

# MAINE STATE LEGISLATURE

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# RESOLVES

OF THE

## GENERAL COURT

OF THE

### Commonwealth of Massachusetts.

BEGAN AND HELD AT BOSTON, ON WEDNESDAY, THE TWENTY-SEVENTH  
DAY OF MAY, ANNO DOMINI ONE THOUSAND EIGHT  
HUNDRED AND SEVEN.



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BOSTON:

PRINTED BY ADAMS AND RHOADES,

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—♦♦♦♦—

1807.



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CIVIL LIST  
OF THE  
COMMONWEALTH OF MASSACHUSETTS,  
For the political year 1807—8.

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 man, jun.  
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 than,  
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# RESOLVES,

OF THE GENERAL COURT OF MASSACHUSETTS,

PASSED AT THE SESSION BEGAN AND HELD AT BOSTON, ON

WEDNESDAY, THE TWENTY-SEVENTH DAY OF MAY,

ANNO DOMINI 1807.

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## GOVERNOR'S SPEECH.

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STATE-HOUSE, WEDNESDAY, JUNE 3:

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

SPEECH:

GENTLEMEN OF THE SENATE, AND  
GENTLEMEN OF THE HOUSE OF REPRESENTATIVES;

I AM induced, by the respect I entertain for you, and by a wish to comply with the usage of this government, to request the indulgence of this meeting.

An attempt to lay before you the consideration of particular measures, which, in my opinion, might tend to the advantage of the Commonwealth, would appear as a piece of ostentation. The time that has elapsed, since I was introduced to the chair, has not been sufficient for a minute review of our internal police. I shall, therefore, by special messages, suggest to you, such matters as shall appear to me to deserve your legislative attention.

Though I do not make a communication to you on the business of this session, yet my constituents, at this interesting crisis, have a right to expect from me, without reserve or equivocation, a declaration of my sentiments on the duties of the office they have called me to sustain. In complying with this, I must, of course, express my ideas of some of the most important general principles of our government.

The Constitution is formed on principles to guard the Legislature from an interference of the executive department; yet, in order to prevent those errors which might otherwise happen, from the hurry of business, or a change of members in either house, it is made a part of the Governor's duty, carefully to revise the acts passed by the legislature, and to propose such objections as he may have to any bill they shall lay before him. In the performance of this important duty, I shall always treat you with the respect due to the legislature of the State. And, as I can have no object in view but the true interest of the Commonwealth, you will receive my objections, should I make any, as offered with an intention to preserve the happiness of the State, and to promote the public welfare. Should a question happen to arise on the constitutionality of a bill, I must submit myself, explicitly, to your candor and justice: for, however we may differ in opinion on the application of the Constitution, in this we shall always agree, that, on an entire preservation of the social compact, by which we exist as a Commonwealth, and which is the supreme law of the legislature itself, the safety and the prosperity of the people depend.

The judiciary department of our government will, invariably, claim the first regard of patriotism. Upon the wisdom and purity of that department, freedom, property, and all the valuable possessions in civil society depend. In all countries, the principles and feelings of the magistrates and judges ought to be in a coincidence with the nature of the government:—This is its principal source of energy.

The judiciary department, being so necessary and important, is an expensive branch of administration. In a State, where an enquiry by grand juries, and trials by petit juries, are fixed by the Constitution as the strong barriers of the people's rights, the modes of punishing crimes, and of obtaining justice, on private demands, are more expensive still. A cheap, ready, and plain manner of obtaining remedies for wrongs, and of compelling the execution of contracts, by fixed, established rules, forms the strongest lines of a good government. Under this impression, the people, in forming the Constitution, declared, that all the judges should hold their offices as long as they should behave themselves well:—And that the judges of the supreme judicial court should have permanent and honorable salaries, established by law.

The office of jurors may be thought by some to be a burden—but if that institution should be abolished, there would no longer be freedom or property. It ought to be guarded by

laws, not only against corruption, but against all undue influence and party prejudice.

There is no doubt, but that improvements may be effected in the jurisprudence of the Commonwealth: and therefore the attention of the legislature will not be withdrawn from it. But in all alterations, a sacred regard will be had to the Constitution:—While the plans adopted shall have such a degree of perfection, as to render them respectable and permanent.

The Governor, being commander in chief of the militia, when they are not in the actual service of the United States, must have a duty devolved upon him, which is of no less consequence to the other States in the Nation than it is to this Commonwealth. When we contemplate the immeasurable shores we give to the sea; the vast extent of territory our national dominion spreads itself over, we are obliged to confess the error, of a reliance on a standing army, for an effective defence against the invasion of a foreign enemy. To preserve the forms of war, with the principles and feelings of military discipline, some regular troops are necessary; but our defence must remain with the militia. They are a perpetual guard against internal commotions; an invincible power to shield a country against its external enemies. The soil must be protected by its owners. This description includes all the people, because all have an equal right to acquire, and possess fee simple estates. Impressed with these sentiments, the militia shall have my unceasing attention throughout the year.

Peace with all the world, is the great object of our National Councils; yet, if we would maintain so invaluable a blessing, we must be prepared to meet every hostile aggression, and to repel every invading insult. A dependence on any other power for assistance, will, finally, involve us in difficulties, from which we cannot extricate ourselves without great expense and danger. A treaty of alliance must open a wide door to the influence of a foreign nation: it would weaken the natural pillars of our national independence.

Europe, as the illustrious Washington has told us, “has a set of primary interests, which to us, have none, or a very remote relation. Hence she must be engaged in frequent controversies, the causes of which, are essentially foreign to our concerns” Those cautious sentiments have been carefully adopted by the present President. From the wisdom, firmness, and moderation of his measures, under the favor of God, we remain the quiet spectators of those wasting wars, which the situation of European powers may have rendered expedient, or

necessary, amongst them, but by which they are deluged in blood, and oppressed with expenses.

Should a suitable proportion of our militia, in the United States, be trained to a proper degree of discipline, and be properly armed, though the first column of an invading enemy might not be instantly repelled, yet the decisive appearance of victory would be soon exhibited on the standard of our union.

It is true, that the art of war, like other arts, is to be most perfectly learned from practice and experience; but, this a bloody, and an expensive method of acquiring knowledge. In a nation, where it is not received as an established truth, that war is the natural state of man; in a country, where no invasion is to be expected, but from the error, or rashness, not from the interest, of a foreign power, the art of war may be sufficiently cultivated, at a moderate expense, by military schools, and otherwise, in time of peace. Each State in the nation, has the same interest in the discipline of the militia of the others, as it has in that of its own; and, therefore, there can be no impropriety in contemplating this, as a subject of national concernment. Whether you, Gentlemen, will conceive it to be your duty, to use your influence with Congress, on an affair of such magnitude, as far as it shall comport with the National and State Constitutions; or whether you will turn your attention to the militia of your own State alone, I cheerfully submit to your wisdom. But this I venture to affirm, that all neglect, or delay in this business, is incompatible with the safety of the country.

No foreign power will dare to invade our country, in a project of conquest, unless the United States, like the ancient republics, by controversies and animosities amongst themselves, shall furnish their enemies with the hopes as well as the means of success. To preserve a union of interest and sentiment, so absolutely necessary to our existence as a nation, jealousies are to be laid aside; charity cherished, and a reciprocity of affection and civility to be exhibited. All the States must be the country of the citizens of each, and each State the country of all. Our national union, glowing on the public opinion, is the best defence of our sovereignty: and those who would check it there, would sever the root from whence the tree of Liberty draws, in copious streams, its principal nourishment.

The chief magistrate of the nation, being an elective officer, the voice of the majority, taken according to the forms of the Constitution, must be decisive in the choice: it is the voice of

all. To treat the election with disrespect, is to treat the Constitution with contempt. Nothing can tend more to derogate from the respect due to us as a nation, than an appearance of uneasiness, and dissatisfaction at the forms and principles of our own governments.

GENTLEMEN,

The great improvements in agriculture, the increase of commerce, and the encouragement of the arts in our country, furnish the most satisfactory proofs of the perfection of our political institutions. But the path of public, as well as private prosperity, is to be trodden with care. Governments depending, for their execution, in so great a measure upon the will of the governed, so frequently expressed by their suffrages, demand, for their preservation, great intelligence in the body of the people. To maintain this, our institution of town schools is admirably adapted. These, with the academies and colleges, are rendered indispensable by the nature of our government: and claim the constant attention of the legislature, for their support and encouragement.

The sentiments in regard to public worship, piety, religion, and morality, interwoven with the Constitution of the Commonwealth, so far as we have a right to decide, have had great influence on the people. We observe with great pleasure the erection of edifices for public worship of various denominations in christianity: teachers every where settled and supported; and public devotion generally attended upon.—These circumstances, under our established form of government, which excludes all persecution and intolerance on principles of religion and modes of worship, give to our State a very honorable appearance, in the view of the enlightened part of the world.—The principles and precepts of the gospel, if they are attended to and improved for religious and moral purposes *only*, will always make good men; and good men can never be bad citizens. Upon the literary and religious institutions of the State, our happiness as a people, essentially depends: and I shall rejoice in seeing the legislature attentive to their encouragement and support:—While, at the same time, that freedom of opinion, and those rights of conscience, which are solemnly recognized in the Constitution, are sacredly maintained.

GENTLEMEN,

Government, in its nature, is a concentration of the public opinion to a certain form of public rule. This may be

maintained, in a despotism, by terror; but in a republic, it must be supported by an attachment of the people to their country—by public virtue. To produce this attachment, the powers of the government must be exerted to give equal advantages to all its subjects: not to create wealth, or exclusive privileges to any; but in securing to all, respectively, as far as it can be done by general laws, well executed, the enjoyment of the various gifts which God bestows upon them. For, to use the language of our declaration of rights, “no man, or corporation, or association of men, have any other title to obtain advantages distinct from those of the community, than what arises from the consideration of services rendered to the public.” Where the laws secure to every man the same privileges to acquire and hold property, the wish to accumulate wealth by fair means, and honest industry, is inseparable from patriotism. Enterprize and industry are in the class of public virtues, because they are the unfailling source of wealth to a nation.

A respect to the civil authority, a correct regard to the rights of others, and a ready obedience to the laws, confer on a people a dignity of character, which is intimately blended with the social virtues; and habitually becomes the strength of a civil community.

Should any one be daring enough to suggest the idea, that the people of Massachusetts are not, in the enlightened situation God has bestowed upon them, under the advantages they are favoured with, and the habits acquired from the manner of their education, competent to the support of a free government, by their suffrages, frequently exercised, such person ought to be restrained, as a dangerous incendiary; because it is as essentially wrong to speak, as to act treason. Every citizen has an unalienable right to express his opinion upon the administration of the government, and the conduct of his rulers: But there are certain primary principles, which constitute the leading, essential, distinguishing features of an elective republic: These are to be treated with a solemn reverence, and supported by a religious respect.

*GENTLEMEN,*

I embrace this opportunity, to express the sense I have of the honor done me by my fellow citizens—and to assure them of my firm attachment to the principles of the Commonwealth. They may rely with safety, that it is my determination to exert myself, uniformly, to maintain the dignity and faith of this

State, and to strengthen and consolidate the National Union, on the principles of the National Government. At the same time, I assure you, Gentlemen, that, on my part, nothing shall be omitted, which will render this session pleasant to you, and beneficial to your constituents.

*James Sullivan.*

## ANSWER OF THE HOUSE OF REPRESENTATIVES.

*June 5, 1807.*

*MAY IT PLEASE YOUR EXCELLENCY,*

THE House of Representatives feel themselves happy in the communication they have received from your Excellency, replete with sentiments that perfectly coincide with their own, and as they have reason to believe, with those of their constituents in general.

It was not to be expected, that, at so early a period after the auspicious event of your introduction to the chair of government by the suffrages of a free and enlightened people, it would be in your power to take a more "minute review of our internal police," than, it appears, you have actually done.

We shall, with alacrity, attend to "such matters, as, by special messages," your Excellency may see fit to suggest to us.

In the transaction of business, wherein, by the Constitution, the Executive and Legislative departments are vested with concurrent powers, should a difference of opinion, at any time, take place, we shall, with the utmost confidence, rely on the "candor and justice" of your Excellency; and you will have a right to expect the exercise of the same *candor* and *justice* from us.

The Judiciary department, as it highly deserves, will, we trust, ever receive the most serious attention and respect of the legislature.

We are deeply sensible how important it is, in a government like that of the United States, that particular attention should ever be paid to the Militia of the several States, that compose the Union. To the Militia of this Commonwealth, the most strict and constant attention shall be paid.

From the attention that has been paid to the Militia of the United States, and from the "wisdom, firmness, and moderation" of the present administration, without being over-burthened with the expense of a standing army, or dependent on foreign powers for the aid of mercenary troops, we are under a superintending and kind Providence, exempt from those tremendous scenes of blood and carnage, in which the nations of Europe are now involved.

We are deeply and solemnly impressed with a sense of the high importance, and *absolute necessity* of supporting the NATIONAL UNION; and in order to this, of cultivating harmony, and mutual good will between the several States that compose the UNION.

Due attention will be paid to the agricultural and mercantile interests of our constituents; and to the impartial encouragement and support of religious and literary institutions.

That the important station, which, by the suffrages of your fellow citizens, your Excellency has been called to fill, may, under the direction of an all-wise and kind Providence, be found both pleasant to you, and beneficial to them, is the sincere and ardent desire of the House of Representatives.

## ANSWER OF THE SENATE.

June 10, 1807.

MAY IT PLEASE YOUR EXCELLENCY,

THE Senate beg leave to offer to you, their sincere congratulations on your election to the office of first magistrate, and to assure you that they view the present period one of the most interesting which has occurred in the annals of our Commonwealth. Our pleasure on this occasion is greatly increased by the consideration, that we have placed at the head of our government, a man whose principles and feelings are in harmony with those of our National Chief.

Our Constitution has wisely assigned distinct limits to the several departments of our government; a sacred regard to this principle is necessary to ensure harmony, as well as to maintain mutual confidence and respect.

In governments like our own, whose greatest strength consists in the affections of the people, it is of primary importance that the principles and feelings of the magistrates should coincide with the genius of their institutions.

Under our Constitution, trials by jury form a strong barrier to the people's rights : on the due regulation of these, and on the wisdom and purity of the Judges, our lives, liberties and property essentially depend. Objects so important, will always merit, and we trust will receive, the unremitting attention of the Legislature.

The nature and extent of our country, as well as the genius of our government, point to the MILITIA, as our safest guard against internal commotions, and our surest defence against invading foes ; and although we highly approve the system adopted by our national councils, to cultivate peace with all nations ; we shall nevertheless hasten to pay all that attention to this important subject, which our national relations may make proper.

That the will of the majority, constitutionally obtained, shall be binding on the minority, is a first principle of our social compact. This principle has no doubt too frequently been resisted ; we have, however, the satisfaction to believe that the good sense of our citizens is fast correcting an evil, which has derogated from that national character which every good citizen should be proud to maintain.

The general diffusion of knowledge among the people is a main pillar in our political edifice, and the cultivation of piety and morality is essential to our happiness. We contemplate with pleasure the great increase of literary and religious institutions, and shall afford them that patronage which an enlightened policy will always dictate.

The conspicuous part, which your Excellency was called to act, on the great theatre of our revolution ; the distinguished abilities which you exhibited, and the correctness with which you performed the duties of the several stations in which you have been placed under our government, as well as the assurances you now make, leave us no room to doubt, that your administration will be calculated to maintain the dignity and honor of the State, and to strengthen the Union, on the principles of the national compact.

We shall receive with attention such communications as you may from time to time be pleased to make, and you will permit us to assure you, that nothing shall be omitted on our part, which may tend to promote that harmony which will be always desirable, among the several departments of our government.

# RESOLVES.

## I.

*Resolve, on Petition of Clerk of Sessions, County of Plymouth.*  
June 2, 1807.

Whereas at a term of the Court of General Sessions of the Peace, holden at Plymouth, within and for the County of Plymouth, on the second Tuesday of April last, owing to an interference of the said Court with the Court of Common Pleas, which was holden at the same time and place, the usual estimate of a County tax was accidentally omitted; and whereas it would be highly conducive to the interest of said County, that such a tax should be apportioned, previous to the next term of said Court, regularly by law to be holden:—

*Therefore Resolved,* That a term of the said Court of General Sessions of the Peace, be holden by the Justices thereof, at Plymouth aforesaid, on the second Monday of June next; and the said Justices of the said Court, are authorized then and there to form an estimate of, and to apportion, a County tax, for the said County of Plymouth, in the same manner as they are by law authorized to do at any established term of said Court, and that a copy of this resolve, be printed in the Independent Chronicle and Columbian Centinel, printed in Boston, as soon as may be.

## II.

*Resolve, for two Notaries Public, County of Hancock.*  
June 2, 1807.

*Resolved,* That two additional Notaries Public be appointed for the County of Hancock, one to reside at Mount Desert; and the other at Hampden.

## III.

*Resolve, for an additional Notary Public, for the County of Lincoln.*  
June 2, 1807.

*Resolved,* That one additional Notary Public be appointed for the County of Lincoln, to reside in the town of Nobleborough,

## IV.

*Resolve, for an additional Notary, County of Lincoln. June 2, 1807.*

*Resolved, That one additional Notary be appointed in the County of Lincoln, to reside at Camden.*

## V.

*Resolve, for three additional Notaries, for the County of Washington. June 2, 1807.*

*Resolved, That there be three additional Notaries Public appointed in the County of Washington, one to reside at Columbia, one at Plantation number Four, and one at Plantation number Five, on the Schoodick river.*

## VI.

*Resolve, for an additional Notary for the County of Bristol. June 2, 1807.*

*Resolved, That one additional Notary Public be appointed for the County of Bristol, to reside in the town of New-Bedford, and in that part called Fairhaven.*

## VII.

*Resolve, for an additional Notary Public for the County of York. June 2, 1807.*

*Resolved, That one additional Notary Public be appointed for the County of York, to reside in the town of Berwick.*

## VIII.

*Resolve, for an additional Notary Public for Berkshire. June 2, 1807.*

*Resolved, That one additional Notary Public be appointed for the County of Berkshire, to reside in the town of Lenox.*

## IX.

*Resolve, for an additional Notary Public for Rochester, in Plymouth. June 2, 1807.*

*Resolved, That one additional Notary public be appointed for the County of Plymouth, to reside in the town of Rochester.*

## X.

*Resolve, for an additional Notary Public for the County of Norfolk.*  
June 2, 1807.

*Resolved, That there be an additional Notary Public appointed in the County of Norfolk, to reside in Cohasset.*

## XI.

*Resolve, establishing the pay of the Council and General Court.*  
June 4, 1807.

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

## XII.

*Resolve, granting Trustees of Portland Academy power to sell certain premises.* June 6, 1807.

Upon the petition of the Trustees of Portland Academy, in the County of Cumberland, setting fourth that they have agreed to sell to the town of Portland their old Academy and land belonging to it, situate in that town, and bounded as in and by a deed thereof from Enoch Illey, Treasurer of said town, to the said Trustees, bearing date 29th December, A. D. 1798, may appear :

Also further shewing, that a sale of part of the land lately purchased by them of Sarah T. Chase, and bounded as by her deed thereof to them, dated 9th May last, will appear, might be effected to great advantage, and praying to be authorized and empowered to fulfill and carry into effect their agreement with the town of Portland, and to sell and convey such part of the premises purchased of said Sarah T. Chase, as they shall think can best be spared without prejudice to the lot reserved for the Academy—and of the premises sold and to be sold as aforesaid, to make and execute good and proper deeds thereof to the purchasers :

*Resolved*, That said Trustees be, and they are hereby authorized and empowered to sell and convey the premises, both or either as above payed for, on such terms and for such consideration as they shall think right—And thereof to make and execute good and proper deed or deeds, with or without warranty, as they shall think proper—And any deed or deeds thereof signed by their Treasurer in their behalf, or by any one of the Trustees, for that purpose, appointed at any of their meetings, and by such Treasurer or Trustee acknowledged, and sealed with the seal of the Corporation, shall bind the Corporation, and pass and convey its right, title, interest and estate, (thereby intended to be conveyed) to the purchaser or purchasers, fully and effectually to every intent and purpose whatever.

## XIII.

*Resolve*, granting a tax to the County of Lincoln, for the purpose of building a Gaol and Gaol House. June 6, 1807.

On the petition of Peleg Tallman, Esq. and others, a Committee appointed by the Court of General Sessions of the Peace, for the County of Lincoln, at their session at Wiscaffet, on the second Monday of May 1807, to apply to the Legislature for authority to raise by tax on the inhabitants of the County, the sum of five thousand dollars, for the purpose of building a Gaol and Gaol House at Wiscaffet :—

*Resolved*, For reasons set forth in said petition, that the sum of five thousand dollars be, and hereby is granted, as a tax for said County of Lincoln, for the purpose of building a Gaol and Gaol House at Wiscaffet, in said County ; to be apportioned, assessed, collected and applied for the purposes aforesaid, and according to law.

## XIV.

*Resolve*, on the petition of Jacob Welsh, directing the Solicitor General to defend the Commonwealth against the claim of James Martin, to certain lands in Townsend, and 100 dollars granted. June 9, 1807.

On the petition of Jacob Welsh, praying for the assistance of the Commonwealth in defence of certain suits brought by James Martin, to recover the possession of certain lands in Townsend, in the County of Middlesex, which were conveyed by this Commonwealth with warranty :—

*Resolved*, For reasons set forth in said petition, that the So-

licitor General of this Commonwealth be, and he hereby is authorized to appear in behalf of said Commonwealth, in the suit now depending in the Court of Common Pleas, in the County of Middlesex, brought by the said James Martin, against William Cunningham and Jacob Welsh respectively, for the recovery of parts of said lands conveyed to Jacob Welsh as aforesaid, to examine into the title of the said James Martin, to the same lands, and the said Solicitor General is hereby further authorized and required, on behalf of this Commonwealth, to defend against the claim of said Martin in said suit, if he shall think it expedient, and not otherwise; and to substitute any other person or persons to do and transact the said business in his stead, or any matter or thing there to be appertaining, at his discretion:—

*And be it further resolved,* That his Excellency the Governor, with the consent of the Honorable Council, be, and hereby is authorized and requested to issue his warrant on the Treasurer for such sum, not exceeding one hundred dollars, as the Solicitor General shall apply for, to defray the necessary expenses of any of the services hereby required, for which sum the said Solicitor General is to be accountable.

## XV.

*Resolve, allowing Joseph Hofmer, Esq. 20 dollars for the apprehension of Nathan Shepherdson. June 9, 1807.*

On the petition of Joseph Hofmer, praying to be allowed twenty dollars, as a reward given by him for taking up Nathan Shepherdson, for reasons set forth in said petition:—

*Resolved,* That there be allowed and paid out of the Treasury of this Commonwealth, to the said Joseph Hofmer, the aforesaid sum of twenty dollars, and that his Excellency the Governor be requested to issue his warrant for that purpose.

## XVI.

*Resolve, on the petition of Edward Whipple and others, authorizing the Governor to raise a Company of Cavalry in Ipswich and Hamilton. June 9, 1807.*

On the petition of Edward Whipple and others, praying for leave to raise a Company of Cavalry in the towns of Ipswich and Hamilton:—

*Resolved,* That his Excellency the Governor, with the advice of Council, be, and he hereby is authorized to raise by volun-

tary enlistment, a Company of Cavalry in the towns of Ipswich and Hamilton, to be annexed to the second Regiment, second Brigade and second Division of the Militia of this Commonwealth;—provided, that the standing companies in said towns shall not thereby be reduced below the number of sixty-four, rank and file, of effective men.

## XVII.

*Resolve on the petition of Samuel Watts and others, for a company of Light Infantry in Buxton and Phillipsburgh.*  
June 9, 1807.

On the petition of Samuel Watts and others, praying that they may establish and organize a company of Light Infantry, to be raised in the towns of Buxton and Phillipsburgh, in the County of York, in the third Regiment, first Brigade, sixth Division of the Militia of this Commonwealth:

*Resolved*, That his Excellency the Governor, with advice of Council, be, and he is hereby authorized to raise by voluntary enlistment, a company of Light Infantry, in the towns of Buxton and Phillipsburgh, in the County of York, to be called The Buxton and Phillipsburgh Light Infantry Company;—provided the standing companies in said towns shall not be reduced below the number required by law, and when so raised to be annexed to the third Regiment, first Brigade, and sixth Division of the Militia of this Commonwealth, and shall be subject to all the rules and regulations as are, or may be provided by law, for the government of the Militia of this Commonwealth.

## XVIII.

*Resolve on the petition of Robert Anderson and others, for a company of Cavalry, in Otisfield.*  
June 9, 1807.

On the petition of Robert Anderson, William Swett, Thomas Weston, and Ephraim Kneeland, officers of the company of Cavalry, in the town of Otisfield, praying that they may be allowed to complete the enlistment of said company, from any of the towns within the fifth Regiment, second Brigade and sixth Division of the Militia of said Commonwealth:

*Resolved*, That the officers of the company of Cavalry, in the town of Otisfield, be, and they are hereby authorized to complete the enlistment of said company, and from time to time

to fill up the same from any of the standing companies afore-  
said; provided, such enlistment does not reduce any of the  
standing companies below the number prescribed by law.

## XIX.

*Resolve on the petition of Phineas Varnum and others, for a company  
of Artillery, in Portland. June 9, 1807.*

On the petition of Phineas Varnum and others, praying that  
they may establish and organize a company of Artillery, in the  
town of Portland, within the first Regiment, second Brigade  
and sixth Division of the Militia of this Commonwealth:

*Resolved*, That his Excellency the Governor, with the advice  
of Council, be, and he is hereby authorized to raise by volunta-  
ry enlistment, a company of Artillery, in the town of Portland,  
in the County of Cumberland, provided the standing compa-  
nies in the said town, shall not be reduced below the number  
required by law, and said company shall be subject to all such  
regulations and restrictions as are, or may be provided by law  
for the government of the Militia of this Commonwealth.

## XX.

*Resolve for raising an Artillery Company in Brunswick.  
June 13, 1807.*

On the petition of Samuel Page and others, praying for leave  
to raise a company of Artillery in the town of Brunswick, in  
the county of Cumberland:

*Resolved*, For reason set forth in said petition, that his Ex-  
cellency the Governor, by and with the advice of Council, be  
authorized to raise by voluntary enlistment a company of Ar-  
tillery in the sixth Regiment, second Brigade, and sixth Divi-  
sion of Militia of this Commonwealth—and to be established in  
the town of Brunswick—Provided, the standing companies in  
said Regiment, are not reduced below the number required by  
law. Said company to be subject to all such rules, regulations,  
and restrictions, as are or may be provided by law for govern-  
ing the Militia of this Commonwealth.

## XXI.

*Resolve on the petition of Jonah Westover and others, authorizing Simon Learned and others to examine into the title and claims of the petitioners, to lands claimed by this Commonwealth, in the County of Berkshire. June 13, 1807.*

The Committee of both houses to whom was referred the petition of Jonah Westover and others, to consider and report, and who were ordered to take into their consideration all petitions and papers on the files of either house, relating to lands in possession of the petitioners, report the following Resolve, which is submitted.

GEORGE BLISS, per order.

Whereas the General Court of this Commonwealth, on the twenty-first day of February, in the year of our Lord, one thousand eight hundred and seven, passed a resolve, authorizing Simon Learned and Moses Hopkins, Esq's, to take possession and make sale of the unappropriated lands belonging to the Commonwealth within the County of Berkshire—and to pay to the heirs of John Burghardt, late of Great Barrington, in said County, deceased, the proceeds of the sale of seven hundred acres of an average value in full satisfaction of a grant to John Burghardt, made February 12th, 1774; and whereas after the said Simon Learned and Moses Hopkins, had made some progress in performing the duties assigned them by said resolve, Jonah Westover and others, claiming land under a sale from an Indian woman, named Niconamos; and Abner Kellogg and others, claiming lands called the Gore, at the session of the Legislature in May, 1805, petitioned to be quieted in the possession of the lands respectively possessed by them, and claimed as the property of said Commonwealth, and John Burghardt, the 3d, in behalf of the heirs of said John Burghardt, deceased, has petitioned the General Court, that compensation may be made for said grant to his ancestor:

*Resolved,* That Simon Learned, Moses Hopkins and Azariah Eggleston, Esq's, or any two of them, be and they are hereby authorized and empowered, at the expense of the said Jonah Westover and others, possessors of said lands claimed by the Commonwealth, to examine into the title and claims of the said petitioners, and all other persons possessing lands in said County of Berkshire, which has been, or now is claimed by the said Commonwealth, and to settle with the said possessors of such lands upon such terms and conditions, and for such considerations as they or any two of them shall determine to be just and

equitable, and thereupon to quiet such possessors in their possessions, and to execute sufficient deeds releasing the right of the Commonwealth to said lands.

*And it is further resolved,* That there be, and there hereby is granted to the heirs of the said John Burghardt, deceased, the sum of seven hundred and fifty dollars, to be paid them in such proportions as they are by law entitled to receive the same, in full satisfaction of said grants, made in the year 1774 and 1804; to be paid out of the proceeds of the sale of the lands herein mentioned, or from the proceeds of the sale of any other lands in said County of Berkshire, in the hands of said Simon, Moses, and Azariah, or either of them, in case so much shall be in their hands, and the said Commissioners are hereby directed to pay the same sum accordingly;—provided however, and this grant to said heirs of said Burghardt, is upon condition that the said heirs shall receive the same in full satisfaction of said grant made February 21, 1804, and of all claims and demands which they may have on this Commonwealth, and shall discharge the same accordingly.

And the said Simon, Moses, and Azariah, shall, as soon as may be, make return for their doings to the General Court for the time being, and shall render an account of the sums by them received and paid as aforesaid.

## XXII.

*Resolve to discharge the Hon. Jonathan L. Austin, Esq. Secretary of the Commonwealth, from 120 dollars advanced to him to pay extra Clerks. June 16, 1807.*

The Committee on the petition of Jonathan L. Austin, Esq. Secretary of the Commonwealth, having examined his accounts for the expenditure of one hundred and twenty dollars, paid him out of the Treasury, by a resolve of the 28th of February last, find them right cast and well vouched.

*Resolved,* That Jonathan L. Austin, Esq. Secretary of the Commonwealth, be discharged of the sum of one hundred and twenty dollars, granted him by a resolve of the 28th February last, for the pay of extra Clerks, in the Secretary's office, he having accounted for the same.

## XXIII.

*Resolve confirming the doings of the inhabitants of Hiram Plantation, in raising and levying taxes. June 16, 1807.*

On the petition of the inhabitants of the plantation of Hiram, in the County of Oxford, setting forth, that by reason of the operation of the several tax acts, previous to the year 1806, relative to the apportionment of taxes upon the polls and estates of the inhabitants of said plantation, doubts have arisen as to the legality of the proceeding of the said plantation in raising, levying and collecting the taxes in that plantation, before the time aforesaid; and praying for relief in the premises.

*Resolved*, For reasons set forth in said petition, that the doings of the said inhabitants in raising and levying the taxes aforesaid, be, and the same are hereby confirmed and rendered valid, and that any collector or collectors, who have been, or may hereafter be appointed in said plantation or town of Hiram, for the purpose of collecting the taxes aforesaid, is hereby authorized and empowered to collect the said taxes in the same way and manner as other town taxes are collected; and any warrant made and signed by said assessors, authorizing and empowering said collector or collectors, to collect said taxes, shall be good and valid to all intents and purposes; the deficiency in the qualification of the voters in said town, and any law to the contrary notwithstanding.

## XXIV.

*Resolve authorizing two or more of the Justices of the Supreme Judicial Court, to hold a Court at the next term at Castine, in the County of Hancock. June 16, 1807.*

*Resolved*, That the next term of the Supreme Judicial Court, to be holden at Castine, in the County of Hancock, for the Counties of Hancock and Washington, may be holden by any two or more Justices of the same Court, any law to the contrary notwithstanding.

## XXV.

*Resolve discharging David and Samuel Partridge, from certain Judgments, they paying costs. June 16, 1807.*

On the petition of David Partridge and Samuel Partridge, both of a plantation unincorporated, called Thomson Pond, in the County of Cumberland, praying to be exonerated from two

judgments in favor of the Commonwealth, recovered at the last term of the Supreme Judicial Court, holden at Portland, in and for the said County of Cumberland, on the fourth Tuesday of May, 1807, the one against said David Partridge, for the sum of fifty dollars, debt and cost of court taxed at nineteen dollars and two cents, the other against the said Samuel Partridge, for the sum of fifty dollars, debt and cost of court, taxed at nineteen dollars and twenty-four cents :

*Resolved*, For reasons in said petition set forth, that the said petitioners be, and are hereby severally discharged from the judgments aforesaid ; provided, that within six months after the passing of this resolve, they respectively pay, or cause to be paid to the Solicitor General, for the time being, the amount of the bills of cost recovered severally against them as aforesaid.

## XXVI.

*Resolve on the petition of Simon Ricker, of Shapleigh, authorizing Agents on Eastern Lands to sell a certain gore of land in Sandford. June 16, 1807.*

On the petition of Simon Ricker, praying for liberty to purchase a small gore of land in the town of Sandford, adjoining his grist mill, on a stream, called Moufom River, and is described on a plan of said land made by Nathaniel Perkins, containing eighteen acres and thirty rods :

*Resolved*, That the agents for the sale of Eastern Lands, be, and they are hereby authorized and empowered to sell and convey unto the said Simon Ricker, or any other person or persons, the aforesaid described gore, within the limits of the town of Sandford, within this Commonwealth, for such sums, and on such conditions as said agents shall deem just and reasonable.

## XXVII.

*Resolve requesting the Governor to solicit the President of the United States, to propose and adopt measures with the government of Great-Britain, for the settlement of a boundary line, between lands of the United States, in Massachusetts and those belonging to Great-Britain. June 16, 1807.*

Whereas, there is reason to apprehend that great inconveniences and much expence to the citizens of this Commonwealth, do, and will probably ensue from a delay to adjust and determine the boundary line between the lands belonging to the United States of America, which lie within the State of Massa-

chufetts and those belonging to the United Kingdom of Great Britain and Ireland :

*Be it therefore Resolved,* That His Excellency the Governor, be, and he hereby is desired to request the President of the United States to propose to, and adopt such measures with the government of the United Kingdom of Great Britain and Ireland, as he may deem proper, to produce a settlement and determination of the boundary line aforesaid, between the lands aforesaid.

## XXVIII.

*Resolve, granting Simon Crosby 130 dollars.* June 16, 1807.

On the petition of Simon Crosby,

*Resolved,* That one hundred and thirty dollars, be allowed, and paid out of the public Treasury, to Simon Crosby, late a private foldier, in the second regiment of Light Dragoons, commanded by colonel Sheldon, in the late Continental Army, conformable to a resolve passed the eleventh day of November, A. D. Seventeen hundred and Eighty-four :—And his Excellency the Governor, with the advice and consent of Council, is hereby requested to issue his warrant accordingly.

## XXIX.

*Resolve, granting Justices of the Peace liberty to grant a license to Smith Copeland.* June 17, 1807.

On the petition of Smith Copeland, shewing that he has been at great expence in hiring and furnishing a dwelling-house, in the town of Northampton, in the County of Hampshire, heretofore used as a Tavern, and licensed as such at the last September term, of the Court of General Sessions of the Peace, within and for said County, and that he came into possession thereof since said license was granted, with a view to keep a Tavern therein—but that the Selectmen of said town have neglected and refused to appropriate him for that purpose :

*Resolved,* For reasons set forth in said petition, that any two Justices of the Peace within and for said county, be, and they are hereby authorized and empowered to grant the said Smith license to keep a Tavern, in the said house wherein he resides, the remainder of the year, without any approbation signed by the Selectmen ; which license, when so granted and certified by said Justices to the Clerk of the Court of General Sessions of the Peace within and for said County, shall have the same force,

effect, operation and continuance, as if the said Court of General Sessions of the Peace, at said term, had by law granted said Smith Copeland such license.

## XXX.

*Resolve, empowering John L. Sullivan to dispose of certain real estate. June 17, 1807.*

On the petition of John L. Sullivan, praying to be empowered to dispose of certain real estate :

*Resolved,* For the reasons set forth in the petition of John L. Sullivan, that he be, and he hereby is, authorized and empowered, to sell and convey real estate, whereof he is seized and possessed in right of Elizabeth, his wife, and by deed or deeds duly and legally executed, to convey any estate whereof he is seized in his own right, and to bar any claim of dower she might have therein ; and that all deeds by him duly executed, shall be sufficient to convey any real estate whereof he is seized, either in his own, or in her right to all intents and purposes, as if she were in possession of her reason, and had joined with him in the execution of such deeds and conveyances.

## XXXI.

*Resolve, on petition of Thomas Davis, empowering Jonathan Marsh, Esq. to fulfill certain contracts. June 17, 1807.*

On the petition of Thomas Davis, praying that Jonathan Marsh, Esq. one of the executors of the last will and testament of Cutting Moody, late of Newburyport, deceased testate, may be authorized and empowered to complete and fulfill certain contracts made in writing between said Cutting Moody, and said Thomas Davis and William Davis, for the sale of a certain tract of land laying in the town of Buxton, in the County of York, by said Moody, to said Thomas Davis and William Davis :

*Resolved,* That the said Jonathan Marsh, Executor as aforesaid, be, and he hereby is authorized and empowered to fulfill and carry into full execution the contracts aforesaid, upon the performance of the conditions contained in said contract by said Thomas and William, and on their part to be performed, to execute such deeds of said land as said Moody contracted to execute to said Thomas and William, and as he would have been obliged to execute had he been in full life, and said deeds so executed, shall be equally valid, as though made by said Cutting Moody.

## XXXII.

*Resolve, for County Taxes.* June 18, 1807.

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 General Sessions of the Peace, for the said Counties, have exhibited estimates, made by the said Courts, of the necessary charges likely to arise within the said several 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 following counties, 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:—

	Dollars.
Middlesex, seven thousand seven hundred dollars;	7,700
Plymouth, three thousand three hundred and 44 dols.	3,344

## XXXIII.

*Resolve, establishing the salaries of the Lieut. Governor, Secretary, and Treasurer.* June 18, 1807.

*Resolved,* That for one year from the last day of May last, the sum of five hundred and thirty-three dollars and thirty-three cents, shall be the pay of his Honor the Lieut. Governor; to be paid out of the Treasury of this Commonwealth, in quarterly payments, as the same shall become due. That there be allowed and paid to Jonathan L. Austin, Esq. Secretary, seven hundred and seventy two dollars and twenty-four cents, which with seven hundred twenty seven dollars and seventy-six cents, he has received in fees before the thirty first day of May last, shall be in full for his services as Secretary of this Commonwealth, for one year from the first day of June current, being at the rate of Fifteen hundred dollars by the year, to be paid in quarterly payments, as the same shall become due; he to be accountable for fees received in his office in future.

That from the first day of June instant, there be allowed and paid out of the public Treasury, the sum of two thousand dollars to the Treasurer and receiver General of this Commonwealth, for his pay in that office, for one year; to be paid in quarterly payments.

## XXXIV.

*Resolved, for paying Thomas and Andrews, and Manning and Loring, for printing and binding 1200 sets of the Laws.*

June 18, 1807.

*Resolved,* That the Governor, with advice and consent of the Council, be, and are hereby authorized and requested to draw a warrant on the Treasurer, to pay to Manning and Loring the sum that will be due to them for twelve hundred copies of a third volume of Laws, according to a contract between them and a committee of the Commonwealth, under a resolve passed in June last. Also, a warrant to pay to Thomas and Andrews the sum of five thousand and one hundred dollars, that may be due to them for twelve hundred sets of two volumes of Laws, according to their contract with a committee of the Commonwealth, under a resolve passed in January last; upon their respectively producing to the Governor and Council certificates under the hand of the Secretary, that they have delivered the books according to their respective contracts—and that the contracts aforesaid, for the purpose aforesaid, be lodged in the hands of the Secretary.

## XXXV.

*Resolve on the petition of Ethel Burch, of West-Stockbridge, authorizing two Justices to license him to sell Liquors.* June 19, 1807.

On the petition of Ethel Burch of West-Stockbridge, in the County of Berkshire, praying, for reasons set forth in his petition, that two Justices of the Peace may be authorized to license him to sell foreign distilled spirituous Liquors, in the said town :

*Resolved,* That any two Justices of the Peace, within and for the said County of Berkshire, be, and they hereby are, authorized and empowered to license the said Ethel to sell foreign distilled spirituous Liquors, within the said town of West-Stockbridge, agreeably to the prayer of his petition, he complying with the rules and requisition of the law in such case made and provided; any law to the contrary notwithstanding.

## XXXVI.

*Resolve, on the petition of John Peck, granting further time to settle families on certain land.* June 19, 1807.

On petition of John Peck, of Newton, in the County of Middlesex :

*Resolved*, For reasons set forth in said petition, that a further time of six years from the first of March last, be allowed to said Peck, his heirs and assigns, to settle twenty-five families upon said Township, numbered Seven, in the county aforesaid :

And that if said Peck, his heirs and assigns, shall, within said time, settle the said number of families, including what may be already there, on said Township, that then the estate, right, and title of said Peck, his heirs, and assigns, shall be valid, full and effectual, to all intents and purposes, as if the conditions of settlement, expressed in the original deeds, given of said township by the committee, appointed by the General Court, to sell and convey the unappropriated lands in the District of Maine, had been fully and seasonably complied with : Provided, nevertheless, that the said Peck, shall, on or before the first day of December next, give Bond to this Commonwealth, in the sum of Fifteen hundred Dollars, with sufficient surety or sureties, to the satisfaction of the agents for the sale of Eastern Lands, conditioned, that the said number of twenty-five families shall, within the said term of six years, be settled on said Township, or for the payment of Thirty Dollars for each family which shall then be deficient.

## XXXVII.

*Resolve on the petition of Harvey Utley and others, authorizing the raising a Company of Light Infantry, in Palmer, Ware and Monson. June 19, 1807.*

*Resolved*, For reasons set forth in said petition, that his Excellency the Governor and Commander in Chief, be authorized to raise by voluntary enlistment, a company of Light Infantry, in the towns of Palmer, Ware and Monson, and when so raised to be annexed to the sixth Regiment, first Brigade and fourth Division of the Militia of this Commonwealth ; provided, the standing companies in said towns are not reduced below the number required by law ;—said company to be subject to all such rules, regulations and restrictions as are or may be provided by law for governing the Militia of this Commonwealth.

## XXXVIII.

*Resolve, appointing a Committee to examine the different ways from the Bridge of Augusta to Bangor, and ascertain the best route for a road. June 19, 1807.*

On the petition of James Stevens and others, praying that a Committee may be appointed to examine the different ways in

which a road may be made from the Bridge at Augusta, on the Kennebeck River, to the town of Bangor, near the head of the tide, on the Penobscot River, and to ascertain the best rout for the same:

*Resolved*, That the Hon. Jonathan Maynard, Esq. Moses Hodgdon, Esq. and Mr. John Whiting, jun. be a Committee, at the expence of the petitioners, to explore and lay out a Road four rods wide; in the most direct route the nature of the ground, and the accommodation of the public will admit, from the Bridge at Augusta, on the Kennebeck River, to the town of Bangor, near the head of the tide on the Penobscot River, and to form an estimate of the expence of cutting, clearing and making said road, including the necessary bridges and causeways, and present the said estimate at the next session of the General Court, with a plan of the same; and the said Committee shall give public notice, of the time and place of their meeting, for the purpose aforesaid, by publishing the same in the Kennebeck Gazette, and Eastern Argus, three weeks successively, the last publication to be ten days, at least, before the time of their meeting.

## XXXIX.

*Resolve on the petition of John Watson and others, staying Execution.*  
June 19, 1807.

Upon the petition of John Watson, Henry Prentiss, and Bartholomew Cheever, praying that Execution upon a certain judgment may be stayed, which judgment was rendered against them and Moses Gill, Esq. at the last term of the Supreme Judicial Court, holden at Worcester, within and for the County of Worcester, in favor of Nathaniel Paine, Esq. Judge of Probate, &c. for said County of Worcester, and execution in favor of Thomson J. Skinner, Esq. Treasurer of said Commonwealth, was ordered to issue for a debt due to said Commonwealth from the estate of his late honor Moses Gill, deceased:

*Resolved*, For reasons set forth in said petition, that the Clerk of the Supreme Judicial Court, for the County of Worcester, be, and he is hereby directed to stay the issuing execution, in favor of said Treasurer, upon the judgment aforesaid, for the full term of eighteen months, from the passing of this Resolution; provided; that a stay of execution in manner aforesaid, shall in no wise be construed to hinder the issuing execution upon the same judgment after the expiration of said term, notwithstanding more than one year may then have elapsed after the rendering the judgment aforesaid; and provided also, that

the said Watson, Prentiss and Cheever, shall first give bond to said Treasurer, with sufficient surety or sureties, for the use of said Commonwealth, with condition to pay to the Commonwealth, at the expiration of said eighteen months, the amount of said Judgment and interest thereon until paid.

## XL.

*Resolve on the petition of William Paul and others, authorizing the sale of land belonging to the Society, in the towns of Dighton, Rehoboth and Swansey. June 19, 1807.*

On the petition of William Paul and others, inhabitants of the several towns of Dighton, Rehoboth and Swansey, in the County of Bristol, praying for liberty to sell the old Meeting-House and land, round about and adjoining the same, in Dighton aforesaid :

*Resolved*, For reasons stated in said petition, that the deacons, together with the committee of the Baptist society, in the towns of Dighton, Rehoboth and Swansey, be, and they are hereby empowered, to sell and convey the land belonging to the said society, in the said town of Dighton, in the county of Bristol, containing about one quarter of an acre, more or less, together with the old Meeting-House, standing on said land, the property of the said Baptist Society, and to give and execute good and sufficient Deeds of the same, and the proceeds of the said sale, shall be deposited in the Treasury of the said Society, subject to their order and disposal.

## XLI.

*Resolve on the petition of Benjamin Hichborn and others. June 19, 1807.*

The Committee of both houses to whom was committed the petition of Benjamin Hichborn and others, praying that the Legislature of this State, would request the Executive to make representations to the government of the Union, in favor of compounding their claims to certain lands which they claim under an act of the Legislature of the state of Georgia, passed January 7, 1795, and which has since been ceded by the same state to the United States, have attended service—and ask leave to report *by proposing* the following *resolve*, viz.

On the petition of Benjamin Hichborn and others, praying the Legislature of this Commonwealth to interpose its kind and

friendly aid, by empowering the Executive of this Commonwealth to solicit the government of the United States to afford them relief :

*Resolved*, That his Excellency the Governor, be, and he hereby is empowered and requested to make such representations to the government of the United States, as he may think expedient, and the nature of the petitioner's case may require, in favor of an amicable adjustment of their claims.

## XLII.

*Grant to the Messenger, Mr. Jacob Kuhn.* June 19, 1807.

*Resolved*, That there be allowed and paid out of the public treasury, to Jacob Kuhn, three hundred and fifty dollars, for the present year, commencing the thirteenth day of May last, to be in addition to the sum of four hundred dollars, allowed him by a resolve of March the twenty sixth, 1793, establishing the pay of the Messenger of the General Court.

## XLIII.

*Resolve directing the Secretary to cause to be printed 600 correct copies of the Constitutions of Massachusetts and United States, &c.*  
June 19, 1807.

Whereas, on examining the Constitution, printed in a small book, for the use of the General Court, several errors are found therein ; and it being necessary there should be correct copies of the same :

*Sect. 1. Resolved*, That the Secretary be, and he is hereby directed to procure to be printed on good type and paper, 600 correct Copies of the Constitution of this Commonwealth, conformable to the original on parchment, enrolled in the Secretary's office, and to be attested to be a true Copy by the Secretary. Also, the same number of copies of the Constitution of the United States, to be added thereto, with all the amendments to it which have been adopted, with proper marginal references to each section and article, of both of said Constitutions, and to have added in the title page of the book—*ordered by the General Court, for the use of the Government*, to be well bound and lettered on one side—*For the General Court*, and on the back as usual.

*Sect. 2. Be it further resolved*, That the Secretary be, and he is hereby directed to make a written contract for printing said Constitutions, with the printers to the General Court, or any

other printer, who shall do the work best and cheapest; and when the books aforesaid are completed and delivered into the Secretary's office, to lay the accounts for the same before the Governor and Council, for their examination and allowance, who are hereby authorized to draw a warrant on the Treasurer, for the payment thereof.

## XLIV.

*Resolve, empowering Horatio G. Balch, Esq. to let or lease the Meadows on the Commonwealth's Lands, in the County of Hancock.*

June 19, 1807.

Whereas, by a resolve of this Commonwealth, passed February 5, 1807, appointing Horatio G. Balch, Esq. Superintendent of Indian Affairs for Penobscot Tribe, vesting him with certain powers, as expressed in said resolve; but no provision being made for the care of the meadows on the Commonwealth's land:

*Therefore Resolved,* That Horatio G. Balch, Esq. Superintendent of Indian Affairs for the Penobscot Tribe, be, and hereby is authorized to let, or lease, annually, all the meadows on the land of this Commonwealth, upon or adjoining Penobscot River, in the County of Hancock, and render to the General Court yearly a true account of his doings; and that any person who shall cut any grass, standing or growing on any of the lands belonging to this Commonwealth as aforesaid, shall forfeit and pay treble the value of any such grass so cut, fell or removed to be recovered in any action, or actions of trespass in any Court proper to try the same; and it shall be the duty of said Superintendent, to give seasonable information, of any trespasses upon the aforesaid lands, or any offences against the provisions of this Resolve, to the Attorney or Solicitor General, who are hereby directed, to prosecute for, and recover all penalties, or forfeitures which may accrue, by virtue of this resolve.

## XLV.

*Resolve for paying a balance due to the Superintendent of the State Prison and making a further appropriation.* June 19, 1807.

*Resolved,* That there be allowed and paid out of the Treasury of this Commonwealth to Daniel Jackson Esq. Superintendent of the State Prison, the sum of six thousand and five hundred dollars including the balance now due to the said Jackson, and that his Excellency the Governor, by and with advice of Coun-

cil, is hereby authorized to issue his warrant in favor of the said Daniel Jackson in his said capacity, he to be accountable for the same in the next settlement of his accounts.

## XLVI.

*Resolve on petition of Betsy Foster, now Betsy Goodell, authorizing the Judge of Probate of Worcester to re-examine her administration Accounts. June 19, 1807.*

On petition of Betsy Foster, late of New Braintree, Widow, now Betsy Goodell, wife of Abel Goodell, of Monson, in the County of Hampshire, Esq. administratrix on the estate of Daniel Foster, late of New-Braintree, Clerk :

*Resolved,* For reasons set forth in said petition, that the Judge of Probate, for the County of Worcester, be directed to re-examine the administration accounts of said Betsy Goodell; and correct any errors, which he may find in said accounts, and to deduct any sum, or sums of money, which said Betsy, may have by mistake charged herself with, from the balance, which appears to remain in her hands.

## XLVII.

*Resolve for leasing the Province-House for one year. June 19, 1807.*

*Resolved,* That the Treasurer, and Secretary, of this Commonwealth be, and they are hereby authorized and directed, to lease out the Province-House, (so called) and its dependencies from the day of the expiration of the present lease, to the first day of July, which will be in the year of our Lord, one thousand eight hundred and eight; the rent to be paid into the Treasury in quarterly payments.

## XLVIII.

*Resolve on the petition of Phineas Kimball, authorizing the raising a new company of Light-Infantry, in New-Salem and Wendell. June 19, 1807.*

On the petition of Phineas Kimball, and others, praying for leave to raise a company of Light-Infantry in the towns of New-Salem and Wendell, in the County of Hampshire :

*Resolved,* For reasons set forth in said petition, that his Excellency the Governor, and Commander in Chief, be authorized to raise by voluntary enlistment, a company of Light Infantry, in the towns of New-Salem, and Wendell, provided the stand-

ing companies in said towns, are not reduced below the number required by law—said company, to be subject to all such regulations and restrictions, as are, or may be provided by law, for governing the militia of this Commonwealth.

## XLIX.

*Resolve on petition of Philo H. Washburn and others, authorizing a company of Light-Infantry, in Frankfort, in the County of Hancock. June 19, 1807.*

On the petition of Philo H. Washburn and others, inhabitants of the town of Frankfort, in the County of Hancock, praying for leave to raise a Light-Infantry company :

*Resolved*, That his Excellency the Governor, with advice of Council, be, and he is hereby authorized, to raise by voluntary enlistment, a company of Light-Infantry, in the town of Frankfort, in the County of Hancock, provided the standing companies in said town shall not be reduced below the number required by law : and when so raised, to be annexed to the third Regiment in the first Brigade, and tenth Division, of the Militia of this Commonwealth, and shall be subject to all such rules, regulations, and restrictions, as are, or may be provided by law for the government of the Militia of this Commonwealth.

## L.

*Resolve on the petition of Samuel W. Phelps, authorizing the raising a company of Light Infantry, in Marblehead. June 19, 1807.*

On the petition of Samuel W. Phelps and others, praying for leave to raise a Light Infantry Company in the town of Marblehead, in the county of Essex :

*Resolved*, For reasons set forth in said petition, that his Excellency the Governor, with the advice of Council, be, and he is hereby authorized to raise by voluntary enlistment, a company of Light Infantry, in the town of Marblehead, provided the standing companies in said town, are not reduced below the number required by law : said company to be subject to all such rules, regulations and restrictions as are or may be provided by law for governing the Militia of this Commonwealth.

## LI.

*Resolve, authorizing the raising a company of Light Infantry in Camden, in the County of Lincoln. June 19, 1807.*

On the petition of Tilson Gould and others, praying for leave to raise by voluntary enlistment, a company of Light Infantry, in the town of Camden, in the county of Lincoln, within the fourth Regiment, first Brigade, and eighth Division of the Militia of this Commonwealth :

*Resolved*, That his Excellency the Governor, with the advice and consent of Council, be, and he is hereby authorized and empowered to raise by voluntary enlistment, a company of Light Infantry, in the town of Camden, in the county of Lincoln, within the fourth Regiment, first Brigade and eighth Division of the Militia of this Commonwealth ; provided the standing companies in said town are not thereby reduced below the number prescribed by law ; said company when raised, to be subject to all such rules and regulations, as are or may be provided by law, for governing the Militia of this Commonwealth.

## LII.

*Resolve, granting a Pension to Israel Morgan. June 19, 1807.*

On the petition of Israel Morgan :

*Resolved*, That there be allowed and paid out of the Public Treasury, fifty dollars by the year, to Israel Morgan, in consideration of the loss of his right foot, while on military duty.

## LIII.

*Resolve, for paying the Committee on Accounts. June 19, 1807.*

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

Hon. Thomas Hale,	Nineteen days,	19 dollars.
Hon. David Perry,	Nineteen days,	19 "
Silas Holman, Esq.	Nineteen days,	19 "
William Young, Esq.	Nineteen days,	19 "
Nathan Fisher, Esq.	Fifteen days,	15 "

which sums shall be in full for their services afore said.

## LIV.

*Resolve on the petition of James Young, jun. June 20, 1807.*

On the petition of James Young, jun. late a captain of a company of Infantry, in the third Regiment, first Brigade and eighth Division of the Militia of this Commonwealth, praying that the sentence of a division Court-Martial, given against him on the first day of December last, may be so far reversed and annulled, as that he may be capable of holding any military office to which he shall be at any time hereafter elected or appointed :

*Resolved,* For reasons set forth in said petition, that the sentence of said Court-Martial, so far as respects said James Young, jun. being adjudged incapable of holding any military commission under this Commonwealth, for four years, be, and hereby is reversed ; and the said James Young, jun. is hereby declared capable of holding any military office under this Commonwealth, to which he may be at any time hereafter, constitutionally elected or appointed, the said sentence of the said Court-Martial to the contrary notwithstanding.

## LV.

*Resolve granting Jonathan Ware, of Conway, 631 dollars and 85 cents, to satisfy judgment, recovered against him by the administrator of the estate of John Murray. June 20, 1807.*

On the petition of Jonathan Ware, praying that the Commonwealth would pay the sum of one thousand and eighty-one dollars and forty-three cents, the amount of the judgment for the debt and costs, recovered against him, in the Circuit Court of the United States, on a bond held by Daniel Murray, administrator on the estate of John Murray, absentee, said petitioner having given a bond to the Commonwealth for said debt, by virtue of a resolve passed February 1, 1796 :

*Resolved,* For reasons set forth in said petition, that there be, and hereby is granted to the said Jonathan Ware, the sum of six hundred and thirty-one dollars and eighty-five cents, which together with four hundred and forty-nine dollars and fifty-eight cents, the balance due on the bond of the said Jonathan, now in the Treasury of the Commonwealth, which bond the Treasurer is hereby authorized to cancel, will be in full of said judgment ; and that his Excellency the Governor, be requested to draw his warrant on the Treasurer for said sum of six hundred and thirty-one dollars and eighty-five cents.

## LVI.

*Resolve, authorizing Ephraim Lawrence to file a plan, in the Secretary's Office, with the act for regulating the Fishery in Merrimac river, proposed the 16th day of March, 1805. June 20, 1807.*

Upon the petition of Ephraim Lawrence, praying that he may be allowed to file the copy of a plan which is referred to, in the act aforesaid, entitled "an Act in addition to an Act entitled an Act to regulate the catching of Salmon, Shad and Alewives, and to prevent obstructions in Merrimac-River, and in the other rivers and streams, running into the same, within this Commonwealth, and for repealing several acts hitherto made for that purpose," which plan has been certified by the Hon. Jonathan Maynard, Esq. one of the committee who made the original plan, to be a true copy thereof, may be filed in the office of the Secretary of this Commonwealth, with the act aforesaid, and when so filed, shall be as valid and effectual, to all intents and purposes, as the original plan aforesaid, would have been, any thing in the act aforesaid to the contrary notwithstanding.

## LVII.

*Resolve for paying the Chaplain and Clerks of both Houses: June 20, 1807.*

*Resolved,* That there be allowed and paid out of the Public Treasury, sixty dollars to the Rev. Thomas Baldwin, Chaplain to the Legislature; to John D. Dunbar, Esq. Clerk of the Senate, and to Charles P. Sumner, Esq. Clerk of the House of Representatives, one hundred and fifty dollars each, in full for their services aforesaid, the present session; and to Geo. E. Vaughan, Esq. Assistant Clerk of the Senate, one hundred dollars; and to Thos. Wallcut, Assistant Clerk of the House of Representatives, one hundred dollars, which sums shall be in full for their services respectively, the present session of the General Court.

## LVIII.

*Resolve for the sale of Transferable Stock, and purchase of State Notes. June 20, 1807.*

*Resolved,* That the Treasurer of this Commonwealth, be, and he is hereby authorized and empowered to make sale of the whole or any part of the ten certificates of the six per cent Stock of the United States, amounting to seventy-six thousand six

hundred and eighteen dollars and seventy-four cents, which Stock is the property of this Commonwealth, and is transferable. And one Certificate of three per cent Stock, for two thousand four hundred and sixty-eight dollars and ninety-five cents, which stock, is also the property of this Commonwealth, and is transferable :

Provided however, that the said six per cent Stock shall not be sold under par, and the said Certificate of three per cent Stock shall not be sold for less than sixty-seven per centum.

*And be it further resolved,* That the President of the Senate, Speaker of the House of Representatives and Treasurer, of this Commonwealth, be, and they are hereby directed to invest the proceeds arising from the sale of any of the said Stocks in the purchase of the notes of this Commonwealth.

*And be it further resolved,* That there be allowed and paid to the said persons, so appointed, as a compensation for the services herein prescribed, three-fourths of one per centum on the amount of the notes of this Commonwealth, which they may purchase by virtue of this resolve.

*And be it further resolved,* That there shall not be paid, in purchase of said notes, more than in the proportion of one hundred dollars for one hundred dollars amount of the notes of this Commonwealth.

## LIX.

*Resolve, for the Secretary to pay Assistant Clerks.* June 20, 1807.

*Resolved,* That there be allowed and paid out of the Public Treasury, three hundred dollars, unto Jonathan Loring Austin, Secretary of this Commonwealth, for pay for assistant Clerks, employed to expedite the public business, he to be accountable for the same, and that his Excellency the Governor, be requested, by and with the advice and consent of the Council, to draw his warrant on the Treasurer accordingly.

## LX.

*Resolve on the petition of Frederick Spence, directing the Sheriff of Suffolk to discharge him.* June 20, 1807.

On the petition of Frederick Spence, shewing, that ever since the thirty-first day of March last, he has been confined in the goal in the County of Suffolk, by virtue of an execution in favor of this Commonwealth, amounting to the sum of sixty-two

dollars and forty-two cents; and that he is wholly unable to pay any part of said sum, or to support himself in prison :

*It is therefore Resolved,* That the whole of the aforesaid sum, amounting to sixty-two dollars, and forty-two cents, be, and hereby is remitted to said Frederick Spence, and that the Sheriff of the County of Suffolk, be and he hereby is directed to discharge the said Frederick Spence from prison, provided the said Spence be not there confined by virtue of an execution, or mesne process in favor of any individual, or individuals, or for any cause other than the execution before mentioned.

## LXI.

*Resolve on petition of James Parnell Hyde, directing the Sheriff of Suffolk to discharge him.* June 20, 1807.

On the petition of James Parnell Hyde, shewing, that ever since the third day of March last, he has been confined in the goal in the County of Suffolk, by virtue of two executions, in favor of this Commonwealth, against the said Hyde, amounting to the sum of one hundred and fourteen dollars, and ninety-seven cents, each, and that he is wholly unable to pay any part of said sum, or to support himself in prison :

*It is therefore Resolved,* That the whole of the sums contained in the aforesaid executions, amounting to two hundred and twenty-nine dollars, and ninety-four cents, due, by virtue of the two executions aforesaid, be, and hereby are remitted to him, the said Hyde, and that the Sheriff of the County of Suffolk, be and he hereby is directed to discharge said Hyde from prison, provided the said Hyde be not there confined by virtue of any execution, or mesne process in favor of any individual or individuals, or for any cause other than the two executions before mentioned.

## LXII.

*Resolve directing the Attorney General to stay proceedings against settlers in the District of Maine, and giving said settlers a further time to make payment.* June 20, 1807.

Whereas by a resolve of the General Court, passed the 3d day of March 1806, the Attorney General was directed to eject certain settlers on the lands belonging to this Commonwealth, in the District of Maine, who should fail of completing the payment for the lots on which they had settled respectively, on or before the 3d day of March 1807, and whereas it appears that the said payments are not yet fully completed :

*Therefore Resolved,* That the said Attorney General, be directed to stay his proceedings relative to the same, until the 28th day of February next, and the agents for the sale of eastern lands are directed in the mean time, to receive any monies which the said settlers may pay, and to make out the deeds of their respective lots, in the usual manner; any thing in the said resolve of March 3d, 1806, to the contrary notwithstanding.

## LXIII.

*Grant to the Messenger to purchase Fuel, &c.* June 20, 1807.

*Resolved,* That there be allowed and paid out of the Treasury of this Commonwealth, to Jacob Kuhn, Messenger of the General Court, the sum of eight hundred dollars, to enable him to purchase fuel, and such other articles, as may be necessary for the use of said Court; he to be accountable for the expenditure of the same.

## LXIV.

*Resolve, setting aside the proceedings of a Court Martial, relative to Joseph Loring, jun.* June 20, 1807.

The Committee of both Houses, on petition of Joseph Loring, jun. have attended the duty assigned them, and now report, That the said Loring received a Commission, dated August 15, 1803, as Captain of an Infantry Company, raised at large in the town of Boston, styled the Washington Infantry—at this time Charles Davis commanded a Ward Company of Infantry in the same town, by virtue of a Commission dated April 6th, 1803,—afterwards, *viz*—on the 7th day of June, 1804, he was elected by the Boston Light Infantry, and received a Commission as Captain of said Company, of the last date; and afterwards was placed in the line below said Captain Loring, in conformity to the dates of their respective commissions.—On the 20th June, 1805, a General Order was issued by the Commander in Chief, directing Captains Messenger, Loring and Davis, to receive new Commissions; that Captain Davis should take rank of Captain Loring, notwithstanding the dates of their respective Commissions; and that Capt. Loring should receive a Light Infantry Commission to command an Infantry Company, although his Subalterns then held and still hold Infantry Commissions;—to this Order Capt. Loring objected, as unconstitutional and illegal, because it took from him a Commission without his consent, and because it assigned to Capt.

Davis a priority of rank, not derived from the date of his Commission : he represented his case to the Commander in Chief without effect, and was arrested in Oct. 1805, for abetting his company to mutiny, and on other charges, of all which he was acquitted in December of the same year; but was held in arrest until April, 1806—afterwards said Loring forwarded to the Commander in Chief his wish that he might be permitted to resign : this communication was laid before the Council, but not until he had been again arrested for refusing to acknowledge the said Davis as his superior officer, and to it he never received an answer. This last arrest was in September, 1806, and in the succeeding month, in pursuance of orders from Major General Elliot, he was tried by a Court Martial, sentenced to be removed from office, and disqualified from holding any Military Commission under this Commonwealth for the term of three years. The said Loring also complains, that the members of this Court Martial were not regularly detailed, and that by this means he has been deprived of a fair and impartial trial :—

Your Committee are of opinion, That the General Order of the 20th of June, 1805, is unconstitutional, because no officer, duly commissioned, can be removed from his office, but by the address of both Houses to the Governor, or by fair trial in Court Martial, and because the property of an individual cannot be taken from him but by legal process :

The power of organizing, arming, and disciplining the Militia, is expressly vested in the Government of the United States, and Congress have exercised this power by an act, passed May 8th, 1792 ; this act must be binding on the Militia of this Commonwealth ; for the acts of Congress, made in pursuance of the Constitution of the United States, are paramount to our state laws, and even to our state Constitution ; The people of this Commonwealth in adopting the constitution of the United States, have declared the same, and all laws made in pursuance thereof, to be the supreme laws of the land, the Constitution, or laws of any state to the contrary notwithstanding : The right of determining rank is incident to the power of organization, and has been positively determined in the 8th Section of said act of May 1792, in these words : “ That all commissioned officers shall take rank according to the date of their Commissions.” The General order aforesaid, having for its object, the establishment of rank in a manner repugnant to the said Act of 1792, your committee are of opinion, must therefore be illegal.

In the declaration of rights, Art. 17th, it is said, that the military power shall always be held in exact subordination to the civil authority, and be governed by it. It is also said, Art. 22d, that the Legislature ought frequently to assemble for the redress of grievances. If the power of redressing all wrongs is inherent in our government, of which we think there can be no doubt, we think it must be obvious that this power, being vested in no other body, must rest in the Legislature, and may be exercised respecting the Military with as much propriety as towards the Civil concerns of the Commonwealth. It will be recollected that this power has been constantly exercised in setting aside the proceedings of Judicial Courts, for apparent errors in their proceedings, or by reason of their not having had that fair and impartial trial which is contemplated by the Constitution. This is not assuming the Judicial power, if the Citizen is not thereby deprived of a new trial.

The petitioner has proved by the records of the Court Martial, and by original papers in the case, that the members were not regularly detailed, by reason whereof he has not had that fair and impartial trial to which every citizen is entitled. The regular detailment of the members of a Court Martial is as necessary to a fair trial as the regular impanelment of a Jury; for if the principle of detailment by regular rotation is permitted to be infringed, the rights and characters of inferior officers, may be placed wholly at the mercy of superiors, whom they may be so unfortunate as to offend.

From these considerations, your committee are of opinion, that the proceeding of said Court Martial should be set aside, in order that the said Loring may have a fair and impartial trial; they therefore offer the following Resolve, which is submitted.

A. HILL, *per order.*

Whereas, it appears that Joseph Loring, jun. a Captain of the Militia in the town of Boston, has been tried, sentenced to be removed from office, and adjudged incapable to hold any military commission under this Commonwealth, for the term of three years, by a Court Martial, begun and holden at Boston on the 28th day of October, A. D. 1806, and whereas it appears that some of the members of said Court Martial were not regularly detailed, and that said Joseph Loring, jun. has not had that fair and impartial trial to which he was entitled, and has petitioned this Court for redress:

*Therefore Resolved,* That the proceedings of said Court Martial, relative to the said Joseph Loring, jun. be, and the same are hereby wholly set aside.

## LXV.

*Resolve, on the petition of Abraham Munroe, directing the Attorney or Solicitor General to defend him in a suit commenced by Oliver Eager and wife. June 20, 1807.*

On the petition of Abraham Munroe, praying that the Attorney General may be directed to defend a certain suit commenced by Oliver Eager and his wife, plaintiffs, in error, to reverse a judgment for the confiscation of certain Tracts of Land, lying in the County of Worcester, which suit is now pending in the Supreme Judicial Court in the County of Worcester :

*Resolved, That the Attorney General, or Solicitor General, of this Commonwealth, be, and he hereby is authorized and directed to appear and defend said Suit, and to do therein whatever is expedient to be done for the interest of the Commonwealth.*

## LXVI.

*Resolve, on the petition of Isaac Chamberlain, directing the Treasurer to discharge a Mortgage Deed. June 20, 1807.*

On the petition of Isaac Chamberlain, praying for liberty to exchange Securities with the Treasurer of this Commonwealth :

*Resolved, That the Treasurer be, and he hereby is authorized and empowered to discharge a mortgage deed of certain Lands, lying on the east side of Penobscot River, in the County of Hancock, dated January 22, 1802, made by said Chamberlain, and lodged in the Treasurer's Office, as collateral security for the payment of his bond, of the same date, for the sum of six hundred and forty-four dollars and twenty cents; and to receive in lieu thereof, a Mortgage deed of certain real estate, situate in the town of Chelmsford, in the County of Middlesex, as he shall judge sufficient to secure the payment of the said bond: Provided however, that said Chamberlain shall pay and discharge all the interest due on said bond at the date of the last mentioned mortgage.*

## LXVII.

*Resolve, granting pay to the Clerks in the Treasurer and Secretary's Offices. June 20, 1807.*

*Resolved, That there be allowed and paid out of the Treasury of this Commonwealth, to the two Clerks in the Treasurer's*

Office, and to the first Clerk in the Secretary's Office, three dollars and eighty-four cents per day; and to the other two Clerks employed in the Secretary's Office, three dollars per day, for each day they may be employed in said Offices respectively, from the first day of June, instant, to the first day of June, one thousand eight hundred and eight.

## LXVIII.

*Resolve, appointing Charles Turner, jun. Esq. to explore and mark out the most direct route from Penobscot River to the Eastern line of the State. June 20, 1807.*

On the petition of Simon Packard and others, and also the petition of Samuel E. Dutton and others, praying that a Road may be laid out from Penobscot River to the Eastern line of the Commonwealth, and to the River St. Johns, Report the following resolve, which is submitted.

J. MAYNARD, *per order.*

*Resolved,* That Charles Turner, jun. Esq. be, and hereby is appointed a Surveyor to explore and mark out a route, in the most direct course the land will admit of, from the Penobscot River, through the lands formerly sold to Jackson and Flint, to any part of the public Grants, located on the Eastern line of the Commonwealth, and so on north (through the township of Mars-Hill, granted to the old Soldiers) until it shall strike the River St. Johns.

*Be it further resolved,* That the Governor, with the advice of Council, be requested to draw his warrant on the Treasurer, for the sum of five hundred dollars, to enable the said Turner to carry the foregoing Resolve into effect, he to be accountable for the expenditure of the same.

*Roll No. 57. June 1807.*

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

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

Which is respectfully submitted,

THOMAS HALE, *per order.*

*Pauper Accounts.*

	D.	C.
Amesbury, for boarding, clothing, nursing and doctoring Jonathan Sidwell, to the 18th May, 1807,	71	75
Adams, for boarding, clothing and nursing Freeman Blakely, and Sufannah Camp, to 22d May, 1807, and Catharine, an Indian woman, to the time of her death including funeral charges,	69	67
Brookfield, for boarding Luke Finney and George Basington, to the 20th May, 1807,	49	20
Belchertown, for boarding, clothing and nursing Amos Ames and Wife, to 25th May, 1807, and David Chamberlain, to the time of his death, including funeral expenses,	117	32
Barnstable, for supporting John Larrabee, to the time of his death, including funeral expenses,	117	73
Bradford, for boarding and clothing Joshua L. Alfars, to 1st June, 1807,	36	75
Bridgewater, for boarding and clothing William Blackley and Frederick Binger, to 1st June, 1807, and Benjamin Palmer to the time of his death, including doctor's bill for said Palmer, and funeral expenses,	75	05
Becket, for boarding, clothing, nursing and doctoring Prince Starkweather and his family, and Daniel Lamphier, to 23d May, 1807,	63	22
Boxborough, for boarding and clothing John M' Coy, to 28th May, 1807,	57	94
Barre, for boarding, clothing and nursing Prissilla Humphreys and John C. Dandrick, to 28th May, 1807,	60	43
Boston, for boarding, clothing and nursing fundry Paupers, to 1st June, 1807,	5252	82
Carlisle, for boarding and clothing Robert Barber, to 23d May, 1807,	85	85
Cheshire, for boarding and clothing Ephraim Richardson, to 23d May, 1807,	79	16

Chelmsford, for boarding, clothing and doctoring Catharine M'Clenny, to 27th May, 1807,	46 41
Charlestown, for supporting fundry state Paupers, to 4th June, 1807, including funeral charges for Joseph Calley,	179 93
Cape-Elizabeth, for boarding George J. Hays, James Ramsbottom and Abraham Birks, to 22d May, 1807,	70 30
Concord, for boarding and clothing William Shaw, to 6th June, and Geo. Black, to 24th March, and Benjamin Weeks, to 21st March, 1807,	51 48
District of Dover, for boarding, clothing and nursing Partrick Cowin, to 3d June, 1807,	100 10
Dunstable, for boarding, nursing and doctoring Margaret Lane, to 4th June, 1807,	21 06
Dracut, for boarding, doctoring and nursing Nehemiah Jaques, to the time of his death, including funeral charges, and Lucy Jaques, to 1st June, 1807,	78 49
Danvers, for boarding, clothing and nursing John I. Hiers and Jane Duckerdy, to 5th June, 1807,	37 92
Deblois, George for taking care of the State Paupers in the Alms-house in Boston,	370 07
East-Hampton, for boarding and doctoring John Hall, to 25th May, 1807,	34 73
Egremont, for boarding, nursing and necessaries furnished Lucy Van-Guilder and her infant child, from June 23d to July 12th, 1807,	17 50
Fayett, for boarding and clothing William G. Martin, to 19th May 1807,	87 69
Florida, for the support of four children, of Amos Eldridge, to 23d May, 1807,	31 99
Freetown, for boarding, clothing, nursing and doctoring, John Conoly, to the time of his death, including funeral charges,	73 75
Gill, for boarding Sarah Hamlington, to 25th May, 1807,	15 72
Granville, for supplies for Archebald Stewart, to 20th May, 1807,	12 31
Gorham, for supporting Robert Gilfilling, to 31st May, 1807,	28 50
Granby, for boarding, clothing and doctoring Ebenezer Darvin and John Murry, to 2d June, 1807,	56 89
Gloucester, for boarding, clothing, doctoring and nursing fundry Paupers, to 10th May, 1807,	949 22

Greenwich, for supplies, doctoring and nursing the widow Elizabeth Harrington and family, to 15th May, 1807,	25 48
Hamilton, for boarding, clothing and doctoring Mary Moncrief, to 1st February, 1807,	78 61
Haverhill, for doctoring William Tapley, to 25th May, 1807,	15 00
Hodgkins Joseph, keeper of the house of correction, in Ipswich, for boarding and clothing sundry Paupers, to 1st June, 1807, including an allowance made by the Court of Sessions, to 4th April, 1807,	394 72
Ipswich, for boarding, clothing and doctoring John Obrian, to 1st June, 1807, and H. Pentland, wife and child, to 13th March, 1807,	183 99
Leyden, for supporting Jedediah Fuller, his wife and one child, and Elizabeth Wagoner and her daughter to 22d May, 1807,	49 65
Leomister, for boarding Joseph Hyde, to 31st May, 1807,	22 85
Lanelborough, for boarding and clothing Dent Harrison, to 31st May, 1807,	75 00
Lenox, for boarding, clothing and doctoring Abraham Palmer and child, to 29th May, 1807, and Joseph Smith to the time he went out of the Commonwealth, and Hannah, an Indian woman, when sick, to her recovery,	70 07
Lincolnton, for boarding and clothing Alexander White and Isabel Woodly, to the 13th May, 1807,	186 05
Mount-Vernon, for boarding and clothing David Basford to 18th May, 1807,	101 23
Marlborough, for boarding, clothing, doctoring and nursing Daniel Stilson, to 18th February, 1807, the time of his going out of the Commonwealth,	32 43
Montague, for supplies, for Joshua Searl, to 1st June, 1807,	31 83
Milton, for boarding and clothing Thomas Webster, John Murry, Rebecca Welsh and four children, to 9th June, 1807,	86 10
Medard, St. Peter, for doctoring State Paupers in the Alms-House in Boston, to 15th May, 1807,	400 00
Northfield, for supporting Richard Kingsbury, to 20th May 1807,	23 40
Newbury, for boarding, clothing, doctoring and nursing sundry Paupers, to 1st June, 1807,	703 01

Newburyport, for boarding, clothing, doctoring and nursing fundry Paupers, to 1st June, 1807,	1240 10
New-Salem, for boarding and clothing two of widow Olive Bedient's children, to 6th April, 1807, and George Fie, nine weeks,	52 18
Nantucket, for supplies for James Plato, and Dicky, a black man, to 1st June, 1807,	60 09
Palmer, for boarding and clothing William Mendon, to 28th May, 1807,	65 62
Rehoboth, for boarding and clothing Sufanna, an Indian woman, to May 24th 1807,	11 22
Swanzy, for boarding and clothing Manuel Dufnips, and Sally Robbin's child, to 24th May 1807, and Deborah Blinkins, to the time of her death, including funeral charges,	53 00
St. George, for supporting Elenor Mathews, to 25th May, 1807,	30 00
Salem, for boarding, clothing, doctoring and nursing fundry paupers, to 4th June, 1807,	761 33
Sidney, for boarding and clothing two children of Anna Lyon, to 1st January, 1807,	50 95
Troy, for boarding and clothing Francis Brow, to 21st February, 1807,	94 84
Topsfield, for boarding, nursing and doctoring Thomas Comerford, to 22d May 1807,	31 25
Uxbridge, for boarding, clothing and taking care of Betty Trifle, David Mitchell, and Patience Hazard, to 31st May, 1807,	195 00
Vassalborough, for boarding and doctoring John Hall, to 20th May, 1807,	40 55
Vinalhaven, for boarding and clothing William Proctor, to 2d April, 1807,	68 11
West-Springfield, for boarding, clothing, doctoring and nursing Godfrey Wagoner, William Bell, Sarah Felt's child, to 24th May, 1807, and John Hatch, to the time of his moving out of the Commonwealth,	110 54
Washington, for boarding, clothing and doctoring the widow Phebe Clark, to 24th May, 1807,	60 00
West-Stockbridge, for boarding, clothing, doctoring and nursing Joel White, to the time of his going out of the Commonwealth,	38 76
Windfor, for boarding and clothing Henry Smith, and his wife to 1st April, 1807,	19 76
Wareham, for boarding, clothing, doctoring and nurs-	

ing Alexander Frazer, to the time of his death, including funeral charges,	97 54
Warwick, for boarding and clothing Samuel Griffith, to 1st June, 1807,	27 16
Worcester, for boarding and clothing Peter Willard, Jack Melvin, Wilber Osborn, Henry Kane and Sarah Cook, to 1st June, 1807, including Doct. Green's bill for said Wilber Osborn,	120 18
Williamstown, for boarding and nursing Rachel Galusha, Morris Fowler, Stephen Blue, Robert Morrill and Charles M' Carter, to 23d May, 1807, and Storry Lamphier, to the time of his going out of the Commonwealth,	144 75
York, for supporting Edward Perkins and his wife, Mary Crocker, Nicholas Tuttle and Sarah Avery, to 9th June, 1807,	114 80
Total, Pauper Accounts	14368 10

*Military Accounts.*

Courts Martial, and Courts of Enquiry.	
Hammatt William, for expense of a Court Martial, held at Bridgewater, on the 6th and 7th September, 1806, whereof Col. Silvanus Lazell, was President,	71 53
Hammatt William, for expense of a Court Martial, held at Bridgewater in October, 1806, whereof Gen. Bates, was President,	106 33
Hammatt William, for expense of a Court Martial, held at Plymouth, in February, 1807, Gen. Bates, President,	80 16
Bastow Sumner, for expense of a Court Martial, held at Mendon, in April, 1807, Col. Burbank, President,	109 42
Brigade Majors, and Aid-de-Camps.	
Blish Joseph, to 30th December, 1806,	17 52
Clap Jeremiah, to 20th April, 1807,	118 52
Gannett Barzillai, to 1st May, 1807,	19 53
Hight William, to 10th February, 1807,	61 87
Wood Sampson, to 30th 180	38 05
Adjutants.	
Blossom Abden, to 1st January, 1807,	12 15
Boyd Willard, to 8th January, 1807,	37 75
Baily Libbus, to June, 1807,	28 05
Dickson Walter, to June 2d, 1807,	16 50

RESOLVES, June 1807.

53

Houghton Thomas, to 27th	1807,	11 98
Heald Jonas, to 23d April,	1807,	17 98
Heath Ebenezer, to 1st June,	1807,	55 21
Joy Moses, to 2d June,	1807,	48 50
Keith Cyrus, to 2d June,	1807,	14 64
Libby Nathaniel, to 4th May,	1807,	17 00
Ormsbe Abraham, to 1st January,	1807,	14 88
Partridge Samuel, to 16th April,	1807,	13 69
Phelps Abel, to 29th April,	1807,	16 36
Ward William, to May,	1807,	24 57
Weston B. Jonathan, to 10th December,	1807,	14 24
Wight James, to 16th May,	1807,	17 75
Williams John, to June,	1807,	26 68
Smith Moses, to 10th May,	1807,	13 55
Expense, Horses to haul Artillery.		
Brick John, to October,	1806,	5 00
Blafland S. William, to 15th May,	1807,	5 00
Cobb Daniel, to 11th October,	1806,	24 00
Danforth Thomas, to June,	1807,	10 00
Lewis James, to 9th June,	1807,	7 00
Maynard Eli, to 1st January,	1807,	5 00
Nurse Lawson, to 1st October,	1806,	15 00
Total Militia Accounts,		1121 08

*Sheriffs' Accounts.*

Bridge Edmund, for returning votes for Governor, Lieut. Governor, Counsellors, Senators and Federal Representatives, for 1806 and 1807,		65 52
Barrett Joseph, keeper of Concord Goal, for board- ing and clothing Bazeleel Branck, Jonathan Rob- inson, Henry Farnwell, John Oakley, and Thomas Gleason, to 10th June, 1807,		147 82
Gardner, John for returning votes, &c. to June 1807,		10 80
Hartshorn Oliver, under keeper of Boston Goal, for supporting fundry poor debtors in said goal, to 1st June, 1807,		393 75
Larned Simon, for returning votes &c. to June, 1807,		11 20
Wait John, for returning votes &c. to June, 1807,		10 40
Total Sheriffs' Accounts		639 49

## RESOLVES, June 1807.

*Printers' Accounts.*

Cushing C. Thomas, for publishing Acts and Resolves to 1st June, 1807,	33 33
Denio John, for publishing Acts and Resolves to 1st June, 1807,	16 67
Edes Peter, for publishing Acts and Resolves to 6th June, 1807,	16 67
Thomas and Andrews for printing, covering with blue paper, and stitching 1000 copies of Militia Laws	100 00
Proprietors of the Salem Register, for publishing Acts and Resolves to 1st May, 1807,	32 00
Adams and Rhoades, in full, for paper and printing for the General Court, and the several Offices of Government, to 15th June, 1807,	2108 86
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Total Printers' Accounts,	2307 53

*Miscellaneous Accounts.*

Guardians of the Dudley Indians, due to them in full to May 23, 1807, which sum the Treasurer is directed to charge said Indians with, and to be deducted from the sum due them from the Commonwealth,	95 36
Kuhn Jacob, due to him June 13th, 1807, over and above the amount of two grants made to him, viz. one June 21, 1806, of 600 dollars, the other Feb. 26th, 1807, of 250 dollars, and also, 7 dollars, which he received of the American Academy of Arts and Sciences,	162 45
Sprague and Durant, for repairs upon the State House, to 1st June, 1807,	73 35
Spear Thomas, for his service in keeping the Hospital on Rainsford Island, to 14th 1807,	44 44
Sullivan John, for Fadin's best map of Europe, for the use of the Governor and Council,	20 00
Toby Herman, for taking an Inquisition on, and burying the body of a man, found dead at Hog-Island,	28 24
Thomson J. Skinner, Treasurer, for oil purchased for the State-House Lamps, 82 dolls. 80 cents, and for two bills of cost, Treasurer of this Commonwealth vs. John Peck, paid Attorney General, executions stayed three years by the Legislature, 134 dollars,	216 80

Ulmer George, for his services and expenses in collecting evidence on the complaint of George Willington and others, against Moses Copeland, Esq. including the deponent's, justice's, constable's and sheriff's fees,	80 72
Willington George, for his attending the General Court, &c. on complaint against Moses Copeland, Esq.	75 00
Lapham, Silvanus for assisting the Messenger to the General Court 27 days, ending the 20th day of June, 1807,	54 00
Perry, John for assisting the Messenger to the General Court 22 days, including the 20th June, 1807,	44 00
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Total Miscellaneous Accounts,	894 36

*Aggregate Roll, No. 57, June 1807,*

Expense of State Paupers,	14,368 10
Do. of Militia,	1,121 08
Do. of Sheriffs,	639 49
Do. of Printers,	2,307 53
Do. of Miscellaneous,	894 36
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	19,330 56

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 nineteen thousand, three hundred and thirty dollars, and fifty-six cents; the same being in full discharge of the accounts and demands to which they refer.

*In Senate, June 19, 1807*—Read and accepted, sent down for concurrence. SAMUEL DANA, *President.*

*In the House of Representatives, June 20, 1807*—Read and concurred. PEREZ MORTON, *Speaker.*

*June 20, 1807*—Approved, JAMES SULLIVAN, *Gov.*