

The Committee of the House of Representatives to whom were referred the Messages of the Governor, of the 8th and 9th inst. together with the *Register* and *Records* of the Governor and Council, make the following REPORT.

The Constitution of the State prescribes that “the resolutions and advice of Council, shall be recorded in a *Register*, and signed by the members agreeing thereto, which may be called for by either House of the Legislature, and any Counsellor may enter his dissent to the resolution of the majority”—that it further provides that the Secretary “shall carefully keep and preserve the *Records* of all the official acts of the Governor and Council, Senate and House of Representatives, and when requested, lay the same before either branch of the Legislature.”

The House on the 7th inst. ordered that the Governor be requested to lay this Register before them; the Governor on the

8th declined, but on the 9th consented, and it was sent together with the *Records* which had been previously confided to the Secretary of State agreeably to the provisions of the Constitution.

The *Register* is the book in which the *existing* Governor and Council keep their proceedings—when it is made up and their term expires, it becomes a *record* of “all their official acts and proceedings,” and is to be “carefully kept and preserved” by the Secretary of State.

Your Committee cannot entertain a doubt that, as the Constitution authorizes this House to call for this *Register*, the Governor is obliged to send it—for otherwise the clause in the Constitution would be utterly inoperative, giving them the power to demand and him to refuse.

The framers of the Constitution were aware that the time might come when it would be unsafe to trust to *copies* and consequently authorized a demand of the *Register itself*. We therefore charitably hope that the principles advanced in the message of the 8th were retracted in that of the 9th, upon a full conviction that those principles were wrong.

Your committee have examined “the acts and proceedings” of the Governor and Council of the last year, as recorded on the Register and they notice the errors they have discovered, not so much to censure them as to prevent their repetition.

The Register is contained in two books or volumes, the one intended for appointments and the other, transactions of the Executive department. Yet on this last, they discover several appointments under acts or resolves of the Legislature. They are of opinion that all executive appointments should appear on the same book and in chronological order.

It does not appear except in few instances, whether the Counsellors non-concurring, dissented, or were silent. It is not to be supposed that honourable Counsellors would shrink from giving their opinions, and it is therefore presumed that this is a defect in the Register.

Another peculiarity appears on this Register. It is scarcely probable that during the last political year, no nomination made by the Governor was rejected by the Council, unless we suppose that the Governor by a previous consultation with his Council, yielded, in effect, the right of nomination. “The resolutions and advice of Council” in rejecting a nomination ought as much to be recorded, as those confirming it—yet no rejection appears on the register. If however there has been such a coincidence of opinion between the Governor and Council as appears on the Register, this objection falls to the ground.

This House has no constitutional controul over the pay roll of the Council unless it is recorded in the Register.—A particular

account of the attendance and travel of each member, is what the House of Representatives, holding the purse strings, ought to examine. The pay roll is not recorded.

When nominations for re-appointments are made, they should so appear on the Register, and the time that the commission of the officer would or did expire, should be noted--otherwise, it might happen, that the Governor and Council would make appointments to commence after their own political existence had closed. Such a perpetuation of office would be as pernicious as it would be unconstitutional.

When reports of standing committees have been made and accepted by the Council and approved by the Governor, it appears in various instances that a minority only of the Council has consented to the procedure. As the disbursement of the public money is chiefly under the controul of the Governor and Council, it seems extraordinary that such an error should have been tolerated.

It moreover appears that in the appointments of the 19th November, 1828, only three of the Council, Messrs. Dunn, Fuller, and Wood, have recorded their consent. Such errors, if permitted, might lead to questions of the right of the officers to officiate under their commissions, and perhaps to unfortunate results.

Another palpable and extraordinary error could not well escape the notice of your committee. Henry W. Fuller was on the 26th June commissioned as Judge of Probate for the County of Kennebec. Upon an examination of the Register, it appears that Messrs. Thayer, Whitney, Fuller, and Hutchings have recorded their *consent*, and Messrs. Wood, Dunn, Pilsbury, Thayer, Fuller and *Pilsbury*, their *dissent*. From seven Counsellors only, we have *four consenting* and *six dissenting*. It is perhaps less difficult to conjecture how the error happened, than to determine how it can be corrected, as the Counsellors who committed it are not now in office.

It is submitted to the wisdom of the Legislature, that when appointments appear to have been made contrary to the provisions of the Constitution, whether legislation can correct the error or cure the defect.

The committee refer to the communication of the Secretary, intended to be explanatory of the last mentioned error.

J. HOLMES, *per order*.

HOUSE OF REPRESENTATIVES, Jan. 16, 1829.

Read and accepted.

Attest, JAMES L CHILD, *Clerk*.

**EXPLANATORY LETTER OF THE SECRETARY OF STATE.  
STATE OF MAINE.**

OFFICE OF SECRETARY OF STATE, }  
Portland, January 12, 1829. }

The undersigned Secretary of State, hereby certifies, that the Record of the proceedings of the Council, in relation to Executive appointments, contained in the Register, under date of the twenty-sixth day of June last, a copy of which is hereunto annexed, was made up under his direction, on the day of the date thereof and signed, at the time, by the members of the Council, in his presence:—That in the case of the appointment of Henry W. Fuller, as Judge of Probate for the County of Kennebec, Messrs. Thayer, Whitney, Fuller and Hutchings, advised and consented to the appointment, and signed such advice and consent accordingly; and that Messrs. Wood, Dunn, and Pillsbury dissented from the appointment and signed such dissent accordingly; that the names of

“JONATHAN THAYER,”

“EDWARD FULLER,”

“T. PILSBURY,”

which appear at the close of the proceedings of said day, and under the dissent aforesaid, were placed upon the record after the same was made up, and as the undersigned has reason to believe, by mistake.

AMOS NICHOLS, *Sec'ry of State.*

**MESSAGES OF THE GOVERNOR.**

*To the Senate and House of Representatives:*

I have the honor to communicate a Plan of the Maine Military Road, surveyed and located under the superintendance of J. B. F. Russell, A. Q. M. U. S. Army, accompanied by a letter from that officer addressed to me, as Governor of the State.

ENOCH LINCOLN.

COUNCIL CHAMBER, }  
Portland, Jan. 12, 1829. }

*To the Senate and House of Representatives:*

I communicate for your consideration, a copy of a letter from the Governor of the Commonwealth of Massachusetts, addressed to the Secretary of State of the United States, with an extract of a letter from the Land Agent of that Commonwealth,

relating to its own rights and interests, as well as those of this State within the country on this side of our North Eastern Boundary.

ENOCH LINCOLN.

COUNCIL CHAMBER, }  
Portland, Jan. 13, 1829. }

*To the Senate and House of Representatives :*

By a Resolve of the Legislature, dated February 9, A. D. 1828, entitled "Resolve respecting the State Prison," it was provided "That the Governor with advice of Council be authorised to appoint a Committee of two persons to sit in the recess of the Legislature and consider the Statutes respecting the State Prison ; all laws concerning crimes and punishments ; and the rules, regulations and management of the prison generally, and report the result of their examination, by Bill, Resolve or otherwise, at an early day of the Session of the next Legislature."

In conformity to which Resolve, two persons, the Attorney General and John Ruggles, Esquire, were appointed to discharge that duty. At a recent period it was ascertained that a Report was not prepared, and that one of the committee could not attend to the service. Being anxious that every obligation of the Executive department of the government should appear fully discharged, I solicited the other member of the committee to proceed alone. The Attorney General has accordingly devoted himself for some weeks to an examination of the subject and presented a Report and Bill which I now transmit, and of which, the merits will be found to entitle them to the most serious attention.

ENOCH LINCOLN.

COUNCIL CHAMBER, }  
January 26, 1829. }

*To the Speaker of the House of Representatives :*

Pursuant to the request of the House of Representatives, of the twenty sixth instant, "for any information in possession of the Executive, in relation to the doings of the Agents under the Resolve relating to the State Road north of Bingham purchase, passed the twenty fourth of January, 1828." I herewith transmit copies of the proceedings of the Executive under said Resolve.

As a bond has been given for the faithful application of the funds provided for making said road, an advance to the Agents from the Treasury was deemed expedient, and has been made, as will appear by the accompanying papers.

The Agents have not made a report of their doings.

ENOCH LINCOLN.

COUNCIL CHAMBER, }  
Jan. 27th, 1829. }

*To the Senate and House of Representatives.*

I communicate for your consideration, a letter\* from Maj. Clark, the commanding officer at the military post of the U. States, on our north eastern frontier. I have been deterred from making this communication at an earlier period, by some doubts relating to several points in the case ; but now beg leave to submit to you the direction of the concern to which the letter refers. I have been induced most particularly, to do so from respect to the correct judgment of the officer whose letter I transmit, and his friendly regard for the interest of this State, as evinced by verbal communications, and by many other testimonials calculated to interest the citizens in support of any proposition he may offer.

ENOCH LINCOLN.

COUNCIL CHAMBER,

January 28th, 1829.

\* In relation to vending ardent spirits to soldiers of the U. S. Army.

*To the President of the Senate :*

In obedience to the order of the Senate of the twenty-eighth instant, I herewith communicate a copy of the Report, made by the Board of Officers appointed pursuant to the Act entitled "An Act making further provisions concerning the Militia" passed the twenty-third day of February last.

ENOCH LINCOLN.

COUNCIL CHAMBER,

Jan. 30th, 1829.

*To the Hon. the Senate and House of Representatives of the State of Maine :*

The undersigned having been appointed members of a Board by the Governor and Council, in pursuance of an Act of the Legislature, of February 23, 1828, to devise, mature and report a code of rules and regulations, settling the rank of corps and officers, and to consider all subjects appertaining to the Militia which may be submitted by the Commander in Chief, and report thereon to the next Legislature, accordingly met at Portland, on the 15th of November, 1828, and having taken into consideration the various propositions submitted to us by the Commander in Chief, which in our judgment requires much time and research to enable us to make a satisfactory report to the Legislature, which the professional services of one of the members of the board rendered it impracticable for him to give at this time ; we have therefore considered it inexpedient to proceed further in the consideration of the business, until the aid of all the members can be obtained, particularly as the subjects submitted after giving to them much consideration, appeared to have such a bearing on the Militia system as practised upon, as would produce im-



portant changes, which a conformity to the laws of the United States, would, render necessary ; the undersigned will continue to give to this subject their consideration, under the direction of the Commander in Chief, in order to be prepared to report at the earliest practicable period.

We have the honor to remain,

Respectfully, your obedient servants,

WILLIAM KING,  
JOHN CHANDLER.

Portland, Nov. 18th, 1828.

*To the President of the Senate :*

In compliance with the order of the Senate of the 28th inst. requesting the Report of Jonathan Thayer and Timothy Pilsbury, a committee to examine the State Prison. I have the honor to transmit the accompanying papers.\* These gentlemen did not deem it necessary to make a written report, as the same subject was then under the consideration of a committee, appointed in pursuance of a Resolve of the Legislature. Their report however was in correspondence with the representation of the Inspectors of the State Prison, under date of the 13th and 14th of October last.

ENOCH LINCOLN.

COUNCIL CHAMBER, }  
January 31st, 1829. }

\*Reports of Committees of the Council of Oct. 24, and Nov. 22, 1828.

*To the Honorable Senate :*

In reply to your order of the seventh instant, requesting me to transmit any proceedings under a Resolve passed February 17th, A. D. 1824, "authorizing the Governor to negotiate with the Penobscot Indians for the transfer of the Islands in the Penobscot river to the State," I have the honor to inform you that no proceedings have been had under said resolve, excepting those of personal enquiries, by which it was ascertained that the Indians were not desirous of selling or transferring to the State any Islands belonging to them situated in the Penobscot river. It having been ascertained that the Islands in question could not be purchased in consequence of the objections entertained by the tribe, and others who have been connected with them, to their disposing of their real estate ; and the subject having been for several years under the revision of the Legislature, it has been deemed improper, recently to make any new effort to accomplish the contemplated object.

It is believed that no purchase can be made by negotiation under that Resolve ; and that purchases from the Indians can only be effected by private individuals under such authority and provisions as the Legislature may choose to prescribe.

ENOCH LINCOLN.

COUNCIL CHAMBER, }  
Feb. 9, 1829. }

*To the President of the Senate :*

In obedience to the order of the Senate, " that the Governor be requested to communicate to that board, whether any, and if any, what instructions were given to Joshua Carpenter, relative to two journeys performed in November and December last, to settle his accounts as agent appointed under a Resolve passed February 6th, 1828." I have the honor to state, that no instructions were given relative to the journeys mentioned. Mr. Carpenter attended at Portland and presented his account to the Governor for adjustment. It was believed by him to be prudent, as it related to the State and the Agent, to require evidence additional to what was produced as to the fulfilment of the objects of the Resolve ; and the agent accordingly returned, and afterwards personally furnished, in this town, the testimony required.

ENOCH LINCOLN.

COUNCIL CHAMBER, }  
February 24th, 1829. }

*To the Senate and House of Representatives :*

I have this day received from the Governor of South Carolina, certain resolutions relating to the powers of the General Government " to regulate duties on imports for the purpose of encouraging domestic industry ;" which in compliance with the request therein contained, I transmit to the two branches of the Legislature for their consideration.

ENOCH LINCOLN.

COUNCIL CHAMBER, }  
Portland, March 3, 1829. }