

# MAINE STATE LEGISLATURE

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# RESOLVES

OF THE

General Court of Massachusetts,

PASSED AT THE SESSION BEGUN AND HOLDEN AT BOSTON, ON THE  
TWENTY-THIRD DAY OF JANUARY, IN THE YEAR OF OUR  
LORD, ONE THOUSAND EIGHT HUNDRED AND ELEVEN.

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.....  
**GOVERNOR'S SPEECH.**  
.....

REPRESENTATIVES' CHAMBER, JANUARY 25.

*At 12 o'clock, the Senators attended in the Representatives' Chamber, agreeably to assignment, when His Excellency the Governor came in, accompanied by his Council, the Secretary of the Commonwealth, and other officers of government, and delivered the following*

### SPEECH :

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

THE pleasure resulting from a convention of public functionaries, in different departments of Government, delegated by a free people, to promote their common welfare, can only be estimated by those, whose primary objects, in the discharge of this important trust, are the peace, honour, and happiness of their beloved country.

Since our last interview, the disposition manifested by the inhabitants of this Commonwealth, to restore that general harmony which has raised them to their exalted station, and which in future must form the solid basis of their social and political enjoyments is highly honourable to themselves, and animating to their public agents. To your powerful example and extensive influence, is the community principally indebted for this important change, and by similar means, at this perilous crisis, you will increase and confirm our national felicity. The practice, amongst fellow-citizens, of moderation, forbearance and benevolence, is always productive of happy effects; and the magnanimity which forgives, extinguishes enmity, and excites in lieu of it, generosity and friendship.

The two mighty belligerents, who continue to crimson the Eastern world by their destructive conflicts, present to us alternate hopes and apprehensions of their pacific and hostile intentions. Their general conduct proclaims, that enormous power is inimical to justice, and adverse to good faith.—*France* indeed has revoked her obnoxious decrees; but to what effect, if in conformity to her late official communication! Treaties, which of right never can be altered by one party, have, by our Government, been sacredly maintained, whilst the belligerents, in their treaties with us, have applied their municipal power, to modify, alter, or annul them, at pleasure. Under these circumstances, of what avail are such solemn compacts? Are they not the ambuscades of perfidy to surprize and plunder honest credulity?

The Government of the United States, from the establishment of their Independence to the present period, in their intercourse with foreign nations, have conducted with the utmost impartiality, justice and honour. They have been incapable of intentional injuries, and to casual wrongs have applied immediate remedies. They have contended for their own rights, but have never derogated from the rights of others. They have not coveted foreign territory, and in recovering their own have evinced great moderation. They have carefully avoided violent measures, and have preferred to them amicable negotiation. They even in this, have not been hasty or urgent; but have exercised patience, whilst compatible with dignity. They have punctually discharged their just debts, and have unlimited credit at home and abroad. Is not such a Government entitled to the highest respect, and the strictest justice? How have

their equitable claims on the belligerents been answered? By delays, which have become denials; and which to injuries have added insults. The crisis is rapidly approaching, if not arrived, when our Government must sanction this degrading conduct, or oppose to it their sovereign veto. The former would fix an indelible stain on the nation; the latter would manifest her wonted magnanimity. If war, which she still deprecates, should be the result, she has ample means, under Divine Providence, to support it. Twelve hundred thousand brave and determined freemen, whose necks were never yoked in bondage, whose swords would leap from their scabbards, to avenge their country's cause; whose native land, abounding with the necessaries, conveniences and luxuries of life, can supply them with every requisite for war, may bid defiance to any hostile nation or coalition on earth. In this perilous state of our public concerns, let us obey the loud calls of national interest and honour; let us support every measure of Government, for terminating foreign rapine and aggression. Let us not foster or countenance predilections or prejudices for or against Great-Britain or France. Let us exterminate those germs of publick dissensions, which threaten an harvest of political misery. Let us drain every source of foreign influence, and multiply the streams of uncontaminated patriotism.

The Militia has commanded the attention of the President of the United States, whose propositions for defence are of the highest importance. The vast objects embraced by the views of the aspiring monarchs of Europe; their unbounded ambition, prostrating before it every obstacle of religion, justice and humanity; their frequent indications of an hostile disposition towards us; the time required to place the nation in the best posture of defence; and the short notice which may precede the necessity of this, all conspire to urge, in preference to every other consideration, those measures which regard our public safety. To perfect the officers in discipline, is indispensable; on them must depend that of the soldiers. An army without rule, is weak in proportion to its numbers; but well regulated, it is a moveable fortress, defended at every point. The Steuben system, now in use, is generally admitted to be inferior to that practised in Europe. If it should be the wish of the Legislature to adopt the latter, a seasonable notice of it to our Members in Congress may promote the measure; and will not an Inspector-General, of the first military talents, promote, expeditiously.

the desirable object? The officers and soldiers of the Militia of this Commonwealth have manifested a martial zeal, highly honourable to themselves.—They have spared neither pains nor expence, to prepare for national defence. Such a Militia is entitled to every possible attention, aid and encouragement.

The affairs of the State Prison, at the organization of the present Government, were in great confusion. This, it is believed, was owing to defects in the original establishment. The Board of Visitors made every exertion, but in vain, to remedy the evils, and to reduce the enormous expenses of the institution. In July last, they presented their resignations, and for their gratuitous and faithful services, received an honourable testimony from the Executive. They still continued in place, till relieved by their successors.

It is with deep regret, gentlemen, that I communicate any unpleasant information, respecting an important section of the Commonwealth. On the 12th of October last, I received from the Honourable Judge Thacher, information that he had required Brigadier-General Payson, to call out five hundred of the militia, to aid in the legal survey of certain lands, in the town of Bristol, in the county of Lincoln. Soon after I received two Petitions, from a number of the inhabitants of that town and neighbourhood, stating specific grievances, and praying for a suspension of the survey until the decision of the Legislature could be had on the subject. On the 24th of October, I received another letter from Judge Thacher, and immediately communicated it, with the other documents in my possession to the Council then in session. On the 26th of October, I had an interview with two respectable characters high in office in that County; and obtaining the best intelligence they could, imparted it to the Council, who passed on the subject, and then closed their session. On the day following, considering the threatening aspect of affairs, and the deplorable consequences of a conflict in that quarter, I took measures to obtain from the Surveyor, James Malcolm, Esq. an explicit declaration “whether he intended to proceed in the survey forthwith, and if not, to what period he proposed to suspend it?” To ascertain these points became a measure of necessity. On the 30th of October, I received a third, and on the 15th of December a fourth letter from Judge Thacher, enclosing a letter and returns on two orders for surveying, which he had received from Mr. Malcolm; who therein stated “the imprudence of proceeding,” and “prayed to be excused from the service at present.”

On the 12th of December last, I received from a respectable citizen of Boston, a letter of the 9th, enclosing one of the 15th of November which he had received from David Sewall, Esq. of Hallowell, and a deposition of a third person, in regard to a riot on the 27th of August last, in the County of Hancock, in which Mr. Sewall had been so wounded and bruised, as to have narrowly escaped with his life. When this intelligence was received, the Council were adjourned, and I had an immediate interview with the gentleman referred to, whose opinion coincided with my own, that the delay of the information, caused by the confinement of Mr. Sewall, had rendered it expedient, to suspend to the present period, every measure in regard to this unhappy affair.

On both these subjects I am happy to express my utmost confidence, that in the application of legal remedies to the evils complained of, you will be guided by those wise, discreet and humane maxims, which have for their objects the redress of grievances, and the indispensable support of law and justice.

In the recess of the legislature, the former County Treasurer of Middlesex, and the County Treasurer of Berkshire, have absconded, and left their public accounts in an unliquidated state. In regard to the first, the last Court of Sessions in March 1809, took measures to obtain an adjustment of his accounts, but were dissolved before they had accomplished the object. Since that period it has been under the cognizance of the Court of Common Pleas of that county. On notice of the last event, the Solicitor General was directed to take effectual measures for securing every demand on the part of the Commonwealth against the County Treasurer of Berkshire; but he has not yet reported the final result of his proceedings. There is reason however to believe, that in this instance, there will be no pecuniary loss to the public.

The laws relative to imprisonment for debt, are subjects of complaint and may require revision. Should not confinement for debt be modified by circumstances? Whether on mesne process and execution on small debts, and those of large amounts; on actions of tort, and those of civil contracts, there should be the same liability to imprisonment; whether a citizen in any case, should be arrested and holden to special bail on mesne process, without affidavit of an existing debt; and whether some debts are not too small to justify any detention of the debtor's person, are questions which are submitted to your deliberate consideration.

In the business, gentlemen, of your present session, my first object and wish will be to accord with the Legislature. An union of sentiment between the different departments of the State Governments, and between those and the Government of the United States, will insure success to our political pursuits; and present to foreign nations a full conviction that they can have no hopes of dividing, which is the only means by which they can conquer us. Such an union cannot fail of making this nation happy at home and respected abroad.

The documents respecting several of the subjects of this address, with further remarks on particular laws, will be communicated by Message.

ELBRIDGE GERRY.

## ANSWER OF THE SENATE.



*MAY IT PLEASE YOUR EXCELLENCY,*

**T**HE convention of the public functionaries of a free people, delegated by them to promote their common welfare, is a spectacle, which, in proportion as it exhibits to the view of the patriot and the philanthropist the noblest display of our natures, will excite in the minds of those, whose duty calls them to the discharge of the important trust, their best exertions to secure the peace, honour, and happiness of their country.

With your Excellency, the Senate view, with high satisfaction, the spirit of general harmony, which at present prevails among the citizens of our Commonwealth; and they are happy in believing, that this pleasing event is the natural result of those wise institutions, which from the education, habits and virtues they enjoin, secure to all the inestimable right of free enquiry, the power of forming a correct judgment of the means of promoting their social and political happiness, of advancing the national honour, and of making a just estimate of the happy effects which invariably result from the exercise of moderation and benevolence.

Experience has taught the people and government of the United States, that no reliance is to be placed on the most solemn treaties with the European powers, while at war among themselves. The two great belligerents have, for many years past, been alternately appealing to our hopes and fears, in the wish to compel or allure the United States to become allies of each against the other in their destructive conflicts. The impartial, just, and honourable policy, which has uniformly influenced the councils of the cabinet of the United States, has hitherto defeated the unjust views of the belligerents. The American government incapable of intentional injury, always ready to apply immediate remedies to casual wrongs, careful, while contending with firm-

ness and moderation for their own rights, not to derogate from the rights of others, wisely preferring patient and amicable negotiation to measures of violence while compatible with their national dignity, will indeed be entitled to command the respect of all the honest part of the world of the present day, receive the approbation and applause of the future historian, and serve as a bright example of honour and morality to future ages. Should the apprehensions of your Excellency be realized, and the period be at length arrived, when the dignity and honour of the American government is loudly called upon to vindicate the rights of its citizens against the unparalleled aggressions and wanton depredations of the belligerents or either of them, if the final appeal of nations must be made, we cordially unite in sentiment with your Excellency, that the people of this nation are blessed with ample means to support it, and that, under favour of Divine Providence, ultimate success will crown their just efforts. Our country, rich in resources, abounding with the necessaries and comforts, and even luxuries, of life, and driven by the injustice of belligerent Europe, to manufacture to the extent of all her wants, will never again feel the privations and distresses, which she experienced during her revolutionary war; and her twelve hundred thousand citizen-soldiers, animated with the love of country, and determined to avenge her wrongs, armed and disciplined, may indeed bid defiance to the hostility of any nation or coalition of nations, on earth. In a crisis like this, we cannot doubt, but confidently trust, that our citizens will unitedly obey the loud call of their nation's interest and honour; that, laying aside all party animosities, they will support every measure of our national government for terminating foreign plunder and aggression, and suppressing all predilections or prejudices, for or against any foreign nation, unite in exterminating every germ of foreign influence, and voluntarily enlist under the standard of uncontaminated patriotism.

We are happy to learn from your Excellency's communication that the regulation of the militia has again commanded the attention of the President of the United States, we doubt not from this circumstance, that it will soon claim the attention of Congress, to whom so essential a prop of our national security cannot be a subject of indifference. We assure your Excellency, that so far as the Constitution has entrusted this object to the regulation of the State Legislature, the Senate are ready to give their most prompt concurrence in any measures that the importance of the subject demands.

It was hoped and believed that the confusion which attended the affairs of the State Prison at the organization of the present government, was, in a great degree done away by the new arrangements made by the Executive in the regulation of that institution. Should, however, the Executive deem further Legislative provisions necessary, the Senate will readily attend to any communication upon that subject.

The Senate sincerely participate in the regrets of your Excellency, in contemplating any unpleasant circumstances which have taken place in any section of the Commonwealth. They hope and believe that any opposition to the legal orders of the Supreme Judicial Court in the County of Lincoln, if any has existed, has been the result of misapprehension and mistake, rather than of any desire to oppose the constituted authorities of the government under which they live, and which they are bound to support by every tie of allegiance, and on which alone they can depend, for the protection of their liberty, security and happiness. The Senate recognize with great satisfaction, the happy effects which have already been produced by the law entitled "An Act for the limitation, and equitable adjustment of real actions."—This law has already spread tranquillity in every part of the district of Maine, excepting where the conflicting claims of non-resident proprietors cover the same tract of territory. The attention of the Senate will be called at an early day of the present session to provide a remedy for that existing evil.

With respect to the information which your Excellency has received, touching the riotous violation of laws in the person of David Sewall, Esq. in the County of Hancock, the Senate believe, that when the Supreme Judicial Court are by law appointed to convene in that County, the Grand Jury of that vicinity will strictly discharge their duty, by paying every attention to the investigation of that outrage, which its importance and the indispensable support of law and justice require.

The Senate are highly gratified to find that ready attention has been paid to the affairs of the former County Treasurers of Middlesex and Berkshire, who have absconded; they are pleased to find that no pecuniary loss will fall on the public in that of Berkshire, they sincerely hope that the public may be equally fortunate in that of Middlesex.

The Senate are sensible that complaints are multiplied against the existing laws for imprisonment for debt, they believe not without just cause; the remedies suggested by your Excellency

shall be duly attended to on the part of the Senate, in the course of the present session.

So far as a union of sentiment between the different departments of the State Governments, and between them and the Government of the United States, will ensure success in our political pursuits, and present to foreign nations, the hopeless expectation of conquering by dividing us ; and so far as such union will perpetuate the happiness of our nation at home, and its respectability abroad, your Excellency may be assured of the readiness of the Senate to promote it by every constitutional means in their power to adopt.

Any further communications, which your Excellency may see fit to make to the Legislature, shall, on the part of the Senate, be attended to without delay.

*In Senate, January 31, 1811.*

Read and accepted, and ordered that the Committee who drafted the same, present it to his Excellency the Governor.

H. G. OTIS, *Speaker.*

## COMMONWEALTH OF MASSACHUSETTS.

*In the House of Representatives, February 2, 1811.*

The following answer to the Speech of His Excellency, was read, considered and approved. And thereupon it was ordered that Mr. E. Howe of Sutton, Mr. C. Davis of Boston, Mr. Howard of Augusta, Dr. Kittridge, and Mr. Ripley, be a Committee in the name of the House, to present the same to his Excellency.

JOSEPH STORY, *Speaker.*

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ANSWER.

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*MAY IT PLEASE YOUR EXCELLENCY,*

**T**HE House of Representatives, coming from different portions of the state, and bringing with them the sentiments of their constituents, have received the communication of your Excellency with all that respect which is due to the Chief Magistrates of a free and enlightened People.—Elevated by their suffrages to the most exalted station in the Commonwealth, they feel the highest satisfaction that the auspicious presages they had formed of your public career, have been verified. They have seen it identified with the prosperity of the state, and have beheld it embracing that rational confidence in the National Government, which forms our surest protection from embarrassments at home, and dangers from abroad. They have witnessed, with peculiar satisfaction, that the public sentiment has resumed that mild and placid state, which substitutes harmony for virulence, and reason for intoxication.

In this conciliatory spirit, may the community progress, and earnestly combine all the energies of social life, to advance the honour, the happiness and interest of our country.

To the example of the executive department, is in a great degree, to be attributed "the disposition manifested by the inhabitants of this Commonwealth to restore general harmony which has raised them to an exalted station; and which in future must form the solid basis of their social and political happiness."

The Eastern Continent continues to unfold scenes of unexampled hostility and desolation. War with portentous aspect spreads its fatal effects and embraces in its destructive career every endearing relation of man.

To advance the views of the contending powers, one universal state of misery is developed, which sacrifices human happiness with despotic dominion; and prostrates individual rights without commiseration or sensibility.

It would appear that the duration of the conflict is altogether incalculable, for the two mighty belligerents, the one with the supremacy of the ocean; the other, concentrating the force of continental Europe, are staked to the combat; until the commercial control of England gives way to a more liberal policy, or the gigantic despotism of France sinks beneath its expanded power.

Under circumstances both of such awful fulfilment and pre-  
sage; with a view of recent events; and deducing from the nature of the contest, the probable anticipation of the future, is it at all wonderful, that such an important epoch should impart some portion of embarrassment to distant nations? Instead of feeling surprised, that the whirlwind which has desolated nations, should have affected our interests—is it not matter of astonishment, that it has not as yet more fatally invaded our peace, and disturbed our repose? Is it not a subject of transcendent gratitude to an overruling Providence, that thus far we have travelled on our course with increasing prosperity and strength. That amidst surrounding devastation, we have escaped the ravages of war; and that whilst the ancient world has witnessed the groans of an hundred millions of people sinking under the weight of iron systems on the land and on the ocean; this nation has been adding to her resources, her population and prosperity. In the contests of Europe—contests,

which contemplate no other object, but to fix in some modification the shackles of arbitrary power upon peaceful and unoffending nations; this country ought not to embark: So long as their animosities only excite them to reciprocal vengeance, and their operations are confined to themselves; it is our duty as well as our interest, to remain strangers to their fury, and neutrals to their warfare. We may indeed regret their conduct, as productive of misery to the human race; but as a nation whose desire is peace, we should not commit ourselves to their policy or passions. But should the storm which has hitherto rolled at a distance, approach our shores—should the rights of an innocent and pacific nation continue to be the sport and the scorn of relentless monopoly, or insatiate ambition—should the precious gift of peace procured for us by the valour of our fathers, no longer be maintainable with honour; like them we must rise with the crisis, and preserve uncontaminated, the rights and character of our country. The difficulty has been, that by both of the belligerents we have been placed in an attitude novel and embarrassing. Agreed in no common principle of amity they have coalesced in the most vindictive interference with neutral privileges. England led the way, and France has pursued her steps, with an energy as determined. At length France has rescinded her edicts so incompatible with neutral rights, but has substituted in their stead, municipal regulations which may subject us to equal embarrassment! Both England and France, under interpolated principles of national law, or insidious constructions of our public statutes, have captured and condemned our property, without a single proposition for redress.

Should either belligerent, in spirit as well as profession, remove our just causes of complaint; should it restore to this country a full enjoyment of those blessings which heaven designed for the benefit of every community; we should confidently hope that the other would follow so just an example. But if contrary to our expectations, she did not, we are persuaded, that a tone of energy and decision would pervade our public councils in relation to the one so refusing; that the resources of the nation would be developed with an universal burst of indignation; and that the free and independent citizens of this Republic would convince the world, that *as in peace we*

*had been just and honourable, so in war, in defence of our dearest rights, we could be brave and vindictive.*

“We recognize with the most honourable satisfaction, the wise, and just, and impartial course which has been pursued by the National Government. During a period pregnant with important vicissitudes, their object has been to avoid the vortex of European policy, and to pursue a path which embraces “peace, amity and honest friendship with all nations—entangling alliances with none.” Thus far has their conduct maintained only the fair exposition of our rights, without resorting to energetic measures to redress our manifold wrongs. At a time when principle has been exiled from the cabinet of Princes, and injustice permitted to take its widest range; they are accused, in no instance, with the appearance of plausibility, of attempting to invade the rights of others. In their internal regulations, they have manifested that wisdom which has secured them confidence and respect. Actuated by principles purely pacific, they delayed taking possession of a distant Territory, until its citizens, by voluntary consent, requested their interference; placed in a situation of perfect anarchy and confusion, with every tie of supposed allegiance subverted by the state of their native land; they invited the interposition of our Executive, in relation to a territory which was ours by purchase; which was essential to the integrity of our empire, and absolutely necessary for the preservation of our commercial rights. The promptitude of the National Government on this occasion, excites our unlimited applause; and the general course of their measures, embracing our most important interests, will entitle them to the respect of mankind; when tyrants shall be remembered only in the execrations of history.

National prejudices and predilections, or a disposition to dissolve our confederated Union by negotiation or force, are germs engendered in corrupted minds, repugnant to the feelings of the patriot, and, if matured, “would prove a harvest of political misery.” To harmonize the public sentiment, and soften the asperities of party, so hostile to our national existence, in the manner recommended by your Excellency, will not fail to produce a powerful effect upon the minds of our constituents, when they reflect that this admonition proceeds from him whose life and services have uniformly been devoted to consummate their political prosperity and happiness.

The modern system of military tactics, as known and practised in Europe, comprises advantages greatly superior to our own; and every proposition, coming from so high and elevated an authority as the Executive of the Union, recommending new modes of defence, will, we are confident, command the earliest attention of Congress. From the importance of the subject, interwoven as it is with our forms of government, we are confident from every department of the national government it will receive all that improvement of which it is susceptible. Founded in the habits and feelings of our fellow-citizens, if properly cultivated, our militia will become "a moveable fortress, defended at every point." Any instructions which will aid the delegates from this state in accomplishing so desirable an object, will most cheerfully be superadded to that interest which they already feel for its strength and security.

The subject of the State Prison will receive the attention of the House of Representatives; and, if legislative assistance can remedy the evils growing out of a defective system, they will readily interpose.

We extremely lament, that, in any portion of the Commonwealth, the resort to a military force should have been considered essential to good order and personal security. We believe, however, that the time has already arrived, when some fixed principles must be established, to settle and adjust the rights, both of the claimant and the possessor to eastern lands, in order that the fears and apprehensions of so respectable a portion of our fellow-citizens may be put to rest.

Public defalters, betrayers of public trust and confidence, always excite the indignation and contempt of honest freemen. But it affords some satisfaction that no pecuniary loss will be sustained by the public, so far as it respects the County Treasurer of Berkshire.

The laws relative to imprisonment for debt, as well as many other parts of your Excellency's communication, will receive the earliest attention.

It will afford us satisfaction to accord with your Excellency on subjects of public concern; and it will give us no less pleasure to establish and confirm a national character, by imparting to the federal government a rational confidence and respect.

In discharging the trust devolved on us by our constituents, it is our earnest desire that reciprocal harmony should pervade our public councils; that the little petty irritations of party may give place to the general welfare; and that each individual may be animated with the most anxious solicitude for the happiness and prosperity of the country.

The subject of the bill is one of great importance, and one which will become more and more so as the progress of the war advances. It is a subject which has attracted the attention of the public mind, and which has excited the feelings of every patriotic citizen. The bill is a measure of great magnitude, and one which will have a profound and lasting effect on the country. It is a measure which is calculated to strengthen the Union, and to secure the peace and stability of the Republic. It is a measure which is calculated to promote the general welfare, and to secure the happiness and prosperity of the people.

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# GOVERNOR'S MESSAGES

TO

BOTH BRANCHES OF THE LEGISLATURE.



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

THEIR Excellencies, the Governors of Pennsylvania, Delaware, and Georgia, in their several letters to the Governor of this Commonwealth, have enclosed the Resolves of their legislatures, respectively, on the subject of the alteration proposed to the Constitution of the United States, by a resolution of this State of the 20th of June 1809. The Governors of Georgia, and Kentucky, have in like manner enclosed the Resolves of their respective States, disapproving of another amendment, proposed by the State of Pennsylvania, and the former Governor has enclosed a third resolve of that State, disapproving of an amendment proposed by Virginia, to the Constitution of the United States.

The Hon. Mr. Lloyd, one of our members in the federal Senate, has also communicated some information, on the subjects of the resolution of the legislature of this State, passed the 6th of March last, and of a clause inserted in the post office bill, for enabling the Adjutant General of the militia of each State and territory, to receive and transmit, in certain cases, letters free of postage.

The managers of the Rhode Island Coal Lottery, have also transmitted to the late Treasurer, the account required by an Act of the 10th of June, 1808, of this State; and the Secretary is directed to lay before you, Gentlemen, all the documents relating to these several matters.

E. GERRY.

*Council Chamber, 9th June 1810.*

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

At the first session of the first Congress, under the existing federal Constitution, Congress "*Resolved*, That it shall be the duty of the Secretary of State, to procure from time to time, such of the Statutes of the several States, as may not be in his office."

This enabled Congress, by a perusal of the Laws of all the States, to avail itself of their joint wisdom, in the exercise of those legislative powers, and authorities, which had been before solely vested in the respective States; but which, by the federal Constitution, were transferred to the general Government: and also to check any State, in trespassing the Legislative bounds, prescribed to it by the Constitution of the United States.

Since that period, a practice has been adopted amongst several of the States, to send, at the end of each Legislative Session, a copy of their Laws, respectively, for the use of the executive, and of each branch of the Legislature of their Sister States: which appears to be a wise measure, and if carried into effect, so as that each State shall be in possession of the whole code of every other State, will produce a collection of State Laws, which will greatly facilitate the business of Legislation, and lay the foundation for arriving to a degree of legislative perfection, by the joint wisdom and experience of the whole, which cannot easily be attained without such a provision.

It is therefore, gentlemen, submitted to your consideration, whether it will not be of great public utility, to make it the duty of the Secretary of this State, or of some other officer, from time to time, to procure three sets of such of the Statutes of the several States, as may not be in his office, for the use of the executive, and of each branch of the legislature; to have the detached parts of those laws properly arranged and bound; and to correspond with the Secretary or the proper officer of every State, for the purpose of obtaining such of their Laws as may be wanted, and in return for Laws received of any State, for supplying it, with those Laws which may be requisite to complete its code of this Commonwealth.

I have received from the Governor of North Carolina, a letter, of the 22nd of March 1809, and one of the 19th March last, and from the Governor of South Carolina, a letter of the 25th of April 1809, forwarding three copies of the acts of their sessions, terminated at those periods, respectively; also a letter

from the Governor of Virginia of the 11th of April last, stating, that he is required to propose to the executive Council of each State in the Union, an annual exchange of the respective acts of every State, including the revised code; and that he has transmitted such of the acts of Virginia, as fall within the requisition. I have also received from the Clerk of the House of Representatives of the United States a letter of the 27th April 1809, informing me, that he has transmitted three copies of the Journals of the House, during the last session of Congress: and I have directed the Secretary to lay before you, Gentlemen, the letters, and two copies of the acts and Journals before-mentioned.

*Council Chamber, June 13, 1810.\**

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

THE documents referred to in my last communications, will be presented by the Secretary. Those which relate to the counties of Lincoln and Hancock, are numbered from one to eighteen; Those of the State Prison, from one to thirty-five; and such as respect the County Treasurers, from one to six. The two first are numerous, but requisite for a clear understanding of their respective subjects.

The Secretary is also charged with the delivery of official returns from the Adjutant General, and from the Quarter Master General, each numbered from one to four, of a letter from the Secretary of State, of the 15th of this month, which encloses a resolution of Congress, proposing an amendment to the Constitution of the United States; and a letter from his Excellency Governor Lloyd, of Maryland, containing the negative of the Legislature of that State, on a proposition of the State of Pennsylvania for amending the Federal Constitution.

*Council Chamber, January 29, 1811.*

E. GERRY.

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No. 1 Affidavit of Eliot G. Vaughn, and Judge Thatcher's Letter.

2 Petition of a committee of the town of Nobleborough.

\* The preceding Messages of His Excellency Governor Gerry, were omitted in printing the Resolves of June last, 1810.

- 3 Petition of Capt. Tucker, and others.
- 4 Letter from Hon. Judge Thacher.
- 5 Letter from Alden Bradford.
- 6 ———from Moses Carleton, Jun.
- 7 Order from Supreme Judicial Court.
- 8 Questions proposed by the Governor to General King and Hon. S. Lee.
- 9 Report of the Honourable Council.
- 10 Letter from the Governor to General King and Judge Lee.
- 11 ———from Judge Thatcher to the Governor.
- 12 ———from James Malcom to Judge Thacher.
- 13 ———from Judge Lee to the Governor.
- 14 ———from Hon. Thomas Cutts to Hon. Aaron Hill.
- 15 ———from Judge Thacher to the Governor.
- 16 ———from B. Joy to the Governor.
- 17 ———from David Sewall to the Governor.
- 18 John Connor's deposition.  
Petition of the inhabitants of the town of Bristol.  
———of Samuel Tucker, and others.
- 19 Governor's Message to both branches of the Legislature, dated January 29, 1811.



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

A DIVISION COURT Martial, in August and September last, was holden at Charlestown, for the trial of Ensign John H. Brown, upon the complaint of Capt. Lot Pool; and reported their decision that the former "be honourably acquitted, of all and singular, the charges and specifications of charges, exhibited against him, conformable to the complaint" of the latter; which report was approved by Major General J. B. Varnum. Afterwards, I received a petition from members of a company, in behalf of Ensign Brown, stating, that notwithstanding his honourable acquittal, he was again arrested, for refusing to obey the orders of the said Capt. Pool; who was charged with having illegally and unconstitutionally obtained his election, and commission of captain. I then instituted a Board of Officers, to report a state of facts, and their opinion on this subject, the proceedings of the board, and the relative documents numbered

from one to six inclusively, will be laid by the Secretary before the legislature; in order to bring this matter to such an issue as shall be conformable to law and the constitution of the Commonwealth.

The provision in the 32d section of the militia code, for calling Boards of Officers, appears to be well adapted to a mild adjustment of disputes, between officers in general; but such boards are not authorised to summon witnesses, and to require their testimony, which is often necessary to establish facts.

The 14th section of the militia law by which a battalion of two or three companies of Artillery is entitled to a Major, and a regiment of four companies to a Lieutenant Colonel Commandant, admits of doubts, whether is the last case there shall be two Majors, or but one elected; and the same doubts exist in regard to the cavalry. The documents on this subject are numbered 7, 8, 9.

The 8th section of the militia law of the United States provides "that when two commissions, of officers of the same grade, bear equal dates, their rank shall be determined by lot; "but by the 12th section of our militia law, an additional provision is made, by which former pretensions of some commissions may decide the rank." That the latter is constitutional, the law has determined, until it shall appear otherwise to the Legislature of this Commonwealth, or of the United States, although some express doubts on the subject. But still a question arises, in regard to the expediency of the measure which makes a rule, that before was clear, quite indefinite; and thus multiplies disputes amongst militia officers. To elucidate this point, the Secretary will lay before the legislature a report, No. 10, of the same Board of Officers in regard to the interfering claims for rank, of captains Hyde and Edmands, by which it will appear, that five members constituting the board, had three different opinions on this subject.

The Secretary will also deliver the accounts of the late Treasurer and Receiver General, with their final adjustment, and a regular transfer of the books and property then in the Treasury, to the present Treasurer, agreeably to a resolve of the legislature, the whole being contained in a book and in two documents marked A, B.

E. GERRY.

*Council Chamber, February 4, 1811.*

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

HUMANITY, the characteristic of a brave people, and the prominent trait of our pious ancestors, has in all their conflicts been extended to civilized, and even to savage foes; and free exercise of that endearing virtue, has been claimed, as a birth right, by their descendents. The remnants of the Indian tribes, within the jurisdiction of this Commonwealth, by the extraordinary reduction of their members, and by the vast increase of our own, will be ever too feeble to raise their hands against us. They are prostrate, and dependent on our beneficence and generosity. As the children of the Great Parent of the universe, the Omnipotent Creator of *them*, as well as of ourselves, the Government of this Commonwealth and the United States, have manifested a laudable disposition to ameliorate the condition of unfortunates of this description; to cultivate their minds by civil, moral, and religious instruction; to introduce them to the knowledge and practice of agriculture, and of such manufactures as are best suited to their circumstances; and thus to enable them, honestly, to clothe and subsist themselves and their families, and promote their common welfare. In this spirit, the Rev. Mr. Jenks of Bath has addressed to me a letter, which the Secretary will lay before the Legislature, containing propositions pointed to the objects mentioned, and communicating the substance of a correspondence, with the Rev. Mr. Sawyer of Bangor, our missionary in that quarter, on this subject. A minor consideration, although an important one, may prompt the discharge of this duty, it will eventually save to the republic, those annual grants demanded by charity, and thus become a measure of economy.

E. GERRY.

*Council Chamber, February, 15, 1811.*

# RESOLVES.

January 28, 1811.

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## XXXVII.

*Resolve establishing the pay of the Council and Legislature.  
January 28, 1811.*

*Resolved,* That there be allowed and paid out of the Treasury of this Commonwealth to each member of the Council, Senate, and House of Representatives, two dollars, per day, for each day's attendance the present session, and the like sum for every ten miles travel from their respective places of abode to the place of the sitting of the General Court.

*And be it further Resolved,* That there be paid to the President of the Senate and Speaker of the House of Representatives, two dollars per day for each and every day's attendance, over and above their pay as members.

## XXXVIII.

*Resolve granting Jacob Kuhn \$300 to purchase fuel, &c.  
January 28, 1811.*

*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 three hundred dollars, to enable him to pay for fuel, and such other articles as may be necessary for the use of the General Court, together with the Governor and Council's chamber, the Secretary's and Treasurer's offices; he to be accountable for the expenditure of the same.

## XXXIX.

*Resolve on the Petition of John Lowell Esq. Executor of the Will of Anna Cabot Lowell, deceased. January 29, 1811.*

Whereas John Lowell, sole acting executor of the last Will and Testament of Anna Cabot Lowell, late of Boston, deceased, hath represented, that there are great difficulties in executing the trusts created by said Will, and it appears to be necessary that the Legislature should interfere in order to carry into effect the benevolent intentions of the Testatrix, and it being manifest that the rights of no person will be injured by such interference, therefore

*Resolved*, That the said Executor be, and he hereby is fully authorized and empowered to pay over, deliver, and transfer unto the Massachusetts Congregational Charitable Society all the money, stock, and other securities which shall remain in his hands after the payment of the debts, funeral expences, expences of administration, and specific legacies bequeathed by said will, and the receipt of the Treasurer of the said Corporation therefor shall be a good discharge to the said Executor in his settlement in the Court of Probate. And the said Massachusetts Congregational Charitable Society are hereby authorized to take, receive and hold the said money, securities and stock and to manage the same in such way and manner as may to them seem expedient, and they are hereby authorized and held to pay the several annuities created by said will, the sum bequeathed to the Botanical Institution at Cambridge, and to apply the income of the residue of said property to the charitable uses set forth in said will, conformably to the true intentions of the Testatrix.

## XL.

*Resolve on the petition of John Livingston, discharging him from Prison. 30th January 1811.*

On the petition of John Livingston, shewing that ever since the twenty first day of September last, he has been confined in the goal in the county of Suffolk by virtue of an Execution in favour of this Commonwealth, obtained against the said Livingston by reason of his recognizing before William West Esq. for the appearance of one James Converse, to the Municipal

Court in the town of Boston, and that he is very poor, and he is now supported by the town of Boston in prison.

*Resolved*, That the amount of said Execution, being two hundred thirteen dollars and seventy three cents, be, and the same hereby is remitted to the said Livingston, and that the Sheriff of the county of Suffolk be, and he hereby is directed to discharge the said Livingston from imprisonment, provided he be not there confined for any cause other than the Execution aforesaid.

## XLI.

*Resolve on the petition of Peter Thacher, administrator of the Estate of Edward Gray Esq. deceased. January 30, 1811.*

On the petition of Peter Thacher, of Boston in the county of Suffolk and Commonwealth of Massachusetts, Esquire, administrator of the goods and estate of Edward Gray, late of Boston aforesaid, Esquire, deceased, intestate.

Whereas the said Peter Thacher in and by his said petition hath represented, that on the twenty-seventh day of September in the year of our Lord one thousand eight hundred and nine, Peter C. Brooks of said Boston, Esquire, Isaiah Thomas of Worcester in the county of Worcester, Ebenezer T. Andrews of Boston aforesaid, booksellers, and Samuel Etheridge of Charlestown in the county of Middlesex, and Elam Bliss of Boston aforesaid, booksellers, by their several deeds, of that date, conveyed to said Edward Gray, who was then in full life, their several and respective right, title and interest in and to a certain piece of land situate at the westerly part of Boston, aforesaid, and bounded as follows, viz. southerly on land of Beza Tucker and David West, there measuring one hundred and fifty-five feet, more or less, westerly on Allen's high way, so called, there measuring one hundred and twenty six feet, more or less, northerly on land formerly of Nathaniel Cunningham, deceased, there measuring one hundred and thirty-four feet, more or less, and easterly on Leverett street, there measuring one hundred and sixty-eight feet, more or less, with all the privileges and appurtenances to the said described premises belonging, and that in and by a certain deed of indenture, of that date, by and between the said, Edward Gray of the first part, Peter C. Brooks, aforesaid of the second part, the said Isaiah Thomas and Ebenezer T. Andrews of the third part, and the aforesaid Samuel Eth-

eridge and Elam Bliss of the fourth part, it was declared and agreed by and between all the said parties to the same, that the estate aforesaid was so conveyed to said Gray upon the trusts and for the purposes following, that is to say, that the said Gray should as soon as might be by a good and sufficient deed with warranty only against himself, and all persons claiming under him, sell and convey the whole of said estate for the best price he could, and on such terms of credit as are reasonable and usual in such cases, and after deducting out of the proceeds of such sale all reasonable and necessary charges attending the same, that he should apply and pay over all the residue thereof, and also all such sums as he should receive for rent of the premises prior to the sale, in manner following, to wit, first to said Brooks the sum of ten thousand dollars, with lawful interest therefor from the third day of July preceding the date of the said indenture, and until the same should be paid, if the amount remaining in the hands of said Gray should be sufficient therefor, and if not, then to pay to said Brooks the whole amount that should so remain. Secondly, if there should be any surplus after such payment to said Brooks, then to pay to said Thomas and Andrews, the sum of eleven thousand and five hundred dollars, with lawful interest therefor from the fifth day of September preceding the date of the said indenture and until the same should be paid, if the amount of said surplus should be sufficient therefor, and if not, then to pay to said Thomas and Andrews the whole of said surplus, and lastly, if there should be any residue after such second payment, then to pay the whole of such residue to said Etheridge and Bliss.

And the said Peter Thacher hath in his said petition prayed, that he might be authorized in his said capacity to execute the trust mentioned in the said deed of indenture. *Therefore resolved*, that the said Peter Thacher be authorized, and he is hereby authorized in his said capacity, to sell the real estate aforesaid, and to make and execute such conveyance, or conveyances, to any person or persons, who may purchase the same, as the said Gray would by his covenant aforesaid be obliged to make and execute, in case he were living at the time of such sale, and also to apply the proceeds of such sale, after deducting all reasonable costs and charges attending the same, to the purposes mentioned and prescribed in the said indenture.

## XLII.

*Resolve on the petition of Joseph Farrar and Luther Perry, remitting to each, \$200 of their recognizance. February 4, 1811.*

On the petition of Joseph Farrar and Luther Perry, against whom several judgments have been rendered in the Supreme Judicial Court, holden in Worcester, in the county of Worcester, on the fourth Tuesday of September last, for four hundred dollars each on their recognizance for the appearance of John Farrar; the said John having been ordered by the Court to recognize in the sum of four hundred dollars, with sufficient surety or sureties in the like sum, and the said sureties having been held to recognize in the sum of four hundred dollars each by mistake of the magistrate appointed to take said recognizance.

*Resolved*, That the Attorney General and Solicitor General, or either of them, be, and are hereby authorized and required to enter a remittetur of two hundred dollars on each of said judgments.

## XLIII.

*Resolve on the petition of Josiah Bartlett, administrator of the estate of Samuel Bradstreet. February 4, 1811.*

Whereas Josiah Bartlett of Charlestown in the county of Middlesex, as administrator on the estate of Samuel Bradstreet of said Charlestown, deceased, who was one of the executors of Richard Cary of the same Charlestown, deceased,—Has represented to the General Court that he is in possession of a Massachusetts State note, No. 4614, for the sum of three thousand four hundred and seventy three dollars and four cents dated May 4, 1800, payable to said Richard Cary or bearer, and bearing interest at five per cent per annum, of which interest no part has been received;—And the said Bartlett having further represented that the said State note belongs to the heirs of Dennis De Bert of London, deceased,—to whose executors the said Cary was agent, but that several years have elapsed since any information has been received by said Bradstreet concerning said note, and it is uncertain who are the proper persons to demand the same; and that he wishes, in order that he, as administrator aforesaid, may be relieved from

any further care of said note, to have it lodged with the Treasurer of the Commonwealth, subject to the demand of those to whom it may belong.

*Resolved*, That the Treasurer of this Commonwealth be, and he is hereby directed to receive the said note from the said Bartlett, agreeably to the prayer of his petition, and for the purposes therein expressed,—and the same to keep, subject to the future order of the legislature; and the Treasurer is hereby authorised to give to said Bartlett a receipt for the same.

#### XLIV.

*Resolve confirming the votes, &c. of the Congregational Precinct in Rochester, Middleboro' and Freetown. February 4, 1811.*

On the petition of the inhabitants of the Congregational Precinct in Rochester, Middleborough and Freetown.

*Resolved by the Senate and House of Representatives in General Court assembled*, That all the votes and proceedings of the inhabitants of said precinct, at their annual meeting for the choice of precinct officers for the year one thousand eight hundred and nine, are hereby confirmed and rendered valid to every intent and purpose thereof, any neglect of the clerk of said precinct or defect of records to the contrary notwithstanding.

#### XLV.

*Resolve granting the President and Trustees of Williams College further time to locate land granted by the State. February 4, 1811.*

On the petition of Daniel Dewey in behalf of the President and Corporation of Williams College, praying a further extension of the time of locating a township of land in the district of Maine, granted to said corporation by a resolve of the twentieth day of February 1809.

*Resolved*, That the President and Trustees of Williams' College or their assigns, have leave to locate said township granted by said resolve, at any time within three years next after the said term of three years in said resolve mentioned, any thing in said resolve to the contrary notwithstanding.

## XLVI.

*Resolve on granting half a township of land to aid the inhabitants of Taunton and Raynham in improving the navigation of Taunton River. February 4, 1811.*

On the petitions of the inhabitants of the towns of Taunton and Raynham, praying for legislative aid for the purpose of improving and extending the navigation on Taunton Great River, from Rocky Point in Berkley, to Williams' landing in Taunton.

*Resolved*, For reasons set forth in said petitions, that there be, and hereby is granted to the said towns of Taunton and Raynham, for the purpose aforesaid, one half of a township of land six miles square, to be laid out and assigned to them by the agents for the sale of eastern lands, out of any of the unappropriated lands in the district of Maine, with the usual reservations and restrictions, excepting the ten townships of land on Penobscot river purchased of the Indians.—*Provided however*, That the towns of Taunton and Raynham shall within two years from the passing this resolve, raise and appropriate two thousand dollars in addition to the above grant, the whole to be applied and laid out under the direction of an agent or agents to be appointed by his Excellency the Governor.—*Provided also*, That the said towns of Taunton and Raynham shall cause the said half township to be surveyed and located, and a plan thereof, returned into the land office within the term of three years.

## XLVII.

*Resolve on the petition of Benjamin Parsons, guardian to John H. Gray, a minor. February 6, 1811.*

On the petition of Benjamin Parsons of Boston, Esquire, guardian to John Henry Gray, a minor, praying that he may be empowered and authorized to convey to Israel Thorndike, Esquire, a small piece of land, being part and parcel of the said minor's real estate situate in Boston aforesaid.

*Resolved*, For reasons set forth in the said petition, that the said Parsons, in his said capacity, be authorized and empowered, to convey to the said Thorndike, his heirs and assigns, in fee simple, by good and sufficient deed, all the said minor's right

and interest, in the said piece of land, bounded as follows, viz. westerly on land of the said minor, twenty-four feet northerly on a passage-way back of Franklin place (so called) thirty nine feet, easterly on land owned in common, by George Blake, Esquire, and others, thirty-one feet, and southerly on said Thorndike's land, forty-five feet; *Provided however*, That the said Thorndike shall, in consideration of the said conveyance to him, by good and sufficient deed, or other legal instrument for that purpose, secure to the said minor, his heirs and assigns, and all other persons interested in said estate, a right to hold and enjoy for ever hereafter, in common with the said Thorndike his heirs and assigns, a free and open passage way six feet wide, on land of said Thorndike, and between his estate, and the estate of the said minor, and leading from Summer street, so called, to the before mentioned passage-way, in the rear of Franklin place, to be constantly kept open for the mutual accommodation and convenience of all parties interested therein.

## XLVIII.

*Resolve on the Memorials of Perez Morton, Esq. and Daniel Davis, Esquire. February 7, 1811.*

*Resolved*, That there be allowed and paid out of the Public Treasury to Perez Morton, Esq. Attorney General, and to Daniel Davis, Esq. Solicitor General, the sum of eight hundred dollars each, in addition to their salary established by law, which shall be in full for their services and salary to the first day of March 1811.

## XLIX.

*Resolve for paying the Commissioners appointed to explore and lay out a road from Kennebeck to the River Chaudiere. February 7, 1811.*

*Resolved*, That there be allowed and paid out of the Treasury of this Commonwealth, to Charles Turner, jun. of Scituate, John Merrick of Hallowell, and James Stackpole, jun. of Waterville, appointed Commissioners to explore and lay out a road from the Kennebeck river to the river Chaudiere, sixty-eight dollars and ninety-four cents, balance due them by their account of expenses.

*And be it further resolved,* That there be allowed and paid to Charles Turner, jun. two hundred and eighty-three dollars and thirty five cents, to John Merrick, one hundred and eighty dollars, and to James Stackpole, jun. one hundred and seventy-three dollars, in full for their services in exploring and surveying said road.

## L.

*Resolve granting ten thousand and twenty acres of land to Farmington Academy. February 8, 1811.*

*Resolved,* That there be, and hereby is, granted unto the Trustees of Farmington Academy, for the use and benefit of said Academy, ten thousand and twenty acres of land out of any of the unappropriated lands of this Commonwealth, in the district of Maine, (except the ten townships on Penobscot river purchased of the Indians, and excepting also the land contracted to be sold to Jackson and Flint, and which contract is now rescinded,) said ten thousand and twenty acres to be laid out under the direction of the Commonwealth's agents upon the subject of Eastern lands. *Provided however,* That the agents aforesaid shall not proceed to lay out and assign the same until said Trustees shall lodge in the Secretary's office a certified list of the subscriptions and donations which have been made and secured to said academy, and which shall amount to the sum of three thousand dollars, exclusive of the expenses necessarily incurred in erecting and finishing the buildings necessary for the accommodation of said academy, within two years from the passing of this resolve.

## LI.

*Resolve allowing, \$50 for the Gentleman who shall preach the next Election Sermon. February 8, 1811.*

*Resolved,* That there be allowed and paid out of the Treasury of this Commonwealth, the sum of fifty dollars to the Clergyman who shall preach the Election Sermon on the last Wednesday of May next. And that his Excellency the Governor be requested to draw a warrant on the the Treasury of this Commonwealth for the same sum accordingly.

## LII.

*Resolve granting, \$500 to aid the building of a Gaol at Eastport.  
February 8, 1811.*

On the petition of Theodore Lincoln and others, praying for the aid of the Commonwealth to erect a Gaol at Eastport in the County of Washington.

*Resolved*, for reasons set forth in said petition, that there be allowed and paid out of the Treasury of this Commonwealth to Theodore Lincoln, John Brewer, Oliver Shead, John Burgin, and Aaron Hayden, a committee appointed by the Court of Common Pleas for the county of Washington to erect a Gaol at Eastport, the sum of five hundred dollars, they first giving bonds to the Treasurer of the said county in double the sum, with condition that the said five hundred dollars shall be faithfully applied for the purpose of erecting said Gaol.

## LIII.

*Resolve on the petition of James Bell and William Crawford relinquishing the Commonwealth's right to a certain farm in Rutland. February 11, 1811.*

On the petition of James Bell and William Crawford of Oakham in the county of Worcester, praying that the Commonwealth would release and quitclaim to them and their heirs as tenants in common, all the right, title and interest which the Commonwealth have or may have in and to a small farm situated in the town of Rutland in said county, containing about forty acres, with a dwelling house thereon, formerly owned by their ancestor and uncle Samuel Crawford, a native of Ireland, and late of said Rutland, and by him devised to Margaret Crawford, his wife, who deceased in the year 1774; and leaving no heirs at law to inherit said estate; and the said James Bell and William Crawford being next of kin and heirs at law of the said Samuel Crawford.

*Resolved*, for reasons set forth in said petition that the Commonwealth do hereby release and forever quitclaim to the said James Bell and William Crawford, their heirs and assigns as tenants in common, all the right, title and interest which the Commonwealth have or may have in the aforesaid premises or farm. *Provided however*, that nothing in the foregoing

resolve shall in any manner affect the claims of any person or persons who may be heirs at law to the estate of the said Margaret Crawford, deceased.

## LIV.

*Resolve for an Extra Session of the Common Pleas for the County of Plymouth to settle the Treasurer's accounts, and to make an estimate for a Tax. February 11, 1811.*

Whereas by the petition and representation of the Court of Common Pleas, for the county of Plymouth, it appears expedient, that a special session of said court should be held, for the purpose of making an estimate for a Tax for said county—therefore,

*Resolved,* That a Court of Common Pleas, within and for the county of Plymouth, be held at Plymouth on Tuesday the nineteenth day of February instant, at ten of the clock in the forenoon, by the Justices of the said court, for said county, for the special purpose of settling the accounts, of the treasurer of said county, and making an estimate for a County Tax; and that whatever shall be done by the same court, as to such settlement and estimate, shall be as good and valid in law, as if done at any regular term of said court.

## LV.

*Resolve confirming the proceedings of the Methodist Society in the first parish in Lynn. February 11, 1811.*

On the petition of the Methodist Society in the first parish in Lynn, stating that warrants by which the meetings of said incorporation have been heretofore called, have by inadvertance and mistake only been signed by the clerk of said incorporation.

*Resolved,* That all warrants heretofore signed by the clerk of said incorporation, and all proceedings of the legal voters of said incorporation, which have been had in pursuance of said warrants, be and hereby are rendered good and valid, and are hereby ratified and confirmed, as though said warrants had been signed by the assessors.

## LVI.

*Resolve on the petition of Samuel Freeman, Clerk of the Supreme Judicial Court for the County of Cumberland, making valid certain executions and writs of possession. February 11, 1811.*

On the petition of Samuel Freeman, Clerk of the Supreme Judicial Court in the county of Cumberland.

*Resolved*, That all executions and writs of possession that have issued on judgments rendered in the Supreme Judicial Court in the county of Cumberland since the year of our Lord one thousand seven hundred and ninety-nine, and all alias and pluries executions after the return thereof, in whole or in part unsatisfied, and all the regular doings and returns of executive officers thereon according to the precepts in them contained, although the said executions have been made returnable at certain days, be and are hereby confirmed and made valid in law to all intents and purposes, as if the same had been made returnable to the next succeeding court according to law.

## LVII.

*Resolve on the petition of Joseph Prime of Berwick. February 11, 1811.*

On the petition of Joseph Prime, stating that in consequence of certain inaccuracies in the description of a certain road laid through his land, he has lost the benefit of the damages awarded him by a committee agreed upon by him and the town of Sanford, and praying for liberty to apply for a jury to estimate the damages done him.

*Resolved*, for reasons set forth in said petition, That Joseph Prime of Berwick in the county of York, be, and hereby is authorized to make application to the Court of Common Pleas next to be holden at York, in and for the county of York, for a Jury to estimate the damages he has sustained, by the laying out a road through his land, which road begins about sixty rods northerly of Eliot Frost's dwelling house in Sanford in said county, and coming out near the Province Mill (so called,) which road was established by the Court of Sessions in said county, August term, one thousand eight hundred and four, and said Court of Common Pleas are hereby authorized to sustain

the said application and grant the same in the same manner the said court, or Court of Sessions then existing might have done, had those inaccuracies not been made, and application been made, within the time prescribed by law; and the Jury to be appointed, shall have the same power, that any Jury or committee seasonably appointed by said court might lawfully have had.

## LVIII.

*Resolve directing the Secretary to deliver to the Reporter of the Decisions of the Supreme Judicial Court, the Laws and Resolves of this Commonwealth. February 12, 1811.*

*Resolved,* That the Secretary of this Commonwealth be directed to deliver to the Reporter of the Decisions of the Supreme Judicial Court, one set of the perpetual Laws of this Commonwealth, and one set of the special Laws of this Commonwealth; each contained in three bound volumes: And that the Secretary be directed to deliver to said Reporter, one copy of the several Acts and Resolves as they have been printed from time to time since the passage of those contained in the said bound volumes, and that the Reporter be entitled to one copy of the Laws and Resolves hereafter to be published, in the same manner as they are delivered to the Attorney and Solicitor General from time to time.

## LIX.

*Resolve for paying Josiah Wheeler for repairs on the Province House, so called. February 12, 1811.*

Whereas the Secretary and Treasurer of the Commonwealth have represented to the Legislature, that after the adjournment of the General Court in June last, it was found that the Province House, so called, was without a tenant, and going to ruin, and that no provision had been made by law, authorizing any person to superintend or repair the same,—that the property of the Commonwealth being thus situated, his Excellency the Governor, with the advice of the Council, ordered the Secretary and Treasurer to make certain repairs in said house, and tenant the same, which they did, by their agent, Josiah Wheeler. Therefore,

*Resolved,* That there be allowed and paid out of the Treasury to the said Josiah Wheeler, the sum of two hundred and sixty-

five dollars and sixty-seven cents, in full for his bill for the service aforesaid, and that the Governor be requested to draw his warrant on the Treasurer for the same.

LX.

*Resolve on the petition of Caleb Gannett and John Mellen guardians of certain minor children, authorizing them to sell lands. February 14, 1811.*

On the petition of Caleb Gannett and John Mellen, guardians of their minor children respectively, viz. of Elizabeth Latham Gannett and John Wendell Mellen, praying that they may be authorized to sell the portions which their wards own in certain lands lying in various parts of this Commonwealth, and which they hold in common and undivided with Catharine Wendell, Catharine Brattle Bascom, John Mico Gannett, Thomas Brattle Gannett, Sophia Williams, and Catharine Saltonstall Mellen.

*Resolved*, for reasons set forth in their petition, That the petitioners aforesaid be authorized and empowered to sell the portions belonging to their wards, in any or all of the lands hereafter described, by auction or otherwise, as they shall judge most for the interest of said wards, and to make and execute good and sufficient deeds of the same, viz. Seven thirty-six parts, being the proportion of said minors, of five hundred and sixty-five acres, by estimation, lying in Belcherton in the county of Hampshire, bounded south and east on Swift river, north on land of Samuel Lamman and the heirs of William Walter; west on land of James Whitman and Abner Cows. Also of a lot of land in said Belcherton, containing by estimation, twenty-five acres, bounded on lands of Eldad Parsons and Elijah Dwight, Esq. and the road leading from Belcherton to Springfield. Also of about fifteen acres, in Gardner, in the county of Worcester, lying on the west line of said town, and is No. 91, fourth division. Also of about thirty-seven acres in the north-east part of Ashby in the county of Middlesex, lying in common with land belonging to the heirs of the late Andrew Oliver, Esq. of Salem. Also of about two thousand acres in the town of Fairfax in the county of Kennebeck, lately assigned by the Plymouth Company as an equivalent for omissions of the right of the late William Brattle, Esq. in several divisions previously made by said company. Also of lot No. 64, estimated at one hundred and nineteen acres, in Palermo in the county of Lincoln; and of lot No. 61, in

Rome, estimated at one hundred and eighty-five acres; the two last being assigned to the right of said William Brattle in the last division made by said company. Also of one fourth part of sundry lots in the tract lately belonging to the Lincolnshire Company, so called, lying in common with the heirs of John King, heretofore of Taunton, deceased, and the heirs of the Hon. Andrew Oliver, Esq. late of Salem, deceased, viz. No. 13, in the lower part of Camden in the county of Lincoln, containing about one hundred acres, and No. 48, containing about one hundred and fifteen acres; No. 20, on the north part of the island, called Meduncook or Long Island, about one hundred acres; No. 13 and No. 61, each containing about one hundred acres, in the upper part of said Camden. In the town of Hope, No. 49 and No. 112, laid out for one hundred sixty-eight acres each. Lot B, containing about twenty-three acres, and lot C, forty-six acres, on Appleton Ridge, so called. Also of one fourth part of range No. 16, in the first great division of the upper part of the aforesaid tract; said range containing about twelve hundred and forty acres. And range No. 16, in the second great division of said upper part of the tract aforesaid; said range containing about one thousand and ten acres. Also that the petitioners be further authorized to sell and convey as aforesaid all the right of their said wards in certain lands, on the southwest side of, and adjoining Saco river, and lying partly in the towns of Biddeford and Arundel in the county of York, and supposed to contain about twelve hundred and fifty acres, which right is not more particularly defined, as partition of these lands has been as yet but partially made, between the heirs of William Brattle aforesaid and several other owners. *Provided*, that the petitioners give bond to the Judge of Probate for the county of Middlesex to his satisfaction, that they will faithfully appropriate the proceeds of any sales which they make of the proportions of their wards in the lands aforesaid, to the sole use and benefit of said wards respectively.

## LXI.

*Resolve on the petition of Charlemont, Heath, and Rowe, for aid in building a Bridge over Deerfield River. February 14, 1811.*

Upon the petition of the inhabitants of the towns of Charlemont, Heath, and Rowe, praying for aid in building and main-

taining a bridge across Deerfield river, between the towns of Charlemont and Buckland.

*Resolved*, for reasons set forth in said petition, That the Justices of the Court of Common Pleas, for the county of Hampshire, are hereby authorized from time to time, if they think it necessary and proper, to insert in their estimate for a County Tax, such sum or sums of money as may be thought necessary by them for defraying such a part or proportion of the expense of building and maintaining said bridge for and during the term of ten years, to order payment of the same, out of the county treasury, whenever they shall deem it necessary—and to appoint an agent or agents to superintend the expenditure thereof.

### LXII.

*Resolve directing the Secretary to purchase and distribute to the several towns, the Reports of Decisions in the Supreme Judicial Court. February 14, 1811.*

*Resolved*, That the Secretary of this Commonwealth be directed to purchase five hundred and fifty sets of all the volumes which have already been published, of cases argued and determined in the Supreme Judicial Court of this Commonwealth, and the like number of all the volumes which shall hereafter be published, when the same are ready for delivery; provided he can obtain the same, well bound and lettered, at a price not exceeding two dollars a volume. And whenever the whole number of any one volume shall be received into his office, he is directed to transmit one copy to the clerk of each town, district, and unincorporated plantation which has been required to assess taxes upon themselves towards the support of government, for the use of their respective inhabitants, and to lay his account before the governor, who is hereby requested to draw his warrant on the treasurer for the payment thereof.

### LXIII.

*Resolve on the petition of James Carr and others, appointing commissioners to lay out a road from Penobscot river to the north boundary of the State. February 14, 1811.*

The Committee of both Houses, to whom was referred the petition of James Carr and others praying that commissioners

might be appointed to explore and mark out a road from the tide waters of the river Penobscot in a direction to Quebec, having considered the same, ask leave to report the following resolves, which are submitted.

ISRAEL THORNDIKE, *per order.*

Whereas the laying out a road from the tide waters of Penobscot river, over the lands of the Commonwealth to the north boundary thereof, in a direction to the nearest settlement on the river Chaudiere, for the purpose of opening a communication with Quebec, on the river St. Lawrence, would be of great public utility. Therefore,

*Resolved*, That John Davis of the plantation of Jackson, Isaac Wilkins of Brownville, and Seth Kempton of Hampden, Esquires, be, and they hereby are appointed commissioners for the purpose of exploring and laying out a road four rods wide, in the most convenient and direct route from Penobscot river aforesaid, to the north boundary of this Commonwealth in a direction to the nearest settlements on the river Chaudiere, and said commissioners shall have full power and authority to begin at such place at or near the Penobscot river, in the county of Hancock, as they may think proper, and from thence, to explore and lay out a road, four rods wide, in the direction aforesaid, and to return a correct plan thereof to the agents for the sale of eastern lands, as soon as they have completed the same, with a particular description of said road.

And said commissioners are hereby authorized to employ such surveyor, and other assistants, as they may find necessary to effect the purposes aforesaid, and to lay their accounts before the General Court for allowance.

*Resolved*, That there be granted to said commissioners, five hundred dollars to enable them to carry into effect the foregoing resolve, they to be accountable for the faithful expenditure thereof: and the Governor is requested to draw his warrant on the treasurer for the same.

#### LXIV.

*Resolve directing ten Townships to be surveyed so that the road laid out by Charles Turner, jun. Esquire, in 1807, may run through said Townships. February 14, 1811.*

The Committee of both Houses, to whom referred the petition of Nathaniel Ingersoll and others, praying for the aid of this Le-

gislature in laying out and opening a road from the head of Penobscot river to the river St. Johns, ask leave to report the following resolve, — which is submitted.

ELIJAH BRIGHAM, *per order.*

*Resolved*, for reasons set forth in said petition, That the agents for the sale of eastern lands be, and they hereby are authorized, to survey, or cause to be surveyed, ten townships of land, to be so laid out as that the road run out by Charles Turner, jun. Esq. in the year 1807, (a plan of which is returned into the land office,) may run through said townships, the said townships to extend from the north line of William Bingham's land, to the half township granted to Westford Academy, in order to provide for opening said road, the agents aforesaid, are authorized and directed to advertise in the several newspapers printed in the town of Boston, that they are ready to receive proposals to effect the opening of said road, from any person or persons disposed to do the same, the contractors agreeing to fell the trees and make the necessary bridges and causeways, and clear and make the road, of suitable width and convenient for travelling, for which the said agents are authorized to convey to the contractors, in payment for said road, a proportion of said townships, not exceeding one quarter of each township, to be located under the direction of said agents. *Provided*, that the said contractors shall be obliged to produce satisfactory evidence to the agents aforesaid, that they have completed said road agreeable to their contracts.

#### LXV.

*Resolve on the petition of Moses Brown, allowing further time to settle Township No. 5, eighth range, North of the Waldo Patent. February 16, 1811.*

On the petition of Moses Brown—*Resolved*, for reasons set forth in said petition, That the further time of two years from the first day of June next, be allowed to Moses Brown, his heirs and assigns, owner of township number five, in the eighth range of townships north of the Waldo patent, to complete the settlement of forty families, in said township. And if the said Brown, his heirs or assigns, shall settle within said time, the said number of families (including those already settled) on said township—that then the estate and right of said Brown 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 deed given of the 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 Brown, his heirs, or assigns, shall on or before the first day of December next, give bond to this Commonwealth, with sufficient surety or sureties, to the satisfaction of the agent for the sale of Eastern lands, conditioned that the number of families required in said original deed to be settled on said township, shall within the said term of two years be settled thereon, or for the payment of thirty dollars for each family which shall then be deficient.

## LXVI.

*Resolve on the petition of John Leverett, of Windsor, State of Vermont, authorizing him to sell certain lands in Boston. February 16, 1811.*

On the petition of John Leverett, of Windsor, in the county of Windsor and State of Vermont, Esquire, parent of John Leverett, Thomas Leverett, and Hannah Leverett, minors and children of him the said John; praying that he, the said John, may be licensed to sell to the inhabitants of the town of Boston, within the county of Suffolk, and Commonwealth of Massachusetts, for a certain price mentioned in said petition, and agreed upon by the said John and said inhabitants, *two undivided forty-fifth parts and forty-two undivided forty-fifth parts of one forty-fifth part* of two certain pieces of land, situated in said town of Boston, now in the occupation and possession of the inhabitants thereof; which shares and proportions of said two tracts of land aforesaid, descended to said minors, as heirs to their deceased mother, Hannah Leverett, late wife of the said John. Said tracts of land are described as follows, viz. one piece, containing in the whole, about one quarter of an acre, bounds southerly on Leverett street, south-easterly on land purchased by the said inhabitants of Boston, of one William Phillips, and now in their possession, north-easterly on Charles River, at low water mark, and north-westerly on land purchased by said inhabitants of one Samuel Brown. The other piece being forty feet long and twenty feet wide, and parallel with Leverett street, and one hundred and ten feet distant from it, bounds on all sides by land belonging to said inhabitants of Boston, and is situated easterly of the other piece before described.

*Resolved*, for reasons set forth in said petition, That the said John Leverett, parent of said minors, be, and he hereby is authorized, to sell, and convey to the said inhabitants of said town of Boston, and to execute, and deliver to them, a good and valid deed, conveying to them and to their successors, all the right, title, interest and shares of the said John's three children aforesaid, in and to said two undivided pieces or tracts of land aforesaid, on his receiving of them the sum of money before mentioned, and agreed upon.

## LXVII.

*Resolve directing the Quarter Master General, to sell at Public Auction, all broken and damaged Ordnance, the property of this Commonwealth. February 16, 1811.*

*Resolved*, That the Quarter Master General be, and he is hereby directed to sell at public auction, all such broken, or otherwise damaged ordnance belonging to this Commonwealth, and under his care, as is thereby rendered unfit for use; first giving thirty days notice of the time and place of sale in two of the public newspapers printed in Boston, and he to be accountable for, and pay over to the treasurer of this Commonwealth, within ninety days next after the sale, the proceeds thereof, after deducting therefrom all proper expenses attending the same.

## LXVIII.

*Resolve confirming the doings of the Treasurer and Clerk of the Essex Turnpike Corporation. February 16, 1811.*

On the petition of Ebenezer Beckford, and others.

*Resolved*, That the doings of Amos Blanchard, clerk of the Essex Turnpike Corporation, and also the doings of Samuel Farrar, treasurer of said corporation, be, and the same hereby are ratified and confirmed, and rendered as valid in law to all intents and purposes, as though said Blanchard and Farrar had taken the oaths required by law, before a disinterested magistrate previous to their entering on the duties of said offices, and the books of said treasurer and clerk are hereby rendered valid for all purposes, for which the books of said clerk and treasurer might have been used, provided they had previous

to entering on their offices, taken the oaths required by law before a disinterested magistrate. *Provided nevertheless*, that nothing herein contained shall be construed to affect any suits now pending in any courts in this Commonwealth, or which may hereafter be brought or renewed by said corporation, against any person or persons, upon any cause of action which is now pending in any such court.

## LXIX.

*Resolve on the petitions of Isaac Davis and David Murphy.  
February 16, 1811.*

On the petitions of Isaac Davis and David Murphy, praying for some remuneration for their losses of property, sustained in consequence of their aiding and assisting in the survey of lands for the Kennebeck purchase.

*Resolved*, for reasons set forth in said petitions, That there be granted and paid out of the treasury of this Commonwealth, to the said Isaac Davis, one hundred and thirty dollars, and to the said David Murphy, one hundred and eighty dollars; and his Excellency the Governor, with the advice of the council, is hereby requested to issue a warrant on the treasury for the payment of the said sums respectively, to each of the petitioners aforesaid.

## LXX.

*Resolve providing for an exchange of Laws with the several States in the Union. February 16, 1811.*

*Resolved*, That the Secretary of this Commonwealth be directed to correspond with the Secretary, or other proper officer of the several States in the Union, for the purpose of procuring a present and future annual exchange of Statutes, for the use of the executive and legislative departments. And that the Secretary be directed to forward three sets of the Statutes of this Commonwealth already published, to each of the States which have not already received them, for the use of their respective governments. And also, three sets of all the Statutes which shall hereafter be published to each of the States in the union that shall agree to forward their Statutes in return.

## LXXI.

*Resolve on the petition of Jeremiah Wait, late Deputy Sheriff of Washington county, making valid his doings while in said office. February 16, 1811.*

On the petition of Jeremiah Wait, late deputy sheriff under John Cooper, Esq. sheriff of the county of Washington, praying that his doings while in said office may be confirmed and made valid; he having given bonds, and was sworn to the faithful discharge of his said office, before a magistrate who was not legally qualified to administer oaths and qualify civil officers.

*Resolved,* That all precepts, and all the regular doings and returns of writs and precepts according to the precept in them contained while he continued in said office, be, and hereby are confirmed and made valid, in the same manner as if the said Wait had been duly sworn and qualified for executing his office aforesaid, before proper officers commissioned to administer oaths, and qualify civil officers; and the same are made valid in law, to all intents and purposes, that the same would have been, if the said Wait, deputy sheriff, had been duly and legally sworn for the executing his office aforesaid.

## LXXII.

*Resolve discharging the town of Kittery of \$415, 33 State tax. February 16, 1811.*

On the petition of the selectmen and assessors of the town of Kittery, in the county of York, setting forth, that on the first day of March last, a part of said town was incorporated into a separate town by the name of Eliot, and that on the fifth day of the same month, the tax act was passed, apportioning to the town of Kittery the whole amount of tax which should have been assessed by both towns, and that a warrant from the treasurer was issued in conformity. And that the town of Kittery have assessed one half the amount of the whole tax, being their proper proportion of the same.

*Resolved,* That the town of Kittery be discharged from the sum of four hundred and fifteen dollars and thirty three cents of the State tax apportioned to them, and that the assessors of

said town be, and they are hereby authorized, to make their return of assessment of the remaining sum. And that the treasurer of this Commonwealth be directed to issue his warrant to the selectmen and assessors of the town of Eliot, authorizing and requiring them forthwith to assess upon the polls and estates of said town, the aforesaid sum of four hundred and fifteen dollars and thirty three cents, in manner as is directed in the act for apportioning and assessing the State tax, made and passed the fifth day of March last—said tax to be collected and paid to the treasurer of this Commonwealth on or before the first day of October next.

## LXXIII.

*Resolve on the petition of Preston Thayer, of Templeton, in the county of Worcester. February 18, 1811.*

On the petition of Preston Thayer, of Templeton, in the county of Worcester, praying that he may be authorized and empowered to enter an appeal from a sentence awarded against him on the first day of January last past, by Silas Cutler, one of the Justices of the Peace, for said county, for a supposed larceny in taking and carrying away one steel trap, at the Court of Common Pleas, next to be holden at Worcester, within and for said county of Worcester.

*Resolved*, for reasons set forth in said petition, That the said Preston Thayer, be, and he hereby is authorized and empowered, to enter his appeal from the sentence of the said Justice at the Court of Common Pleas, next to be holden at Worcester, within and for said county of Worcester, and the said court are hereby authorized and empowered to sustain said appeal and proceed upon the same in all respects, as it would have been lawful for them to have done, had the said Thayer claimed said appeal, when said sentence was awarded against him, and had seasonably entered his appeal in the Court of Common Pleas for said county. *Provided*, the said Preston Thayer, give notice to William Fletcher of Templeton, on whose complaint said conviction was had, by serving him with an attested copy of this resolve, seven days before the next session of the said Court of Common Pleas, and shall recognize before said court, with a sufficient surety, in such sum as they shall order, to prosecute his said appeal with effect.

## LXXIV.

*Resolve on the petition of the President and Fellows of Harvard College. February 18, 1811.*

Resolve altering the appropriation of the sum of thirty thousand dollars which the President and Fellows of Harvard College were authorized to raise by lottery, by an act passed March 14, 1806.

*Resolved,* That the appropriation of the sum of thirty thousand dollars which the President and Fellows of Harvard College were authorized to raise by lottery, by virtue of an act of the Legislature of this Commonwealth, passed March 14, 1806, be so far altered, as that the said sum so raised may be, by the said President and Fellows, applied to the erection of any edifice for the accommodation of the students, on any part of the College lands in Cambridge, which the said President and Fellows, may think most eligible.

## LXXV.

*Resolve on the petition of Alexander Murray. February 20, 1811.*

On the petition of Alexander Murray, stating that he is the oldest son of John Murray, late of Rutland, in the county of Worcester, Esquire, an absentee, whose real estate was confiscated to the Commonwealth, by reason of his taking a part with the British at the commencement of the late revolutionary war, and who died in the British dominions, leaving no part of his estate to the said Alexander Murray, in consequence, as he conceives, for his having entered into the army of the United States, in which he served as a private soldier, in colonel Henry Jackson's regiment, for three years, and in which he had the misfortune to be disabled by the loss of three of his fingers of his left hand. That at the close of the said war, he was indulged by the Commonwealth in the occupancy of a small farm of about ninety-five acres, in said Rutland, which was a part of his father's estate, and which has never been sold, and on which he has erected a house, and occupied it ever since. That he is now advanced in years, and very infirm, and the buildings are out of repair, and he is not able to repair

them, and support himself and family, and praying that the Commonwealth would confirm to him and his wife, during their natural lives, the use and enjoyment of the said farm of about ninety-five acres, and at their decease, that the remainder of said estate may enure to, and be held by their son Reuben Murray, his heirs and assigns.

*Resolved*, That the said Alexander Murray and his wife, be, and hereby are confirmed in the possession, use and enjoyment of all the right, title and interest, which the Commonwealth has in and to the said farm of about ninety-five acres, situate and lying in Rutland, in the county of Worcester, for and during their natural lives, and at the decease of the said Alexander Murray and his wife, all the right, title and interest which the Commonwealth has in the said estate, shall enure to, and be held by their son Reuben Murray, his heirs and assigns.

## LXXVI.

*Resolve granting the Adjutant General \$1200, for services, &c. one year. February 20, 1811.*

The committee of both houses on the petition of William Donnison, Esq. Adjutant General, report the following resolve, which is submitted.

JOHN L. TUTTLE, *per order*.

On the petition of William Donnison, Esquire, Adjutant General, praying for additional compensation for his services in his said office.

*Resolved*, That there be, and hereby is granted, to be paid out of the public treasury of this Commonwealth to William Donnison, Esq. the sum of twelve hundred dollars, in full compensation for his services as Adjutant General of the militia of this Commonwealth to the first day of January last; said sum to be in full for his services as aforesaid, including office rent and clerk hire.

## LXXVII.

*Resolve for repaying to Joseph Burt and Josiah Macomber of Berkley, \$100 each. February 21, 1811.*

On the petition of Joseph Burt and Josiah Macomber, both of Berkley, in the county of Bristol, praying, that the money

which they paid the Commonwealth on their recognizance, for the appearance of Elijah Macomber, at the Court of Common Pleas, held within and for the county of Bristol, in June, 1807, that the said Elijah Macomber immediately after being bound to the Court of Common Pleas as aforesaid, was bound over to the Supreme Judicial Court, for the same offence, and that they recognized for his appearance, and accordingly delivered the said Elijah Macomber up to the said Supreme Judicial Court.

*Resolved*, That the Treasurer of this Commonwealth be, and he hereby is directed to pay to the said Joseph Burt and Josiah Macomber one hundred dollars each, according to the prayer of the petition aforesaid.

## LXXVIII.

*Resolve abating the town of Carlisle State tax, of 1810.  
February 21, 1811.*

Whereas the meeting-house in Carlisle, in the county of Middlesex, on the twenty-fourth day of May last, was set on fire by lightning and consumed, together with the town stock of military stores, deposited therein. And the inhabitants of said town by their selectmen having petitioned this court that the State tax assessed on said town, on the fifth day of March, 1810, should be remitted. Therefore,

*Resolved*, That there be, and hereby is remitted to the said town of Carlisle, the said State tax, amounting to the sum of one hundred and fifty-four dollars and sixty six cents, and the treasurer of this Commonwealth is directed to govern himself accordingly.

## LXXIX.

*Resolve directing the Treasurer to charge tax of 1810, which is put to Loudon and Bethlehem, to the town of Otis.  
February 21, 1811.*

Upon the memorial of Paul Larcomb, praying that the tax now assessed to the towns of Loudon and Bethlehem, may be set to the town of Otis.

Whereas by an act of the General Court of Massachusetts, passed the twentieth day of June, in the year of our Lord, one

thousand eight hundred and nine, the towns of Loudon and Bethlehem, in the county of Berkshire, were incorporated into a town by the name of Loudon; and whereas by another act of the said court, passed on the thirteenth day of June, in the year of our Lord, one thousand eight hundred and ten, the name of the town of Loudon was altered to the name of Otis, and as no notice has been taken of the aforesaid acts in the tax act passed March, Anno Domini 1810. Therefore,

*Resolved*, That the tax which has been assessed against the towns of Loudon and Bethlehem in the tax act aforesaid, be set against the town of Otis, and that the treasurer of this Commonwealth be directed to make such alterations, and balance his book accordingly.

## LXXX.

*Resolve directing the Agents for the sale of Eastern lands to cause a survey of the town of Baldwin. February 21, 1811.*

On the petition of John Spring, stating that there are lands in the town of Baldwin, in the county of Cumberland, belonging to this Commonwealth, and that he wishes to purchase the same. Therefore,

*Resolved*, That the agents for the sale of eastern lands be, and they hereby are authorized and empowered, to appoint some suitable person to survey said town of Baldwin, and ascertain the quantity, quality, and value, of what lands remain the property of this Commonwealth, and to sell to said Spring, or any other person or persons, all the Commonwealth's right, title, and interest in said surplus, for such consideration as said agents may deem just and reasonable.

## LXXXI.

*Resolve on the petition of the town of Hartford, confirming certain warrants and proceedings. February 21, 1811.*

Upon the petition of the inhabitants of the town of Hartford, in the county of Oxford, setting forth that several defects, irregularities, and omissions have happened and intervened, in several warrants for calling town meetings, and in the records

and proceedings therein, and praying that the legislature would confirm and render the same valid in law.

*Resolved*, That all warrants for calling town meetings in the town of Hartford, in the county of Oxford, since the incorporation of said town, and all proceedings which have been had under any such warrants, and the records of such warrants and proceedings, so far as the same may relate to any defect or omission in form, or want of uniformity to the law in any such warrants, proceedings, or records shall be, and the same are hereby confirmed, and rendered good and valid in law, any supposed defect or omission to the contrary notwithstanding.

## LXXXII.

*Resolve on the petition of James Freeman, Esq. Sheriff of Barnstable County. February 21, 1811.*

Upon the petition of James Freeman, Esq. sheriff of the county of Barnstable, praying that the committee on accounts may be authorized to receive and examine his accounts with the Commonwealth, and pass thereon.

*Resolved*, for reasons set forth in said petition, That the committee on accounts be, and hereby are authorized and empowered, to receive, examine, allow, and pass upon the account of James Freeman, Esq. sheriff of the county of Barnstable, with this Commonwealth, and to audit the same, any usage or limitation of time to the contrary notwithstanding.

## LXXXIII.

*Resolve granting \$119, 77 for the services of Simeon Ashley, formerly of the 10th Massachusetts Regiment. February 21, 1811.*

On the petition of Percival Ashley, administrator to the estate of Simeon Ashley, late a soldier in Capt. Soper's company, and Colonel Marshall's regiment, in the revolutionary war of the United States, stating that a balance remains due to the heirs of the said Simeon for said service, and as it appears that said statement is true.

*Resolved*, That there be allowed and paid from the treasury of this Commonwealth, to Percival Ashley, administrator, as administrator, and for the use of the heirs aforesaid, one hundred

and nineteen dollars, and seventy-seven cents, in full of said balance.

## LXXXIV.

*Resolve granting Josiah Smith \$76  $\frac{13}{100}$  in full for his services as a soldier in Colonel Marshall's regiment. February 21, 1811.*

On the petition of Josiah Smith, stating that, in the revolutionary war of the United States, he was a soldier in Captain Soper's company, and Colonel Marshall's regiment, and that a balance remains due for his services.

*Resolved*, That there be allowed and paid from the treasury of this Commonwealth, to the said Josiah Smith, seventy-six dollars and eighteen cents, in full for his said services.

## LXXXV.

*Resolve granting to Moses Hanson \$50, for loss of time and expense, consequent to a wound received. February 21, 1811.*

On the petition of Moses Hanson, a private in the company of militia in the town of Lebanon, commanded by George Gerish, praying for compensation for a wound he received while on military duty, on the first day of October in the year of our Lord one thousand eight hundred and ten.

*Resolved*, that for the reasons set forth in the said petition, That there be allowed and paid to Moses Hanson, out of any monies in the treasury of this Commonwealth, not otherwise appropriated, the sum of fifty dollars, as a compensation for loss of time and monies expended in consequence of said wound.

## LXXXVI.

*Resolve directing that blanks be printed for towns to make returns of the election of Governor, &c. February 21, 1811.*

*Resolved*, That four thousand copies of each class of blank printed returns proper to be used by selectmen and clerks of towns and districts, and assessors of plantations, in making out their returns of votes for governor, lieutenant governor, senators and counsellors, and representatives in Congress, according to the forms prescribed in a resolve of the General Court, passed

on the fourteenth day of January, in the year of our Lord one thousand eight hundred and seven, be printed at the expense of this Commonwealth; and the secretary of the Commonwealth is hereby authorized and directed to procure the same to be printed, and to cause two sets thereof to be forwarded to the clerks of each town or district, and to assessors of plantations having a right to give in their votes in the above elections.

## LXXXVII.

*Resolve appropriating \$6000 for the purchase of Regimental Colours, &c. February 21, 1811.*

*Resolved,* That the sum of six thousand dollars be, and the same is hereby appropriated out of any monies in the treasury, not otherwise appropriated, for the purpose of providing state and regimental colours, and such instruments of music, as is required to be furnished by an act, entitled "An Act for regulating and governing the militia of this Commonwealth;" and his Excellency the Governor, with the advice of Council, is hereby authorized and requested to issue a warrant on the treasury from time to time, for such sums as they may think proper, not to exceed in the whole six thousand dollars, the warrant to be drawn in favour of Amasa Davis, Esquire, Quarter Master General of this Commonwealth, and the said Davis is hereby held and made accountable for the expenditure thereof.

## LXXXVIII.

*Resolve granting \$75 to Jonathan Simonds, junior. February 21, 1811.*

On the petition of Jonathan Simonds, junior, a private soldier in the company of militia, in the town of Burlington, commanded by Capt. John Walker, junior, praying for compensation for a wound he received, while on military duty, on the first day of November last.

*Resolved,* that for reasons set forth in the said petition, That there be allowed and paid to said Jonathan Simonds, junior, out of any monies in the treasury of this Commonwealth, not otherwise appropriated, the sum of seventy-five dollars as a compensation for time lost and money expended, in consequence of said wound.

## LXXXIX.

*Resolve constituting the selectmen of Carver guardians to Luama Seepit, an Indian woman. February 21, 1811.*

On the petition of the selectmen of Carver, praying that a guardian may be appointed for Luama Seepit, an Indian woman, who has become chargeable in said town, and who is the only remaining heir to a certain piece of land lying within the limits of said town.

*Resolved*, That the prayer of said petition be granted, and that the selectmen of the said town of Carver for the time being, and their successors in office, be, and hereby are appointed guardians to the said Seepit.

## XC.

*Resolve on the petition of Lemuel Pomroy, making valid a deposition. February 21, 1811.*

Upon the petition of Lemuel Pomroy, of Southampton, in the county of Hampshire, representing that in the month of October last, he procured the depositions of Douglas King, of Westfield, and John Lyman, of said Southampton, to be regularly taken in perpetual remembrance of several things relating to the said Lemuel's real estate in said Southampton, and that by misfortune the said depositions failed of being recorded in the proper Registry of Deeds till a few days after the expiration of the time limited by law for that purpose; and praying that a resolve may be passed, authorizing the said Lemuel to use and have the benefit of said depositions, as if the same had been seasonably recorded.

*Resolved*, for reasons set forth in said petition, That the said depositions of the said Douglas King and John Lyman may be used, and shall have the same effect in all respects, as if the same had been recorded within the time limited by law for that purpose.

## XCI.

*Resolve discharging the town of Sandford from a fine of \$100.  
February 21, 1811.*

On the petition of the inhabitants of the town of Sandford, in the county of York, by their agent.

*Resolved*, for reasons set forth in said petition, That the inhabitants of the town of Sandford be discharged from paying a fine of fifty dollars, awarded by the Supreme Judicial Court holden at York, in and for the county of York, on the third Tuesday of May, A. D. 1810, on account of bad roads, on condition that the sum of one hundred dollars be faithfully expended on the road leading from Eliot Frost's in said Sandford to the Province Mill, so called, by the first day of August next, under the direction of the selectmen of said town, in addition to the sum that is usually raised by said town for the repairs of highways the ensuing year, the said inhabitants producing satisfactory evidence of such expenditure to the Supreme Judicial Court next to be holden at Alfred, within said county, and paying costs of prosecution.

## XCII.

*Resolve on the petition of John P. Boyd. February 22, 1811.*

On the petition of John P. Boyd, praying for further time for the payment of his notes in the treasury given for eastern lands; and for further time to settle three townships of land.

*Resolved*, for the reasons set forth in said petition, The further time of two years from the passing of this resolve be allowed to John P. Boyd for the payment of his notes in the treasury of this Commonwealth given for lands. *Provided*, said Boyd shall within ninety days from the passing of this resolve, pay all the interest that may be due on said notes.

*Be it further resolved*, That the further time of two years from the first day of June next be allowed to John P. Boyd, his heirs and assigns, owner of townships numbered two, in the seventh range; numbered four, in the eighth range; and numbered four, in the ninth range, north of the Waldo Patent, to complete the settlement of forty families on each of said townships. And if the said John P. Boyd, his heirs or assigns, shall settle within said time the said number of families (including those already settled) on said townships, that then the estate and right of said John P.

Boyd, 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 deed given of the said townships 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 John P. Boyd, his heirs or assigns, shall on or before the first day of December next give bond to this Commonwealth, with sufficient surety or sureties, to the satisfaction of the agents for the sale of eastern lands, conditioned that the number of families required in said original deed to be settled on said township shall within the said term of two years be settled thereon, or for the payment of thirty dollars for each family, which shall then be deficient.

## XCIII.

*Resolve authorizing the Treasurer to receive of Levi Hubbard, Esq. Treasurer of Oxford county, \$111 in Berkshire Bank bills. February 22, 1811.*

Upon the petition of Levi Hubbard, Esq. praying that the treasurer of this Commonwealth may be authorized to receive of him one hundred and eleven dollars in bills of the Berkshire Bank, which he received in his office of treasurer for the county of Oxford.

*Resolved*, for reasons set forth in said petition, That the treasurer of this Commonwealth be, and he hereby is authorized and directed to receive of the said Levi Hubbard the aforesaid sum of one hundred and eleven dollars, in bills or notes of the Berkshire Bank, being the same notes received by him in his office of treasurer of the county of Oxford, as part of a fine and the cost of court imposed upon one Samuel Pumpilly by the Supreme Judicial Court held at Portland within the counties of Cumberland and Oxford, in the month of October, A. D. one thousand eight hundred and eight, and upon the residue of the fine and cost (which was received by said Levi Hubbard as aforesaid) being paid to the treasurer of the Commonwealth, that he give to the said Levi Hubbard a full discharge for the same.

## XCIV.

*Resolve appointing John Tinkham, Trustee of the property of Benjamin Simon, jun. an Indian. February 22, 1811.*

On the petition of Benjamin Simon, jun.

*Resolved*, for reasons set forth in the said petition, That John Tinkham, Esq. of Middleboro' in the county of Plymouth, be, and he is hereby appointed trustee of the property of the said Benjamin Simon, jun. an Indian, with the same authority and power, as was granted to the said John Tinkham, as trustee of the property of Benjamin Simon and William Simon, Indians, in and by a resolve passed the seventh day of March, 1804.

## XCV.

*Resolve in favour of Silvanus Lapham. February 22, 1811.*

*Resolved*, That there be allowed and paid out of the treasury of this Commonwealth unto Silvanus Lapham, assistant messenger to the General Court, one dollar per day, during the present session of the General Court, over and above his ordinary allowance.

## XCVI.

*Resolve on the petition of Amasa Stetson and others, granting further time to complete their settlements. February 23, 1811.*

On the petition of Amasa Stetson, Edward Tyler, and others, praying further time to settle families on lands of which they are proprietors.

*Resolved*, for reasons set forth in said petition, That a further time of two years, from the first day of June next, be allowed to Amasa Stetson, his heirs and assigns, owner of two townships of land number three in the third range, and number three in the second range of townships north of the Waldo Patent, to complete the settlement of twenty families on township No. 3, third range, and forty families on township No. 3, second range; to Edward Tyler and others, owners of township letter D, (their heirs and assigns) in the County of Oxford, to complete the settlement of forty families in said township letter D,

and if said Stetson and Tyler, their heirs or assigns, shall settle within said time the said number of families (including those already settled) on said townships respectively, that then the estate, right, and title of said Stetson, Tyler, and others shall be full and effectual to all intents and purposes, as if the conditions of settlement expressed in the original deeds given of the said townships 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 Stetson, Tyler, and others, their heirs or assigns, shall on or before the first day of December next, severally give bond to this Commonwealth, with sufficient surety or sureties, to the satisfaction of the agents for the sale of eastern lands, conditioned that the number of families severally required in said original deeds to be settled on said lands, shall, within the said term of two years, be settled on said townships, or for the payment of thirty dollars for each family which shall then be deficient of the whole number.

## XCVII.

*Resolve in favour of John Barker and others.*  
February 25, 1811.

Whereas by a resolve of the General Court passed 20th June, 1809, Salem Towne, Esq. was authorized and empowered to ascertain the quantity and value of the lands taken to quiet the settlers on the quarter of the township No. 4, on the Penobscot River, sold to John Barker and Aaron Tufts, Esq.; and said Towne having reported that the land taken as aforesaid consists of two lots; one lot of one hundred acres, of the value of five hundred and twenty-five dollars; and one lot of eighty-two acres, of the value of three hundred and twenty-eight dollars.

*Resolved*, That there be allowed to John Barker and Aaron Tufts, Esq. eight hundred and fifty-three dollars, in full for the aforesaid two lots taken out of their purchase for the purpose of quieting the settlers on the said quarter of the township No. 4, on the Penobscot River. And the treasurer of the Commonwealth is hereby directed to discount on the bond given by the said Barker and Tufts to secure the payment of the purchase money of the said quarter of the township No. 4, the above sum of eight hundred and fifty-three dollars.

## XCVIII.

*Resolve authorizing the Governor to appoint some person to ascertain, on what terms, certain Islands can be purchased for the Penobscot Indians. February 25, 1811.*

On the petition of the Penobscot tribe of Indians, praying that some person may be appointed to buy several small islands in Penobscot River, called the Shad Islands, by exchanging some of their land, or in such other way as to the Legislature shall seem best.

*Resolved*, for reasons set forth in said petition, That his Excellency the Governor, by and with the advice and consent of the honourable Council, be, and he is hereby authorized and requested to appoint some suitable person, whose duty it shall be to enquire into the subject matter of said petition, and ascertain on what terms said islands can be had, either by exchanging some of said Indians' land, or otherwise, and report his doings to the next Legislature.

## XCIX.

*Resolve on the Petition of Agents for the town of Brunswick. February 25, 1811.*

On the petition of agents for the town of Brunswick, for authority to convey and set off to the President and Trustees of Bowdoin College, two hundred acres of the common land in said town.

*Resolved*, for reasons set forth in said petition, That Jacob Abbot and John Perry, jun. Esqrs. be, and they are hereby authorized and empowered, on behalf of said town, to make and execute a deed of two hundred acres of said common land to the President and Trustees of Bowdoin College. And they are also empowered to make a survey and establish the boundaries of said common land; then to set off and divide to the said President and Trustees, the aforesaid two hundred acres of land with proper metes and bounds.

## C.

*Resolve appointing a Committee on State Prison affairs.  
February 25, 1811.*

*Resolved,* That the Hon. Samuel Dana, Peter C. Brooks, Aaron Hill, James Prince, and Benjamin Weld, Esqrs. be, and they hereby are appointed a committee, during the recess of the Legislature, to examine the books and accounts of the superintendant of the State Prison, and of all other persons who have had any agency in that institution, from its first establishment till the first day of December last, with power to send for persons and papers, and to employ any suitable accountant to assist them in such examination; and also, if they think proper, to revise the laws for regulating the State Prison, with leave to report by bill or otherwise at the first session of the next General Court; and that they lay their account before the committee on accounts for allowance.

## CI.

*Resolve on the petition of Rufus Davis, directing the Treasurer to take his note and give up a note signed by Levi and Ebenezer Davis. February 25, 1811.*

On the petition of Rufus Davis, executor of the last will and testament of Levi Davis, late of Charlton, deceased, praying that the treasurer of this Commonwealth be directed to give up the note given by said Levi and Ebenezer Davis to said Commonwealth for the sum of sixteen hundred and sixty-seven dollars.

*Resolved,* for reasons set forth in said petition, That the treasurer of this Commonwealth be, and he is hereby authorized and directed to give up to said Rufus Davis the said Levi and Ebenezer's note: *Provided,* That the said Rufus shall first pay the interest due, and give a note or bond to said treasurer for the use of the Commonwealth, with sufficient surety or sureties, to the acceptance of said treasurer, to the amount of said Levi and Ebenezer's note.

## CII.

*Resolve on the petition of Simon Cheney, administrator, for a new note. February 25, 1811.*

On the petition of Simon Cheney, administrator on the estate of Timothy Cheney, late of Medfield, in the county of Norfolk, deceased, praying for a new note in lieu of one lost.

*Resolved,* That the treasurer of this Commonwealth be, and he is directed to issue a new state note for one hundred forty dollars, and eighty-nine cents, bearing the same number and date, at five per cent interest; the said Simon, as administrator, as aforesaid, first giving bonds to the satisfaction of the treasurer, and his successors in office, conditioned to save the Commonwealth harmless from all demand therefor, on the account of the note, said to be lost as aforesaid.

## CIII.

*Resolve on the petition of Thomas Leavit, of Buxton, County of York. February 25, 1811.*

Whereas, Mary Ayer, administratrix of the estate of Daniel Ayer, late of Buxton, in the county of York, cordwainer, deceased, and guardian to the heirs of said estate, they being all minors, was at a Court of Common Pleas, begun and holden at Biddeford, within and for the said county of York, on the last Tuesday of October, in the year of our Lord, one thousand eight hundred and three, empowered by the said court to sell and pass deeds to convey the whole of the real estate of said deceased, she being then sole and unmarried; and the said Mary, after intermarrying with Samuel Leavit, of said Buxton, did on the twenty-third day of January, in the year of our Lord, one thousand eight hundred and four, together with the said Samuel, by their lawful names, by deed under their hands and seals of that date, and by virtue of the said power from said court, sell and convey to Thomas Leavit, of said Buxton, a certain tract of land in said Buxton, the whole of the estate of said deceased; being three fourths of lot numbered two on the letter H, and third division, and the said Mary having since deceased; and the said Thomas having petitioned this court to make the said deed as valid in law, as if the said Mary had

been sole and unmarried at the time she executed said deed. Therefore,

*Resolved*, That the deed aforesaid be, and hereby is made valid in law to all intents and purposes, as if the said deed had been made and executed by the said Mary, when sole, by the name of Mary Ayer, in her said capacity of administratrix of the said estate, and guardian to the said minor heirs, and as if the said Mary had remained sole and unmarried at the time of making and executing the said deed.

## CIV.

*Resolve on the petition of William Davis and others, agents for the town of Plymouth. February 26, 1811.*

On the petition of William Davis, Esq. and others, agents for the town of Plymouth, praying further time to locate a township of land granted to them by a resolve dated February 24, 1808; the term limited in said resolve for locating said township, being now expired. Therefore,

*Resolved*, That a further time of one year from this date be, and hereby is allowed to said inhabitants to cause the same to be located; and the agents for the sale of eastern lands are hereby directed to govern themselves accordingly, any thing in the resolve of the 24th of February, 1808, to the contrary notwithstanding.

## CV.

*Resolve for paying Warren Chase. February 26, 1811.*

*Resolved*. That there be allowed and paid out of the treasury of this Commonwealth unto Warren Chase, assistant to the messenger of the General Court, one dollar per day during the present session of the General Court over and above his usual allowance.

## CVI.

*Resolve, further directing the Secretary in the purchase of the several volumes of the Reports of Decisions in the Supreme Judicial Court. February 26, 1811.*

*Resolved*, That the secretary be, and he is hereby authorized to allow and pay twenty-five cents for each volume of the Reports

of Cases argued and determined in the Supreme Judicial Court, in addition to the sum limited by a resolve of the Legislature passed the 14th day of February instant, and that two dollars and twenty-five cents be considered as the price of each volume which the secretary is to be limited by, in the same manner as though that sum had been inserted in said former resolve.

#### CVII.

*Resolve on the petition of John Chapman and others. February 26, 1811.*

On the petition of John Chapman, of Tewksbury, in the county of Middlesex, blacksmith, John Jaques, of said Tewksbury, yeoman, administrator of the goods and estate which were of John Jaques, late of said Tewksbury, yeoman, deceased, and Zephaniah Clark, of said Tewksbury, guardian to Nathan Jaques, Samuel Jaques, Polly Jaques, and Oliver Jaques, children and minor heirs of the said John Jaques, deceased, setting forth that the said John Jaques, deceased, in his life time promised and agreed to and with the said Chapman, that whenever he the said Chapman, should pay him the said John Jaques, deceased, the contents of a note of hand given by said Chapman to said Jaques, dated the eleventh day of August, in the year of our Lord one thousand eight hundred and six, for the sum of one hundred and ninety-one dollars and ninety-seven cents, he the said Jaques, deceased, would give said Chapman, a good and sufficient deed of two lots or pieces of land, situated in said Tewksbury, and described as follows viz. one lot or piece bounded; beginning at the highway which leads from Tewksbury meeting-house to Salem; thence southwardly twelve rods by land of John Spaulding; thence west nineteen rods by land of Rev. Jacob Coggin; thence northwardly fourteen rods partly by land of said Coggin, and partly by common land to the highway aforesaid, and thence by said highway to the bound first mentioned. The other lot or piece bounded, beginning at the north-west corner at land of said Coggin; thence eastwardly by land of said Spaulding, sixteen and a half rods to the land of Job Kittridge; thence southwardly by said Kittridge's land nine rods; thence westwardly twenty rods by land of said Kittridge and of said Coggin; thence northwardly twenty rods by land of said Coggin, to the first mentioned bound.—But that no such bond or obligation was executed as would authorize the Supreme Judicial Court to

take cognizance of the subject; and praying that the said administrator or guardian may be authorized to convey said lots of land to said Chapman upon payment of said note, agreeably to the promise of the intestate aforesaid:

*Resolved*, That for the reasons aforesaid, the said John Jaques, administrator as aforesaid, and the said Zephaniah Clark, guardian as aforesaid, be, and are hereby jointly authorized to convey the said lots of land to the said John Chapman, and that the joint deed of the said John Jaques and Zephaniah Clark duly executed, acknowledged and recorded, shall be sufficient to pass the fee of the said lots of land to the said John Chapman.

## CVIII.

*Resolve granting Taxes to several Counties. February 26, 1811.*

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 Common Pleas, for the said counties, have exhibited estimates, made by the said courts, of the necessary charges which may 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 several counties, contained in the following schedule, be, and the same are hereby granted as a tax, for each county respectively, to be apportioned, assessed, paid, collected and applied, for the purposes aforesaid, according to law.

Suffolk, forty-five thousand dollars	\$45,000
Essex, eight thousand one hundred dollars	8,100
Middlesex, nine thousand three hundred dollars	9,300
Hampshire, two thousand five hundred dollars	2,500
Plymouth, two thousand seven hundred and fifty dollars	2,750
Barnstable, one thousand eight hundred and fifty dollars	1,850
Worcester, four thousand dollars	4,000
Norfolk, three thousand dollars	3,000
York, four thousand dollars	4,000
Cumberland, six thousand dollars	6,000
Lincoln, seven thousand seven hundred and fifteen dollars	7,715
Oxford, two thousand dollars	2,000
Somerset, two thousand one hundred dollars	2,100

Hancock, four thousand six hundred and fifty dollars 4,650

Washington, one thousand five hundred dollars 1,500

*And be it further resolved,* That twenty thousand dollars of the sum hereby ordered to be raised in the county of Suffolk for the year ensuing, shall be appropriated towards building the new court house in said county.

## CIX.

*Resolve granting pay to John Perry, assistant to the Messenger of the General Court. February 26, 1811.*

*Resolved,* That there be allowed and paid out of the public treasury, unto John Perry, assistant to the messenger of the General Court, one dollar per day, for each day of the present session of the General Court, over and above the usual allowance to him.

## CX.

*Resolve to empower the Committee on the State Prison, to purchase patent rights. February 26, 1811.*

*Resolved,* That the committee appointed during the present session of the legislature to examine the books and accounts of the superintendant of the State Prison, and of all other persons who have had any agency in that institution, and also to revise the laws for regulating said prison, be, and they are hereby authorized and empowered to contract for the purchase of any patent right, for the purpose of introducing into said prison such manufactures, as may, in their opinion, be conducive to the interests of the Commonwealth.

## CXI.

*Resolve on the petition of Elisha Sigourney and Judah Hays, Executors of the late General Henry Jackson. February 26, 1811.*

On the petition of Judah Hays and Elisha Sigourney in their capacity of executors of Henry Jackson, late of Boston, in the county of Suffolk, Esq. deceased, representing that said Jackson was at the time of his decease a creditor of Henry Knox, late of Thomaston, in the county of Lincoln, Esq. deceased, and have

by accident lost the benefit of claiming under the commission of insolvency on said Knox's estate, the same having been closed.

*Resolved*, That the Judge of Probate in the county of Lincoln be, and he hereby is authorized and required to cause the commission on the estate of the said Henry Knox to be further extended for the term of two months from the first day of March in the year one thousand eight hundred and eleven; and that all persons who have not exhibited their claims on the estate of said Henry Knox be, and they are hereby authorized and empowered to exhibit the same to the commissioners; and that if the commissioners heretofore appointed shall have deceased or they or either of them shall be incapacitated, or shall refuse to serve, the Judge of Probate is hereby authorized to appoint one or more other commissioners. *Provided always*, that the costs of all proceedings to be had in virtue of this resolve in the Probate Office, and the expenses of the further meetings and sessions and services of said commissioners shall be defrayed and paid by the aforesaid petitioners, Judah Hays and Elisha Sigourney; and that no part of the costs, charges, or expenses of opening the said commission in virtue hereof, shall be chargeable to the estate of said Henry Knox.

## CXII.

*Resolve appointing Edward Mitchell, jun. Guardian to the Indians in Bridgewater. February 26, 1811.*

*Resolved*, That Edward Mitchell, jun. of Bridgewater, in the county of Plymouth, be, and he is hereby appointed a guardian over all the Indians residing in said Bridgewater and owning lands therein, with all the powers which are by the laws of this Commonwealth given to guardians in other cases. *Provided*, That the said Edward Mitchell, jun. do first give sufficient bonds to the Judge of Probate for the county of Plymouth, for the faithful performance of the trust reposed in him by the aforesaid appointment.

## CXIII.

*Resolve accepting the report of Simon Larned and Moses Hopkins, Agents for the sale of the Commonwealth's land in the county of Berkshire. February 26, 1811.*

The committee to whom was committed the report of Simon Larned and Moses Hopkins, and the documents accompanying the same, report the following resolve, which is submitted by  
E. STARKWEATHER, *per order*.

Whereas by a resolve of the legislature of the said Commonwealth, passed the fourth day of February, in the year of our Lord one thousand eight hundred and four, and another resolve of the thirteenth of June, 1807, Simon Larned and Moses Hopkins were appointed agents to take possession of, sell, and convey all the Commonwealth's land lying in the county of Berkshire, and directed to pay over seven hundred and fifty dollars of the proceeds thereof to the heirs of John Burghardt.

*Resolved*, That the report of the said Simon Larned and Moses Hopkins, agents as aforesaid, on the subject of the sales of the lands aforesaid, be, and the same is hereby accepted.

*And be it further resolved*, That the said agents shall as soon as may be, return to the Secretary's office a certificate of the payment of the said sum of seven hundred and fifty dollars to the heirs of the said John Burghardt, and pay into the treasury of the Commonwealth the sum of one hundred and sixteen dollars and ninety-four cents, it being the balance due to the Commonwealth, after deducting the said agent's account in full, and incidental charges of the sales of the land aforesaid, as appears by the schedule of the said agents which is annexed to their said report.

## CXIV.

*Resolve on the petition of Isaac Maltby. February 26, 1811.*

On the petition of Isaac Maltby, praying that Jonathan Lyman, administrator on the estate of Israel Parsons, late of Hatfield in the county of Hampshire, deceased, may be authorized and empowered to make and execute deeds of two pieces of land lying in said Hatfield, which land was conveyed by said Isaac Maltby to said Israel Parsons as collateral security to guarantee the payment of a note of hand signed by Lemuel Dickinson, which note has been paid.

*Resolved*, That the said Jonathan Lyman, administrator as aforesaid, be, and he hereby is authorized and empowered to make and execute good and sufficient deed or deeds of two pieces of land lying in said Hatfield to him the said Isaac Maltby, bounded as follows: the first lot on the north by Moses Warner, south by Ebenezer and Daniel Dwight, west by Moses Sherman, and east by land of the said Israel Parsons, containing fifty-one acres; the other lot lying near Great Plain, so called, and bounded west by Capt. Silas Billings, south by land unknown, east by Seth Bardwell's heirs, and north by land unknown; containing fourteen acres; that the deed or deeds by said Jonathan Lyman, administrator as aforesaid, by him duly executed, shall be sufficient to convey the above two pieces of land to him, the said Isaac Maltby, to all intents and purposes, as if the same had been made by said Israel Parsons in his life time.

## CXV.

*Resolve granting Edward M' Lane \$250. February 26, 1811.*

*Resolved*, That there be allowed and paid out of the treasury of this Commonwealth to Edward M' Lane, first clerk in the Secretary's office, the sum of two hundred and fifty dollars, in full compensation for extra services rendered in the said office by the said Edward M' Lane, since the decease of the late secretary Avery.

## CXVI.

*Resolve on the petition of William Heard and others. February 26, 1811.*

On the petition of Abigail Heard, William Heard and others, praying that William Heard may be authorized to make and execute a deed of conveyance of a certain lot of land situated in Thomastown, in the county of Lincoln, to John Heard, of said Thomastown.

*Resolved*, for reasons set forth in said petition, That the prayer thereof be so far granted that the said William Heard, administrator on the estate of William Heard, late of said Thomastown, deceased, be, and he hereby is authorized and empowered to convey to the said John Heard, a certain parcel of land lying in said Thomastown, bounded as follows: beginning at Makers Cove,

so called, at a stake and stones, thence running south by east, two hundred and thirty-two rods, to a birch tree, on the bank of the sea shore, thence by the shore easterly until it makes sixty rods at right angles from the before mentioned line, thence north by west one hundred rods to a stake and stones, thence north twenty-six degrees west, one hundred and twenty-seven rods to the first mentioned Cove, thence westerly by the shore to the first mentioned bounds, containing seventy-one acres and three fourths of an acre, and to make and execute a good and sufficient deed to convey the same, which shall be valid in law to all intents and purposes, as if the said William Heard had conveyed the same in his life time.

## CXVII.

*Resolve for paying the Clerks and Chaplains of both Houses.  
February 27, 1811.*

*Resolved,* That there be paid out of the public treasury to Nathaniel Coffin, Esq. clerk of the Senate, and to Charles Pinckney Sumner, Esq. clerk of the House of Representatives, three hundred and fifty dollars each; and also to Samuel F. M'Clary, assistant clerk of the Senate, and to Thomas Walcut, assistant clerk of the House of Representatives, two hundred and fifty dollars each; and also to the Rev. Joseph Stevens Buckminster, chaplain of the Senate, and the Rev. Dr. Thomas Baldwin, chaplain of the House of Representatives, sixty dollars each; in full of their services in said offices the present session.

## CXVIII.

*Resolve granting \$100 to the Secretary to pay assistant Clerks.  
February 27, 1811.*

*Resolved,* That there be allowed and paid out of the public treasury of this Commonwealth unto Benjamin Homans, Esq. Secretary of the State, one hundred dollars, to enable him to pay such assistant clerks as he may have employed to expedite the public business of the present session of the General Court—he to be accountable for the expenditure thereof.

## CXIX.

*Resolve on the petition of Winslow Parker. February 27, 1811.*

On the petition of Winslow Parker, praying for the assistance of this Commonwealth in defence of a certain action brought by James Martin against him to recover possession of certain lands in Groton, in the county of Middlesex, which was conveyed by this Commonwealth to the said Winslow Parker with warranty.

*Resolved*, for reasons set forth in said petition, That the Attorney General of this Commonwealth, be, and he hereby is authorized to appear on behalf of this Commonwealth in the suit now pending, in the county of Middlesex, brought by the said James Martin against the said Winslow Parker, for the recovery of said land conveyed as aforesaid, and to examine into the title of the said Martin thereto—and the said Attorney General is hereby authorized and required, if he shall think it expedient, to defend against the claim of the said Martin to said land; and to substitute any other person, or persons to do and transact the said business in his stead, or any matter or thing thereto appertaining, at his discretion.

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

## CXX.

*Resolve for paying the Committee on Accounts. February 27, 1811.*

*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, viz.

Hon. Nathan Willis, thirty-one days, thirty-one dollars.—  
 Hon. Israel Bartlett, thirty-one days, thirty-one dollars.—  
 Thomas Hale, thirty-one days, thirty-one dollars.—David

Perry, thirty-one days, thirty-one dollars.—Nathan Fisher, thirty-one days, thirty-one dollars.—Silas Holman, fifteen days, fifteen dollars.

## CXXI.

*Resolve allowing further time to any town in the County of Worcester, for recovering monies back, paid as a tax for the Court House. February 27, 1811.*

The committee of both Houses, appointed to consider the expediency of lengthening the time to any town in the county of Worcester, for refunding the money such town so paid for the purpose of building a court house, in the county of Worcester, according to a resolve passed the 29th day of January, 1801, with leave to report by bill or otherwise, report the following resolve, which is submitted by

EZRA STARKWEATHER, *per order.*

*Resolved,* That the further time of two years from the first day of March next, be, and is hereby granted to any town, or towns, in the county of Worcester, which may be severed from the same within that time, and incorporated with any other county, to recover back any sums of money which have been assessed on them respectively, and paid towards a tax, granted January 29, 1801, for the purpose of building a court house in Worcester; any thing in the original resolve to the contrary notwithstanding.

## CXXII.

*Resolve to pay Nathaniel Coffin \$55 for completing an index to the Senate Journals. February 27, 1811.*

*Resolved,* That there be allowed and paid out of the treasury of this Commonwealth to Nathaniel Coffin, the sum of fifty-five dollars, in full for his services for completing an index to the Senate Journals, since the adoption of the Constitution in the year 1780, agreeably to an order of the Senate.

## CXXIII.

*Resolve discharging the Quarter Master General of eleven thousand five hundred dollars, and making an appropriation of thirteen thousand dollars for his department.*  
February 27, 1811.

*Resolved,* That Amasa Davis, Esq. Quarter Master General, be, and he hereby is discharged from the sum of eleven thousand five hundred dollars, which he expended, including his salary, office rent, and clerk hire, amounting to one thousand dollars, for one year, ending the seventh day of January, in the year of our Lord, one thousand eight hundred and eleven, out of the sum he has received the last year by warrants on the treasurer.

*Resolved,* That the sum of three hundred and fifty-five dollars, and eighty-eight cents, be paid to the said Amasa Davis, Esq. out of the treasury of this Commonwealth, as the balance of his account.

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

## CXXIV.

*Resolve on the petition of Nathaniel Dummer, and others, directing the agents for the sale of eastern lands, to cause a survey of ten townships of land.* February 27, 1811.

The committee of both Houses, to whom was referred the petition of Nathaniel Dummer, and others, praying the aid of the legislature of said Commonwealth in laying out a road from the Kennebeck river, to the north boundary of said Commonwealth, in a direction to the nearest settlement on the river Chaudiere, ask leave to report the following resolve.

*Resolved,* for reasons set forth in said petition, That the agents for the sale of eastern lands be, and they hereby are authorized, to survey, or cause to be surveyed, ten townships of land, to be so laid out, as that the road run out by Charles

Turner, jun. John Merrick, and James Stackpole, jun. Esqrs. in the year 1810, may run through said townships, the said townships to extend from the north line of Bingham's million of acres, so called, to the northern boundary of this Commonwealth, in order to provide for opening said road, the agents aforesaid are authorized and directed to advertise in the several newspapers printed in the town of Boston, that they are ready to receive proposals to effect the opening of said road, from any person or persons disposed to do the same, the contractors agreeing to fell the trees, and make the necessary bridges and causeways, and clear and make the road of suitable width, and convenient for travelling, for which the said agents are authorized to convey to the contractors in payment for said road, a proportion of said townships, not exceeding one quarter of each township, to be located under the direction of said agents. *Provided*, that the said contractors shall be obliged to produce satisfactory evidence to the agents aforesaid, that they have completed said road agreeably to their contracts.

*Provided nevertheless*, That in case the road above mentioned is not completed within five years to the acceptance of the committee for the sale of eastern lands, then this resolve to be null and void.

## CXXV.

*Resolve on the petition of Pitt Dillingham. February 27, 1811.*

*Resolved*, That there be granted and paid out of the public treasury to said petitioner, the sum of one hundred eighty-eight dollars, and seventeen cents, in full of his claim for the support and maintenance of Miles Ford, a state pauper. *And also*, the further sum of three hundred and eighty dollars to said Dillingham, to indemnify him in his loss, occasioned by the destruction of the Commonwealth's gaol in Augusta by fire. And his Excellency the Governor with the advice of Council, is authorized to issue his warrant to the Treasurer of the Commonwealth directing him to pay the same accordingly.

## CXXVI.

*Resolve directing the Secretary to deliver to the Governor, Books and Maps. February 27, 1811.*

*Resolved*, That the Secretary be, and he hereby is directed to deliver the Governor of the Commonwealth, for the time

being for his own private and particular use, one set of the maps of Massachusetts and Maine, one set of the General, and one set of the Special Laws, each bound in three volumes, one copy of all other laws, passed since the publication of said volumes, and previous to the election of such Governor, one copy of all the printed Resolutions which may be found in his office, also one set bound, of all the laws of the United States, which may be found in his office. And one complete set of the Massachusetts Term Reports.

## CXXVII.

*Resolve on the petitions of John Campbell, and James Gibson.  
February 28, 1811.*

On the petition of John Campbell and James Gibson, praying that they may have the privilege of purchasing two islands which they have settled and made improvements upon for many years, situated near Deer Island, in the county of Hancock. Therefore,

*Resolved,* That the agents for the sale of eastern lands be, and they are hereby authorized and empowered to sell to said John Campbell and James Gibson, or any other person or persons, what islands remain unsold, belonging to this Commonwealth, within the limits of the corporation of said Deer Island, for such consideration as the agents aforesaid may think just and reasonable.

## CXXVIII.

*Resolve directing the Secretary to deliver plans, papers, &c. to the Agents for the sale of Eastern lands.  
February 28, 1811.*

*Resolved,* That the secretary of this Commonwealth be, and he hereby is directed to deliver to the agents for the sale of eastern lands, all the plans, papers, copies of deeds, and other documents concerning the Commonwealth's lands in the District of Maine; and the agents aforesaid, are directed to receive the same and place them on their files for the use of the Commonwealth.

## CXXIX.

*Resolve on the petition of Daniel Hill. February 28, 1811.*

The committee on the subject of eastern lands to whom was referred the petition of Daniel Hill, that he may be quieted in the possession of a lot of land in township number five on Schoodic river, report the following resolve.

*Resolved*, That the agents for the sale of eastern lands be, and they hereby are directed to cause said lot to be surveyed at the expense of said Hill; or his assigns, and to quitclaim all right, title, and interest, which the said Commonwealth has to said lot, on the said Daniel Hill, his heirs, or assigns, paying five dollars with interest, from the 25th June, 1790, to said agents, and the treasurer of this Commonwealth is directed to pay to the proprietors of said township number five, such sum of money as appears to have been paid for said lot by said proprietors, with the interest thereon, from the time the said township was purchased by them.

## CXXX.

*Resolve for removing prisoners from the County of Washington to Augusta. February 28, 1811.*

Upon the representation of John Burgin, Esq. and others, magistrates in the county of Washington, that Ebenezer Ball is charged with the crime of murder, alleged to have been committed in the county of Washington;—and that Peter Berry and Frederick Gray are also charged with crimes alleged to have been committed in that county; and praying that measures may be taken for their safe custody, the jail in that county being insufficient therefor.

*Resolved*, That the Sheriff of the county of Washington be, and he hereby is authorized and required forthwith to remove the said Ebenezer Ball, and the said Peter Berry, and the said Frederick Gray, to the town of Augusta, in the county of Kennebeck, and deliver the same persons to the sheriff of the county of Kennebeck; and the sheriff of the last mentioned county is hereby required to receive the said Ball, Berry, and Gray, and them safely keep until they shall be discharged by due order of law; and for the purpose of safely keeping the said

Ball, Berry, and Gray, the sheriff of Kennebeck is hereby authorized and empowered to employ a suitable guard, if necessary.

## CXXXI.

*Resolve on the petition of Joseph Tirrell, directing the Treasurer to issue a new State note, for one lost. February 28, 1811.*

On the petition of Joseph Tirrill, praying that the Treasurer of this Commonwealth may be authorized to issue a new State note, to replace one which has been lost by him.

*Resolved*, for the reasons set forth in said petition, That the Treasurer of this Commonwealth be, and he hereby is directed to issue a new State note in the name of the said Joseph Tirrill, of the same sum, tenor, and date, of the one lost by him, which was dated in April, one thousand seven hundred and ninety-six, for the sum of twenty-three dollars and sixty-two cents, and on interest, at five per cent, from July the first, one thousand seven hundred and ninety-four, on which note the interest has been paid for five years, he, the said Tirrill, first giving bonds with sufficient sureties to the Treasurer of this Commonwealth, payable to him or his successor in that office, to indemnify and save harmless this Commonwealth from any demand or damages whatever, which may arise from the renewal of said note.

## CXXXII.

*Resolve on the petition of John Rowe and others. February 28, 1811.*

On the petition of John Rowe and others, praying that they may have liberty to extend their wharf a few feet into the channel, in the harbour of Boston.

*Resolved*, for the reasons set forth in their petition, That the said John Rowe and others be, and they are hereby authorized and permitted, in repairing said wharf, to extend the same from the north corner thereof, as it now stands, twenty feet; and from the south corner thereof, as it now stands, fifteen feet, further into the channel. *Provided*, That part of the wharf, so to be extended into the channel, be built wholly with stone, to high water mark.

## CXXXIII.

*Resolve on the petition of William Tudor, Esquire.  
February 28, 1811.*

Whereas, William Tudor, Esq. late Secretary of this Commonwealth, has represented to this court, that during the two years of his serving in the said office, from June one thousand eight hundred and eight, to June last; he received in fees of said office, eleven hundred and thirteen dollars and forty-eight cents; which sum he has made application might be adjusted. Therefore,

*Resolved*, That considering the statement made of the extra services performed by said William Tudor, Esq. while Secretary of this Commonwealth, that he be allowed to retain the sum of one thousand dollars of the money now remaining in his hands as a compensation for said services and that upon the payment of one hundred thirteen dollars, forty eight cents, into the treasury of this Commonwealth, he be, and he hereby is discharged from all demands of the Commonwealth against him, for fees received by him as Secretary as aforesaid, for the two years he served in that office, ending June last.

## CXXXIV.

*Resolve for stay of Execution against the sureties of the late Treasurer Skinner. February 28, 1811.*

Upon the petition of Timothy Childs, Esq. and others, sureties of Thompson J. Skinner, deceased, late Treasurer of the Commonwealth, for the first year of said Skinner's office, praying that executions upon such judgments as may be rendered against them, may be further stayed.

*Resolved*, for reasons set forth in said petition, That the Solicitor General be, and he is hereby authorized and directed to consent to the continuance of the several actions against the said petitioners, for judgment, from term to term, until March term of the Supreme Judicial Court, which will be held at Boston, in and for the county of Suffolk, on the second Tuesday of March, which will be in the year of our Lord one thousand eight hundred and twelve. *Provided*, The petitioners shall first pay to the Solicitor General the sum of five hundred dollars, towards defraying the costs and expenses of the suits

against said petitioners; *And provided also*, That said petitioners shall first give sufficient collateral security to the Commonwealth to the satisfaction and acceptance of the said Solicitor General, and of the Treasurer of the Commonwealth, to pay into the treasury of the Commonwealth the sum of ten thousand dollars, and also all the interest upon the whole sum due the Commonwealth from the estate of said Thompson J. Skinner and his sureties; said last mentioned sum and interest to be secured and paid as aforesaid, at two, four, and six months from the day on which the continuances in the aforesaid actions shall be entered of record, and when paid, to be in part discharge to the amount thereof, of the sum for which judgment is finally to be rendered against the said petitioners.

*Provided also*, That nothing herein contained, shall be construed to effect or invalidate the attachments already made upon the property of the petitioners in the actions aforesaid.

## CXXXV.

*Resolve for allowance to Joseph Balch, for services in the Secretary's office, \$190. February 28, 1811.*

On the petition of Benjamin Homans, Secretary of the Commonwealth of Massachusetts, praying for an allowance to Joseph Balch, for his service in recording the proceedings of the Provincial Congress, in the year 1774 and 1775.

*Resolved*, for reasons set forth in said petition, That there be allowed and paid out of the treasury of this Commonwealth to Joseph Balch, the sum of one hundred and ninety dollars, in full for said service. And his Excellency the Governor, by and with the consent of Council, is hereby requested to draw his warrant on the treasury for the same, when he shall have evidence that the said records are completed.

## CXXXVI.

*Resolve directing the Attorney or Solicitor General to commence and prosecute a suit against Joseph Thomas and others. February 28, 1811.*

*Resolved*, That the Attorney or Solicitor General be directed to commence and prosecute, to final judgment and execution, a suit against Joseph Thomas and others, petitioners for a turn-

pike from Plymouth to Queen Ann's corner, in Hingham, to recover the account of the court's committee, for their trouble and expenses in viewing the ground proposed for said road, in conformity to the direction of the legislature of this Commonwealth.

## CXXXVII.

*Resolve confirming the doings of Calvin Crombie, administrator on William Crombie, jun.'s. estate. February 28, 1811.*

On the petition of Calvin Crombie, administrator on the estate of William Crombie, jun. deceased, late of Plymouth in the county of Plymouth.

*Resolved,* for reasons set forth in the said petition, That the doings of the said Calvin Crombie, as administrator on the estate of William Crombie, jun. deceased, late of Plymouth in the county of Plymouth, be, and hereby are confirmed and made valid, and the conveyance of the estate of the said William, by the said Calvin, shall be as good and valid in law, to all intents and purposes, as if the administrator had, previous to the time of the sale of the real estate of said deceased, given bonds to the Judge of Probate for said county, as are required by law in such cases.

## CXXXVIII.

*Resolve directing the Courts of Common Pleas in the several counties, to appoint Commissioners to settle the county Treasurer's accounts. February 28, 1811.*

*Resolved,* That the Justices of the Courts of Common Pleas in the several counties of this Commonwealth, at the term of said court holden next after receiving notice of this resolve, be directed to appoint three commissioners, whose duty it shall be to examine and audit the accounts of the Treasurer of such county for such length of time as they shall think proper, so far as may relate to any monies received by them for the use of the Commonwealth; and to make report thereon to the said Courts of Common Pleas, as soon as may be. And the said justices are hereby authorized and empowered to direct the said commissioners, in like manner, to examine and report upon the accounts of any person, who has been Treasurer of said

county. And the clerks of said courts are hereby directed to make out a certified copy of the report of said commissioners and transmit the same to the Secretary of this Commonwealth, that the same may be laid before the legislature. And the said commissioners are hereby authorized and empowered to send for persons and papers.

*Resolved*, That the Secretary of this Commonwealth be directed to transmit a copy of the foregoing resolve, as soon as may be, to the clerks of the Courts of Common Pleas in each county in this Commonwealth.

## CXXXIX.

*Resolve granting one hundred dollars to Jacob Kuhn.*  
February 28, 1811.

*Resolved*, That there be allowed and paid out of the public treasury to Jacob Kuhn, messenger of the General Court, the sum of one hundred dollars, which, with the sum allowed him by a resolve of the 15th of June last, shall be in full for his services for the present year, ending the thirtieth day of May next.

## CXL.

*Resolve on the petition of Samuel Swan, Esq.* February 28,  
1811.

Whereas a board of commissioners were appointed by the legislature of this Commonwealth, in March last, to settle the lottery accounts with the managers of the Amoskeag Canal Lottery, and said board were directed to report the balance of each manager's account to the Solicitor General, and he to collect such balances as should be so reported due to the lottery, and place the same in the treasury of said Commonwealth; but no provision is therein made for the Treasurer to pay any manager who shall be reported by said board to be creditor of said lottery.

And whereas, said board of commissioners did find and report a greater balance due from said lottery unto Samuel Swan, Esq. one of said managers, than they reported against the other managers. Therefore,

*Resolved*, That the Treasurer of said Commonwealth be, and he is hereby directed to pay what money he shall receive of the

Solicitor General as aforesaid, unto said Samuel Swan, Esq. taking his receipt therefor, toward the balance already reported by said commissioners due to him from said lottery.

## CXLI.

*Resolve authorizing the Governor to appoint commissioners to the Penobscot Indians. February 28, 1811.*

*Resolved,* That his Excellency the Governor, with the advice and consent of Council, be, and he hereby is authorized to nominate and appoint one or more suitable persons, not exceeding three, as a board of commissioners to induce the Penobscot tribe of Indians to cultivate their lands, teach them the arts of husbandry, supply them with farming utensils, and use such other measures as they may consider expedient to ameliorate the condition of said tribe.

*Be it further resolved,* That there be paid out of the treasury of this Commonwealth, to said commissioners, five hundred dollars, to be applied by them to the purposes aforesaid. And his Excellency the Governor is hereby requested to draw his warrant on the Treasurer for the same.

## CXLI.

*Resolve making an appropriation for the State Prison, of \$10,000 February 28, 1811.*

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

## CXLIII.

*Resolve in favour of Josiah Dwight, Esq. February 28, 1811.*

*Resolved*, That there be allowed and paid out of the treasury of this Commonwealth the sum of fifty dollars to Josiah Dwight, Esq. late Treasurer of this Commonwealth, in full for time, service, expenses, and travel, in adjusting and settling his accounts as such Treasurer, with the committee of the General Court; and his Excellency the Governor is hereby requested to draw his warrant on the Treasurer for the sum aforesaid.

## CXLIV.

*Resolve on the petition of Elizabeth Trask. February 28, 1811.*

On the petition of Elizabeth Trask, late of Northport, in the county of Hancock, praying for an indemnification for her trouble and expenses in boarding, nursing, and furnishing with necessary supplies, Thomas Eustis, a poor foreigner, from January 26th to March 16th 1810.

*Resolved*, for reasons set forth in said petition, There be allowed and paid out of the public treasury to the said Elizabeth Trask, the sum of one hundred and nine dollars and eighteen cents, in full for her said trouble and expenses.

## CXLV.

*Resolve for paying the committee appointed to make and report a Tax Bill. February 28, 1811.*

*Resolved*, That there be allowed and paid out of the public treasury to the committee who were appointed to make and report a Tax Bill the present session of the General Court, for their services, the sums annexed to their names respectively, in addition to their pay as members of the Legislature, viz :

Benjamin Greene—five days, five dollars.

Nathan Fisher—five days, five dollars.

Silas Holman—ten days, ten dollars.

## CXLVI.

*Resolve granting compensation to Bradish Billings and others, for summoning witnesses before the Committee of Elections. February 28, 1811.*

*Resolved,* That there be allowed and paid out of the treasury of this Commonwealth, to Bradish Billings, twenty-three dollars, to George Jackson, twenty-four dollars and thirty cents, to Moses Thayer, ten dollars and eighty cents, to Levi Joy, ten dollars and eighty cents, and to Benjamin Leeds, ten dollars and eighty cents, for summoning witnesses before the committee of elections, and that his Excellency the Governor be, and he is hereby authorized to draw his warrant on the treasury for the payment of the several persons before named, respectively.

## CXLVII.

*Resolve granting \$60 to Thomas Wallcut, for extra writing in the Recess. February 28, 1811.*

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

## CXLVIII.

*Resolve on the petition of Samson Woods, authorizing the Attorney General to defend him against the claims of James Martin. March 12, 1811.*

On the petition of Samson Woods, administrator on the estate of Henry Woods, late of Pepperell, in the county of Middlesex, Esq. deceased, praying for the assistance of this Commonwealth, in defence of certain suits brought by James Martin, to recover possession of certain lands in Townshend, in said county, which were conveyed by this Commonwealth to the said Henry Woods, in his life time with warranty.

*Resolved,* for reasons set forth in said petition, That the Attorney General of this Commonwealth be, and he hereby is authorized to appear on behalf of said Commonwealth, in all

the suits now depending in the county of Middlesex, brought by the said James Martin against said Samson Woods and others, claiming under the said Henry Woods respectively, for the recovery of parts of said lands, conveyed to said Henry Woods, as aforesaid, and to examine into the title of said James Martin to said lands. And the said Attorney General is hereby authorized and required, if he shall think it expedient, to defend against the claim of the said Martin, and to substitute any other person or persons to do and transact the said business in his stead, or any matter or thing thereto appertaining, at his discretion.

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

## CXLIX.

*Resolve on the petition of Lemuel Petts, authorizing the Attorney General to defend him against the claim of James Martin. March 12, 1811.*

On the petition of Lemuel Petts, praying for the assistance of the Commonwealth, in defence of certain suits brought by James Martin to recover possession of certain lands in Townshend, in the county of Middlesex, which were conveyed by the Commonwealth to the said Petts, with warranty.

*Resolved*, for reasons set forth in said petition, That the Attorney General of this Commonwealth be, and he hereby is authorized to appear on behalf of this Commonwealth, in the suits now depending in the county of Middlesex, brought by the said James Martin against the said Lemuel Petts and others, claiming under him respectively, for the recovery of parts of said lands, conveyed to the said Petts, as aforesaid, and to examine into the title of said Martin to said lands. And the said Attorney General is hereby authorized and required, if he shall think it expedient, to defend against the claim of the said Martin to said lands, and to substitute any other person or persons to do and transact the said business in his stead, or any matter or thing thereto appertaining, at his discretion.

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

## ROLL No. 64....February, 1811.

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.

NATHAN WILLIS, *Per Order.*

*PAUPER ACCOUNTS.*

Town of Abington, for boarding and clothing Thomas Seymore to 28th January, 1811,	\$43 50
Adams, for boarding, clothing, and doctoring Freeman Blakeley, Anna Warren, Susanna Camp, and Dailey's two children, to the 9th of January, 1811, and Abiah Whitman to the time she left the town,	160 33
Attleborough, for supplies for Elizabeth Taylor and daughter to 3d January, 1811, John Combs and David Simpson's wife to the time of their leaving the Commonwealth.	59 61
Andover, for boarding, clothing, and doctoring Patrick Kallahan and Joseph Lummers to February 1st, 1811, and William Richardson to the time he left the town,	143 62
Adams Samuel, for doctoring sundry state paupers in Wiscasset Gaol to February 1, 1811,	55 2
Boston, Board of Health, for supplies of wood, and repairing the boat, for the use of the Hospital, at Rainsford's Island, to 18th February, 1811,	138 70
Bowdoin, for clothing, nursing, and doctoring Eleanor Whitcomb and child to the time she left the town,	21
Buckstown, for boarding, clothing, and doctoring George Clarkson, until he left the Commonwealth,	39 57
Baldwin, for boarding Daniel Hickey to 1st January, 1811,	36 30
Bridgewater, for boarding and clothing sundry paupers to February 21, 1811, including funeral charges for Michael Ryan,	156 40

Bristol, for boarding and doctoring Joa Lewis to to the time of his death, including funeral charges,	\$10 66
Brimfield, for boarding, clothing, and doctoring John Christian to 28th January, 1811.	50 85
Brookfield, for boarding, clothing, and doctoring George Baslington to 1st February, 1811, and Thomas Boyd and David Smith to the time of their death, including funeral charges,	96 97
Barnardston, for boarding and clothing Oliver Stevens to 14th January, 1181,	33 60
Billerica, for boarding, clothing, and doctoring Michael Taylor to 12th February, 1811, and William Love and wife to the time of their death, including funeral charges,	228 50
Becket, for boarding, clothing, and doctoring Sally Leonard and Hiram Leonard to 5th February, 1811.	74
Bradford Samuel, sheriff of the county of Suffolk, for supporting poor debtors in gaol, to 6th Feb. 1811,	505 93
Brookline, for supporting Jacob Harvey to 15th February, 1811,	64 10
Beverly, for boarding, clothing, and doctoring sundry paupers to 1st February, 1811,	602 77
Blandford, for boarding and clothing Samuel Walker to 1st February, 1811,	37 55
Boston, for boarding and clothing sundry paupers to 1st December, 1810,	6348 69
Boston, Board of Health, for boarding, nursing, and doctoring sundry paupers on Rainsford's Island to 12th January, 1811,	331 5
Bradford, for boarding and doctoring William Kelley, and for removing him out of the Commonwealth,	35
Cheshire, for boarding and clothing Sally Cooper, and supplies for Alfred Joice, to 9th January, 1811,	47 45
Carlisle, for boarding and clothing Robert Barber to 20th January, 1811,	50 80
Chelmsford, for boarding, clothing, and doctoring Catherine M'Clenny to 1st January, 1811,	45 50
Cape Elizabeth, for boarding Abraham Bricks and James Ramsbottom to 8th January, 1811,	90 75
Clarksburgh, for boarding and clothing Abiah Whitman to 28th January, 1811,	16 10
Columbia, for boarding and nursing Robert Martin to the time of his death, including funeral charges,	71

## RESOLVES, February 27, 1811.

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Charlton, for boarding, clothing, and doctoring Edward Maddon to 1st January, 1811,	\$65 40
Colerain, for boarding, clothing, and doctoring Sally Lamoneer and Polly Gardner's two children to 21st January, 1811,	98 2
Cambridge, for boarding, clothing, and doctoring James Barker and John Wilkins to 27th January, 1811, Jura Crofts, Joanna Christian, Elizabeth Romain, Abel Kingsbury, Mary Randall, and John Whiting, till they left said town, and Joseph Davis, Joseph Scott, Charles Crane, Calvin Shead and Moses B. Merrick, poor debtors in gaol.	277 23
Charlestown, for boarding, clothing, and nursing sundry paupers, to 11th February, 1811,	144 75
Concord, for boarding, clothing and doctoring George Black to 15th August, 1810, Case, a black man, to 11th February, 1811, Francis Legross to the time of his death, including funeral charges, Thomas Harvey, Joseph Dakin, Joshua L. Cozzens, Asahel Page, Jack Williams, and Brown Smith, poor debtors in gaol,	140 27
Cushing, for boarding and clothing James Walker to 2d February, 1811,	9 90
Dedham, for boarding, clothing, and doctoring Robert Clew to 5th March, 1810, and Eleanor Carrol to the time of her death, including funeral charges,	64
Deerfield, for supplies to George Roberts to 23d January 1811,	21 16
Dogget Samuel, keeper of the gaol in Dedham, for boarding and clothing James Hatchel, a lunatic, and Azor Cogswell to 3d February, 1811,	122 30
Douglas, for boarding, clothing and doctoring Betsey Trifle to 5th February, 1811.	60 80
Danvers, for boarding, clothing, and doctoring sundry paupers to 5th February, 1811.	524 22
Dunstable, for boarding, clothing, and doctoring Margaretta Lane to 10th February, 1811,	68 3
Dracut, for boarding and clothing Lucy Jaquith, and supplies and doctoring Richard Baker, to 11th February, 1811,	116 95
Dorchester, for boarding and clothing John Harrison and Lydia Wyman's child to 3d February, 1811,	85 60

Dover, district, for boarding, clothing, and doctoring Daniel Waters to 13th January, 1811,	\$118 30
Deblois George, keeper of the Alms House in Boston, to 1st December, 1810,	413 55
Egremont, for boarding and clothing Mary, Elizabeth, Joseph, and Benjamin Dailey, and Benjamin Randal, to 14th January, 1811,	309 84
Eastport, for boarding and doctoring Robert Hopkins and Elisha Nevers to the time they left the Commonwealth,	88 16
Edgarton, for boarding and clothing Anthony Chadwick to 23d January, 1811,	73 75
Edgcomb, for boarding and doctoring Archibald Campbell to the time he left the Commonwealth,	33
Easton, for supporting and doctoring Edward Johnson to the time of his death, including funeral charges,	38 74
Easthampton, for boarding John Hall to 6th Feb. 1811,	36
Fayette, for boarding, clothing, and doctoring William G. Martin to 1st January, 1811,	62 57
Falmouth, in the county of Barnstable, for boarding and clothing Edward Edwards to 19th Jan. 1811,	26
Framingham, for boarding and clothing, Hugh Mac Pherson to 2d February, 1811,	58 85
Falmouth, in the county of Cumberland, for boarding, clothing, and doctoring John Goodale and Felix Sang to 1st January, 1811,	200 8
Gorham, for boarding and clothing Robert Gelfilling to 1st February, 1811,	78
Groton, for boarding, clothing, and doctoring John C. Wright and wife, widow Bentrodt, William Lapiere and wife, and Elisha Hoit, to 10th January, 1811,	440 54
Greenwich, for boarding, clothing, and doctoring John Howard, William Rice, Elizabeth Harrington, John Bailey and wife, Jonathan Bailey and family, and James Bailey, to 14th January, 1811, including funeral charges for John Bailey's wife, and Lot Lee to the time he left the Commonwealth,	214 62
Granby, for boarding, clothing, and doctoring Ebenezer Darwin to 28th January, 1811,	60 94
Gill, for boarding, clothing, and doctoring Sarah Hambleton, and Samuel Lyon and wife, to 25th January, 1811,	119 26

Great Barrington, for boarding, and clothing Isaac Catherine and Mary Hoose, John Whitter, Clarissa Lindsay and Anna Rathbone, to 26th January, 1811,	\$230 82
Greenfield, for boarding, clothing, and doctoring Eunice Converse and Nabby Lamonnier to 22d January, 1811,	128 63
Gloucester, for boarding, clothing, and doctoring sundry paupers to 10th November, 1810,	845
Granville, for boarding and clothing George Taylor and Archibald Stewart to 1st January, 1811,	109 37
Hinsdale, for boarding, clothing, and doctoring Samuel J. Robinson and family to 15th January, 1811,	13 19
Hancock, for boarding and clothing Rebecca Osborne to 15th January, 1811.	39 88
Hudson John, under keeper of the gaol in Salem, for boarding sundry poor debtors confined in gaol for debt, to 7th January, 1811,	372 16
Hodgkins Joseph, keeper of the house of correction in Ipswich, for boarding and clothing Mary Adelaide, black woman, Huldah Hicks, John Squires, James Cahoon, and Josiah Bennington, to 31st January, 1811.	264 60
Hadley, for supplies and doctoring Friday and wife to 31st December, 1811, and Mary Andross to the the time of her death, including funeral charges,	95 98
Hallowell, for boarding, clothing, and doctoring Rachel Cummings, Lois and Almira Powers, James Caruth, Judith Davis and three children, to 16th January, 1811, and Rachel Powers to the time of her death, including funeral charges,	423 80
Haverhill, for boarding, clothing, and doctoring William Tapley, Henry Spoilet, and Samuel Emmer-son, to 1st January, 1811,	181 15
Ipswich, for boarding, clothing and doctoring John Obrian, Thomas Tool, Peter Alston, and Daniel Galligen, to 1st February, 1811,	187 50
Kittery, for boarding and clothing Sarah Perkins, Deborah Perkins and child, to 1st January, 1811,	117
Little Moses, for doctoring State prisoners confined in Salem gaol, to 1st January, 1811,	20
Lenox, for boarding and clothing Abraham Palmer and Simon Hanchet to 12th January, 1811,	54 18

Lincolnvillc, for boarding and clothing Timothy Cox and Alexander White to 10th January, 1811,	\$110 80
Limington, for boarding and clothing John Orian to 1st January, 1811,	67 60
Lunenburg, for boarding and clothing Felix Tool to 25th January, 1811,	56 13
Leyden, for boarding, clothing, and doctoring Jedidiah Fuller and wife, Ruth Able, and Elizabeth Waggoner, to 20th January, 1811,	106 58
Lee, for supplies and doctoring Jonathan Blackman and wife to 29th January, 1811,	41 68
Lancaster, for boarding and clothing William Shearer, James Castor, and Abigail Phelps, to 7th January, 1811,	102
Leicester, for boarding and doctoring Lydia Dunham, including her funeral charges,	39 81
Litchfield, for boarding and clothing Daniel Howard and wife, and Frederick Howard, to 1st February, 1811,	104 50
Lynn, for boarding, clothing, and doctoring John Battis, Nancy Carter and child, Josiah Miller and wife, John Lahoo, Josiah Chase, Sally Wilkins, to 8th February, 1811, James M'Gawen, and Sally Wilkins' child to the time of their death, including funeral charges,	586 67
Lincoln, for boarding and clothing Thomas Pocock to 8th February, 1811.	86 55
Littleton, for boarding and clothing John Putnam to 13th February, 1811,	101
Manchester, for boarding and clothing Thomas Douglas to 2d February, 1811,	71 75
Mount Vernon, for boarding and clothing David Basford to 11th January, 1811,	96 98
Medway, for doctoring Eliud Patch to the time of his leaving the Commonwealth,	20 54
Milton, for boarding and clothing sundry paupers to 16th February, 1811	154 80
Machias, for boarding, clothing, and doctoring John Gardner to 25th December, 1810, and Owen Clancy to the time he left said town,	257 95
Methuen, for supplies and doctoring Thomas Pall to 1st January, 1811,	85

Marblehead, for boarding, clothing and doctoring, sundry paupers to 6th February, 1811,	8739 83
Manning Thomas, for doctoring James Cahoon in the House of Correction at Ipswich to 3d February, 1811,	16 80
Marshfield, for boarding and clothing Phillis Mitchell to 15th May, 1810,	67 60
New Bedford, for boarding and clothing Peter Conner, John Almy and two children, William Mackay, Irene Willis, to 18th January, 1811,	157 24
North Yarmouth, for boarding, clothing, and doctoring William Elwell and William Campbell to 1st January, 1811,	114 82
New Marlborough, for boarding and doctoring David Gardner and Jane Peters to 16th January, 1811,	29 4
Northfield, for boarding, clothing, and doctoring Richard Kingsbury to 25th January, 1811,	78 75
Newbury, for boarding, clothing, and doctoring sundry paupers to 1st January, 1811,	1224 55
Newburyport, for boarding, clothing, and doctoring sundry paupers to January 1st, 1811,	1413 4
Northampton, for boarding, clothing, and doctoring William Welsh, Caroline Robbins to 1st February, 1811, Elizabeth Davis, Andrew Severen, Lemuel Calver and family, and supplies to John Sax to 1st May 1810, and James Barry to the time of his death, including funeral charges	349 3
New Gloucester, for boarding and clothing Joseph Gregory and John May to 11th February, 1811.	96 54
Nantucket, for boarding, clothing, and doctoring James Plato and Eleanor Jones, including funeral charges,	102 40
Oxford, for boarding, clothing, and doctoring Catharine Jordan to 1st January, 1811,	67 00
Peru, for supporting and doctoring James Robbins and family to 16th January, 1811,	107 60
Penobscot, for boarding and clothing Thomas Slack to 22d December, 1810,	31 66
Portland, for boarding, clothing, and doctoring sundry paupers, to 1st January, 1811,	1414 41
Pittsfield, for boarding, clothing, and doctoring Peter Huen, Jonathan Spear, William H. Clark, and Elisha Austen to 22d January, and Polly Thurston	

to 3d February, 1811, Charles Bailey to the time of his death, including funeral charges,	\$201 90
Palmer, for boarding, clothing, and doctoring William Mendon and wife to 5th January, 1811,	136 51
Quincy, for boarding, clothing, and doctoring Wm. Olephand to 6th February, 1811,	77 47
Rowley, for boarding and clothing Ella Collins to 1st January, 1811,	56 80
Rehobeth, for boarding, clothing, and doctoring Elizabeth Crosby, and Leaf Mason and child, to 30th January, 1811,	138 16
Russell, for supplies to John Newton and wife until he left said town,	7 42
Rutland, for boarding, clothing, and doctoring Wm. Henderson, John Cowling, and Boswell Farrar to 20th January, 1811, and the wife of William to the time of her death, including funeral charges,	262 77
Rowe, for boarding and clothing Betsey Carpenter to 30th January, 1811,	18
Roxbury, for boarding, clothing, and doctoring sundry paupers to 3d January, 1811,	336 29
Reading, for boarding, clothing, and doctoring Samuel Bancroft and Thomas Grant to 25th January, 1811,	217 69
South Hadley, for supplies and doctoring Peter Pendergrass to 6th January, 1811,	71 16
Swansey, for boarding, clothing and doctoring Thomas Colony to 18th January, 1811, and Priscilla Washunks to the time of her death, including funeral charges,	91 81
Stockbridge, for boarding and clothing Marcy Doud, Sarah Hosford, Jeremiah Elky, and Celia Pitt, to 5th December, 1811,	175 40
Saco, for boarding and doctoring John Dunham to 22d January, 1811, and James Bonnit and George Dolby to the time of their death, including funeral charges,	62 63
Sherburne, for boarding, clothing, and doctoring Benjamin Houghton to 29th January, 1811,	56
Shrewsbury, for boarding clothing, and doctoring Stephen Jones, Sally Taylor and two children, to 25th January, 1811,	56 12
Sturbridge, for supplies to James Basston to 24th January, 1811,	43 12

Salem, for boarding clothing and doctoring sundry paupers to 6th January, 1811,	\$1313 25
Sandisfield, for boarding, clothing, and doctoring Elizabeth Dando, Richard Dickson, Mary Rogers, Theodore Murphet and child, to 14th January,	116 6
Sheffield, for boarding and doctoring Abraham Homister to the time he left the Commonwealth, William Magee, and Guy, a negro, to the time of their death, including the funeral charges,	166 93
Somerset, for boarding and clothing William Elliot to 1st January, 1811,	48 48
Sandwich, for boarding and clothing Richard Cranch to 13th January, 1811,	38 80
Sidney, for boarding and clothing Henry Lyons to 2d January, 1811,	26 8
Sharon, for boarding and clothing Stephen Hood to 21st January, 1811,	100 57
Sudbury, for boarding and clothing John Wrighton to 12th February, 1811,	72 40
Standish, for boarding and clothing Ellis Noble to 6th January, 1811,	68 25
Shirley, for supplies for Roderick M'Kensy and wife and Samuel Cox, to 29th January, 1811,	130 16
Southwick, for boarding and clothing George Reed to 1st January, 1811,	81 16
St. George, for boarding and clothing Robert Hawes, Eleanor Matthews, and William Benson, to 3d February, 1811,	85 75
Sterling, for boarding, clothing, and doctoring John Pike and Joseph Hyde to the time of their death, including funeral charges,	86 78
Tyringham, for boarding, clothing, and doctoring Ralph Way to 1st January, 1811,	60 33
Taunton, for boarding, clothing, and doctoring Edmund Shores, Emanuel Disnos, Hannah Goffe, and Robert Wilson, to 27th 1810, house rent for John Shores to the same time, Henry Ash to the time of his death, including funeral charges, and Seat Fuller, and Charles Pinkney, poor prisoners, in gaol, for debt,	304 80
Topsham, for boarding, clothing, and doctoring William Proctor to 28th January, 1811,	62 75
Vassalborough, for boarding, clothing, and doctoring	

James Leister and Abigail Fairbrother to 31st January, 1811,	\$103 32
Ward, for boarding, clothing, and doctoring John Clark, and removing him out of the Commonwealth,	7 25
Wrentham, for boarding, clothing, and doctoring Patrick Smith to 24th January, 1811,	6
West Stockbridge, for boarding and clothing Lucy Lane to January, 1811, and Samuel Vanoselen until he left the town,	84 31
Westfield, for supplies to John Newton and wife to 26th January, 1811,	18 19
Windsor, for boarding and clothing Henry Smith and wife to 16th January, 1811,	66
Warwick, for boarding, clothing, and doctoring Samuel Griffiths to the time of his death, including funeral charges,	45 12
Williamstown, for boarding, clothing, and doctoring Robert Morril, Stephen Blew, Charles M'Cartha, and Rachel Galusha, and supplies for John Hendersass, to 15th January, 1811,	222 10
Winthrop, for boarding, clothing, and doctoring Olive Howard and William Gaskell to 4th January, 1811,	123 75
West Springfield, for boarding, clothing, and doctoring William Bell and James Aldrich to 23d January, 1811,	92 68
Washington, for boarding and clothing Phebe Clark to 13th October, 181,	20
Worcester, for boarding, clothing, and doctoring Peter Willard, Henry Bratz, Sally Melville, James Campbell, and William Joblin, to 1st January, 1811, and William Chase, Olney Edwards, Hector Brown, and William Stiles, poor debtors in gaol, to 6th February, 1811,	236 73
Warren, for supporting William Moorman to 4th January, 1811,	52
Westford, for boarding, clothing, and doctoring Philip Jackson and Christopher Shepherd to 21st February, 1811,	105 15
Westhampton, for boarding and clothing Lemuel Calver and family to 25th January, 1811,	97 63
Woburn, for boarding and clothing John and William Lynham to 18th February, 1811,	57 70

## RESOLVES, February 27, 1811.

157

Williamsburgh, for boarding Caroline Robbins to 14th February, 1811,	\$22
York, for boarding, clothing, and doctoring sundry paupers to 8th February, 1811,	764 35
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Total paupers,	\$31,846 10

*MILITARY ACCOUNTS.**Courts Martial and Courts of Inquiry.*

Blish Joseph, jun. for the expense of a Court Martial, held at Sandwich, in December, 1810, Col. Abial Washburn, President,	\$110 54
Barstow Samuel, for the expense of a Court Martial, held at Worcester, in November and December, 1810, and February, 1811, Joseph Farnsworth, President,	503 9
Clap Jeremiah, for the expsnse of a Court Martial, held at Charlestown, in August and September, 1810, Jonas Buttrick, President,	299 41
Donnison William, for expense of a Board of Officers held at Charlestown, November 20, 1810, General George Ellis, President,	84 93
Donnison William, for the expense of a Board of Officers, at Falmouth, September 24, 1810, General John Chandler, President,	84 53
Hoyt Epaphras, for the expense of a Court Martial, held at Northampton, December 1809, Roger Leavit, President,	205 48
Thayer Samuel M. for the expense of a Court of En- quiry, held at Randolph, in September and October, 1810, Jedediah Lincoln, President,	32 22

*Brigade Majors and Aids-de-Camp.*

Barstow Sumner, to 21st January, 1811,	59 30
Blish Joseph, jun. to 26th December, 1810,	32 25
Curtis Jared, to 14th January, 1811,	17 75
Crane John T. to 1st March, 1810,	20
Clap Jeremiah, to 26th February, 1811,	115 10
Dwight William H. to 29th January, 1811,	23
Dutch Ebenezer, to 1st January, 1811,	65 22

Elwell Robert, to 10th February, 1811,	\$149 31
Fisher Jacob, to 1st January, 1811,	55 65
Goddard William, to 4th February, 1811,	103 30
Greenleaf Samuel, to 15th January, 1811,	118 7
Goodwin Ichabod, to 1st January, 1811,	31 50
Hamlin Hannibal, to 1st January, 1811,	55 86
Howard Samuel, to 24th January, 1811,	116 72
Hoyt Epaphras, to 14th January, 1811,	67 17
Howe Estes, to 25th February, 1811,	30 90
Hammit William, to 13th February, 1811,	125 87
Hayward Nathan, to 1st January, 1811,	31 50
Rest John, to 7th February, 1811,	42 75
Tilden T. B. to 2d February, 1811,	62 50
Talbot Peter, to 31st December, 1810,	105 37
Thayer Minot, to 7th February, 1811,	57 20
Thayer Samuel M. to 7th February, 1811,	155 25
Wood Sampson, to 11th February, 1811,	98 20
Whiting Timothy, to 1st January, 1811,	85 75
Parker Daniel, to 25th February, 1811,	10 42

*Adjutants.*

Arms Pliny, to 1st January, 1811,	29 96
Allen Elisha, to 1st January, 1811,	15 80
Allen C. Shubael, to 2d February, 1811,	66 49
Adams Moses, to 1st January, 1811,	34 87
Bucklin Joseph, to 1st January, 1811,	28 85
Brown Benjamin, to 1st January, 1811,	7 50
Backus Zenas, to 1st January, 1811,	72 73
Bradley Enoch, to 1st January, 1811,	11 59
Buttrick Tilly, to 11th February, 1811,	35 72
Burdick William, to 14th February, 1811,	122 88
Barry William, to 14th February 1811,	113 10
Brown Azor, to 8th January, 1810,	26 21
Brooks Aaron, to 1st October, 1809,	5 72
Cushman James, to 10th December, 1810,	19 63
Colburn Nathaniel jun. to 1st January, 1811,	5 50
Clark Joseph, to 1st January, 1811,	56 61
Callender Benjamin, to 1st January, 1811,	15 51
Dickman Frederick, to 4th February, 1811,	38 49
Draper William, to 2d January, 1811,	24 70
Fisk Ezra, to 1st January, 1811,	55 92
Frost Timothy, to 4th June, 1810,	10 85

## RESOLVES, February 27, 1811.

159

Field Seth, to 15th June, 1810,	\$14 10
Getchell Ephraim, to 1st January, 1811,	62 25
Gates Isaac, to 1st January, 1811,	32 10
Haggens Benjamin, to 21st January, 1811,	7 63
Holmes Bartlett, to 1st January, 1811,	19 13
Hodsdon Isaac, to 3d January, 1811,	32 72
Hartshorn James, to 1st February, 1811,	27 11
Holland Samuel, to 11th February, 1811,	65 80
Harrington Joseph, to 1st February, 1811,	55 1
Hosmer Rufus, to 1st January, 1811,	8 32
Hight William, to 10th January, 1811,	62 39
Jewett Jesse, to 12th January, 1811,	36 13
Jellison Nathaniel, to 30th May, 1810,	26 66
Ingraham Frederick W. to 14th February, 1811,	104 75
Jaques Samuel, to 16th February, 1811,	80 62
Kingman Simeon, to 12th January, 1811,	15 17
Kellogg Giles C. to 1st January, 1811,	28 21
Libby Nathaniel, to 18th January, 1811,	24
Lewis Lyman, to 18th January, 1811,	24 5
Lewis Philo, to 14th December, 1810,	3 51
Larrabee William, to 28th January, 1811,	22 3
Marston Jonathan, to 1st January, 1811,	48 31
Munroe William, to 1st January, 1811,	13 15
Maxwell Sylvester, to 3d October, 1810,	29 69
Munroe Atherton, to 18th January, 1811,	12 51
Neil John G. to 1st January, 1811,	61 80
Needham Havey, to 28th January, 1811,	25 23
Nye John, to 23d January, 1811,	11 41
Norham Eli, to 1st January, 1811,	19 61
Orr Hector, to 21st January, 1811,	34 25
Ordway Nathan, to 8th January, 1811,	11 70
Payson Ebenezer, to 1st January, 1811,	31 18
Plummer Benjamin, jun. to 12th September, 1810,	43 80
Parker Joseph, to 1st January, 1811,	17 65
Pilsbury William, to 24th August, 1809,	7 49
Parker Henry, to 7th February, 1811,	39 50
Pilsbury Stephen, to 12th October, 1809,	4 63
Pope Ebenezer, to 10th January, 1811,	17 20
Page Jesse, to 1st January, 1811,	33 64
Ripley James, to 1st January, 1811,	12 14
Starr James, jun. to 18th January, 1811,	20 67
Stearns Thomas, to 31st May, 1810,	20 35
Sawyer William, to 1st January, 1811,	55 62

Sayls Richard, to 7th February, 1811,	\$41 33
Taft Hazleton, to 31st January, 1811,	37 50
Tucker Joseph, to 31st January, 1811,	27 28
Warren Preston, to 1st January, 1811,	30 32
Weston Jonathan D. to 1st November, 1810,	7 10
Ward William, to 20th June, 1810,	21 12
Williams John, to 1st January, 1811,	55 14
Williams Jonathan, to 1st January, 1811,	11 46
Wade Samuel, to 11th February, 1811,	15 69
White Jonathan, to 26th December, 1810,	9 25
Weston Samuel, to 1st January, 1811,	38 51
Wilder Merrick, to 10th February, 1810,	9 62
Williams John S. to 18th February, 1811,	122
Cornel Philip, to 6th February, 1811,	15 35
Wild Jonathan, to 16th January, 1811,	83 96

*Brigade Quarter Masters.*

Campbell Archibald, to 1st January, 1811,	21 45
Everett Gilbert, to 1st January, 1811,	16 35
Garrett Andrew, to 1st January, 1811,	15 80
Norton Winthrop B. to 1st January, 1811,	27 60
Rossetter Samuel, to 1st January, 1811,	13 55
Walker Timothy, to 1st February, 1811,	22 50
Whitney Lambert, to 1st January, 1811,	27 35

*Expense for Horses, to haul Artillery,*

Buttrick Horatio G. to 30th January, 1811,	10
Crittendon Simeon, to 1st January, 1811,	7 50
Clemmence Calvin, to 1st January, 1811,	5
Harris Elisha, to 28th December, 1810,	7 50
Harris William, to 9th February, 1811,	10
Lincoln Thomas, to 1st January 1811,	5
Lewis James, to 4th February, 1811,	6
M'Clallen Robert, to 3d October, 1810,	4
Mather John, to 20th January, 1811,	5
Makepeace William, to 23d January, 1811,	5
Miller Jacob, to 1st December, 1810,	5
Nye Samuel, to 16th December, 1810,	30
Needham Aaron, to 20th February, 1811,	10
Peabody Jacob, to 1st January, 1811,	6
Penniman Samuel, to 1st January, 1811,	3 50

Patterson David, to 1st January, 1811,	\$ 5
Parker Nathan, to 29th October, 1810,	20
Rust Asael, to 19th January, 1811,	7 50
Roulstone Andrew, to 1st January, 1811,	10
Selden Calvin, to January, 1811,	3
Smith George S. to 1st January, 1811,	5
Sawyer George, to 27th December, 1810,	6 50
Smith Albert, to 11th October, 1809,	5
Spauldin Thomas, to 1st January, 1811,	5
Stone Martin, to 1st January, 1811,	5
Saunderson Henry, to 1st February, 1811,	6 25
Thayer Zebediah, to 11th September, 1810,	8
Wheeler Samuel, to 8th January, 1811,	16 50
Warren Moses, to 1st January, 1811,	7 50
Wales Stephen, to 19th February, 1811,	6 25
Webster Elijah C. to 1st January, 1811,	6
Noyes David, to 30th January, 1811,	6
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Total Military,	\$6196 19

*SHERIFFS' AND CORONERS' ACCOUNTS.*

Arms George, for taking inquisition on the body of David Blodget, 24th January, 1811,	\$17 20
Bartlett Bailey, for returning votes for Governor, &c. Senators, and Representatives to Congress, to 29th January, 1811,	14 40
Blake Edward, for expense of an inquisition on the body of Aaron Hamlet, 20th May, 1810,	23 32
Buckmore Thomas, for expense of an inquisition on the body of a stranger, at North, on 17th June, 1810,	22 20
Chandler John, for returning votes for Governor, Lieutenant Governor, and Representatives to Congress, to 1st February, 1811,	50 40
Crane Elijah, for returning votes for Representative to Congress, to 1st January, 1811,	3 40
Cooper John, for returning votes for Representative to Congress, to 1st January, 1811,	70
Goodwin Ichabod, for returning votes for Governor, Lieutenant Governor, and Representative to Congress, to 19th January, 1811,	35 30
Freeman James, for returning votes for Governor,	

Lieutenant Governor, and Representatives to Congress, to 1st January, 1811,	\$38 40
Hamlin Hannibal, for returning votes for Representative to Congress, to 1st January, 1811,	34
Hunnewell Richard, for returning votes for Governor, Lieutenant Governor, and Representatives to Congress, to 1st January, 1811,	35
Lang William, for expense of an inquisition on the body of James Follingsby, 4th October, 1810,	14 55
Lawrence Jeremiah, for returning votes for Representative to Congress, to January, 1811,	27
Leonard Horatio, for returning votes for Governor, Lieutenant Governor, and Representative to Congress, and for expense of apprehending John Butler and William Gorman, prisoners who escaped from the gaol in Taunton, to 1st February, 1811,	82 85
Keyes Jonathan, for taking inquisitions on the body of a person by the name of Ranal, on 15th June, 1810.	16 41
Learned Simon, for returning votes for Representative to Congress, in November, 1810,	28
Matoon Ebenezer, for returning votes for Governor, Lieutenant Governor, and Representative to Congress, to 1st January, 1810,	25 20
Sawtell Richard, for returning votes for Governor, Lieutenant Governor, and Representative to Congress, to 11th January, 1811,	61 61
Ulmer George, for returning votes for Governor, Lieutenant Governor, and Representative to Congress, to January, 1811.	66 64
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Total Sheriffs' and Coroners',	\$665 88

*PRINTERS' ACCOUNTS.*

Allen William B. for publishing acts and resolves to 1st July, 1810,	\$16 67
Adams & Rhoades, for printing for the Secretary's office to January, 1811,	20 75
Allen Phineas, for publishing acts and resolves to 13th February, 1811,	16 67
Allen William E. for publishing acts and resolves to 1st August, 1810,	16 67

Butler William, for publishing acts and resolves to 1st January, 1811,	\$33 33
Cheever Nathaniel, for publishing the report of the Committee respecting Penobscot Bank,	10
Dickman Thomas, for publishing acts and resolves to 25th January, 1811,	16 67
French Ebenezer, for publishing documents respect- ing the late Treasurer Skinner's accounts,	12 50
Hall Samuel, for publishing the report of the Com- mittee respecting Penobscot Bank,	10
Park John, for publishing an act respecting the Kine Pox, agreeably to an order of the Legislature,	42
Shirley Arther, for publishing acts and resolves to 1st January, 1811,	16 67
Young & Minns, for printing the Governor's speech in June, 1810,	42
Munroe Isaac, for printing for the Secretary and Treasurer's office, and the General Court and Ad- jutant General's office, to 28th February, 1811,	1790 12
Total Printers,	<hr/> \$2044 05

*MISCELLANEOUS ACCOUNTS.*

Blake & West, for stationary supplied the Treasurer's office to 30th January, 1811,	\$100 1
Boyle John, for stationary for the Adjutant General's office to 15th January, 1811,	127 80
Bridge Matthus, John Wells, Benjamin Weld, Joseph Winn, and David Devans, Committee for settling with the Treasurer of the Commonwealth, June, 1810,	70
Burditt James W. for stationary furnished the General Court and Secretary's office to 16th February, 1811,	464 19
Blaney Henry, for labour done on the State House to 22d January, 1811,	51 50
Bradley David, for supplies for the State House to 18th February 1811,	112 24
Boston Glass Manufactory, for Glass for the State House to 1st February, 1811,	89 72
Breed Ebenezer, for a Stove for the State House, 9th January, 1811,	40 50

Durant William, for Glass for the State House to 2d February, 1811,	§37 78
Grant Moses, for supplies for the State House to 20th January, 1811,	445 7
Chase Warren, for assisting the messenger to the General Court to 27th February, 1811,	60
Gore Samuel, for sundry articles for the State House to 28th January, 1811,	153 48
Harris Thomas, for clerk hire and oil for the use of the Treasurer's office to 31st January, 1811,	183 68
Howe John, for sundry articles for repairing the State House to 29th January, 1811,	294 50
Howe Joseph, for labour and supplies for the State House to 18th February, 1811,	81 85
Homer William, for sundry articles for the Representatives' chamber to 15th January, 1811,	27 75
Larkin Ebenezer, for stationary for the Secretary and Treasurer's office, and for the Supreme Judicial Court, to 15th February, 1811,	249 69
Lincoln Amos, for labour done on the State House to 12th February, 1811,	55 83
Loring Josiah, for supplies for the clerk of the Supreme Judicial Court to 16th February, 1811,	5
Root Samuel, for supplies and labour on the State House to 21st December, 1810,	54 13
Stedman Ebenezer, for supplying stationary to the Adjutant General's office to 28th January, 1811,	130
Spear Thomas, for keeping the Hospital on Rainsford Island to 14th February, 1811,	44 44
Lapham Sylvanus, for assisting the Messenger to the General Court to 27th February, 1811,	68
Perry John, for assisting the Messenger to the General Court to 27th February, 1811,	66
Sunner Thomas, in full for the service of the committee who superintended the repairs of the State House to 19th February, 1811,	48 92
Thompson James, for sundry articles, and labour for the State House to 29th January, 1811,	462 23
West David's heirs, for stationary for the Treasurer's office to 30th January, 1811,	10 35
Wells John and Benjamin, for sundry articles, for the Council chamber to 16th February, 1811,	5

Wheeler Josiah, for supplies and labour on the State House to 18th February, 1811,	\$907 70
Vose and Coates, for sundry supplies for the State House to 12th September, 1810,	63 70
Beals Samuel, for sundry articles for the Representatives' chamber to 11th February, 1811,	11 10
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Total Miscellaneous	\$4522 23

*Aggregate of Roll 64—February, 1811.*

Expense of State Paupers,	\$31,846 10
Do. Militia,	6196 19
Do. Sheriffs and Coroners,	665 88
Do. Printers,	2044 5
Do. Miscellaneous,	4522 23
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	\$45,274 45

*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 the sum of forty-five thousand two hundred and seventy-four dollars and forty-five cents, the same being in full discharge of the accounts and demands to which they refer.

*In Senate, February 26, 1811,*

Read and accepted, and sent down for concurrence,

H. G. OTIS, *President.*

*In the House of Representatives February, 27, 1811,*

Read and concurred,

JOSEPH STORY, *Speaker,*

Council Chamber, February 27, 1811.

Approved,

E. GERRY.



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