

# 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-NINTH DAY OF MAY, IN THE YEAR OF OUR LORD,

ONE THOUSAND EIGHT HUNDRED AND ELEVEN.

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**CIVIL LIST**  
OF THE  
**COMMONWEALTH OF MASSACHUSETTS,**  
For the political year 1811—1812.

HIS EXCELLENCY,  
**ELBRIDGE GERRY, Esq. Governor.**

HIS HONOUR,  
**WILLIAM GRAY, Esq. Lieut. Governor.**

**COUNCIL.**

Hon. Levi Lincoln,  
Samuel Fowler,  
Aaron Hill,  
Marshall Spring,  
Daniel Kilham,

Hon. Martin Kinsley,  
Thomas B. Adams,  
Moses Carlton, jun.  
Asa Clap.

**SENATE.**

Hon. SAMUEL DANA, Esq. *President.*

*Suffolk*—Hon. Harrison G. Otis, John Phillips, Peter C. Brooks,  
John Welles, and Daniel Sargent.

*Essex*—Hon. John Heard, Daniel A. White, Israel Bartlett, Thomas  
Stephens, Nehemiah Cleaveland, and Benjamin Peirce.

*Middlesex*—Hon. Samuel Dana, Amos Bond, John L. Tuttle, and  
Matthew Bridge.

*Hampshire*—Hon. Ezra Starkweather, Abner Brown, Jonathan  
Leavett, and Joshua Greene.

*Bristol*—Hon. Thomas Hazard, jun. and Joseph Tisdale.

*Plymouth*—Hon. Nathan Willis, and Seth Sprague.

*Barnstable*—Hon. Thomas Phinney.

*Dukes County and Nantucket*—Hon. Walter Folger, jun.

*Worcester*—Hon. Jonas Kendall, Seth Hastings, Francis Blake,  
and Silas Holman.

*Berkshire*—Hon. William P. Walker, and William Towner.

*Norfolk*—Hon. John Howe, and Samuel Day.

*York*—Hon. John Woodman, and Alexander Rice.

*Cumberland*—Hon. Levi Hubbard, and James Means.

*Lincoln, Hancock and ?* Hon. William King, and

*Washington,* Francis Carr.

*Kennebeck*—Hon. James Parker.

Marcus Morton, *Clerk.*

Robert C. Vose, *Assistant Clerk.*

Rev. Dr. Thomas Baldwin, *Chaplain.*

## HOUSE OF REPRESENTATIVES.

Hon. JOSEPH STORY, *Speaker.*

## COUNTY OF SUFFOLK.

*Boston*, William Smith,  
 Samuel Cobb,  
 William Brown,  
 Jonathan Hunnewell,  
 William Sullivan,  
 William Phillips,  
 Francis Wright,  
 Benjamin Russell,  
 Thomas W. Sumner,  
 Benjamin Whitman,  
 Charles Davis,  
 James Robinson,  
 William Hammatt,  
 John Parker,  
 Ebenezer T. Andrews,  
 Isaac P. Davis,  
 William H. Sumner,  
 Ephraim Thayer,  
 Josiah Knapp,  
 Benjamin Weld,  
 Oliver Keating,  
 Nathan Webb,  
 Daniel Messenger,  
 George G. Lee,  
 John Chandler,  
 William Porter,  
 John May,  
 Samuel M. Thayer,  
 George Blanchard,  
 Nathaniel Curtis,  
 Artemas Ward,  
 William Prescott,  
 Richard Faxon,  
 Samuel Dunn,  
 John D. Howard,  
 Thacher Goddard,  
 Lynde Walter,  
 Jonathan Loring,  
 John G. Coffin,

Jonathan Whitney,  
 Samuel J. Prescott,  
 Lemuel Shaw,  
 Alexander Townsend,  
 James Savage,

*Chelsea*, John Tewksbury,

## ESSEX.

*Salem*, Joshua Ward,  
 Joseph Story,  
 Joseph White, jun.  
 Joseph Winn,  
 B. W. Crowninshield,  
 Moses Townsend,  
 Nathaniel Frothingham,  
 John Hathorne, jun.  
 Joseph E. Sprague,  
 David Putnam,  
 John Dodge, jun.  
 Joseph Ropes,  
*Marblehead*, Nathan B. Martin,  
 John Bailey,  
 Asa Hooper,  
 Joshua Prentiss, jun.  
 William Story,  
 John Pedrick, 3d.  
 John G. Hooper,

*Lynn & Lynnfield*, } Aaron Breed,  
 } Oliver Fuller,  
 Ezra Mudge,  
 Thompson Burrill,  
 Benjamin Goldthwait,  
 Aaron Newhall, jun.

*Danvers*, Samuel Page,  
 Nathan Felton,  
 Dennison Wallis,  
 Daniel Putnam,

*Beverly*, Thomas Davis,  
 Abner Chapman,  
 Isaac Ray,

*Beverly*, Robert Rantoul,  
     Nathaniel Goodwin,  
*Wenham*, John Dodge,  
*Hamilton*, Robert Dodge,  
*Manchester*, Ebenezer Tappan,  
*Gloucester*, Thomas Parsons,  
     John Manning,  
     John Tucker,  
     James Tappan,  
     John Johnson,  
     Robert Elwell, 3d.  
*Ipswich*, Nathaniel Wade,  
     Jonathan Cogswell, jun.  
     Joseph Farley,  
     Joseph Hodgkins,  
*Rowley*, Thomas Gage,  
     Joshua Jewett,  
*Newbury*, Josiah Little,  
     Silas Little,  
     John Osgood,  
     David Little,  
     Stephen Hooper,  
     Daniel Hale,  
*Newburyport*, Mark Fitz,  
     Andrew Frothingham,  
     Jonathan Gage,  
     Stephen Howard,  
     Ebenezer Gunnison,  
     Samuel H. Foster,  
     William B. Bannister,  
     Isaac Adams,  
     Isaac Stone,  
*Bradford*, Jonathan Allen,  
     Thomas Savory,  
*Boxford*, Parker Spafford,  
*Andover*, Thomas Kittredge,  
     John Cornish,  
     Joshua Chandler,  
*Middleton*, Asa How,  
*Topsfield*, Nathaniel Hammond,  
*Methuen*, Benjamin Osgood,  
*Haverhill*, Ebenezer Gage,  
*Amesbury*, Christopher Sargent,

*Salisbury*, Amos Morrill.

## MIDDLESEX.

*Charlestown*, Peter Tufts, jun.  
     John Kettell,  
     Joseph Miller,  
     William Austin,  
     Daniel Tufts,  
*Cambridge*, John Mellen,  
     Samuel P. P. Fay,  
     William Hilliard,  
*West Cambridge*, Samuel Butter-  
     field,  
*Brighton*, Samuel W. Pomroy,  
*Malden*, Jonathan Oakes,  
     Jonas Green,  
*Medford*, Timothy Bigelow,  
     Nathaniel Hall,  
*Newtown*, Timothy Jackson,  
     Samuel Murdock,  
*Watertown*, Jonas White,  
     Thomas Clark,  
*Waltham*, David Townsend,  
*Weston*, Ebenezer Hobbs,  
*Lincoln*, Joshua Brooks,  
*Lexington*, Nathan Chandler,  
*Sudbury*, William Hunt,  
*East Sudbury*, Jacob Reeves,  
*Natick*, Abel Perry,  
*Sherburne*, Calvin Sanger,  
*Holliston*, Jason Chamberlain,  
*Hopkinton*, Moses Chamberlain,  
*Framingham*, John Fisk,  
     John Trowbridge,  
*Marlborough*, John Loring,  
     Daniel Brigham,  
*Stow and* } Augustus Tower,  
*Boxboro'* }  
*Concord*, Joseph Chandler,  
     Stephen Barrett,  
*Bedford*, William Webber,  
*Burlington*,  
*Woburn*, Luke Reed,

*Stoneham*, Jabez Lynde,  
*Reading*, Timothy Wakefield,  
     Daniel Flint,  
     Adam Hawks,  
*Wilmington*, Samuel Eames,  
*Billerica*, Josiah Crosby, jun.  
*Tewksbury*, Jesse Trull,  
*Chelmsford*, Jonathan Perham,  
*Carlisle*, Paul Litchfield,  
*Westford*, Thomas Fletcher,  
*Acton*, Jonas Brooks,  
*Littleton*, Edmund Foster,  
*Groton*, Joseph Moors,  
     Thomas Gardner,  
*Dracut*, Daniel Varnum,  
*Dunstable*, Micah Eldredge,  
*Tyngsborough*,  
*Shirley*, John Egerton,  
*Pepperell*, Nehemiah Jewett, jun.  
*Townsend*, Samuel Brooks,  
*Ashby*, Amos Willington.

## HAMPSHIRE.

*Northampton*, Jonathan Strong,  
     Elijah H. Mills,  
     Benjamin Tappan,  
*East Hampton*, Thaddeus Clap,  
*South Hampton*, Luther Edwards,  
*West Hampton*, Timo. Edwards,  
*Westfield*, Jedidiah Taylor,  
     Benjamin Hastings,  
*West Springfield*, Jonathan Smith,  
     Charles Ball,  
     Timothy Horton,  
     Elias Leonard,  
*Southwick*, Reuben Clark,  
     Shubael Stiles,  
*Granville*, Israel Parsons,  
     John Phelps,  
*Tolland*, Abraham Granger,  
*Blandford*, Samuel Knox,  
*Russell*,  
*Montgomery*, Aaron Parks,  
*Norwich*, Aaron Hall,  
*Chester*, Sylvester Emmons,

*Middlefield*, David Mack,  
*Worthington*, Jonathan Brewster,  
*Williamsburgh*, John Wells,  
*Hatfield*, Samuel Partridge,  
*Whately*,  
*Deerfield*, Asa Stebbins,  
     Elihu Hoyt,  
*Conway*, John Williams,  
     David Childs,  
*Goshen*, Oliver Taylor,  
*Ashfield*, Henry Bassett,  
     Thomas White,  
*Cumington*, Peter Bryant,  
*Plainfield*, James Richards,  
*Hawley*, Zenas Bangs,  
*Buckland*, Enos Pomeroy,  
*Shelburne*, John Fellows,  
*Greenfield*, Eliel Gilbert,  
*Gill*, Gilbert Stacey,  
*Bernardston*, John Hamilton,  
*Leyden*, Hezekiah Newcomb,  
*Colrairie*, David Smith,  
     Jonathan M'Gee,  
*Charlemont*, Sylvester Maxwell,  
*Heath*, Ephraim Hastings,  
*Rowe*, John Wells,  
*Springfield*, Moses Chapin,  
     Jacob Bliss,  
     Oliver B. Morris,  
     Edmund Dwight,  
*Longmeadow*, Ethan Ely,  
*Wilbraham*, Walter Stebbins,  
     Abel Bliss, jun.  
*Monson*, Ede Whittaker,  
     Stephen Warriner,  
*Brimfield*, Stephen Pynchon,  
     Philemon Warren,  
*Holland and* }  
*South Brimfield*, } Royal Wales,  
*Ludlow*, Sherwood Bebee,  
*Palmer*, Jesse King,  
*Ware*, William Bowdoin,  
*Greenwich*, Thomas Powers,  
*Belcherton*, Eliakim Phelps,  
     Eldad Parsons,

*Belcherton*, Wright Brigman,  
*Pelham*, James Abercrombie,  
*Granby*, Eli Dickinson,  
*Amherst*, Medad Dickinson,  
           Elisha Smith,  
*Hadley*, Samuel Porter,  
*South Hadley*, Ruggles Wood-  
                   bridge,  
*Sunderland*, Nathaniel Smith,  
*Leverett*, Roswell Field,  
*Montague*, Medad Montague,  
*Wendell*, Clark Stone,  
*Shutesbury*,  
*New Salem*, Varney Pearce,  
*Northfield*, John Nevers,  
*Warwick*, Justus Russell,  
*Orange*, Josiah Cobb.

## PLYMOUTH.

*Plymouth*, Abner Bartlett,  
           Barnabas Hedge, jun.  
           Nathaniel Spooner,  
           Joseph Bartlett, 3d.  
*Kingston*, John Thomas,  
*Duxbury*, Judah Alden,  
*Marshfield*, Nathaniel Clift,  
*Pembroke*, Bailey Hall,  
*Bridgewater*, Daniel Mitchell,  
*Middleborough*, Thomas Weston,  
           Peter Hoar,  
           Martin Keith,  
           Hercules Cushman,  
           Calvin Pratt,  
*Rochester*, Gideon Bastow, jun.  
           Thomas Bassett,  
           Elijah Willis,  
           Lemuel Winslow,  
*Wareham*,  
*Carver*, Benjamin Ellis,  
*Plimpton*, Elijah Bisbe,  
*Halifax*, Zebediah Thompson,  
*Abington*, Samuel Niles,  
           Nathan Gurney, jun.  
*Hanover*, Calvin Chaddock,

*Scituate*, Jesse Dunbar,  
           Edward F. Jacobs,  
*Hingham*, Hawkes Fearing,  
           Jonathan Cushing,  
           Thomas Fearing,  
*Hull*, Samuel Loring.

## BRISTOL.

*Taunton*, Samuel Crocker,  
           Josiah King,  
           Nathaniel Leonard,  
           James Sproat,  
*Dighton*, John Hathaway,  
           George Walker,  
*Rehoboth*, Elkanah French,  
           Timothy Walker,  
           John Medbury,  
           Sebray Lawton,  
           Caleb Abell,  
*Swansey*, Daniel Hale,  
           Benmanuel Marvel,  
*Somerset*, David Anthony,  
*Attleborough*, Joel Read,  
           John Richardson, jun.  
           Benjamin Bolcom,  
*Mansfield*, Daniel Gilbert,  
*Norton*, John Hall,  
*Easton*, John Tisdale,  
           Calvin Brett,  
*Raynham*, Josiah Deane,  
*Berkley*, Apollos Tobey,  
*Freestown*, William Rounsevelle,  
           Stephen B. Pickens,  
*New Bedford*, Seth Spooner,  
           Samuel Perry,  
           William Willis,  
           Gamaliel Bryant,  
           Jireh Swift, jun.  
           Jonathan Pope,  
*Dartmouth*, Joel Packard,  
           Ephraim Tripp,  
           Henry Tucker,  
*West Port*, Abner Brownell,  
           Sylvester Brownell,

*West Port*, Abner Gifford,  
*Troy*, Robert Miller.

## BARNSTABLE.

*Barnstable*, Jabez Howland,  
 Job C. Davis,  
 Nehemiah Lovell,  
 Naler Crocker,  
*Sandwich*, John Freeman,  
 Benjamin Perceval,  
 Elisha Pope,  
*Falmouth*, Thomas Fish,  
 Braddock Dimick,  
 James Hinkley,  
*Yarmouth*, John Eldredge,  
 James Crowell,  
*Dennis*, Judah Paddock,  
 Zenas Howes,  
*Harwich*, John Dillingham,  
*Brewster*, Isaac Clark,  
*Chatham*, Richard Sears,  
*Orleans*, Simeon Kingman,  
*Eastham*, John Doane,  
*Wellfleet*, Beriah Higgins,  
*Truro*,  
*Provincetown*, Samuel Cook.

## DUKES COUNTY.

*Edgarton*, Samuel Whelden,  
*Tisbury*, John Hancock,  
*Chilmark*, Simon Mayhew.

## NANTUCKET.

*Nantucket*, Micajah Coffin,  
 Shubael Coffin,  
 Archelaus Hammond,  
 Micajah Gardner,  
 Jedidiah Fitch,  
 George Cannon,  
 Obadiah Folger,  
 Coffin Whippley,  
 Andrew Pinkham.

## WORCESTER.

*Worcester*, Edward Bangs,  
 Abraham Lincoln,  
 William Eaton,  
*Leicester*, Nathaniel P. Denny,  
*Spencer*, Jonas Muzzy,  
*Brookfield*, Thomas Hale,  
 Jabez Upham,  
 Oliver Crosby,  
 Elijah Clap,  
*Western*, Daniel Hodges,  
*Sturbridge*, Gershom Plimpton,  
 Zenas L. Leonard,  
*Charlton*, John Spurr,  
 Thaddeus Marble,  
 Ephraim Willard,  
*Dudley*, Aaron Tufts,  
*Douglas*,  
*Uxbridge*, Benjamin Adams,  
*Northbridge*,  
*Mendon*, Daniel Thurber,  
 Elijah Thayer,  
*Milford*, Samuel Jones,  
*Upton*, Ezra Wood, jun.  
*Grafton*, Joshua Harrington,  
*Sutton*, Jonas Sibley,  
 Josiah Stiles,  
 Estes Howe,  
*Oxford*, Abijah Davis,  
*Ward*, Jonah Goulding,  
*Shrewsbury*, Vashni Hemmen-  
 way,  
*Westborough*, Nathan Fisher,  
*Southborough*, Willard Newton,  
*Northborough*, James Keyes,  
*Boylston*, Jonathan Bond,  
*West Boylston*, Ezra Beaman,  
*Lancaster*, Jonas Lane,  
 Jacob Fisher,  
*Harvard*, Jonathan Beard,  
 Reuben Whitcomb,  
*Bolton and* } Stephen P. Gardner,  
*Berlin*, } Nathl. Longley, jun.



<i>Sterling</i> , Samuel Sawyer,	<i>Stockbridge</i> , Samuel Olmstead,
James Wilder,	<i>West Stockbridge</i> , Deodatus C.
<i>Princeton</i> , William Dodds,	Whitwood,
<i>Holden</i> , William Drury,	<i>Becket</i> , George Conant,
<i>Rutland</i> , Jonas Howe, jun.	<i>Washington</i> ,
<i>Paxton</i> , Ebenezer Estabrook,	<i>Lee</i> , Jared Bradley,
<i>Oakham</i> , Joel Jones,	Joseph Whiton,
<i>New Braintree</i> , Joseph Bowman,	<i>Lenox</i> , Daniel Williams,
jun.	<i>Richmond</i> , Ebenezer Hotchkin,
<i>Hardwick</i> , Timothy Paige,	<i>Hancock</i> , Rodman Hazard,
Jeduthan Spooner,	<i>Pittsfield</i> , Timothy Childs,
<i>Barre</i> , David Wadsworth,	James Brown,
<i>Hubbardston</i> ,	Oren Goodrich,
<i>Petersham</i> , Hutchins Hapgood,	Horace Allen,
Joseph Brown,	<i>Dalton</i> , Nathaniel Kellogg,
<i>Leominster</i> , David Wilder,	<i>Hinsdale</i> , John Peirce,
Benjamin Perkins,	<i>Peru</i> , Amasa Rockwell,
<i>Lunenburg</i> , Edmund Cushing,	<i>Windsor</i> , Nathaniel Luther,
<i>Fitchburgh</i> , Abraham Willard,	<i>Lanesboro' &amp; }</i> Sam'l H. Whee-
Paul Wetherbec,	<i>New Ashford }</i> ler,
<i>Westminster</i> , Jonas Whitney,	<i>Cheshire</i> , John Wells,
Abel Wood,	John Leland,
<i>Gardner</i> , Aaron Wood,	<i>Adams</i> , Thomas Farnum
<i>Ashburnham</i> ,	James Mason,
<i>Winchendon</i> , Israel Whiton,	<i>Williamston</i> , Samuel Kellogg,
<i>Royalston</i> , Joseph Estabrook,	Henry C. Brown,
<i>Templeton</i> , John W. Stiles,	<i>Savoy</i> , Liscolm Phillips,
<i>Athol</i> , James Humphreys,	<i>Clarksburgh</i> ,
<i>Gerry</i> , Elijah Gould,	<i>Florida</i> .
<i>Dana</i> , Nathaniel Williams.	

## BERKSHIRE.

<i>Sheffield and Mount }</i>	} Eli Ensign,
<i>Washington</i> ,	
<i>New Marlboro'</i>	Benja. Wheeler,
Edward Stevens,	
<i>Sandisfield &amp; }</i>	} John Picket,
<i>Southfield</i> ,	
Otis,	Eliakim Hull,
<i>Tyringham</i> , Adonijah Bidwell,	
Francis Herrick,	
<i>Great Barrington</i> , Lucius King,	
<i>Egremont</i> , James Baldwin,	
<i>Alford</i> ,	

## NORFOLK.

<i>Roxbury</i> , William Brewer,
Jacob Weld,
Abijah Draper,
Lemuel Le Barron,
Nathaniel S. Prentiss,
<i>Dorchester</i> , Mather Withington,
Daniel Withington,
Lemuel Crane,
<i>Brookline</i> , Stephen Sharp,
<i>Milton</i> , William Peirce,
Jacob Gill,
<i>Quincy</i> , Thomas Greenleaf,
<i>Braintree</i> ,

*Weymouth*, Christopher Webb,  
*Cohasset*, Thomas Lothrop,  
*Dedham*, John Endicot,  
           Samuel H. Deane,  
           Jonathan Richards,  
*Needham*, Daniel Ware,  
*Medfield & }* Johnson Mason,  
*Dover*,  
*Medway*, Moses Richardson,  
*Bellingham*, John Bates,  
*Franklin*, Joseph Bacon,  
           Phineas Ware,  
*Wrentham*, Jacob Mann,  
           Jairus Ware,  
           Samuel Druce,  
*Walpole*, Daniel Kingsbury,  
*Foxborough*, Seth Boyden  
*Sharon*, Enoch Hewins,  
*Stoughton*, Samuel Talbot,  
*Canton*, Joseph Bemis,  
           Lemuel Whiting,  
*Randolph*, Micah White.

## YORK.

*York*, Elihu Bragdon,  
           Joseph Bradbury,  
           Joseph Weare,  
*Kittery*, Mark Adams,  
           William T. Gerrish,  
*Elliot*, Samuel Leighton,  
*Wells*, Nathaniel Wells,  
           John Storer,  
           Joseph Moody,  
           Nahum Morrill,  
           John U. Parsons,  
*Arundel*, Tobias Lord,  
*Biddeford*, Jeremiah Hill,  
*Berwick*, Richard F. Cutts,  
           Joseph Prime,  
           William Hobbs,  
           Benjamin Greene,  
*Lebanon*, David Legro,  
*Sandford*, Sheldon Hobbs,  
*Alfred*,

*Lyman*, John Low,  
*Phillipsburgh*, Isaac Lane,  
*Waterborough*, Henry Hobbs,  
*Shapleigh*, Josiah P. Woodbury,  
           John Bodwell, jun.  
*Newfield*, Josiah Towle,  
*Parsonfield*, James Bradbury,  
           Simon Marston,  
*Cornish*, Jonah Dunn,  
*Limerick*,  
*Limington*, David Boyd,  
           Walter Hagens,  
*Buxton*, Gibbens Elden,  
           Brice Boothby,  
*Saco*, Joseph Morrill,  
           William Moody,  
           Benjamin Pike,

## CUMBERLAND.

*Portland*, Joseph Titcomb,  
           George Bradbury,  
           Matthew Cobb,  
           Joseph H. Ingraham,  
           Isaac Adams,  
           Enoch Prebble,  
*Falmouth*, John Jones,  
           James Morrill,  
           James Merrill,  
           Nathaniel Hatch,  
           Jonathan Sparrow,  
*Cape Elizabeth*, Silvanus Higgins,  
*Scarborough*, William Hasty,  
           George Hight,  
*Gorham*, Lothrop Lewis,  
           David Harding,  
           Dudley Folsom,  
*Standish*, Simon Moulton,  
*Windham*, Josiah Chute,  
*Gray*, Eliab Latham,  
*North Yarmouth*, Ammi R. Mitchel.  
           Edward Russell,  
           John Lawrence,  
           Cushing Prince,  
*Pownal*,

*Free Port*, Samuel Hyde,  
*Brunswick*, Robert D. Dunning,  
*Durham*, Secomb Jordan,  
*Harpswell*, Stephen Purrinton,  
*New Gloucester*, Joseph E. Fox-  
 croft,

*Pegypscot*,  
*Poland*, Robert Snell,  
*Minot*, Nicholas Noyes,  
*Raymond*, George Small,  
*Baldwin*,  
*Bridgetown*,  
*Harrison*,  
*Otisfield*, Daniel Holden.

## LINCOLN.

*Wiscasset*, Jeremiah Bailey,  
 Robert Elwell,  
*Woolwich*, John R. Stinson,  
*Dresden*, Obediah Haynes,  
*Alna*,  
*Whitfield*, Joseph Bailey,  
*Jefferson*, Thomas Trask, jun.  
*New Castle*, John Farley,  
*Edgcomb*, Thomas Cunningham,  
*Boothbay*, William M'Cobb,  
*Bristol*, James Drummond,  
 William M'Clintock,  
 Aaron Blaney, jun.  
*Nobleborough*, David Dennis,  
*Waldoborough*, Joseph Ludwig,  
 Benjamin Brown,  
*Friendship*,  
*Cushing*,  
*St. George*, Hezekiah Prince,  
*Thomaston*, Isaac Bernard,  
 Ezekiel G. Dodge,  
*Warren*, Cyrus Eaton,  
*Cumden*, Farnham Hall,  
 Joshua Dillingham,  
*Hope*, Fergus M'Clain,  
*Union*, John Lermond,

*Putnam*,  
*Palermo*, Daniel Sandford,  
*Montville*, Joseph Chandler,  
*Georgetown*, Mark L. Hill,  
 Lewis Thorp,  
*Bath*, Samuel Davis,  
 Jonathan Hyde,  
 John Richardson,  
*Topsham*, Actor Patten,  
*Bowdoin*, Moses Dennett,  
*Bowdoinham*, James Maxwell,  
*Lewiston*, Aaron Dwinel,  
*Lisbon*, James Small,  
*Litchfield*, John Neal,  
 John Smith.

## KENNEBECK.

*Augusta*, Samuel Cony,  
 George Crosby,  
*Hallowell*, Thomas Agry,  
 Peter Grant,  
*Gardiner*, Samuel Jewett,  
*Monmouth*, Abraham Morrill,  
*Greene*, Luther Robbins,  
*Leeds*, Daniel Lothrop,  
*Winthrop*, Andrew Wood,  
*Readfield*,  
*Wayne*, Moses Wing, jun.  
*Fayette*, Ezra Fisk,  
*Mount Vernon*, John Hovey,  
*Belgrade*, Moses Carr,  
*Sydney*,  
*Waterville*, Eleazer W. Ripley,  
*Rome*,  
*Vienna*,  
*New Sharon*, Thomas Fields,  
*Chester ville*,  
*Farmington*, Nathan Cutler,  
 Timothy Johnson,  
*Temple*,  
*Wilton*, Samuel Butterfield,  
*Pittston*, David Young,

*Nassalborough*, Samuel Redington, *Industry*,  
 Benjamin Brown, *New Vineyard*,  
*Winslow*, Joshua Cushman, *Strong*,  
*Harlem*, *Avon*,  
*Malta*, *Emden*,  
*Saifaxe*, *Freeman*,  
*Clinton*, Asher Hinds, *New Portland*,  
*Unity*, *Madison*,  
*Cornville*,  
*Solon*,  
*Athens*,  
*Harmony*,  
*Palmira*,  
*Fairhaven*.

## OXFORD.

*Paris*, Elias Stowell,  
*Hebron*, Alexander Greenwood,  
*Buckfield*, Daniel Hutchinson,  
*Turner*, George French,  
*Livermore*, Samuel Livermore,

William H. Brettun,

*Hartford*, David Warren,  
*Summer*, Simeon Barrett, jun.

*Norway*, Joshua Smith,  
*Fryburgh*, John McMillan,

*Hiram*,  
*Brownfield*, Joseph Howard,

*Denmark*,

*Porter*,

*Lovell*,

*Waterford*, Calvin Farrar,

*Albany*,

*Bethel*, Moses Mason,

*Jay*, Moses Stone,

*Dixfield*,

*Rumford*, William Wheeler,

*Gilead*,

*Newry*,

*East Andover*.

## SOMERSET.

*Norridgewock*, Calvin Selden,  
*Canaan*, Eleazer Coburn,

*Fairfield*,

*Anson*,

*Starks*,

*Mercer*,

## HANCOCK.

*Castine*, Otis Little,

*Penobscot*, Samuel Farnum,

*Orland*,

*Buckstown*, Jonathan Buck,

Joseph Lee,

*Orrington*, Enoch Mudge,

*Eddington*,

*Ellsworth*, Moses Adams,

*Surry*,

*Blue Hill*, Reuben Dodge,

*Sedgwick*, Thomas Doyle,

*Trenton*,

*Sullivan*, Paul D. Sargent,

*Gouldsborough*,

*Eden*, Cornelius Thompson,

*Mount Desert*, Davis Wasgatt,

*Deer Isle*, Ignatius Haskell,

Pearl Spafford,

*Emallhaven*, William Vinall,

*Isleborough*,

*Lincolnville*, Ephraim Fletcher,

*North Port*, Cornelius Rhoads,

*Belfast*, Thomas Whittier,

*Prospect*, Henry Black,

*Frankfort*, Abner Bicknell,

Alexander Milliken,

*Hampden*, Seth Kempton,  
*Bangor*, James Carr,  
*Orono*,  
*Dixmont*,  
*Corinth*,  
*New Charleston*,  
*Exeter*,  
*Garland*.

*East Port*, Oliver Shead,  
Lewis F. De les Denier,  
*Calais*,  
*Robbinston*,  
*Jonesborough*,  
*Addison*,  
*Columbia*,  
*Harrington*,  
*Steuben*.

## WASHINGTON.

*Machias*, Ebenezer Inglee,

---

Charles P. Sumner, *Clerk*.  
Rev. Elijah R. Sabin, *Chaplain*.





# RESOLVES

OF THE

## General Court of Massachusetts.

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

.....

### GOVERNOR'S SPEECH.

.....

REPRESENTATIVES' CHAMBER, JUNE 7.

*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 citizens of this Commonwealth, in the full exercise of their elective rights, having called on us in our respective stations, to promote their prosperity and happiness, have manifested at this critical period, an honorable confidence in our patriotic firmness and exertions. To fulfil their just expectations, will be the height of my ambition: and on your cordial and effectual co-operation, I have the greatest reliance.

The measures, which during the year last past, were adopted by the Executive and Legislative departments of this State,

and which they were solicitous to stamp with impartiality, moderation, and justice, appear to have met the general approbation of the public ; and in most instances, to have allayed that unrelenting party spirit, which when indulged, has never failed (on the ruins of liberty) to establish despotism. But a different system has been pursued by a few of our towns, and in particular by our metropolis ; where of late, "an assemblage" of a majority of her electors, many of them citizens, whose talents, professions, property and influence, have placed them in the most respectable grades of society, and in high offices of government ; have, in the most deliberate manner, "unanimously" passed various Resolutions, too important, in their nature and tendency, to be unnoticed. The publication of these measures, which in no instance have been disavowed, is so marked, as to admit no doubt of their authenticity.

Had this "assemblage" been content, with exercising freely their rights of suffrage ; or agreeably to the Constitution of the United States, "of peaceably petitioning the government for a redress of grievances ;" or in conformity to the constitution of this Commonwealth, "of requesting in an orderly and peaceable manner, the Legislative body, by addresses, petitions or remonstrances, to redress the wrongs done them, and the grievances they suffer ;" no rational objection could have been urged against them. On the contrary, their conduct, if it had even resulted from mistaken zeal, would have been justly applauded. But their open avowal of hostility to the government of the United States, demands of us in support of it, as a sacred official duty, an ingenuous and efficient line of conduct.

The measures referred to, were predicated on assertions "that our ancient and respectable metropolis" "was the first to encourage commercial enterprize." That, this was a great source "of our national prosperity ;" that "its inhabitants have been distinguished by their quick discernment of, and their vigorous opposition to all invasions of their rights ;" that "at the risk of their lives and fortunes, they had opposed the encroachments of arbitrary power," that they had expected "a domestic government which would protect them in the lawful exercise of their rights." That, "amongst these the most invaluable was protection in the pursuit of commerce." That "the government of the United States has for many years past, manifested a disposition alarmingly hostile to commerce," but *most eminently* by the late act of Congress ; which under certain pretexts, "inflicts a deadly wound on our commerce ;" That, "the only remedy short of an appeal to force



is to change our national rulers;" and that, "this important measure can only be effected by a correspondent change in the administration of this State."

In regard to these positions, it is presumed, that this "assemblage" will not assume *all* the merit of encouraging commerce, or of opposition to the invasion of our rights, or of opposing, at the risk of life and fortune, the encroachments of arbitrary power; but, will admit its fellow citizens of the metropolis, and of the state, to equal honour with themselves on those subjects; and it is believed, that "the assemblage," in whatever light it may view the Federal government, will not deny the *sovereign right* of its fellow citizens of the United States, to exercise their judgments on the conduct of that government; to declare their conviction, that it is a wise, just, impartial and patriotic government; and their testimony, that instead of inflicting, it has warded off by every possible mean, a deadly blow, aimed by foreign powers on our commerce; and to applaud, revere, and support their government, in opposition to those who have proclaimed their disaffection to it, have proscribed it, and doomed it to destruction.

The "assemblage," in their first resolution, declare, "that having reviewed with impartiality our foreign relations, they are unable to discover any alteration in the conduct of foreign nations, which can justify, or even apologize, for the late measures of the government of the United States." Admitting the fact, that "the assemblage" could not "discover any such alteration," still it may have existed; and it did exist, in regard to France, in the opinion of the *sole* constitutional judge, the National government; and generally of the State governments. The measures alluded to, were the President's proclamation of the 2d of November last, and the act of Congress of the 2d of March last. And when it is considered, that the Emperor of France by his official declarations of a revocation of his Berlin and Milan decrees, had rendered indispensable that proclamation; that the neglect to issue it, would have given just cause of offence to the Emperor, and have hazarded a war; that had this been the result, no apology could have been offered for the President, that even if the Emperor had been *strongly suspected* of intentional perfidy, the proclamation was wise and politic; as it was revocable in such an event, and would thus have placed him *conspicuously* in the wrong. When these things are considered, where was the impolicy or injustice of issuing the proclamation, or of renewing our commerce with France? But have the United States and Great Britain, or

either of these powers, authorized this "assemblage" to be their umpire? If not, by what authority did it sit in judgment on the relative measures of the two nations? It constitutes, perhaps, one part in four hundred of the federal electors; and is so small a portion to govern the whole? The assemblage had a right by the federal constitution, not to pass such resolutions, but "to *petition* for a redress of grievances;" and it is the greatest of all absurdities, and destructive of all order, to admit, that three thousand of our fellow citizens having only equal rights with the rest, can be authorized in proclaiming that our national rulers, in relation to a foreign power, "cannot justify or even apologize for their conduct." Did this "assemblage" manifest "a quick discernment," pending a negotiation on which may rest our future peace, thus to condemn our national government, whilst supporting our just claims: and to encourage a foreign power in unjust demands; which if persisted in will inevitably produce a rupture? Can it, on any ground, justify or apologize for such imprudent conduct? And how will it be viewed when the measures of Great Britain towards us, for a series of years, have been marked by every species of insult, injury, and injustice?

The "assemblage" affirm "that the first flagrant violation of our neutral rights was inflicted by the Berlin decree." This decree was undoubtedly a manifest violation of our neutral rights; but it has been demonstrated to the satisfaction of the federal, and generally of the state governments, that Great Britain, for more than half a century, has carried into effect a maritime rule of her own, which has derogated essentially from our neutral rights, as established by the laws of nations. And it is well known that the armed neutrality, during our revolutionary war, was formed by European powers, for the express purpose of asserting *their maritime rights*, and for opposing the violation thereof, on the part of Great Britain. And of what consequence is it to the United States, which of the belligerents was foremost in depredations? In municipal crimes, there is no discrimination between convicts, whether first or last, in robbing unoffending travellers. And where is the difference, on the land or on the ocean, between a public and private robbery: except, that the former is pre-eminent in criminality.

Again, It is stated, that "no proposal or hope is offered to us, of a restoration of the vast property unjustly surprized by that perfidious (meaning the French) nation." Are the secrets then of our national government, or ought they in regard to

pending negotiations, to be public? If not, how can it be asserted "that there is no proposal or hope for such a restoration?" The government of the United States, on every occasion, *with unrivalled ability*, has contended for our national and individual rights; and is it not surprizing, that the "assemblage" should thus attempt to condemn our national measures, without the least knowledge of them?

The "assemblage" have "resolved" lastly, that they consider "the statute of Congress of the 2d of March last, as an unjust, oppressive and tyrannical act," and that "the only means short of an appeal to force" "to prevent its calamitous effects," "is the election of such men to the various offices in the State Government, as will oppose by peaceable, but firm measures, the execution of laws, *which if persisted in must and will be resisted.*"

The act of Congress of the first of May, 1810, interdicted "from and after the passage of it, every British or French armed vessel," with certain exceptions, "from entering our harbours and waters;" and provided for its ceasing to operate against either of those powers, who should revoke or modify to certain purposes, before the 3d of March, 1811, its obnoxious edicts, and also for continuing in full force against the other power, who should not within three months thereafter revoke or modify her edicts in like manner, certain provisions of "an act to interdict the commercial intercourse between the United States and Great Britain and France." The Emperor of France "officially made known to our Government," that "on the 1st of November, 1810, her obnoxious edicts would cease to have effect; and the President, by his proclamation of the 2d of the same month, discontinued all the restrictions, imposed by that act in relation to France." Great Britain had three months, by the act, to adopt a similar measure, but refused or neglected it; and our Government at the end of four months, by its act of the 2d of March last, carried the interdicting act into effect; and this is the statute, which the "assemblage" have declared "unjust, oppressive and tyrannical," and one of the laws, "which, if persisted in, must and will be resisted."

The "assemblage" having declared as the only means to avoid certain calamities, a change of our government, or the alternative force, (or resistance) makes use of these as convertible terms; and they are such, the definite meaning of resistance, being the "not yielding to force," or opposing force to force. And why must force be opposed to the execution of

these laws ? Because says the assemblage "every citizen had a right to construe the act of the 1st of May, 1810," and "to govern his conduct accordingly ;" and that any law which should have the effect to make his construction a crime, "must be not only an *ex post facto* act, but unjust, oppressive, and tyrannical." This doctrine of the right of every citizen thus finally to construe a law, and to govern his conduct accordingly, is novel ; such authority being invested only in the judiciary. If a person charged with having violated a law, has by due process been convicted thereof and received his sentence ; this will and ought to be carried into effect, his construction of the law notwithstanding. It often happens that a law in some instances operates unjustly, and the effect of it, in such cases, is usually prevented by petitioning the Legislature (whose duty it is) to redress the grievance ; or, by a recommendation, (before sentence) of the judicial court, for pardon of the person convicted. If all defective laws are *ex post facto* acts, because in a few instances they may have operated as such, our national and state codes abound with them ; and every Legislature has been justly chargeable with injustice, oppression, and tyranny. Many laws are of great length and intricacy, and the construction of them by individuals may be right, or wrong, or partaking of both these qualities ; still these constructions according to the opinion of the "assemblage," are to be so many criteria for determining whether the law is an *ex post facto* act, or unjust, oppressive and tyrannical. If every citizen (according to the declarations recited) has a right thus to put his construction, on any law ; to declare other laws, if opposed to that construction, unjust, oppressive and tyrannical ; to preclude by it all supplementary or explanatory laws of the Legislature ; and to resist them by force, our constitutions are nullities, our constituted authorities are usurpers, and we are reduced to a state of nature.

Again, If our national rulers are justly charged as it is stated by this "assemblage," with having passed a tyrannical act, and laws that must and will be resisted, they have rebelled against the sovereignty of the people, are subject to punishment, and have forfeited forever a claim to public confidence. But if the charge is unfounded, if they have conducted agreeably to our national charter, (which is manifestly the general sense of the nation) have not those who have denounced the government of the United States as oppressive, tyrannical and unjust, and who have declared an intention to resist the execution of their laws, unwarrantably, adopted measures, tending

to excite a spirit of insurrection and rebellion, and to destroy our internal peace and tranquility? And is it expected, that a correct and well informed people, will rally round the standard of disaffection, hazard their right of self-government, which they hold by the charter of the God of nature, and present to the world the unparalleled phenomenon, of a sovereign people in rebellion against their own sovereignty? It is believed the people in general of the United States are incapable of such political suicide. And here it may be remarked, that the "assemblage" have been lavish in their encomiums on Great Britain, and in their strictures on France. In respect to the conduct of France, no justification or apology even will be offered; but it may still be inquired, why Great Britain has not availed herself, (as France has done) of the benefits proffered to both, by the liberal act of Congress of 1st May, 1810? She has condemned the French Emperor, for not having been definite in revoking his edicts; and at the same time, in every instance, has refused to revoke her own. If he is culpable for not doing every thing, Great Britain is more so for not doing any thing, required by justice. Why has she not supported her condemnation of him, and raised her own fame, by superior acts of equity and liberality?

Is it, because fearful of the competition of the United States, she is opposed to a *general* renewal of their commerce? Will she only be satisfied by a *monopoly* of this? Is she not convinced, that the mutual interests of the two nations demand an amicable adjustment of their differences? Our government has given unequivocal proofs of an earnest, and ardent desire to obtain that object. But, because of that, does Great Britain expect to draw, or drive us into measures, which, contrary to our essential interest, must involve us in unnecessary war? If so, if she will not listen to her wisest statesmen, but will support an administration inimical to this country, in a system of evasions, pretensions, procrastinations and prevarications, she will too late discover her error; and by enlisting these States in the interest of her adversary, to which all her measures tend, will hasten her national overthrow; and by such a deplorable event, will extend far and wide calamitous consequences.

To diminish, and exterminate, if possible, a party spirit, the Executive of this Commonwealth, during the last year, has confirmed in his place, or re-appointed when requisite every state officer, under its controul, who has been correct in his conduct, and faithful to his trust; disregarding his politics, and requiring only his support of the federal and state consti-

tutions, governments and laws, with a due regard to the rights of officers and individuals subject to his official discretion. But it cannot be expected of any Executive, so far to disregard the sacred obligations of duty and honour, as to preserve in official stations, such individuals as would abuse the influence of their public characters, by sanctioning resistance to law, or by such other conduct, as will beguile peaceable and happy citizens, into a state of civil warfare.

For our metropolis, I have ever entertained an affectionate esteem and respect ; and regret exceedingly, that she has not supported the salutary measures of this government, of the last year. Had this been done, we might have silenced the demon of party discord ; have manifested such an invincible determination to preserve our Union, as would have animated our sister states to similar measures ; and might have destroyed the germ of every hope to sever the United States. Of late years, "the dismemberment of our Union" has been an avowed object in the ministerial papers of Great Britain ; and to effect it, a war has been urged against these states. How mortifying would it be, for any of our fellow citizens, to find that their proceedings unintentionally, had promoted such nefarious designs ; and had thus entailed on them and on their posterity, an indelible stain ? It is seldom admitted as an apology, that individuals, in the adoption of such dangerous means, had laudable and honest views ; or that they possessed fair reputations ; for these circumstances, serving to increase and extend the evil, excite a proportionate degree of public resentment.

Numerous instances of this kind, existed at the commencement of our revolutionary war, and compelled our fellow citizens to exile themselves, and to spend the residue of their mournful days in foreign climes. It is remarkable likewise, that such of late years have been the politicks of almost every commercial metropolis of our sister states, as to have driven from it, the state Legislature. The reasons assigned have been, the influx of foreigners, and a collection in those great seaports, of the declared malecontents of the National and State governments ; individuals, who, with the uniform of Washington, have combatted the fundamental principles of our revolution, as delineated by that revered Patriot.—May our Metropolis, by regaining the high ground which she once held, when Americans throughout Europe were denominated Bostonians, and Boston was considered as "the cradle of liberty," sanctify these walls as the permanent seat of the Legislature ; and firmly support our National and State govern-

ments, our Union and Independence. But although the great body of the people, will always be careful to preserve internal peace, they must be prepared to meet incessant plots to divide and conquer them. And let me, gentlemen, address your reason, not your feelings on this important subject. Who can contemplate, without chills of horror, the dismemberment of our Union, and a civil war? What is to be expected from these concomitant evils? We are now blessed by divine providence above any other nation. We have National and State constitutions, which, by securing the freedom and frequency of elections; by the short tenure of legislative and executive offices; by the requisite qualifications of those in office; by the numerous checks required in free governments; and above all, by the entire dependence of those systems on the sovereignty of the people, are rendered incapable of a sudden change to an arbitrary system of government. We are blessed with the free exercise of our civil and religious rights, with the prompt and due administration of justice—with a country capable of supplying all our wants and wishes—with a flourishing state of universities, and other seminaries of literature and of science in general—with a local situation, distant from the terrific scenes of unprecedented carnage—with an efficient national defence, by a patriotic and powerful militia; rendering unnecessary those expensive military establishments, which are oppressive and dangerous to liberty—with the extension, over the globe, of a lucrative commerce; subject indeed at present, to great and inevitable embarrassments—and with innumerable other benefits. And is it possible for us, by ingratitude of the deepest dye, to that Omnipotent Being who has so favoured us, to violate every moral, religious and political obligation? by destroying the greatest of social enjoyments, *our internal peace and tranquility*; by placing in military array, relatives, friends and fellow citizens, against each other; by exciting them to ungovernable fury; by urging them to profane our temples, to sack and burn our towns, to ravage our country, to lay waste our cultivated and beautiful fields, to strew them with the bodies of our most valuable citizens, to imbrue their hands in the blood of our innocent women and children, and to pursue a forocious warfare, which would extend through the land, plague, pestilence, and famine. This is but a faint picture of a civil war. Ten foreign wars are a luxury, when compared with one civil conflict. At all events, let us preserve peace at home, and wage war, if indispensable, with any nation, however powerful.

My objects, on this occasion, are to bring conviction to the minds of my fellow citizens, who may be in an error; not to wound or ruffle their feelings.—To recommend, Gentlemen, by every mean in your power, the security of the blessings we enjoy—To suggest the necessity of a revision of our laws regulating elections; as well to prevent turbulent proceedings in our primary assemblies, as to ensure the right of ballot; which is a mode secret in its nature, for restraining an undue influence—To invite you to represent truly to our fellow citizens the nature and tendency of our national and state proceedings, and to exhort them to support as the Temple of our Liberty and Independence, the government of the United States.

Let us attend for a moment to the two Great Pillars of our prosperity, Agriculture and Commerce. These are such near relations, as that, the loss of one, will be death to the other. Nothing can be more unwise, than the establishment at home, of a market for the surplus of our produce and manufactures. The choice of foreign marts, for the sale of these, generally enhances, and often doubles their value. If any foreign power should inhibit our commerce with them, let us spurn at theirs, and exert ourselves to be independent of it, by a skilful management of the means we possess. And whilst our towering forests, fertile soils, and rich mines furnish us with ample materials for a navy, and our population with intrepid officers and seamen to man it, let us proclaim from pole to pole, by our naval thunders, that we will defend to the last moment of our existence, our neutral maritime rights, and a commercial intercourse with every friendly nation.

Pursuant to an order of the Legislature of the 27th of Feb. last, I appointed the Hon. Perez Morton, Jonathan Smith, jun. and Thomas B. Adams, Esquires, Commissioners, to repair to the county of Lincoln for certain purposes; and their report will shew, that they have discharged the important trust, with great ability, impartiality and promptitude; and will also present the pleasing prospect, of a speedy and equitable termination of the unhappy disputes, which have arisen from interfering territorial claims in that county.

It is a happy circumstance, and does great honour to our clergy, that there exists among them, a general spirit of religious liberality and tolerance. They advance in the strait road of christianity; which is always strewn with flowers.—Should any, perchance, wander into the devious paths of party politics, the injury will not extend beyond themselves; and



they will soon retreat from the lacerations of briars and thorns, which will meet them at every step.

A late solemn decision, of our supreme judicial court, has limited the right of protestant teachers of piety, religion and morality, to demand the taxes paid by their respective hearers, for the support of public worship, to those of incorporated societies; and has produced a great excitement. This may render indispensable, an attention to the subject; and further provisions, to encourage, by every possible mean, the liberty of conscience in relation to religious opinion, and worship.

The affairs of the State Prison, by the judicial management of the board of visitors, have presented of late a pleasing aspect. The unhappy subjects of that useful institution, have been advantageously employed; the expenses of it have been greatly reduced; and the humane attention of the visitors, with the faithful services of the physician, have been instrumental, in maintaining in the prison, a remarkable state of health.

But the Legislature having taken measures to enquire into and remedy the defects of its original establishment, suggested on a former occasion, have rendered unnecessary further remarks on this subject.

The existing state of our publick concerns, I flatter myself, will present an apology for the time occupied on this occasion; and I shall communicate by message, the documents referred to in this address, with other matters which may require your consideration.

And now Gentlemen, I shall take my leave of you for the present; with an ardent prayer to Almighty God, that an inviolable attachment to the peace, happiness and welfare of our country, may banish forever from our breasts, a party spirit; and induce us all, in the full exercise of every christian, moral and social virtue, to embrace each other, as fellow citizens, as friends, and as brethren.

E. GERRY.

## ANSWER OF THE SENATE.

MAY IT PLEASE YOUR EXCELLENCY,

THE Senate congratulate you upon your re-election to the office of Chief Magistrate of this Commonwealth. It is undoubtedly the sacred duty of rulers honoured with the confidence of their fellow citizens, and selected by them as the guardians of their rights, to be firm in protecting, and zealous in promoting, their prosperity and happiness. From the long established and high reputation of your Excellency for undeviating patriotism and pre-eminent talents, our fellow citizens have the highest assurance, that the measures of your administration will be such as to fulfil their just expectations; and the Senate assure you, that in effectuating this desirable object, you may rely upon their constant cordial co-operation.

From the impartiality and moderation manifested by all branches of the government during the year past, hopes were entertained, that party spirit so destructive to all friendly intercourse between citizens of the same community, and by the unhappy influence of which our liberties may eventually be jeopardized, would be allayed, and that a rational confidence would thereby have been created in the rulers of our state government. The Senate sincerely regret that these expectations have not been generally realized, and that any of our fellow citizens, either from a deadly hostility to the administration of our general government, or distrusting the patriotism of those who administered our state government the year past, have by measures extraordinary in their nature, and dangerous in their tendency, endeavoured to excite resistance to laws constitutionally enacted, and have called upon our fellow citizens to elect to office, men who would aid in these nefarious projects.—The constitutional right of assembling, and in a firm and dignified manner, by petitions, addresses, or remonstrances, of applying to our rulers for the redress of wrongs

done them, and of grievances they suffer, is not denied ; but no constitutional right is given to the citizens of assembling and anathematizing their rulers and the measures and laws of their government, and of declaring to the people that the laws are tyrannical and unconstitutional, and "if persisted in, must and will be resisted."

A justifiable resistance to the execution of laws made by the constituted authorities of a government, presupposes such a depravity, usurpation and rottenness in the government, as will justify even its utter subversion. When the distinguished citizens of our metropolis, "of the first talents and grades in society," and "in high offices of government," to whom the good people of the Commonwealth have heretofore been taught to look for correctness in principle and practice, by any measures or for any purposes whatever, have inculcated sentiments and advanced principles which in their nature and tendency destroy all rational confidence in the measures and in the officers of our government, and which may excite insurrection and rebellion, and destroy the bonds of our Union, it became the imperious duty of your Excellency to guard the peaceable citizens of the Commonwealth against their baleful influence.

The conflicts of the two great belligerents in Europe have of late years affected the whole civilized world, and their aggressions upon our neutral rights have been such, as to call for measures from our government, as novel and various in their nature, as were the evils against which they were intended to guard. While our national rulers are struggling for the preservation of peace, and our neutral rights, it is the duty of every citizen to give them his support in all their reasonable endeavours to uphold the rights of the nation abroad, and to foster its best interest at home; and the Senate assure you, sir, that they have a firm confidence in their patriotism, talents and integrity, and from the recent election in this state, they infer that their sentiments are in unison with those of a great majority of the people of this Commonwealth.

Your Excellency's able and lucid exposure of the dangerous tendency of the resolutions passed by the citizens of the metropolis, receives the cordial approbation of the Senate ; and while the elective franchise remains, they have a firm confidence that the people of this Commonwealth, cannot be excited by any consideration whatever to resist the execution of laws constitutionally made.

Your feeling picture of the horrors of a civil war, and pathetic description of the many local, political, civil and religious

advantages, rights and privileges enjoyed by the people of this country, cannot but bring conviction to the mind of every one, of the imperious necessity of preserving our peace at home, and of being united in the support of whatever measures the general government may adopt to prevent a foreign war. But should our government be compelled to take part in a defensive war, the riches and resources of our country, the valour and patriotism of our citizens, are sure guarantees of our final success, let the conflict be with what nation it may. The Senate accord in the sentiments advanced by your Excellency, respecting "continuing in office individuals who sanction resistance to law"—and we are fully of opinion, that duty and honour forbid any executive to continue in office, men, who abuse the influence of their public stations, by employing it to excite unreasonable animosities in the minds of their fellow citizens towards those who constitutionally administer their government.

It is a subject of regret, that the metropolis of Massachusetts, once considered the "cradle of American liberty," should at this time, in consequence of the influx of foreigners, and the declared malcontents of the national and state governments, have become the echo of foreign opinions, in opposition to the principles of our revolution, the laws and the constitution of our country.

As your Excellency intimates, the time may come when the Legislature, from considerations of a public nature, and in obedience to the call of public opinion, may be driven from these walls; for the situation of a Legislature becomes extremely embarrassing in a town where its members are in frequent collisions with citizens whose sentiments are not congenial with their own, either as to the measures of the state or national government, and where they are continually assailed with the most opprobrious language towards the rulers of both governments.

Freedom in elections is guaranteed to the people by the constitution, and upon its purity depend our republican institutions—It is therefore the duty of a wise legislature to guard against abuses as they occur, by enacting such laws as will secure to the citizen the privilege of exercising that right free from restraint or undue influence. This important subject will undoubtedly receive the early attention of the Legislature.

The Senate are deeply impressed with the importance of securing to the citizens the equal protection of the law, in rela-

tion to "religious opinion and worship," and we will cordially co-operate in any measures which may be thought necessary to effect this object, and to quiet the reasonable apprehensions of any portion of our fellow citizens.

A spirit of religious tolerance among the clergy has undoubtedly the happiest effect in extending true christianity; and while some clergymen among us by their piety, the purity of their manners and a strict adherence to their vocations, have honoured the cause they profess, others have of late, to their great dishonour, "wandered into the devious paths of party politics," and thereby brought reproach upon christianity itself.

The Senate receive with great pleasure, the intimation from your Excellency, that the late unhappy disputes respecting territorial claims in the county of Lincoln, are by the exertions of the Commissioners appointed for that purpose, like to receive a speedy and equitable termination.

Few objects, for some time past have been considered by the Legislature of more importance than the situation of the State Prison, not only on account of the advantages derived from its establishment, but also from the great expence incurred in its support, and the Senate are highly gratified to be informed that the expenses have been greatly reduced, and they will cheerfully give their aid in promoting any measures which may be thought necessary to secure all the advantages which the public reasonably expect from this institution.

Any further communications which your Excellency may see fit to make to the Senate shall receive all that consideration and attention which their nature and importance may require.

*In Senate, June 15, 1811.*

Read and accepted, and ordered that the same Committee who reported it (Hon. Messrs. Walker, Blake, and Parker) present the same to his Excellency the Governor.

SAMUEL DANA, *President.*

## COMMONWEALTH OF MASSACHUSETTS.

*In the House of Representatives, June 13, 1811.*

The following answer to the Speech of His Excellency, was read, considered and approved. And thereupon it was ordered that Messrs. Bangs, Mills, Crowninshield, Hill, and 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,

WITH sensations of pleasure, the House of Representatives meet your Excellency, elected a second time to fill the high office of Governor of the Commonwealth. Bad men may attain power by force or fraud, and weak men may inherit it; but to rule in the confidence and affections, and by the suffrages of a free people, is that honour which a wise man can never despise. Mankind can present no scene more interesting, or more dignified, than the assemblage of a numerous people, by their Representatives, in harmony with their chosen chief, to make and modify their laws. Whatever lustre history reflects upon men in ancient times, is where she exhibits their virtues and their energies, under free, republican governments. Sciences and the arts, all the sublime virtues, and even rational religion, are their produce, and flourish in free states, as in their natural clime. Transport them to regions of despotism, they degenerate and fade. The bright light and generous warmth of a free spirit are necessary to their vigorous growth.

Ancient republics were either pure democracies, or mixtures of such with parts of aristocracy. Calculated, in their small beginnings, for the government of single cities, or confined territories, they were sure to flourish and increase at first, and as sure to fall into decay, by their very increase, and go to destruction by the extent of their own power—because they wanted representation. To what extent a representative democracy may spread itself, has never been fairly tried; nor how long it may exist. To the people of the United States, is given a glorious opportunity to prove that man may yet make further advances in the art of civil government. Under our constitutions we continue to enjoy, in an eminent degree, all the advantages for which government was designed. Why should any men be found so bigotted to the old school, as to think of changing such constitutions to a government more, supposed, energetic? But all republics, it has been said, have undergone revolutions and come to their end. And so have all monarchies. So all men have died—Yet suicide is a folly and a crime.

If it be true that good and evil are so combined, that no good can be obtained without its proportionable concomitant evil—If it be true that party spirit, seen in all governments, is more apparent and more violent in proportion to the degrees of liberty enjoyed; and if it be true that the government most free, is best—then may we console ourselves, that we have the government the best and most free that ever was known among men. That different minds should have different views of things, and different modes of thinking and reasoning; and that this difference should most manifest itself in that state of society where the mind is most free, is neither a subject of surprise or regret.—But when men inveigh against every measure of government, for a series of years, without a solitary instance of approbation, then we suspect that this is not from a difference of opinion, but a party spirit. \*When they call aloud for particular measures, and disapprove of the same, as soon as the administration has adopted them, we believe this to be from a party spirit. When they change both principle and practice, and profess and act on principles they once professed to abhor, we know that this is from party spirit. When they judge the same point differently, at different times, as seems to make for the immediate interest of their party, we charitably hope that this is not done wilfully and knowingly, but in the blindness of prejudice and spirit of party. This spirit is the common contagion among political men. No

condition escapes it. Often, those most disciplined in the school of morality, and government of the passions, while attempting to pluck out the mote from their brother's eye, exhibit a beam in their own. The excesses of this spirit on one side are apt to inflame the other. It shall be the serious endeavour of the House of Representatives to guard their minds against it. It is important that the citizens of a state where the mind is left free to think and speak on subjects of religion and politics, should cherish in their hearts a generous benevolence. While party preserves itself within the *essential rule of submission to the majority, and laws constitutionally made*, every freedom of reason and of speech, consistent with the rights of character of individuals, should be tolerated with good humour. But should the leaders of any party so far forget the character of Americans, as to encourage a riotous, rebellious and forcible opposition to constitutional laws and threaten a dissolution of the Union, it will then be time to "*frown indignantly*" upon these men—And should such profess themselves the disciples of Washington, we could not avoid comparing them with those loudly professed disciples of Jesus Christ, who slander, bite and devour, and in all their conduct deny the true spirit of the gospel. When popular phrenzy and mad insurrection of any part of the people against their own government is excited by mere demagogues of no standing and no talents but that of the tongue, the evils produced are not lasting, and threaten no final subversion of government and change of constitution. But when men "*whose talents, professions, property and influence have placed them in the most respectable grades of society, and in high offices of government,*" become so blinded, by a maniac spirit of party, as to forget all their former better knowledge, and employ all the arts, powers and influence, of which they remain masters, in promotion of principles and practices which they once abhorred, and which no sober man can justify, the crisis becomes alarming, and calls on all the friends of union, government and laws, without regard to party, to express in bold and decided terms, their firm determination to support the constituted powers, their own agents freely and frequently elected by a strong majority of the people; and declare that a small minority "*must and will*" submit.

The recent proceedings of "*an assemblage of citizens*" in the metropolis of the state, have excited universal regret in the minds of our fellow citizens. The right of the people to



assemble to petition for the redress of any supposed grievances, and to express with decorum and dignity, their sentiments, circumstances and situations, cannot be denied. But when, instead of availing themselves of this right, for these objects, men respectable for their property and influence, associate for the purpose of declaring that laws constitutionally enacted "must and will be resisted," all good citizens are alarmed at the temerity of their proceedings. A view of the situation we should be placed in, were such examples frequently to be before us heightens our apprehensions. If it be right to declare that one law "*must and will be resisted*" the same right will extend to all laws. If it be correct for one "*assembly of citizens*" to adopt and publish sentiments of this description; then with *others it will be equally correct*. And where are we to stop in this career of anarchy and confusion? It is astonishing, that the metropolis, which, from its opulence, has the greatest possible stake in the preservation of social order, should start with so much energy in the career of disorganization. And the united sentiment of the community must be directed with peculiar gratitude to your Excellency, who, acting upon your high responsibility, have, with so much dignity, afforded the weight of your patriotism, influence and character to save the Commonwealth from an example so pernicious and abhorrent.

Many mutual advantages are derived to town and country, from placing the seat of government in the chief maritime town. And it would be a circumstance much regretted, if any unfair use of these advantages on the part of the capital, or if any proceedings in their "*assemblages*," tending to irritate popular feeling, and produce unpleasant collisions, should make it necessary to remove their sessions from within "*these walls*."

Since the mighty strifes between Rome and Carthage, never has the old world been placed in a condition like the present. While two colossal nations struggle for existence and empire, surrounding states are trodden beneath their disregarding feet. The law of nations, and the maritime law, the pride and prosperity of Europe, the noblest productions of civilized man, are, perhaps, for a long time lost to the world. Man has descended and gone back to the practices of pirates and barbarians. The people of Europe, and nearest nations of Asia and Africa, seem to be expecting a mighty master in the final conqueror, and a new Roman empire. But to us it is consoling, that the Roman, the Grecian, and the empire of China, have

always had their bounds; and the earth has been found too large for the grasp of a man however great and ambitious. It does not become America to place herself instead of a Divine Providence to direct the concerns of distant nations. Our distance, the nature and extent of our territory, our internal resources, rapid increase of population, and the always superior bravery and constancy of freemen, place us beyond the fear of any considerable ill effects from the result of European wars. We prefer the words of Washington—"In them we have none, or a very remote concern."

Men of various employments have come together under our social compact. Of these the principal are agricultural, manufacturing and mercantile. To protect all these, and especially to protect the persons of our fellow citizens from foreign rapacity and captivity, according to the power and means enjoyed by the nation, is certainly the nation's duty. Yet not always by a hasty temper of war for every aggression. Not always by a vain declaration of war against nations beyond our reach. But by adopting, sometimes, in preference, such measures as may have a tendency to bring back, by a feeling of interest, the violator to the practice of justice. When two belligerents have done us wrong; it seems at first view even degrading to ask which wronged us first. Yet to a government, whose genius is more civil than military; a nation disposed to pass by former injuries, provided it can prevent their repetition, and secure justice for the future; it is not always uninteresting to search for the root of the evil it is attempting to cure. Hence men of different political persuasion have gone far into the field of facts, with various disputation and denial; into facts, since the event of which, nations undergoing revolutions feel not so strongly a national responsibility. May we not determine the point in a way more short, more certain and infallible? Has our government made repeated offers of friendship and commerce with that power which would cease to violate our neutral rights, accompanied with *promises* of non-intercourse with the other, until it should consent to do the same? Did the English plenipotentiary, Erskine, accept this offer? The question is not now, whether he was authorised; but whether the terms were more than just? If not, then England would not recall her unjust orders in council and blockades; not because our non-intercourse with France, in case of her non-compliance, would not be as effectual against the trade of her enemy as all her cruising ships; but because she feared France would also repeal her decrees, and thus res-

tore our rightful trade with both. Have our government made a later, similar, equal offer to both nations? Has France declared her acceptance, provided we, with good faith, keep our promise of non-intercourse with England, till she also complies? We consider this proviso as an insulting doubt of our national faith and firmness. And shall we justify this doubt, and break our own faith and promise, because we fear in turn that the Emperor of France may not keep his promise? No—Though all nations should be false, let America be true. No dishonour attaches to a nation deceived by a direct breach of faith. We believe that the people of the United States have too much common sense to prefer the scraps of a skulking commerce, preyed upon by all nations, to a probable free trade with continental Europe, and a hope at least that England, finding us firm and persevering in our prudent and peaceful policy, may discover it to be her true interest, as well as honour, to return to that regard to law and justice, which formerly secured to her the confidence of nations, and raised her to high pre-eminence in glory and power. To that justice without which the world must rather rejoice in her desolation.

The whole history of America has given convincing proof of a benevolent Providence, deducing good from seeming evil. And have we not now reason to expect that the manufacturing spirit, encouraged by the embarrassments on our commerce, may yet, in a national view, more than compensate for all the evils, which we are sorry to see so many of our fellow citizens now suffering from those embarrassments. For next to husbandmen, from what class can we expect to find more strong and brave soldiers in war, and virtuous citizens in time of peace, than from our industrious mechanics and manufacturers; and what can tend to make us more an independent nation, free from foreign influence, than an industry and ingenuity which can supply us with all the necessities and elegancies of life from our own resources. We wish always to see our agriculture and commerce aiding each other; while we cannot but rejoice to observe our farmers paying attention to a greater variety of produce, wanted in manufactures, and always finding a ready sale at home; promoting internal commerce, and lessening the necessity of importations. Surplus productions from our soil, fisheries and manufactures, we expect to have. "*To establish,*" for these, "*a market at home,*" suffering nations to come and purchase, "*who inhibit our commerce with them,*" would certainly be most "*unwise.*" And if any nations persist in attempts to prevent our resort to

what markets we choose, we "*spurn all commerce*" with such nations, we can live "*independent of them.*" And if this produces war we have no reason to fear. We have "*towering forests,*" "*fertile soil,*" "*rich mines,*" "*ample materials for a navy,* and *intrepid officers and seamen to man it.*"

The laws regulating elections are fundamental and of primary importance in every republican state. Their violation, whether by the fraud, unjust influence and partiality of officers concerned in them, or by open riot and "*turbulent proceedings in our primary assemblies,*" or ungenerous influence of the wealthy over the poor, by a too open ballot, are in the nature of high treason against the sovereign people. The House of Representatives will not fail to pay due attention to the suggestions of your Excellency on this subject.

We bless God for our rights of conscience, and "*that there exists a general spirit of liberality and tolerance*" both among our people and clergy; and a willingness to secure, by wholesome laws, these sacred rights to all. If any of that venerable order, which the people always wish respect, should "*perchance, wander into the devious paths of party politics,*" they will soon discover their own impotence; and regret the loss of that usefulness, which it was their duty to preserve.

To secure justice by good laws and an impartial administration of them; to promote and diffuse knowledge and morality by seminaries of learning and wise public institutions and a free press; to encourage a national republican spirit, by banishing all regard for the tinsel titles and trappings of monarchy and aristocracy; to foster a sacred regard for our state and national constitutions, dreading their infringement, and fearing the very approach towards their confines, these are the first care and the first duties of the Representatives of the free people of this state: and though on this occasion we have thought it necessary and not improper to follow your Excellency, in expressing our confidence in our constituted national authorities, and determination to support a union so dear to every true American; yet in all their proceedings, the House of Representatives will strictly confine themselves to subjects within their own state legislation, and state concerns; leaving the management of national and foreign affairs to that President and Legislature of the whole nation, to which they belong.

# RESOLVES.

June, 1811.

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## I.

*Resolve for an additional Notary Public in the county of Norfolk. June 4, 1811.*

*Resolved, That an additional Notary Public be appointed in the county of Norfolk, to reside at Dedham.*

## II.

*Resolve for an additional Notary Public in the county of Lincoln. June 4, 1811.*

*Resolved, That there be an additional Notary Public appointed for the county of Lincoln, to reside at Bath in said county.*

## III.

*Resolve for granting a tax for Bristol county. June 5, 1811.*

Whereas the Treasurer of the county of Bristol, has laid his accounts before the General Court for examination and allowance, which accounts have been examined and allowed, and the Clerk of the Court of Common Pleas for said county has exhibited an estimate made by the Justices of said Court of the necessary charges likely to arise within the said county the year ensuing, amounting to two thousand dollars. Therefore,

*Resolved, That the sum of two thousand dollars be, and the same is hereby granted as a tax for the county of Bristol, to be apportioned, assessed, paid, collected and applied for the purposes aforesaid, according to law.*

## IV.

*Resolve directing the Committee on the pay roll to make up the pay of the Representatives from Gloucester and Wal-doborough, in 1810. June 7, 1811.*

*Resolved*, That the Committee on the pay roll be directed to allow and make up the pay of the Representatives from the towns of Gloucester and Wal-doborough, according to their request.

## V.

*Resolve establishing the pay of the members of the Council and General Court. June 7, 1811.*

*Resolved*, That there be allowed and paid out of the public treasury, 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. *Provided*, That the attendance of the Representatives after the first twenty days shall be charged to the respective towns, which they represent, and no more, any law, usage, or custom, to the contrary notwithstanding.

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

## VI.

*Resolve on the petition of Elenor Southgate, authorising Daniel M'Farland to execute a deed. June 7, 1811.*

On the petition of Elenor Southgate, widow of John Southgate, late of Leicester, in the county of Worcester, deceased, Sally Southgate, child and heir of the said deceased, Jonathan Earle, and Samuel Watson, 2d. of said Leicester, guardians to all the minor heirs of the said deceased, viz. Harriot, Eliza, and George W. Southgate, praying that Daniel M'Farland, administrator *de bonis non* on the estate of the said deceased, may be authorised to make and execute a good and sufficient

deed of conveyance of five acres of land, lying in said Leicester, to Henry Morse.

*Resolved*, That for reasons set forth in said petition, that Daniel M'Farland, administrator *de bonis non* as aforesaid, be, and he is hereby authorised and empowered to make and execute a good and sufficient deed of conveyance to the said Henry Morse, his heirs, and assigns forever, of the said five acres of land, as described in said petition.

## VII.

*Resolve granting Oliver Paddock \$100. June 7, 1811.*

On the petition of Oliver Paddock, of Brookfield, in the county of Worcester.

*Resolved*, For the reasons set forth in the said Oliver Paddock's petition, that there be allowed and paid to him out of the treasury of this Commonwealth, the sum of one hundred dollars, as a compensation for his expenses and extraordinary services in detecting George Holbrook, and causing him to be recognised to appear and answer before the Supreme Judicial Court on certain charges of having committed divers frauds and forgeries.

## VIII.

*Resolve on the petition of Eunice Shepard. June 8, 1811.*

On the petition of Eunice Shepard, widow of Elisha Shepard jun. late of Wilbraham in the county of Hampshire, deceased, guardian of Thomas Jefferson Shephard, Delphia Shepard, and Delphina Shepard, minors, and children of said Elisha Shepard, deceased, and Levi Bliss jun. of said Wilbraham, and Statira his wife, and Benjamin Pearson, of Ludlow in said county, and Betsy his wife, stating that the said Elisha contracted with Samuel Lyman Esq. now deceased, to purchase of him a farm in said Wilbraham, lying near Nine Mile Pond, bounded east on land of Reuben Sikes, south on a road, and on land of John Glover and James Shaw, west on land of Moses K. Bartlett, and north on land of Leonard Miller and Chauncy Brewer, containing about two hundred acres, that the said Samuel in his life time made his bond, conditioned that if said Elisha or his heirs should pay the contents of his note to said Samuel, for four hundred and twenty-five dollars and

interest annually, that he would convey said farm to said Elisha, his heirs or assigns, and that said Elisha and Samuel, both deceased before payment of said note or executing said deed, and that the only surviving heirs of said Samuel Lyman, are Mary Lyman and Samuel Lyman, which said Samuel is a minor under the age of twenty-one years, and that the said Mary and Bezaleel Howard, the guardian of the said Samuel, are willing to convey all the right of said Samuel Lyman, deceased, upon payment of the money due on said note, and praying that for reasons set forth in said petition the said Bezaleel Howard may be authorised to convey all the interest of said Samuel Lyman, the minor, to Noah Merrick of said Wilbraham.

*Resolved*, That the said Bezaleel Howard, guardian of said Samuel Lyman, be, and he is hereby authorised to sell and convey by sufficient quitclaim deed duly acknowledged and recorded, all the interest of the said Samuel Lyman, said minor, in the said premises to him the said Noah Merrick: *Provided*, the said Noah shall pay and satisfy the full contents of the said Elisha's note to said Samuel Lyman, deceased, and annual interest, and the said Mary shall also convey all her interest in said land to said Noah: *And provided further*, that he the said Noah Merrick, shall first give bond to the Judge of Probate for the county of Hampshire, for the time being, and his successors in said office, in a sum and with sureties to the satisfaction of the said Judge, with condition that he will and shall pay over to the said minor children of said Elisha Shepard, to wit, Thomas Jefferson, Delphia, and Delphina, three fifth parts of the surplus of the purchase money of said farm, said purchase money being in the whole eleven hundred and twenty-five dollars, deducting therefrom the said sum so due to said Samuel Lyman, and to pay the same three fifths parts of said surplus with the interest thereof as he shall be ordered by the Judge of Probate for said county for the time being.

## IX.

*Resolve on the petition of Jonathan Plympton for a new note.*  
June 10, 1811.

On the petition of Jonathan Plympton, administrator on the estate of Moses Allen, late of West Boylston in the county of Worcester, deceased, setting forth that the said Allen in his life time was possessed of a State note, No. 471, for the sum of eighty-seven dollars and twenty-six cents, dated January 16,



1804, which said note has been lost or stolen, and praying that the same may be renewed.

*Resolved*, for reasons set forth in said petition, That the Treasurer of this Commonwealth be, and he hereby is directed to issue a new note for the same sum and of the same number and date bearing interest at five per cent. per annum to the said Jonathan in his said capacity, he the said Jonathan first giving bond to the satisfaction of said Treasurer, conditioned to indemnify the Commonwealth from all demands which may hereafter arise on account of the note lost as aforesaid.

## X.

*Resolve on the petition of Stephen Clark, empowering the Supreme Judicial Court to remit so much of a judgment as they may deem just. June 11, 1811.*

On the petition of Stephen Clark, of Clarksburg, in the county of Berkshire, praying for relief from a judgment rendered against him at the Supreme Judicial Court for the county of Worcester, on a recognizance entered into by him as surety for one Joel Corson.

*Resolved*, For reasons set forth in said petition, that the said Supreme Judicial Court be, and they hereby are empowered to remit to the said Stephen Clark, so much of the amount of the said judgment as they may deem just and reasonable, and to cause execution for the residue thereof, in the same manner as if the *scire facias* on said recognizance were now pending in said Court, and no judgment had been rendered thereon.

## XI.

*Resolve on the petition of Thomas Harris jun. directing the Treasurer to deliver to him a certain note. June 12, 1811.*

On the petition of Thomas Harris jun. praying that a certain State note standing in the name of Richard Cary, now in the Treasury of this Commonwealth, may be delivered to him.

Whereas a resolve passed the Legislature at their last session directing the Treasurer to receive of Josiah Bartlett a State note, No. 4614, for three thousand four hundred and seventy-three dollars and four cents, dated May 4, 1800, payable to Richard Cary, or bearer, and the said Bartlett having

represented that said note belongs to the heirs of Dennis De Bert, of London, deceased, and that it was uncertain who are the proper persons to demand the same, and the said Thomas Harris jun. having proved that he is duly authorised to receive the said note. Therefore,

*Resolved*, for reasons set forth in said petition, That the Treasurer of this Commonwealth be, and he is hereby directed to deliver to Thomas Harris jun. the said State note, No. 4614, for the sum of three thousand four hundred and seventy-three dollars and four cents, said Harris giving the Treasurer his receipt for the same, and depositing with the Treasurer the power of attorney giving him authority for the purpose of receiving the same note.

## XII.

*Resolve on the petition of Benjamin and Mary Rogers.* June 12, 1811.

Upon petition of Benjamin Rogers, and Mary Rogers, executors of the last will and testament of Joel Everts, late of Great Barrington in the county of Berkshire, physician, deceased and guardians to certain minors therein named praying leave for reasons set forth in their petition, to exchange the real estate of the said deceased therein described and now belonging to the residuary legatees, who are minors, for certain other real estate lying in Great Barrington which will be more advantageous to the minors, and will be capable of division so as to accommodate said minors.

*Resolved*, That said executors and guardians be and hereby are empowered to make the exchange prayed for, and to make and execute good and sufficient deed or deeds thereof to the purchaser, which shall be as effectual in law as if the same estate was sold at public auction for money, and that they be and hereby are authorised to receive in exchange other real estate in the town of Great Barrington, of the same or nearly equal value, and the estate so received in exchange, shall go and belong as directed in said will, and be subject to the same rules of partition, settlement or sale, as would apply to the estate left by the deceased: *Provided, nevertheless*, That the exchange be made agreeably to an appraisement by three impartial men to be appointed by the Judge of Probate for the county of Berkshire, and to be under oath, and that the appraisement comprehend the estate of the deceased, now proposed to be

exchanged, and also that which the executors expect to receive therefor, and that such appraisement be accepted and allowed by said Judge: *And provided also*, That the said Judge do certify thereon his approbation of the intended exchange, the said appraisement and approbation to be entered on the records of the Probate office, and to be made previous to the execution of the deeds. And whereas the most advantageous adjustment of the lots of real estate to be received by the said executors may leave a balance in favour of one of the contracting parties. Therefore,

*Resolved*, That the said executors be empowered, as the case may require, either to pay or to receive such balances in personal estate, provided the balance shall not exceed the tenth part of the appraised value of the estate given in exchange by said guardians.

## XIII.

*Resolve confirming the records of Livermore.* June 13, 1811.

On the petition of the Inhabitants of the town of Livermore.

*Resolved*, That the records of the said town shall be valid and good in law to all intents and purposes, notwithstanding it is omitted to be recorded therein, that their town clerk for the first year took his official oath according to law.

## XIV.

*Resolve confirming the doings of the assessors of Hartford.*  
June 13, 1811.

On the petition of the assessors of the town of Hartford.

*Resolved*, That the doings of the assessors of said town in their assessments of taxes for making and repairing of highways, and of the collectors thereof, or of their surveyors of highways, be, and the same are hereby confirmed, and made valid in law, notwithstanding the said assessors have not caused said assessments to be recorded in the town book or left a copy thereof with their town clerk or filed such copy in their assessors' office before they delivered the same to said collectors or highway surveyors, provided such assessments have been in other respects made according to law.

## XV.

*Resolve granting ten thousand dollars to the most necessitous of the sufferers by the late fire at Newburyport. June 13, 1811.*

The committee of both houses to whom was referred the consideration of measures proper to be adopted for the relief of the unfortunate sufferers by fire in Newburyport, beg leave to state,

That they have received satisfactory evidence of a fire having happened at Newburyport, which in the extent of its ravages, and its distressing consequences to the sufferers, has exceeded every calamity of that description, which has heretofore occurred in the Commonwealth. The most valuable part of the town is in ashes. A stock of goods and furniture of immense value is consumed, many individuals are reduced from affluent to humble circumstances, and many deprived of the earnings of industrious lives, of the means of present subsistence, of the prospect of future comfort, and exposed to a state of unqualified want and deep distress.

Such indeed is the extent of this unexampled calamity, that your committee, if permitted to consult merely their own feelings and dispositions, would recommend the grant of such relief as might alleviate the sufferings and losses of the various descriptions of the unfortunate, and encourage the distressed and impoverished inhabitants to make new efforts to retrieve their disasters, by rebuilding their town and resuming their occupations. But they are aware of objections naturally arising to a precedent which should divert a very considerable portion of the public funds from their ordinary appropriations to the claims of misfortune, however just and imperious.

They therefore feel themselves bound to confine their views to the grant of a sum, which if judiciously distributed may save from instant wretchedness and want, that portion of the sufferers who by this awful visitation have lost their all. And they recommend the following resolution.

H. G. OTIS, *per order.*

*Resolved*, That the sum of ten thousand dollars be paid out of the treasury of this Commonwealth, to the Hon. Joseph Story, the Rev. John S. Popkins, Rev. John Giles, the Hon. Daniel A. White, and Benjamin W. Crowninshield, Esq. for the use of the most necessitous of the sufferers by the late fire at Newburyport, and they or any three of them are hereby

appointed Commissioners to distribute the said sum in such proportions, at such times, and to such persons, as in their discretion may appear proper, regard being had to the actual circumstances and necessities of individuals, and to render an account of their doings to the Governor and Council.

*And further resolved*, That his Excellency the Governor, with the advice of Council, be authorised to issue his warrant in favour of said Commissioners, for the said sum.

## XVI.

*Resolve on the petition of James Harvey, granting \$300, for loss of land in Berkley. June 15, 1811.*

On the petition of James Harvey, praying to be compensated for certain lands situate in Berkley, in the county of Bristol, sold and warranted to him by said Commonwealth, from which he has since been ejected by due course of law, for want of a sufficient title in said Commonwealth at the time of the sale thereof, and also to be indemnified for costs and charges paid and expended by him in defending said premises.

*Resolved*, That there be paid to the said James Harvey out of the public treasury of this Commonwealth, the sum of three hundred dollars, which shall be a full compensation to him for the loss of the lands described in his petition, and for his costs, charges, and expenses in defending the same against the suit of one Venus Macomber, as therein set forth.

## XVII.

*Resolve on the petition of Samuel Parkman, granting the heirs of Thomas Service further time to settle two townships. June 15, 1811.*

On the petition of Samuel Parkman, attorney to Andrew Service, who is administrator on the estate of Thomas Service, deceased, proprietor of township No. 2 and 3, in the first range of townships between Bingham's million of acres (so called,) and New-Hampshire line.

*Resolved*, for reasons set forth in said petition, That a further time of two years from the first instant be, and hereby is allowed to the heirs and assigns of Thomas Service, to complete the settlement of thirty families on each of said townships, agreeable to the condition of settlement required in the deed,

and if the heirs and assigns aforesaid, shall within said time complete the settling duty aforesaid, that then the estate, right and title of the heirs aforesaid, shall be valid, full and effectual to all intents and purposes, as if the condition of settlement required by their deed, had been seasonably complied with: *Provided nevertheless*, That the heirs aforesaid shall on or before the first day of December next, give bond to this Commonwealth, in the sum of eighteen hundred dollars for each of said townships, with sureties to the satisfaction of the agents for the sale of Eastern lands, conditioned that the number of settlers required in said deeds shall be performed on or before the first day of June, eighteen hundred and thirteen, or for the payment of thirty dollars for each family which shall then be deficient.

## XVIII.

*Resolve allowing the agents on Eastern lands \$2000, to enable them to have surveyed twenty townships. June 15, 1811.*

On the representation of John Read and William Smith, Esquires, agents for the sale of Eastern lands, stating that they were not provided with funds to enable them to carry into effect the surveying of twenty townships of land, viz. ten townships on the contemplated road from Penobscot to St. Johns, and ten townships on the contemplated road from Kennebeck river to the river Chaudire, and reconnoitring the same as directed by two resolves dated the 14th and 27th February last. Therefore,

*Resolved*, That there be paid out of the treasury of this Commonwealth to said agents, the sum of two thousand dollars, to be by them accounted for, and to be applied for the purposes aforesaid, and his Excellency the Governor is hereby requested to draw his warrant on the Treasurer for the same.

*And be it further resolved*, That the agents aforesaid in their directions for locating of grants, are to consider the twenty townships laid out upon said roads, as appropriated, until further order of the General Court.

## XIX.

*Resolve on the petition of William Donnison, Adjutant General, granting an half year's salary. June 15, 1811.*

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

*Resolved*, That there be allowed and paid out of the public treasury of this Commonwealth, to William Donnison Esq. the sum of six hundred dollars, in full compensation for his services in said office to the first day of July next, said sum to be in full for services, including office rent and clerk hire.

## XX.

*Resolve appointing a Committee to establish the lines between Saco and Scarborough. June 18, 1811.*

On the petition of Edmund Moody, Benjamin Pike, and Aaron Seammons, a Committee appointed by the town of Saco, in the county of York, setting forth that there is a dispute between the said town of Saco, and the town of Scarborough, in the county of Cumberland, respecting the boundary lines between the said towns.

*Resolved*, That John Neal, of Litchfield, Robert Town, of Arundel, and James Merrell, of Falmouth, be a Committee to repair to the said towns of Saco and Scarborough, who after giving seasonable notice to the Selectmen of each of said towns, shall proceed to adjust and establish the lines between said towns at their expense, and said Committee shall make report to the next session of the General Court of this Commonwealth.

## XXI.

*Resolve on the petition of Daniel Flint, rendering valid an affidavit. June 18, 1811.*

On the petition of Daniel Flint, of Reading, in the county of Middlesex, Esq. administrator of the estate of Adam Flint, late of Reading in said county, yeoman, deceased, intestate, praying that his affidavit of his proceedings relative to the sale of the whole of said Flint's real estate, made in the Court of Probate for said county on the sixteenth day of May last past,

and recorded with a copy of one of the original advertisements in the Registry of Probate for said county, may be valid in law, although not made within seven months after the day of sale as the law requires.

*Resolved*, That the prayer of the petition be granted, and that the registry of the affidavit and copy of the original advertisement shall be valid, and have the same force and effect in law, as if the same had been done within seven months after the day of the sale, any law to the contrary notwithstanding.

## XXII.

*Resolve granting a tax to the county of Dukes' county.*

June 18, 1811.

Whereas the Treasurer of the county of Dukes' county has presented his accounts to the Legislature for examination, which accounts have been examined and allowed. And whereas the Clerk of the Court of Common Pleas, for the said county, has exhibited an estimate made by the said Court of the necessary charges which have arisen within the said county for the year past, and of the sums necessary to discharge the debts of the said county.

*Resolved*, That three hundred dollars be granted as a tax for the said county of Dukes' county, to be apportioned, assessed, paid, collected and applied for the purposes aforesaid according to law.

## XXIII.

*Resolve granting a tax for the county of Kennebeck.*

June 18, 1811.

Whereas the Treasurer of the county of Kennebeck has laid his accounts before the Legislature for examination, which accounts have been examined and allowed. And whereas the Clerk of the Court of Common Pleas, for the said county, has exhibited an estimate made by the said Court of the necessary charges which may arise within the said county for the year ensuing, and of the sums necessary to discharge the debts of the said county.

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



*Message from his Excellency the Governor relating to the existing contest between Capt. Lot Pool and Ensign John H. Brown.*

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

ON the fourth of February last, I communicated by message to the Legislature the state of an existing contest between Capt. Lot Pool and Ensign John H. Brown, two militia officers of the third division, that this matter might be brought to a just issue. But the desirable object was not attained, the irritation of the parties has continued and encreased, as will appear by the additional documents, numbered from one to three, inclusively, which the Secretary is directed to lay before you, and the case requires as early a decision as may consist with the important concerns of the Legislature.

The Secretary will also communicate the proceedings of the Supreme Executive in regard to the formation of two additional divisions of militia, by subdividing the sixth division in order to the appointment, if the two Houses should deem it expedient, of two Major Generals.

Pursuant to the request of the Senate a communication will in like manner be made of the last returns from the several incorporated banks in this Commonwealth.

E. GERRY.

*Council Chamber, 18th June, 1811.*

#### XXIV.

*Resolve on the petition of Isaac Maltby, correcting a mistake.*  
June 19, 1811.

Whereas Isaac Maltby presented his petition to the Legislature of this Commonwealth at the last session, praying that Joseph Lyman, administrator on the estate of Israel Parsons, late of Hatfield in the county of Hampshire, deceased, might be authorised 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 Dickenson, which note has been paid. And whereas on the 26th day of February, 1811, a resolve of the Legislature passed upon said petition, by which the authority which said petitioner

prayed might be granted to said Joseph Lyman was by mistake given to Jonathan Lyman. Therefore,

*Resolved*, That all the power and authority which by said resolve was given and granted to Jonathan Lyman be, and the same hereby are given and granted to the said Joseph Lyman, administrator as aforesaid.

## XXV.

*Resolve empowering Ann Smith to execute a deed to John Smith.* June 19, 1811.

On the petition of Ann Smith, of Arundel, in the county of York, widow, praying that she may be authorised and empowered to make and execute a deed of conveyance of a certain tract of land lying in Phillipsburg, in the county aforesaid, to Colonel John Smith, of Phillipsburg in the aforesaid county, which land Charles Smith, late of Arundel, deceased, and husband of the said Ann Smith, did in his life time bargain and sell to the said John Smith and receive the full consideration therefor, but no deed or other instrument under seal passed from the said Charles Smith to the said John Smith.

*Resolved*, for reasons set forth in said petition, That the said Ann Smith be, and she is hereby authorised and empowered to make and execute a deed to the said John Smith of the following tract of land, lying in Phillipsburg in the county of York, containing thirty acres of land in the first division, beginning at the north-east end of Edgecomb's Lot, and running north-east, keeping the full breadth of the lot until the thirty acres be completed, and is bounded on the north-west by land of proprietors unknown, and on the south-east by land of John Smith, and on the north-east by land of Nicholas Smith, and that a deed so made and executed by the said Ann Smith shall be good and valid to all intents and purposes as though the same had been executed by her husband in his life time.

## XXVI.

*Resolve granting \$10 05 to James Brown for services as a soldier at Augusta.* June 19, 1811.

On the petition of James Brown, a private soldier in captain Benjamin Prescott's company, which was ordered on duty in October, A. D. 1809, to guard the gaol in the town of Augusta.

*Resolved*, for reasons set forth in said petition, That there be allowed and paid out of the treasury of this Commonwealth to the said James Brown the sum of ten dollars and five cents, and the Governor with the advice of Council is hereby authorised and empowered to draw his warrant in favour of said Brown on the treasury for said sum.

## XXVII.

*Resolve on the petition of Billy Emerson, authorising the Judge of Probate for Essex, to allow a further time to the Creditors of John Black to bring in their claims. June 19, 1811.*

On the petition of Billy Emerson and others.

*Resolved*, That the Judge of Probate for the county of Essex be, and he hereby is authorised to allow a further time of two months to the creditors of the estate of John Black, late of Salem in said county, truckman, deceased, to bring in their claims, and to authorise the Commissioners on said estate to meet one or more times for the purpose of receiving and examining the claims of the creditors of said estate, the said Commissioners to give such notice of their meeting as said Judge of Probate shall direct.

## XXVIII.

*Resolve authorising the Committee on Accounts to examine and allow the accounts of Medway. June 19, 1811.*

On the petition of Moses Richardson, in behalf of the town of Medway, praying for an allowance for the support of sundry paupers.

*Resolved*, That the Committee on Accounts are hereby authorised to examine and allow the account exhibited by the said town of Medway, in the same manner as they would have been authorised to have done, had it been exhibited within the time limited by law.

## XXIX.

*Resolve on the petition of Joshua Martin, directing the reinstatement of an action upon the docket of the Supreme Judicial Court for Hampshire. June 19, 1811.*

On the petition of Joshua Morton, stating that a Court of Common Pleas, holden at Northampton, within and for the

county of Hampshire, on the fourth Monday of August, Anno Domini 1807, he commenced a suit against Lucretia Chapin, administratrix on the estate of Frederick Chapin, late of Hatfield in said county, deceased, for breach of covenants in a certain deed by said Frederick in his life time executed and delivered to said Joshua, at which term of said court said action was entered and continued from term to term; until the third Monday in May, 1808, when said action was carried by demurrer to the Supreme Judicial Court holden at said Northampton on the third Tuesday of September then next, at which term of said court the said Joshua entered said appeal, and the said action was continued in said court from term to term until the third Tuesday of September 1809, when the same was dismissed by said court, in consequence of the original writ having been lost or mislaid, so that a copy thereof could not be produced in said court; and that since said action was dismissed as aforesaid, the said original writ, together with other papers belonging to said case, have been found. Therefore,

*Resolved*, That the Clerk of the Supreme Judicial Court for the county of Hampshire be, and he hereby is empowered and directed to reinstate said action upon the docket of said court, at the next term thereof to be holden in said county, and the parties shall have the same day therein, and the said court shall proceed to hear and determine the same in the same way and manner as they might and could have done if said action had never been dismissed by said court, but had been regularly continued from term to term therein, and that the cost in said action upon final judgment being rendered shall be subject to the direction of said court.

## XXX.

*Resolve granting to Joshua Tower \$60. June 19, 1811.*

On the petition of Joshua Tower, a private soldier in a company of militia in the town of Acton, praying for compensation for a wound which he received while on military duty, on the 28th day of September in the year of our Lord one thousand eight hundred and three.

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

## XXXI.

*Resolve authorising the Committee on Accounts to examine and allow the account of William Cutts. June 19, 1811.*

On the petition of William Cutts, praying for an allowance for military services performed by him as an Adjutant in the first regiment, first brigade, and sixth division of the militia of this Commonwealth, in the year 1806.

*Resolved*, That the Committee on Accounts are hereby authorised to examine and allow the account exhibited by said Cutts, in the same manner as they would have been authorised to have done, had it been exhibited within the time limited by law.

## XXXII.

*Resolve granting the Secretary \$120, to pay Assistant Clerks. June 19, 1811.*

*Resolved*, That there be allowed and paid out of the public Treasury unto Benjamin Homans Esquire, Secretary of the State, one hundred and twenty dollars, to enable him to pay such assistant clerks as he may judge it necessary to employ to expedite the public business of the present session of the General Court, he to account for the expenditure of the same.

## XXXIII.

*Resolve making addition to Silvanus Lapham's pay. June 20, 1811.*

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

*Governor's Message, by the Secretary, to the two Houses.*

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

IN some counties of this Commonwealth great uneasiness in regard to the conduct of Sheriffs, and their Deputies, had existed previously to my election to the executive department,

and the evil still exists. Several applications from respectable citizens have been made the last year for the removal of some of the former, and had any charge been made and supported, which in my judgment would have authorised the measure, I should have applied an official remedy. But such is the nature of the trust as to be subject to partiality and other abuses which the people must sensibly feel, but which may have been so conducted as to baffle their measures for redress of the grievance. Justice requires that the Sheriffs should not be wantonly deprived of their bread and reputations by dismissal whilst faithfully discharging their duties, and on the other hand so important to the community, are fidelity and impartiality on the part of those officers as to render necessary every possible check on their malconduct. In some of the States they are appointed for a term of years; and a regulation of this kind, if it should appear salutary, reserving to the executive its constitutional rights, may have a good effect. Should a Sheriff misconduct, under such a provision, it will give an opportunity to the people, by remonstrance, for preventing his reappointment, although they might not have been able without great expense and trouble to make and support specific charges which would demand his removal. If this subject is viewed in the same light by the Legislature as by myself, a postponement of it will be injurious to the public, a circumstance which produces this late communication.

*Council Chamber, 20th June, 1811.*

E. GERRY.

*Message from the Governor relative to the disturbances in  
Lincoln county.*

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

IN my late address to the Legislature, mention was made of a report of the Commissioners on the subject of the unhappy disputes which had existed in the county of Lincoln, and the Secretary will now present that report accompanied by a mutual agreement "between the non-resident claimants to lands," which were the causes of the uneasiness, and by numerous documents, with a schedule thereof, numbered from one to ten, inclusively. If the Legislature in their present session, should close with the proposals of the non-resident claimants which appear to be liberal and equitable, peace and harmony will be restored again to the meritorious inhabitants of that county,

who will receive a just reward due for the blood freely expended by their ancestors, and for their own services heretofore promptly rendered in defence of the Commonwealth. The necessity of an immediate attention to this subject will be manifest when it is considered that our foreign concerns are in a critical state, and that gigantic powers, ever on the watch to extend their conquests and to foment divisions amongst a free people whom they wish to subjugate, employ secret and corrupt agents to enflame parties and to urge them respectively to acts of violence and hostility.

E. GERRY.

*Cambridge, 10th June, 1811.*

To the Honorable Senate and House of Representatives, in General Court assembled—May, 1811.

THE undersigned, having been appointed by his Excellency the Governor, under an order of both branches of the Legislature, passed on the 27th day of February last, Commissioners, to take into consideration the Message of his Excellency to the Legislature, of the 29th day of January last, relative to disturbances in the county of Lincoln, with the documents accompanying the same; and also, to take into consideration the memorial from the inhabitants of the towns of Bristol, Edgecomb, Nobleborough, Newcastle, and Boothbay, and the memorial of Samuel Tucker and others, all of which are now pending before the General Court, and to go into the said county of Lincoln, and investigate thoroughly, the nature and causes of the difficulties stated in said message and documents, and also, the nature and causes, and state of the difficulties and grievances complained of in said memorials, with power to send for such persons and papers, as should appear to us necessary, to enable us to determine, fully, on the subject of our commission, giving notice of the time and place of our first meeting, to the Selectmen of the several towns aforesaid, and to the said Samuel Tucker, and to such other persons as we might deem it expedient to notify, with power to appoint a Clerk, have attended the duties assigned to us in the said commission and order, in the following manner. After having given public notice, in all the newspapers printed in Boston, and in three others, printed in the District of Maine, and also, particular notices to the several memorialists, and such other persons, as within our knowledge and information, were in any manner interested in the titles to land, lying within any of said towns, we met at the Court House, in Wiscasset, on Wednes-

day the first day of May instant;—appointed Elcazer W. Ripley Esq. our Clerk, and proceeded to open the commission. Daniel Rose, Milton Goodenow, Aaron Blaney, James Drummond jun. Daniel Waters, and Stephen Parsons, Esquires, appeared as the constituted agents for the memorialists; and the Hon. Silas Lee, Esq. as counsel and attorney to the claimants, under what is called, the *Tappan right*, Samuel H. Flagg, and his counsel and attorney, in behalf of what is called, the *Drowne right*, and James Noble and William T. Vaughan, with their counsel and attornies, John Holmes, Jeremiah Bailey and Daniel W. Lincoln, Esquires, in behalf of what is denominated, the *Brown right*; and Josiah Stebbins Esq. as counsel and attorney, in behalf of the grant of a tract of land, made by the Legislature, to the *Lincoln Academy*.

At the request of the agents for the memorialists, we adjourned our subsequent meetings to the towns of Newcastle, Bristol and Nobleborough, where, at their desire, we viewed a number of places, which were shewn to us, as the ruins of ancient settlements; and having fully and patiently heard, all the allegations and witnesses, and seen and considered, all the deeds and other documents, produced by the agents for the memorialists, as well as such as were produced on the part of the non-resident claimants aforesaid, we respectively submit to the consideration of your Honours, the following result of our investigation and enquiries:—

So far as respects that part of the memorial of Samuel Tucker and others, a committee of the town of Bristol, and that part of the memorial of Benjamin Plummer and others, in behalf of a number of the inhabitants of the town of Nobleborough, which respects the conduct of the Hon. Judge Thatcher, in ordering out the militia, conformably to the law of March 6th, A. D. 1810, to support the surveyor appointed, by order of the Supreme Judicial Court, to run certain lines; as that law has since been repealed, the agents for the memorialists, voluntarily, withdrew all further complaint on that subject, and are satisfied with what has been already done by the Legislature.

The permanent grievances, of which they complain, are particularly detailed in the joint memorial of the several towns of Bristol, Edgecomb, Nobleborough, Newcastle, and Boothbay, and, to the investigation of the nature and causes of these complaints, our attention has been particularly directed;—and in order to give your Honours a correct view of the present state of the difficulties, of which the memorialists complain,



we beg leave, briefly, to state the origin and nature of the several claims, with which they are threatened, and the circumstances which have attended them.

The non-resident claimants, under what is commonly denominated the *Drowne claim*, exhibited as the foundation of their title, a patent, or rather an indenture, between the President and Council of New-England, on one part, and Robert Alsworth and Giles Elbridge, of Bristol, in England, on the other part, executed on the 20th day of February, 1631, by which, in consideration that the said Alsworth and Elbridge, "*have and will transport, and do undertake to transport, at their own cost and charges, divers persons into New-England, and there to erect and build a town and settle inhabitants*"—The said President and Council granted and assigned, to said Alsworth and Elbridge, their heirs and assigns, "*one hundred acres of ground for every person so by them transported, within the space of seven years next ensuing, that shall abide and continue there three years, or die after they are shipped.*" The same indenture also granted to said Alsworth and Elbridge, their heirs and assigns, "*twelve thousand acres of land over and above such settlers' lots, to be taken and laid out near the river, commonly called and known by the name of Pemaguid, and next adjoining the place where the people and servants of said Alsworth and Elbridge are now settled, or have inhabited for the space of three years last past, to be taken together along the sea coast, as the coast lieth, and so up the river, as far as may contain the said twelve thousand acres, with all the islands and islets, within the limits next adjoining the said land, butting within the limits aforesaid, three leagues into the main ocean.*" And it was further agreed, on the part of the said President and Council, "*that upon lawful information given of the bounds, metes and quantity of the lands so chosen and possessed, the said President and Council, upon surrender of this present grant, and upon reasonable request, by said Alsworth and Elbridge, their heirs or assigns, within seven years now next coming, shall and will, by deeds indented, grant, enfeof and confirm, all and every of the said lands, set out and bounded as aforesaid, to the said Robert Alsworth and Giles Elbridge, and their associates.*" And it was further covenanted, in said indenture, "*that the said Alsworth and Elbridge, their heirs and assigns, shall not, at any time hereafter, aliene these premises or any part thereof, to any foreign nations, or to any person or persons whatsoever, without the licence, consent and agreement, of the said President and Council, and their successors and assigns, except it be to their own ten-*

ants or undertakers, belonging to the said town, by them to be erected as aforesaid, upon pain of forfeiture of the said land, so aliened to the use of the said President and Council again." The said indenture also constituted Captain Walter Neale and Richard Vines, the attornies of the said President and Council, to enter the premises and deliver possession thereof; and there appears endorsed thereon, the following memorandum:—"The possession of all the lands contained in this patent, was delivered by me Walter Neale to Abraham Shurte, to the use of Robert Alsworth and Giles Elbridge, merchants, of the city of Bristol, this 27th of May, 1633: WA: NEALE." The patent appears to have been recorded in the Registry of the county of York, April 2d, 1737; it also appeared by the deposition\* of Abraham Shurte, not signed, but taken and sworn to before Richard Russel, magistrate, on the 25th of December, 1662, and recorded in the Secretary's Office, March 28, 1744, that in 1629, (*two years before the patent was dated,*) Walter Neale gave him possession of the lands under that patent; and that he bounded the twelve thousand acres therein, "*from the head of Damariscotta to the head of the river Muscongus, and between it to the sea;*" and "*that some years afterwards, Thomas Elbridge, to whom the patent belonged, coming to Pemaquid, held a Court there, to which the inhabitants repaired, and continued their fishing, paying a certain acknowledgement.*"

It is contended by the present claimants, that this grant is a joint tenancy, and that Giles Elbridge survived Robert Alsworth, and became sole proprietor of the whole, and that John Elbridge, eldest son of Giles, afterwards died, and, by his will, devised the whole to Thomas Elbridge, the second son of Giles, and that so, the present claimants, derive their title down, through him.

No other evidence, of the lineal descent of Thomas Elbridge, or of the devise of his brother, was exhibited to the Commissioners, than such as arose from recitals to that effect, in the deeds of the said Thomas Elbridge, and no evidence whatever, of the survivorship of Giles Elbridge. It appeared, that on the first day of February, 1651, the said Thomas Elbridge conveyed† one half of the whole patent, to Paul White,—and that in April, 1653, Paul White conveyed‡ this moiety to Richard Russel, and Nicholas Davison, and in July, 1657, Richard Russel conveyed§ his quarter of the patent, to Nicholas Da-

\* Abraham Shurte's deposition, cc. † T. Elbridge's deed to Paul White, cc.

‡ Deed, Paul White to Russel and Davison.

§ Deed, Richard Russel to N. Davison, ff.

vison, and on the 3d day of Sept. 1657, Thomas Elbridge conveyed\* his other moiety of the patent, to the said Nicholas Davison. It appears on the face of these deeds, that Nicholas Davison, at the time of the said conveyance, resided at Charlestown, in the county of Middlesex, and his will,† dated March, 1665, styles him of that town. The present claimants, traced a title down to Shem Drowne's wife, who was one of the descendants of Nicholas Davison, and they produced a power of attorney‡ from the other heirs, to Shem Drowne, dated the 3d day of Sept. 1735, all of whom, as well as Nicholas Davison and all the intermediate claimants, were non-resident within the patent, and no evidence was given to the commissioners, of any actual possession of any part of the patent, by any person interested therein, from the year 1657, to the year 1737, when it appears, by the depositions of Alexander Erskine§ and Patrick Rogers,|| that Shem Drowne first took possession, and employed John North to take a survey of the patent lands; and it appears by a plan made and signed by John North, November 2, 1741, that an actual survey was taken by him, and the land laid out in lots, among the proprietors, and a division deed¶ was executed among them, on the fifth day of October, 1752, to the whole extent from Damarascotta falls and Madomock down to the sea. But, by two witnesses produced on the part of the agents for the memorialists, viz. William Jones\*\* and Jonas Fitch,†† it appears, that the survey embraced 70 or 80000 acres, instead of 12000, granted by the patent. The claimants produced a large number of leases to different settlers, from the year 1744, to 1761. They also produced a copy of the petition of the Pemaquid proprietors,‡‡ to the legislature of Massachusetts, dated January, 1773, praying that their proceedings, in their proprietors' meetings, might be ratified and confirmed, any irregularity in the same notwithstanding, and a ratification thereof by the legislature, March 1, 1774.—And the present claimants contend, that this act of the legislature, is a confirmation of all the rights, originally intended to be granted, by the patent.

No evidence was produced to the Commissioners, that the original patentees had transported or shipped any settlers, after their patent was granted—Nor, that within the seven years next following the date of the patent, any deed of confirmation was

\* Tho. Elbridge to N. Davison, hh.

‡ Habijah Savage and alias power, ss.

Deposition of Patrick Rogers, uu.

\*\* Commissioners' records, page 5. †† do. p. 31. ‡‡ Petition and resolve, aaa, bbb.

† N. Davison's Will, kk.

§ Deposition of Alexander Erskine, tt.

¶ Deed of Division, xx.

granted by the President and Council of New-England, to them or their associates, or that any request was ever made, by the patentees, for that purpose.

*Whether the first of these acts is to be considered as a condition precedent, and the other a condition subsequent, on the performance of which, the validity of the grant was to depend: and whether the alienation of the patent lands, by the heir of the surviving patentee, without the consent and agreement of the President and Council of New-England, to persons not his own tenants, and not belonging to the town, erected under the patent, operates as a forfeiture of the lands so aliened, to the use of the said President and Council of New-England; and whether the rights, accruing under such forfeiture, are not now vested in the commonwealth, or whether the absence of possession for eighty years, unaccompanied with any acts of settlement or building a town by themselves or others under them, does not work a forfeiture of the rights of the patentees and their assigns, by non user; or*

*Whether the doings of the legislature of the late Province of Massachusetts in 1774, legalising the irregular proceedings of the meetings of the Pemaquid company, be a confirmation of all the original patent rights, to the non-resident grantees of the original patentees, are questions which naturally present themselves in this enquiry, but which, without the assent of the parties to some other mode of adjustment, exclusively appertain to the supreme judiciary ultimately to determine, and therefore the Commissioners forbear to offer any opinion upon them.*

The non-resident claimants, under what is denominated the *Tappan right*, derived their title from the Indian deeds to Walter Phillips, the first from Josle and his son and wife;\* the second from Wittenose and Erle Dugles;† the third from Erle Dugles,‡ all of whom, in said deeds, are styled Sagamores.

The first of these deeds, from Josle, &c. is dated the 15th of February, 1661, and appears to be the condition of an obligation, which is, that Walter Phillips, “*shall peaceably hold, enjoy and possess, from the date of these presents to him and his heirs and assigns forever, all and singular these lands, beginning at the lower end of the salt pond at Damariscotty, so tending right over to Cavesisix river due west northwest, so tending right up in the country three leagues, from the mouth of the*

\* Deed, Josle, &c. to Phillips, N.

† Deed, Wittenose et al to same, U.

‡ Deed, Erle Dugles to Phillips, T.

*fresh falls, all the upland and marsh or marshes there belonging therunto, within the compass of the three leagues above mentioned, which lately was the lands of the within named and bounden Josle, Sagamore of the said land."* This instrument appears to be a bond, for quiet possession of the lands, rather than a deed of conveyance of the fee, and it refers to a deed anterior to it, —and is not acknowledged, but appears to have been entered in the records of Sheepscoot, May 26, 1667,—and said to be lodged in the Secretary's office, as certified by J. Willard, Sec'y, January 13, 1730;—but no such book has been ever found to be lodged in the Secretary's office.

The second deed to Phillips, from Wittenose and Erle Dugles, is of the same nature with the foregoing, and seems to be the condition of a bond, for his quiet possession of lands, thus described, "*Beginning at Pencotsgowake, THE ONE HALF upwards to the lower end of the salt pond to the end of the land throughout, to the mdraft that comes out of the salt pond, so likewise from Pedcogowake down to the noke below the house of the said Walter Phillips, which the natives used to carry their canoes over to Cavesix river, so likewise on the other side of the said meadow that lies west northwest from Pedcogowake 200 poles in length northwest, all marshes fresh or salt within the limits above mentioned which lately was the lands of the within named Wittenose, Sagamore, and Erle Dugles his brother, Sagamore."*

This instrument also refers to a prior deed or grant, and is dated, January 19th, 1662; it is not acknowledged, but appears by Secretary Willard's certificate under date of 13th of January, 1730, to have been recorded in the Sheepscoot book of records, before mentioned, on March 4th, 1665.

The third deed to W. Phillips, from Erle Dugles, bears date December 28, 1674, and conveys to him, his heirs and assigns, "*a tract of land, lying and joining to a tract of land of Thomas Kimball, on the eastern side of Damariscotty fresh pond, which is five hundred acres joining to the fresh falls."* And also, "*all the remainder part of the said land on the eastern side of Damariscotty as by as the head of the pond or any branch thereof, and in breadth six miles with the trees, mines, water and water courses within said limits, and the right and privileges as well by water as by land."* This deed was not acknowledged, but appears to have been recorded, in the office of Benjamin Rolfe, a Notary Public in Boston, January 13, 1730, and in York County Registry, September 12, 1737.

In the two first of these deeds there appears to be no consideration expressed, or what the penalties of the bonds were and the third deed barely says, for a good and valuable consideration, without expressing what it was.

It appears by a deed,\* from Walter Phillips to Christopher Tappan, dated November 10, 1702,—that he conveys to said Tappan, his heirs and assigns, all the lands mentioned in the first Indian deed from Josle, &c. and described it, as it is therein described, and also he conveys to said Tappan, in the same deed, “*ALL the land, beginning at Pedcogowake and extending upwards to the lower end of the salt pond and all the land throughout to the indraft that comes out of the salt pond,*” &c. as described in the second Indian deed, from Wittenose and Erle Dugles, to W. Phillips;—this deed was acknowledged, the same day it was dated, and recorded in the York County Registry, September 12, 1737.

By another deed,† from Walter Phillips to Christopher Tappan, bearing date the same 10th day of November, 1702, and acknowledged the same day, and recorded at the same time with the preceding, in York County Registry, it appears, that W. Phillips conveys to said C. Tappan, the same tracts of land, mentioned in the third Indian deed, from Erle Dugles to said W. Phillips, and described as therein described.

It appears by the two deeds, from Walter Phillips to Christopher Tappan, that said Phillips was, at the time of the execution of said deeds, an inhabitant of the town of Salem, in the county of Essex, and that said Tappan was an inhabitant of the town of Newbury, in the same county.

It appeared in evidence,‡ that at the time of the execution of the deeds, from the Indians to Phillips, he occupied a small part of the tract, so conveyed to him, and was in the improvement of it, as a farm, for several years. At what time he abandoned the possession did not appear, but it is obvious that, in 1702, when he conveyed to Tappan, neither he nor Tappan, were in possession, nor any one under them, or either of them;—but it appeared in evidence,§ that about the year 1720, two or three persons went on as tenants, under Tappan, and cleared and improved some part of the land, but to what extent did not appear. And, in June 1733, John Pearman and Joseph Winter, went on to part of the lands, under lease|| from Tap-

\* Deed, Phillips to Tappan.

† Ditto same to same.

‡ Esther Roberts' depo. b—John Dalls ditto, c—Samuel Small ditto, d—John Curtis, e.

§ Samuel Gêchel's depo. 1.

|| Tappan's lease to Pearman and ———g.—Wm. Jones' evidence, Com. Rec. p. 5.

pan. The claimants, under this right, produced the deposition of Surplus Mars,\* to prove, that in the year 1749, they caused an actual survey of that part of the Tappan right to be made, which lies on the east side of Damariscotta Fresh Pond and River, but the agents for the memorialists, as well as the other claimants, contended, that no credit was to be given to Surplus Mars' testimony, and to invalidate it, produced other depositions of the same man, which militated with the testimony given in this deposition, and no plan of any such survey was produced. It further appeared in evidence,† that some persons, who were settlers on the lands, were induced, at various periods, either by threats of suits or other means, to take deeds under the *Tappan right*—But it did not appear, that the claimants, or any persons for them, have been in actual possession of any parts of this claim, from about the year 1730, to the present period. And the claimants under the Brown right, to invalidate the Tappan right, produced a copy,‡ from the records of the late Superior Court of Judicature, by which it appeared, that on a trial of an action of ejectment, in the Superior Court, held at York, June 1742, in which Christopher Tappan was demandant, and William Vaughan and others, defendants, William Vaughan took upon himself the sole defence of the action, for himself and co-defendants, and recovered judgment against said Tappan for costs of suit; in which action the claimants under the Brown right contend, that the merits of the two claims were tried, but of this we had no evidence.

The non-resident claimants under the *Brown right* so called, exhibited as the origin of their title, an Indian deed,§ from Captain John Somerset and Unongoit, therein styled Indian Sagamores, dated the 15th day of July, 1625, to John Brown, of New-Harbor, of a tract of land thus described, "*Beginning at Pemaquid falls and so running a direct course to the head of New-Harbor, from thence to the south end of Muscongus Island, taking in the Island, and so running twenty-five miles into the country north and by east, and thence eight miles north-west and by west, and then turning and running south and by west, to Pemaquid, where first begun.*" This deed, it appears on the back of it, was acknowledged by Somerset and Unongoit, on the 24th of July, 1626, before Abraham Short, and

\* Deposition of Surplus Mars, x.

† John Farley's testimony, Commissioners' Records, page 17.

‡ Copy of Judgment, Vaughan v. Tappan, A. 1.

§ Deed Somerset and al to Brown, b.—Deed John Brown, son to John Brown ad.

has this farther indorsement :—“ *Charlestown, December 26th, 1720—Received, and at the request and instance of James Stelton and his sister Margaret Hilton, formerly Stelton, they being the claimers and heirs of said lands, accordingly entered by Samuel Phipps, one of the clerks of the committee of eastern lands.*”

And an attested copy of it was recorded in York county Registry, August 3, 1739, and in authenticity of this deed, the claimants offered the deposition of Simon Frost, formerly deputy secretary of the Province, under Josiah Willard Esq. in which he testifies,\* that when he was in the aforesaid office, he drew from one of the books in the office, called the Book of Records of Eastern claims of lands lying in the eastern parts of said Province, the aforementioned deed, which was there fairly recorded, and of which the deed aforesaid is a true copy, and the deponent further testified, that when the Court-House in Boston was burnt, about the year 1748, he has reason to believe he said Book of Records was consumed by fire; but the claimants under the Drowne right, produced the deposition† of John Brown, the son of the grantee, not signed, and of Benjamin Prescott,‡ in confirmation thereof, to invalidate the claim of his father to any other lands, than what he actually improved, and to invalidate the recording of that claim, by Hilton or Stilton.

The present claimants derive their title down through John Brown, the original grantee, from Somerset and Unongoit. It appeared that John Brown, the father, at the time of the execution of the Indian deeds, lived at New-Harbor,§ within the limits of the boundaries described in those deeds, and remained there until his death, and that, on the 8th day of August, 1660, he conveyed, by deed|| of that date, to Sander or Alexander Gould, and Margaret his wife, about one third of the original grant from the Indians, to said Brown, and which, by the description in the deed, lays about midway of the twenty-five mile tract, and is said to be eight miles square; and the title to this eight miles square, through the said Alexander and Margaret Gould, and the residue of the claim, through the son and grandson of the said John Brown, the original grantee, is said to be traced down to the present claimants.

It appears, that about the year 1720, William Stilton, husband of Margaret Gould, who was daughter of the aforesaid

\* Deposition of John Pearce, 2h.

† The deposition of John Brown, the son, ddd.

‡ The deposition of Benjamin Prescott, E. 1.

§ John Pierce's deposition, aa—Cyril Southwick, ab—Ruth Barnaby, a.

|| Deed Brown to Gould and wife, lm.



Sander and Margaret Gould, the grantees of John Brown, lived on the granted premises\* a number of years, till killed by the Indians, and that John, the son of John Brown, the original grantee, then lived at New-Habor, and that in 1724, a survey was made of the lands granted to said John Brown the elder, according to the limits and boundaries of the Indian deeds,† and that in 1763, an actual survey was made, of the eight mile square, which was granted by John Brown the elder, to Sander Gould and wife, by order of James Noble,‡ and the other heirs, claiming the eight miles square, and that William Hilton, one of the heirs, lived upon it a number of years,§ and that in 1750, or thereabouts, James Noble,|| claiming under the *Brown right*, leased part of the premises and improved other parts, and that from 1752 to 1765,¶ Noble and Vaughan, another claimant under the *Brown right*, and those under them, had improved all the lands, lying on both sides of the river Damariscotta and the Fresh Pond, to the head thereof, and on the west side of said pond, half way to Sheepscut river, and on the easterly side of said pond, as far as Pemaquid Fresh Pond; and no evidence was given to the commissioners, that any person interested in the claim, has been in actual possession, from the year 1765, to the present time, except that, sundry of the settlers had been induced to take deeds under this claim.

Thus it appears, that the instruments before described, which purport to be deeds from Indian Sagamores, or the individuals of some tribe, form the whole foundation of both the *Brown* and *Tappan* claims.

Without arresting the attention of your Honours, by advertising to questions of minor consideration respecting these instruments, and whether the two first instruments, to Walter Phillips, being only conditions of personal obligations to him, that he, his heirs and assigns, shall peaceably enjoy and possess the described premises, be of equal validity to convey the fee as an actual grant, bargain and sale of the same would be, or whether there being no consideration expressed in any of the deeds to W. Phillips, and only fifty skins, in that to John Brown, be sufficient to avoid them as fraudulent; or whether,

\* John Pearce's deposition, n.

† Jonas Jones' deposition, t: and David Terry's deposition, u u u.

‡ Joseph Jones' deposition, u.

§ Thomas Bodkin's deposition, z.

|| Deposition of Caleb Maddox, v—ditto of Elisha Clark, w—ditto of James Forrester, a m—ditto of Arnold Weathren, a o

¶ Deposition of William Blackstone, x—ditto of Lydia Stanwood, y—ditto of Robert Hodge, a l—ditto of Ichabod Linscot, a n—ditto of Samuel Kennedy, v v v—ditto of John Hitchcock, x x x.

Walter Phillips, in his first deed to Christopher Tappan, has not conveyed the whole, when only a moiety was conveyed to him, by the Indians? The commissioners think it of more importance to call the attention of your Honours to the consideration of the general question, what validity ought to attach to any deeds, from the native Indians, to individuals, of large tracts of territory, which have not been *formally ratified and confirmed by some act of the Legislature*? We are unable to say what has been the opinion, of the Supreme Judicial Court, on this question: but it appears, by several acts, made by the colonies of New Plymouth and Massachusetts, to have been the policy of our ancestors, from the earliest periods of our history, to discourage all such unratified contracts and conveyances; and as early as the year 1633, each of said colonies passed an act forbidding all persons from purchasing lands of the Indians, *without the licence and approbation of their respective General Courts*; and early after the charter of William and Mary, in 1692, when the whole territory of Acadia, from Sagadahoc to the St. Croix, was annexed to the province of Massachusetts Bay, to wit, in 1697, by an act entitled, "*an act of limitation for quieting possessions*," which was passed to enable all persons, who had claims to lands, to pursue their rights against persons in possession, until 1704, and to extend the limitation, as to lands lying to the eastward of Piscataqua river, to five years after the termination of the then war with the Indians, it is provided "*That no person or persons, pretending right or title to any lands, lying within this province, purchased of any Indian or Indians, without orderly allowance and confirmation thereof had, according to former laws and usage, of the several colonies of Massachusetts and New Plymouth, and Province of Maine, respectively, shall have or receive any benefit by this act, with reference to such lands*," Whether this provision in the act was intended to extinguish or bar the rights of all claimants under unratified Indian deeds, not in possession, within the whole extent of the then Province, or was confined to such only, as lay within the old colonies of New Plymouth and Massachusetts, and Province of Maine, as far as Sagadahoc, belongs to the Judiciary to determine; but by these statute provisions, it must be evident, that in the estimation of our ancestors, but little validity ought to be given to Indian deeds, unaccompanied by *some previous allowance, or subsequent ratification of the Legislature*: and it is believed, that no further authenticity is, at this day, allowed to attach to such of them, as are not thus confirmed, than to admit them as evidence of

a relinquishment, on the part of the native, of his right of hunting and fishing within the limits described, and of a right of peaceable entry to the grantee; but that the extent of his right, in the fee of the soil, must depend on the extent of his actual possessions and improvements, without reference to any boundaries expressed in his deed.

But the claimants under these deeds produced a Resolve of the Legislature of the late Province of Massachusetts Bay, passed March 7th, 1700, appointing "*a committee to receive and examine the claims of all proprietors of lands, and of such as shall challenge propriety in any of the lands lying within this province to the eastward of the town of Wells, laid waste by the late war; the said committee to cause publication to be made of the time and the places when and where they shall appoint to sit, for that end, and to make report of their doings unto the next General Assembly.*"—And they contend, that having caused their Indian deeds to be recorded, in a book kept for that purpose in the Secretary's office, a number of years after the passing of this Resolve, is tantamount to a legislative allowance and confirmation of such deeds. No evidence was offered to the commissioners, that the committee appointed by that resolve, ever gave any other sanction or validity to the claims, than to suffer them to be received and recorded, at the request of the parties—and it did not appear that the committee made any report thereof to the Legislature, or that any subsequent doings of the Legislature was ever had upon them.

Whether the construction given to this resolve by the claimants be correct or not, is not within the authority of the commissioners to decide? But they take leave to observe, that afterwards in the year 1715, the Legislature passed an Act, entitled, "*An Act in addition to the Act of limitation for quieting of possessions,*" respecting lands lying to the eastward of Piscataqua river, by which it is provided, "*that there shall be a further time of five years, from the last of this instant July 1715, allowed all persons to pursue their right and claim to any houses and lands, in those parts and places, and every of them, and no longer.—And all actions and processes, to be thereafter brought for the same, are hereby excluded and forever debarred. Provided always, that there shall be a saving of all public lands, belonging to this Province, not orderly disposed of.*" No distinction appears to be made by this statute between any claims, whether derived from Indian deeds, British patents, or mere naked possessions.

If the true construction of this statute be, that the rights of all claimants then out of possession, who should not, before the last of July 1720, enter into possession or bring their action against those who should be then in actual possession, should be barred in favour of those in possession; and that to all lands where no individual was in possession, the rights of the claimants not pursued by actual entry or public claim, made and acknowledged by the Legislature, within the time limited by the Act, were to be extinguished in favour of the Province, then it will appear that the rights under the three claims of *Browne*, *Drowne* and *Tappan*, were, on the last day of July 1720, entirely extinguished, as the claimants under all of them were then, and for a long time before had been, out of possession, and none of them brought suits or made entry, or even recorded their claims in the Secretary's office, until after the times limited by that statute had expired. The *Brown* claim, which was the first, not having been entered in the Secretary's office until the 26th of December 1720, and the Indian deeds, on which the *Tappan* claim is grounded, not having been entered until January 1730—And the Pemaquid patent, on which the *Drowne* claim is founded, not having been entered in the Secretary's office at all, and not recorded in the York county registry until April 1737.

It appeared in the course of the investigation, that there were several other deeds and conveyances of land, lying within the towns mentioned in the memorials, or some of them, made by pretended Sagamores, one from which the Hathorne claim (so called) is derived, to a part of the town of Boothbay; but as these claims were not represented before the commissioners, and, as was said, are at present obsolete and extinct, they did not go into a particular investigation of them.

It further appeared, that the lands in question were all included within the grant of the crown of England to the duke of York, in the year 1664—And that his Lieut. Governor, Col. Dungan, exercised acts of government over the territory; but as there were no claimants under this grant before the commissioners, and it was represented that no claims under it now exist, except the rights of the settlers who hold their possessions under it, they gave it no further consideration.

By reference to the boundaries of the three represented claims, and to the plan exhibited among the documents, it will appear, that the *Brown* claim covers most of the town of Bristol, all the towns of Nobleborough and Jefferson, and part of the town of Newcastle; and that the *Drowne* claim covers all

the town of Bristol, and part of the towns of Newcastle and Nobleborough, and that the Tappan claim covers a great portion of the same lands with the Brown claim, and that the two Drowne and Tappan claims partially interfere with each other—And that the Brown and Tappan claims also cover all the lands granted by the Legislature to the Lincoln Academy. But that no part of the lands within the towns of Edgecomb and Boothbay fall within the lines of either of the three claims. The alarm therefore of the inhabitants of these towns, the commissioners suppose, was excited by an apprehension that the obsolete claims of those who might pretend to hold under the grant to the duke of York, or under the obsolete Indian deeds, called the Hathorne claim, &c. might be revived against them.

With respect to the inhabitants of the other towns, the agents for the memorialists, as will be seen by recurrence to the records of the commission, introduced a number of aged witnesses, and documents, in support of the allegations contained in their several memorials. From which it appeared, that the towns mentioned in the memorials are now very generally settled; that nearly all the lots are occupied, and have been, by the present settlers or their ancestors, or grantors, for a great number of years—That during the former wars with the savages, the inhabitants displayed the utmost courage and fortitude in defending their exposed frontier, and endured sufferings and hardships of the severest nature. That during the struggle for our national independence, their exertions were arduous and unremitting; that they paid their contributions of taxes with alacrity, and embarked in the common cause with vigour and decision. As an instance of this, we beg leave to state, that it appeared in evidence, that one quarter part of the able bodied male inhabitants of the town of Bristol fell during the revolutionary conflict, in defence of their country, either by land or by sea. During these periods of difficulty and danger, no claims from proprietors molested them. In the language of the memorial, "the inhabitants alone bore the burthen and heat of the day," and they undoubtedly supposed, as a witness remarked, that they were defending the soil to enjoy it themselves, and transmit it, as their property, to their descendants.

It appeared in evidence, that in 1729, one Col. Dunbar was sent over, under the real or supposed authority of the king of Great-Britain, for the purpose of settling this part of the country; under an idea, that by the conquest of the country from the French, the right of soil was vested in the crown, to the

exclusion of the owners, prior to the conquest thereof by the French. Accordingly, about the year 1730, he surveyed and laid out three tracts of land, to which he affixed the names of Walpole, Harrington and Townsend—the former situated partly in the present town of Nobleborough and partly in Bristol, the second in Bristol, and the third in Boothbay. He laid out the plan of a city at Pemaquid point, near the ocean; surveyed the residue of his towns, and granted them to settlers. One witness testifies, and it is corroborated by a view of the country, that 150 families were settled in these towns at this early period; many of them living on their lands in time of peace, and repairing to the fort for protection in periods of difficulty with the French or savages. It appears in evidence, that afterwards S. Waldo, Shem Drowne and Sir Biby Lake, petitioned the King and Council for the removal of Governor Dunbar; which petition, together with the question to whom the right of soil belonged, after the reconquest of the country from the French, were referred to the attorney and solicitor general, who decided, that as the country was not ceded, by treaty, by the French to the English, but was obtained by reconquest, the right of soil returned to the former proprietors, by the rights of postliminy, and governor Dunbar was accordingly removed, and no provision was made to quiet the settlers who came on under him.

One grant, made by Dunbar, it appears, was to Denny and M'Cobb, of Townsend, now Boothbay, and almost all the inhabitants of that town, it was testified, are descendants of the settlers under that grant.

It further appears in testimony, that brigadier general Waldo claimed originally on both sides of the Muscongus—His son went to Germany, and issued a proclamation for the purpose of inducing settlers to come to this country, and locate themselves on his lands: a number came, and were settled by him, on the western side of Muscongus river, within the territory, which he then claimed, now in the town of Bristol. The claim of Waldo was afterwards adjusted with the Commonwealth, and his heirs released all the lands, to the west of Muscongus river; of course, the release included a number of the settlements, which the emigrants from Germany had made. By this arrangement, they were placed within the present conflicting claims; and the heirs of Waldo, though bound upon every principle of justice and good faith, have never made them any indemnity whatever.

It further appears in evidence, that the claimants under the *Browne, Tappan* and *Drowne* rights, as well as the Plymouth company, have all made conveyances of lots of land, situate in the towns mentioned in the memorial; that they have exercised acts of ownership over them, and have had regular plans and surveys thereof made; that each class of claimants has represented to the settlers, that unless they purchased under their respective claims they should be sued: and it now appears, from the testimony and the certificate of the clerk of the court, in and for the county of Lincoln, that suits under the Brown claim, in the name of Noble, and also under the Tappan claim, in the name of B. Pickman and als. are pending against several persons for the same tract of land.

It was suggested, that it had been ruled by the Supreme Judicial Court, that no settler had a right to set up the title of another in his defence, unless he claimed under such title; but this we apprehend to have been a mistake, so far as respects actions founded on the writ of right; for we believe, that whoever would entitle himself to recover under this form of action, must shew a title paramount to all others. And as there is no mode under the existing laws to compel the proprietors to settle between themselves, as it respects their several titles, the settlers are unable to ascertain the paramount title of the conflicting claimants.

It further appeared in evidence, corroborated also by the general appearance of the country, that the settlements, on and about Damariscott river, were at least a century old. The inhabitants seem to be quiet, enterprising, and industrious; attached to the institutions under which they live, and totally free from any disorganizing or disloyal spirit. They ask for reasonable protection, under the laws of their country, and not an abolition of them. As a mark of their attention to social order and the means of information, we beg leave to state, that meeting houses are erected in every town mentioned in the memorial; that clergymen are regularly settled in most of them, and have been for a long time past; and that in the town of Bristol alone there are twenty-one school houses, and that town raises annually for the support of free schools, the sum of two thousand dollars.

It further appeared in evidence, that none of the early inhabitants entered upon these lands, with an intention of disseizing or trespassing on any proprietor; but that, nearly to a man, they hold their estates under deeds of settlement, from some

one or more of the claimants, or from prior settlers. No improper motives, on their parts, appear to have actuated them, but the variety of interfering grants derived from different sources, added to the lax and vague principles upon which all new countries are settled, have been the real causes of the existing difficulties, and have placed the people of these towns in a state of real insecurity, and have excited in them just causes of alarm.

THE COMMISSIONERS therefore, after fully hearing the complaints of the memorialists are of opinion, that, as well from their loyalty, merits and services, as from the peculiar circumstances of their situation, they are justly entitled to the particular interposition, of the fostering aid of the Legislature, so far as that aid can be extended to them, consistent with the rights of other individuals. They are sensible, that among the rights of the respective claimants, is unquestionably that of having the justice and legality of their several claims separately decided by trial at law. But it will be readily seen, that the exercise of these rights must, as it already has done, operate very oppressively on these people; and indeed the claimants themselves, who, it is believed, never before had an opportunity of seeing and examining the extent and evidence of the claims of each other, seem to be sensible of this truth, and it is pleasing to remark, manifested a disposition to bring the existing difficulties to a final close. Under this impression, the commissioners did not hesitate to suggest their wishes to this effect, which resulted in the proposition to the Legislature, accompanying this Report, under the hands and seals of the different claimants. By this instrument the claimants propose, to release and surrender, all their title under their respective claims, to the Commonwealth, and to submit to a new board of Commissioners, whether they, or either of them, are now entitled to all, or any part of the lands, described within their respective claims, and what part; consenting that the rights of the settlers and those of the Commonwealth, shall be opposed to them in the hearing; and if they or either of them, shall be found entitled to any part of such lands, the same to be estimated as in a state of nature, without reference to any improvement, and to receive compensation for the same, in the unlocated lands, in the District of Maine, belonging to the Commonwealth; which will leave the Commonwealth the sole proprietors of any interest, which may be found to belong to all, or any, of the present claimants; and to this proposition, the agents for the



memorialists, readily gave their concurrence, under a conviction, that nothing will be required of them by the Commonwealth, but what reason and justice will demand.

It may be worthy the consideration of the Legislature, that the lands granted by them to the Lincoln Academy, are entirely covered by two of these conflicting claims, and that although by the terms of that grant, the Commonwealth are not made responsible for any other claims, yet it may be considered as best comporting with the honour and liberality of the government to embrace any opportunity that may offer, to remove any obstacles that may prevent the quiet enjoyment of their grants, especially when made for the promotion of public education. The Trustees of this Academy think the proposed arrangement will much enhance the value of the government's liberality.

The Commissioners, therefore, cannot but earnestly recommend to the Legislature, to meet this proposition of the claimants, to extinguish their conflicting claims, as a measure dictated by that wise policy, which, in the government of a free country, always seeks the preservation of its honour and dignity; and will at all times make the tranquillity and happiness of all its citizens the primary objects of its pursuit. They believe also, that it would be good policy, in a local as well as national view, to encourage, by all just means, the speedy settlement of the District of Maine, so important a frontier of the Union, and they are persuaded, that the present length of limitation in bar of the writ of right, operates powerfully to the discouragement of this object. The neighbouring British colonies of New-Brunswick and Nova-Scotia, as well as some of the large States in the Union, to encourage their increase of population, have barred the writ of right after twenty-one years—and the Commissioners recommend that period for its limitation in this Commonwealth; or, if it should be objected to as unnecessary in Massachusetts proper, where the titles to lands are more firmly settled, they see no objection to the government's legislating for the District of Maine, separately, in this respect, as numerous precedents, to that effect, are to be found in our statutes, under the late Province.

The Commissioners have been thus particular in detailing the titles of the claimants, and the merits and complaints of the Memorialists, that the Legislature may at one view discern the nature and causes of the existing difficulties, and be able to judge of the propriety of applying the remedies recom-

mended, or such others as their wisdom and discretion may dictate. All which they have the honour, respectfully, to submit for that purpose.

And are your Honours' most obedient and devoted servants,

PEREZ MORTON,	} Commissioners.
JONA. SMITH, JUN.	
THOMAS B. ADAMS,	

*Portland, May 20, 1811.*

The following is the agreement referred to in his Excellency's Message.

It is hereby mutually agreed between the subscribers, non resident claimants to lands lying within the towns of Bristol, Nobleborough, New Castle, Edgecomb, and Boothbay, or some of them, to submit the merits of our respective claims to three commissioners to be appointed by the Legislature of this Commonwealth, or his Excellency the Governor, under their authority, with the consent of us the subscribers, which Commissioners shall have full power and authority to determine both in law and equity, whether we or either of us under our respective claims are entitled to any part of the lands lying within the boundaries of our respective claims, and what part we may be so entitled to, in opposition to the claims and rights of the possessors and occupants of said lands, and in opposition to the rights and claims of the Commonwealth, and we further mutually agree to release and grant to the Commonwealth all our rights and claims to the lands we shall be found to be entitled to respectively by the determination of said Commissioners, on condition that the Commonwealth shall grant and convey to us respectively an equivalent in their unlocated lands in the District of Maine, the lands to which we may be so found to be entitled, to be estimated as in a state of nature, unconnected with any improvement made by the settlement of said towns. The amount of the equivalent to be determined by said Commissioners.

It is understood by the parties that if this business should be delayed beyond the next session of the General Court, that the proprietors are at liberty to proceed in bringing their actions so as to avoid the statute of limitation, and should there be an eventual failure in bringing this business to an amicable adjustment upon principles hereby contemplated or to be agreed upon by the parties, and if the said proprietors by such

delay should be likely to be injured by the operation of the statute of limitation, that provision should be made by law to prevent such operation.

In witness, we have hereunto mutually and respectively set our hands and seals for ourselves and the respective claims we represent, this tenth day of May, in the year of our Lord one thousand eight hundred and eleven.

Signed, sealed, and delivered  
to the Commissioners in  
presence of  
JOHN MERRILL, jun. }

THOMAS FOLLENSEE, *for the Tappan  
right or claim, so called, by* (Seal)  
SILAS LEE, *his Attorney.*

JAMES FLAGG, JUN. *for the Drowne, or  
Pemaquid Proprietors, so called.* (Seal)

JAMES NOBLE, *who claims the whole of  
the eight mile square under the  
Brown title, and two fifths of the  
residue of the Brown right.* (Seal)

Witness, JOHN DIX.

W. S. VAUGHAN, *Attorney for* } (Seal) *For the*  
WM. VAUGHAN. } *Brown claim, their*  
GEO. E. VAUGHAN, *as Attor-* } *proportions there-*  
*ney to SARA RINGE.* } *in, as it respects*  
 } *James Noble, and*  
 } *themselves, and*  
 } *each other, to be*  
 } *ascertained by the*  
 } *Commissioners*  
 } *which may be so*  
 } *appointed.*

Witness, STEP'N M'LELLAN.

DANIEL W. LINCOLN, *At-* }  
*torney to the heirs of SAM'L* }  
WALDO, *who claim one un-* }  
*divided moiety of the eight* }  
*miles square.* }

ENOCH LINCOLN, witness to  
execution by D. W. LINCOLN.

June 20, 1811.

The Committee to whom was referred the message of his Excellency the Governor, together with the report of the Commissioners, and the documents accompanying the same, relative to certain disturbances in the county of Lincoln, and the memorials from sundry towns in said county, beg leave to report.

That said Commissioners in their report have stated that the persons claiming to be proprietors have made a proposition to the Government under the hands and seals of said claimants, or their agents, which proposition is contained in the instrument hereunto annexed, and the said Commissioners have recommended to the Legislature in their said report to "meet the proposition of the claimants and to extinguish their conflicting claims as a measure dictated by that wise policy, which, in the government of a free country, always seeks as the preservation of its honour and dignity, and will at all times make the tranquillity and happiness of all its citizens the primary object of its pursuit;" and your committee are of opinion that it is expedient to

accept of said proposition, and they accordingly report the following resolve for carrying the same into effect.

Which is respectfully submitted, by

WILLIAM KING, *per order.*

*Commonwealth of Massachusetts.*

Whereas certain persons claiming lands in the towns of Bristol, Edgcomb, New Castle, Nobleborough, Waldoborough, Jefferson, and Boothbay, have offered to submit their respective claims to three Commissioners, to be appointed by the Legislature of this Commonwealth, or his Excellency the Governor, under their authority, with the consent of the said claimants, which Commissioners shall have full power and authority to determine both in law and equity whether said claimants, or either of them, under their respective claims, are entitled to any part of the lands lying within the boundaries of their respective claims, and what part they may be so entitled to, in opposition to the claims and rights of the possessors and occupants of said lands, and in opposition to the rights and claims of the Commonwealth. And whereas said claimants have further stipulated and agreed to release and grant to the Commonwealth all their rights and claims to the lands they should be found entitled to respectively by the determination of said Commissioners, on condition that the Commonwealth shall grant and convey to said claimants respectively an equivalent in their unlocated lands in the District of Maine, for the lands to which they may be so found to be entitled, to be estimated as in a state of nature unconnected with any improvement made by the settlement of said towns, and the amount of such equivalent to be determined by said Commissioners.

*Be it therefore resolved,* That the Attorney General be, and he hereby is authorised on the part of this Commonwealth to submit with the persons claiming to be proprietors of all or any part of the aforesaid towns, their rights to three Commissioners to be appointed in the manner hereafter provided, the report of whom, or the major part of them, made to the Legislature as soon as may be, shall be binding on all the parties thereto, and the said submission shall be upon the principles and conditions in the preamble of this resolve before mentioned.

*Be it further resolved,* That his Excellency the Governor, by and with the advice and consent of Council, and with the assent of said claimants, be, and hereby is authorised to appoint three Commissioners for the purposes in said preamble mentioned.

*Be it further resolved*, That the said Commissioners shall notify the Attorney General, and the possessors or occupants of said lands, the persons claiming to be proprietors thereof, of their time and place of meeting, and they shall have power to appoint a Clerk, and to send for persons and papers, and to issue proper process for this purpose, and shall make a return of their doings to his Excellency the Governor as soon as may be, after their said business is performed.

*Be it further resolved*, That it shall be the duty of the Attorney General to attend the meetings of said Commissioners, in behalf of the claims of the Commonwealth.

## XXXV.

*Resolve authorising the inhabitants of Saco to convey one quarter of an acre of land to Saco Academy.*

June 21, 1811.

On the petition of Jonathan Tucker and Joseph Leland, agents for the Trustees of Saco Academy, praying that the town of Saco may be authorised to convey to them, for the use of said Academy, one quarter of an acre of land.

*Resolved*, for reasons set forth in said petition, That the inhabitants of said town of Saco be, and they are hereby authorised to convey to the Trustees of Saco Academy, for the use of said Academy, one quarter of an acre of land, situate in said Saco, and being part of a piece of land granted to said town by a resolve of the General Court, passed February the ninth, in the year of our Lord one thousand seven hundred and ninety-eight, for the purposes of a burial and training field, &c. any provisions in said resolve notwithstanding.

## XXXVI.

*Resolve directing the Treasurer to discharge Limerick, and charge Cornish with Representatives' pay.* June 21, 1811.

On the petition of John Woodman, in behalf of the town of Limerick in the county of York, setting forth, that by some mistake the said town of Limerick stands charged in the last tax act, with the sum of fifty-eight dollars for the pay of Representative for the two sessions of the General Court previous to January last past, although no Representative has ever attend-

ed from that town, but that the same sum on the payrolls stands charged to the town of Cornish in the same county.

*Resolved*, for reasons set forth in said petition, That the Treasurer be directed to discharge the said town of Limerick from the said sum of fifty-eight dollars, and charge the same to the said town of Cornish, and issue his warrant accordingly.

## XXXVII.

*Resolve on the petition of Cyrus Hamlin and others, sureties for the late Sheriff of Oxford. June 21, 1811.*

*Resolved*, That the Treasurer of this Commonwealth be directed to stay execution for one year from the date of this resolve against Cyrus Hamlin, Isaac Lovell and Joseph Leavitt, as sureties for David Learned, late Sheriff of the county of Oxford, for the three hundred and twenty-four dollars, and interest.

## XXXVIII.

*Resolve authorising William Farris to convey certain real estate to Eleazer Johnson. June 21, 1811.*

On the petition of William Farris, of Newburyport, in the county of Essex, merchant, setting forth, that he with the late Reverend Dr. Samuel Parker, of Boston, in the county of Suffolk, deceased, was authorised by a resolve of the General Court, passed on the first day of March, A. D. 1803, to sell and convey certain real estate belonging to the children of John Tracey, of said Newburyport, Esquire, and for reasons set forth in said petition, praying that he may have liberty to sell and convey, for the benefit of Elizabeth Farris Tracy, and Catharine Deblois Tracy, the two remaining minor children of said John Tracy, to Eleazer Johnson, of said Newburyport, merchant, their two sixth parts of the estate in said Newburyport, which was conveyed by John Lowell, Esq. to Patrick Tracy, Esq. by deed dated October 21, A. D. 1778, in like manner as the said William Farris and Samuel Parker might have done in the life time of the said Samuel Parker.

*Resolved*, That the said William Farris be, and he hereby is authorized to sell, and by deed duly acknowledged and recorded to convey to the said Eleazer Johnson, the said two sixth parts of said real estate belonging to the said two minor children of the said John Tracy, at and after the same rate and

price for which the other four children of the said John Tracy have sold and coveyed to the said Eleazer Johnson, their four sixth parts of said estate, the said William Farris to conduct the said sale, and dispose of the proceeds thereof in the like manner, and on the like terms and conditions, in all respects, as he and the said Samuel Parker might and ought to have done, by virtue of the said former resolve, if the said Parker were now living.

## XXXIX.

*Resolve on the petition of Stephen Thayer, guardian to certain minors. June 21, 1811.*

*Resolved*, for the reasons set forth in said petition, That the said Stephen Thayer, in his capacity of Guardian to Hannah Jackson Thayer, and Rebecca Miller Thayer, children of the late Atherton Thayer, Esq. and Joseph Henry Jackson Thayer, and Sarah Atherton Thayer, children of said Stephen, be, and he hereby is authorised and empowered to make, execute, acknowledge, and deliver in due form of law, any deed or deeds of release, or quitclaim of all the right and title, interest, and estate, which said minors have in, any and all lands and tenements whereof said Henry Jackson, deceased, died seized and possessed or entitled to.

## XL.

*Resolve allowing the proprietors of Saco free bridges, to complete a bridge. June 21, 1811.*

On the petition of Daniel Cleaves, Jeremiah Hill and Nathaniel Goodwin, agents of the proprietors of the Saco free bridges, praying for a longer time to enable them to build a bridge over the eastern branch of said river, from Indian Island to the shore in Saco, they having already built a good and substantial bridge over the western branch thereof.

*Resolved*, for reasons set forth in said petition, That there be and hereby is allowed the said proprietors a further term of one year, from and after the first day of January next, to complete said bridge, any thing in the resolve passed the second day of March, in the year of our Lord one thousand eight hundred and ten, to the contrary notwithstanding.

## XLI.

*Resolve making an addition to the pay of the Messenger of the General Court. June 21, 1811.*

*Resolved*, That there be allowed and paid out of the public treasury to Jacob Kuhn, three hundred and fifty dollars, for the present year, commencing the thirtieth day of May last to be in addition to the sum of four hundred dollars allowed him by a resolve of March 26, 1793, establishing the pay of the Messenger of the General Court.

## XLII.

*Report on the petition of James Hearsey and others, Committee of Proprietors of land in Cumberland. June 21, 1811.*

The Committee to whom was referred the petition of James Hearsey, Aaron Dwinnel, and Samuel Pool, Committee for proprietors of land in the county of Cumberland, ask leave to report :

That the said proprietors claim under John Bridgham and others, who purchased a tract of land, in said county of Cumberland, of the Commonwealth on the day of  
A. D.                   that the same land is within limits claimed by the Commonwealth, and also by the Pejepscot proprietors. That in pursuance of a resolve of the Legislature, an inquest of office has been commenced against said Pejepscot proprietors, to recover seizen and possession of that part of the tract, which belongs to the Commonwealth. That said inquest was instituted September and October terms, 1808, in the counties of Lincoln, Kennebeck, and Cumberland, and an issue of law for the opinion of the whole court was made in one of the said actions, for the purpose of trying the whole, as they all depended on the same principles. That said actions have been, for reasons wholly unknown to your committee, continued till the present time without any decision, although moved on the part of the Attorney General, for a decision in pursuance of an order of the Legislature. That the answer which was given by the court to the Attorney General, was, that they should decide the issue of law at the last March term, in Boston. Your committee further report, that certain actions were brought by the Pejepscot proprietors against tenants in possession, who held under the grant of the Government to Bridgham and



others—That Judge Sedgwick, at a term at Portland in 1809, on motion of Defendants directed the causes to stand continued in order that the title might be determined between the Government and Pejepscot proprietors; but Judge Thatcher, on the contrary, at the term of the S. J. Court holden at Portland, in and for the county of Cumberland, though moved for a continuance of the actions on the same grounds, refused to grant the motion, and of course judgment was rendered for the proprietors. Your committee must observe, that this decision involves the Commonwealth, and the settlers, in needless expense and embarrassment, on the one hand the Court procrastinate the decision of the cause between the Commonwealth and the Pejepscot proprietors, on the other a member of the same court decides at random the title and refuses a continuance, in order that the rights of the Commonwealth may be determined.

This course of proceeding must be attended with no inconsiderable injury to the State.

The Legislature are bound to indemnify their grantees, not only for the value of their lands, but for their costs and trouble in defending the suit, and what reason can be assigned for driving to trial a cause between a proprietor and grantees under the Commonwealth, and at the same time for delaying the actions pending between the Commonwealth and the same proprietors.

The Committee are fully persuaded, that such a course of conduct requires legislative interposition, they therefore report the following resolve.

Which is respectfully submitted by

WILLIAM KING, *per order.*

*Resolved*, That the Attorney General be, and he is hereby directed to lay before the Legislature, at their next session, a statement of the trials which have heretofore been had between the Commonwealth and the Pejepscot proprietors, as well before the Judicial Courts, as before referees, and likewise what measures have been adopted by the occupants in aid of the views of the government, in order to perfect their title.

*And be it further resolved*, That it shall be the duty of the said Attorney General to ascertain and state to the Legislature the reasons, if any exist, why the actions commenced against the Pejepscot proprietors by the Commonwealth have not come on trial, with such other information as may be interesting to the Commonwealth and the occupants.

## XLIII.

*The Secretary to deliver laws for the use of the officers of the State prison. June 21, 1811.*

*Resolved,* That the Secretary of this Commonwealth be directed to deliver to Major Daniel Jackson, one set of the Statute laws of this Commonwealth, which now are, or may hereafter be enacted; for the use of the officers of the State Prison, to be deposited with the warden of the said Prison.

## XLIV.

*Resolve authorising the Treasurer to borrow \$60,000. June 22, 1811.*

Whereas the Treasurer of this Commonwealth has represented that the state of the Treasury may make it necessary for him to borrow sixty thousand dollars.

*Be it therefore resolved,* That the Treasurer of this Commonwealth be, and he is hereby authorised and directed to borrow of the Boston and Union banks, any sum, not exceeding sixty thousand dollars, that may at time within the present year be necessary for the payment of the ordinary demands made on the treasury, and he repay any sum he may so borrow as soon as money sufficient for that purpose, and not otherwise appropriated, shall be received into the treasury.

## XLV

*Resolve appointing Commissioners to settle with Thomas Harris Esq. late Treasurer. June 22, 1811.*

*Resolved,* That the Hon. John Wells, Hon. Nathaniel Morton jun. Benjamin Weld, Esq. Nathaniel Bowditch, Esq. and John Appleton, Esq. be Commissioners to examine, liquidate, adjust and settle the accounts of Thomas Harris, Esq. late Treasurer and Receiver General of this Commonwealth, from the time of his entering on the duties of his office, to the thirtieth day of June instant, inclusively, and the said Commissioners are directed and empowered to deface all notes and duebills, orders or other obligations issued under the authority of this Commonwealth by any officer thereof, which have been redeemed by the Treasurer, or his predecessors, and to make a regular transfer of the books, papers, files, money, secu-

rity, obligations, and all other property now in the Treasury, to the present Treasurer, and report their proceedings at the next session of the General Court.

XLVI.

*Resolve granting John Perry additional pay.* June 22, 1811.

*Resolved,* That there be allowed and paid out of the Treasury of this Commonwealth unto John Perry, assistant to the Messenger of the General Court, one dollar per day during the present session of the Legislature, over and above the usual allowance to him.

XLVII.

*Resolve granting Warren Chase, additional pay.*  
June 22, 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 Legislature, over and above the usual allowance to him.

XLVIII.

*Resolve establishing the pay of the Clerks in the Secretary's and Treasurer's office.* June 22, 1811.

*Resolved,* That there be allowed and paid out of the Treasury of this Commonwealth to the first Clerk in the Secretary's office, four dollars and forty-seven cents per day, and to each of the other Clerks in said office, three dollars and forty-nine cents for each day they are respectively employed therein, for one year commencing the first day of the present month of June.

*And it is further resolved,* That there be allowed and paid out of the Treasury aforesaid, to the first Clerk in the Treasurer's office, four dollars and forty-seven cents, and to the other Clerks in said office, three dollars and eighty-four cents, for each day they are respectively employed therein for one year, commencing the first day of the present month of June.

## XLIX.

*Resolve on the petition of Abraham Gould, authorising Henry Blake to execute a deed. June 22, 1811.*

Whereas Jonathan Bird, of South Boston, in the town of Boston and County of Suffolk, Esquire, now deceased, was while living duly appointed guardian of Pinson Blake, a minor son of James Blake, deceased, and as guardian was duly authorised to sell said minor's real estate in South Boston aforesaid, by licence of the Supreme Judicial Court at Boston, March term 1806, and did in fact advertise and sell a part of said minor's real estate aforesaid at public auction, on the twelfth day of May 1806, which was purchased by Abraham Gould, the petitioner, who was the highest bidder therefor, which was struck off to him at the sum of four hundred dollars which were paid to the said Bird in his life time; and whereas a deed thereof was drawn from said Bird, guardian as aforesaid, to said Gould, and executed by said Bird, but which deed was either lost or never delivered to said Gould, and no record thereof nor any evidence of the existence thereof can be found, and said Bird hath since died, and Mr. Henry Blake hath since said Bird's death been appointed guardian to said Pinson Blake, and hath certified his willingness that this resolve should be passed.

*Therefore resolved*, That Henry Blake, guardian as aforesaid, be authorised to make and execute a good and valid deed of said real estate to said Gould, the same having been paid for and is thus described. A piece of land on or near Nook hill, lying in South Boston, bounded southwesterly on fifth street, there measuring sixty-two feet; northeasterly partly on a way, and partly on land lately owned by Moses Everett, and since by William Tudor, there measuring sixty-two feet; northwesterly on land lately of Sarah Baker, now of Coverly, there measuring one hundred and twenty-nine feet, and southeasterly on land of Benjamin Blake, a minor, one hundred and twenty-nine feet, the same being parcel of the lot No. 10 with the privileges and appurtenances to the same belonging.

## L.

*Resolve in favour of Stephen Hall Tower, granting him one dollar per day as Page. June 24, 1811.*

*Resolved*, That there be allowed and paid out of the Treasury of this Commonwealth to the messenger of the General Court,

to be by him paid over to Stephen Hall Tower, one dollar per day for each day he the said Tower has attended as Page the present session of the General Court.

*His Excellency the Governor's Message to both Houses.*

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

The Secretary will present to the Legislature a report of the Superintendent of the State Prison and the proceedings of the Executive thereon respecting the expenditure of the last, and the expediency of another grant for supporting that important institution.

*Council Chamber, 24 June, 1811.*

E. GERRY.

LI.

*Resolve allowing David Everett Esq. \$133. June 24, 1811.*

*Resolved*, That there be allowed and paid out of the Treasury of this Commonwealth to David Everett Esq. Reporter to the House of Representatives in cases of contested elections, for his services in that office, up to the 21st June 1811, the sum of one hundred and thirty-three dollars, in full for his attendance on the House of Representatives, and for said services (except for that part of his duty which consisted in collecting from the Journals of the House, and the papers on file, such decisions as have been heretofore made in cases of contested elections) and his Excellency the Governor is hereby requested to draw his warrant on the Treasurer for the sum aforesaid in favour of said Everett.

LII.

*Resolve making an addition to the Committee to allot lands to settlers in Eastport. June 24, 1811.*

On the petition of Lewis F. De Lesdernier.

*Resolved*, That William Allan, Samuel Beal, Oliver Shead, and Jonathan D. Weston, be, and they are hereby added to the Committee for allotting lands to settlers in the town of Eastport, in the places of several of the members of the said Committee who are deceased, appointed by a Resolve of the 18th June, 1791.

And a further time of twelve months from the date of this Resolve be and is hereby allowed to the settlers in the said town of Eastport, to make their payments to the Committee for the sale of Eastern lands, and to receive their deeds thereo .

## LIII.

*Resolve on the petition of Josiah Willard, directing the Treasurer to deliver up a bond upon his paying \$200. June 24, 1811.*

Upon the petition of Josiah Willard, praying that a certain bond given by him to the Commonwealth, now in the Treasury office, may be cancelled, and delivered to him.

*Resolved*, for reasons in the same petition set forth, That the Treasurer of this Commonwealth be, and he hereby is directed upon the payment of two hundred dollars by the said Josiah Willard or his legal representatives, any time before the first day of October next, to deliver to him or them the aforesaid bond to be cancelled.

## LIV.

*Resolve for paying the Commissioners to investigate the causes of the difficulties in Lincoln County. June 24, 1811.*

Whereas it appears by vouchers produced to the Committee, that the expenses incurred by the Commissioners appointed by the resolve of the 17th of February last, amounts to the sum of three hundred sixteen dollars and eighty-nine cents.

*Resolved*, That his Excellency the Governor be requested to draw his warrant on the Treasurer for the same.

*And be it further resolved*, That there be allowed and paid out of the Treasury to the Hon. Perez Morton, for his attendance on said commission, the sum of one hundred and forty-four dollars. - - - - - \$144

To Jonathan Smith, jun. Esq. the sum of one hundred and eighty dollars. - - - - - 180

To Thomas B. Adams, Esq. the sum of one hundred and sixty-two dollars. . - - - - - 162

To Eleazer W. Ripley, Esq. for his services as Clerk, the sum of one hundred and twenty-six dollars. - - - - - 126

And his Excellency the Governor is requested to draw his warrant on the Treasury accordingly.

## LV.

*Resolve granting \$800, to the messenger of the General Court, to purchase fuel. June 24, 1811.*

*Resolved*, That there be paid out of the Treasury of this Commonwealth to Jacob Kuhn, messenger of the General Court, the sum of eight hundred dollars, to enable him to purchase fuel, and such other articles as may be necessary for the use of the General Court, together with the Governor and Council chamber, the Secretary's and Treasurer's offices, he to be accountable for the expenditure of the same.

## LVI.

*Resolve on the petition of Theodore Hinsdale, Deputy Sheriff, granting him \$64,90. June 24, 1811.*

On the petition of Theodore Hinsdale, a Deputy Sheriff for the County of Berkshire, praying for compensation for attaching and securing property, serving and returning fifteen writs in favour of the Commonwealth, against Thompson J. Skinner Esq. late Treasurer of said Commonwealth, and his sureties, respectively.

*Resolved*, That there be allowed and paid out of the Treasury of this Commonwealth to the said Theodore Hinsdale, sixty-four dollars and ninety cents, in full for the services aforesaid, and his Excellency the Governor with the advice of Council is hereby authorised to draw his warrant on the Treasurer for said sum.

## LVII.

*Resolve appointing a Committee to repair the State-House, and appropriating \$1000. June 25, 1811.*

The Committee to whom was referred the subject of repairing the State-House, report, that the colonade, the east and west porticoes the sills of some of the entrance doors, and the slating, &c. require some repairs, and the Clerk's desk in the house requires to be altered for his accommodation, and that elm trees be substituted for the poplar trees now standing in the State-house yard.

The Committee would therefore recommend that the following order and resolve be passed. viz.

THOMAS W. SUMNER, *per order*.

*Resolved*, That Mr. Thomas W. Sumner, Mr. Millar and Mr. Brewer, be a committee to repair the colonade, the east and west porticoes, the sills of the doors, and the slating of the roof, together with such other repairs as they may deem necessary and expedient for the preservation of the house, and convenience of the members, and that they also cause the necessary alterations to be made in the clerk's desk in this house, so that he may be better accommodated than he is at present; also, to cause elm-trees to be planted in the State-House yard.

*And be it further resolved*, That there be allowed, and paid out of the public Treasury of this Commonwealth, one thousand dollars to Thomas W. Sumner, to defray the expenses of the repairs which have become necessary in and about the State house, he to be accountable for the expenditure of the same, and that his Excellency the Governor be, and he is hereby requested to draw his warrant on the Treasurer accordingly.

### LVIII.

*Resolve granting a tax to Plymouth, Dukes' County, and Kennebeck.* June 25, 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 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.

Plymouth, two thousand and one hundred dollars.	\$2100
Dukes' county, three hundred dollars.	300
Kennebeck, six thousand five hundred dollars.	6500



## LIX.

*Resolve for paying Eldad Parsons and Elijah Bridgman jun. for bringing to Justice one William Rich. June 26, 1811.*

Whereas it has been represented to the General Court by Eldad Parsons, and Joseph Bridgman jun. of Belcherton, in the county of Hampshire, that in the year one thousand eight hundred and seven they spent much time and money, in pursuing, apprehending, and bringing to conviction one William Rich for passing counterfeit bank bills, and that said Rich upon his conviction was sentenced to pay a fine of three hundred dollars, which has been since paid by said Rich for the use of this Commonwealth, and that they have received no compensation for their services aforesaid.

*Therefore resolved*, That there be paid out of the Treasury to Eldad Parsons, the sum of forty-four dollars, and to Elijah Bridgman jun. the sum of fifteen dollars in full for their services aforesaid, and his Excellency the Governor with the advice of Council is requested to issue his warrant accordingly.

## LX.

*Resolve appropriating \$10,000 for the State Prison. June 26, 1811.*

*Resolved*, That his Excellency the Governor, by and with the advice of Council, be, and he is hereby authorised to draw warrants upon the Treasurer of this Commonwealth in favour of the Superintendant or Warden of the State 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 Superintendant to perform his contracts and incidental charges, to defray the expences of said prison the present year, he to be accountable for the same.

## LXI.

*Resolve for loaning Edward Little, and William Atkinson, \$1100. June 26, 1811.*

On the petition of Edward Little, and William Atkinson who have contracted with the Commonwealth for printing the reports of cases adjudged in the Supreme Judicial Court of this

Commonwealth, and have lost their printing office and types in the late fire at Newburyport.

*Resolved*, That there be loaned to the said Edward Little, and William Atkinson, the sum of eleven hundred dollars, for the term of one year, on their note of hand, with sufficient surety to the satisfaction of the Treasurer, for the said sum, payable in one year to the Commonwealth, with interest, and his Excellency the Governor by and with the advice of Council is requested to draw his warrant on the Treasurer for the said sum, on the conditions aforesaid.

## LXII.

*Resolve appropriating \$120, in addition to a previous appropriation the present session to pay assistant Clerks employed in the Secretary's office. June 26, 1811.*

*Resolved*, That there be allowed and paid out of the Treasury of this Commonwealth, unto Benjamin Homans Esquire, Secretary of State, the sum of one hundred and twenty dollars, in addition to a grant made by resolve of the nineteenth instant, to enable him to pay such assistant clerks as he may think it necessary to employ to expedite the public business, he to account therefor.

## LXIII.

*Resolve authorising Rhoda Hamilton to convey estate to Rice, Arms, and Dunham. June 26, 1811*

On the petition of Rhoda Hamilton, administratrix of the estate of William Hamilton, late of Conway in the county of Hampshire, deceased, praying for authority to convey to Joseph Rice, John Arms, and Benajah Dunham, three fourth parts of a certain tract of land in said Conway, with an oil mill standing thereon, by said William purchased of one Moses Hayden, and also for liberty to sell the other fourth part of said land and mill, first giving bond to the Judge of Probate for securing the effects of the sale of said last mentioned fourth part, for the benefit of the heirs of said William Hamilton.

*Resolved*, That the prayer thereof be granted, and that said administratrix be, and she is hereby authorised to convey to said Joseph Rice, John Arms, and Benajah Dunham, and their heirs, by deed, all the title and estate of which the said

William Hamilton died seized, in and to the said three-fourth parts of the said land, and oil mill standing thereon, as described in the deed to the said William Hamilton as mentioned in the petition of the said Rhoda ; and also that the said Rhoda be authorised to sell, and convey by deed, the other fourth part of said land and oil mill, she first giving bonds to the Judge of Probate, for the county of Hampshire, for securing the effects of the sale of the said fourth part, for the benefit of the said heirs.

## LXIV.

*Resolve for paying the expense of Music, when the Commander in Chief shall order out an escort. June 26, 1811.*

*Resolved,* That whenever the Commander in Chief of the Militia of this Commonwealth shall direct any militia company, or other corps, to perform escort duties, that the commanding officer of such company or corps shall present his account for necessary music to the Quarter Master General, by whom the same shall be discharged out of the Commonwealth's monies in his hands.

## LXV.

*Resolve for paying the Committee on accounts. June 26, 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, in addition to their pay as members of the Legislature :

Hon. Nathan Willis, twenty-two days, twenty-two dollars.

Hon. Silas Holman, twenty-two days, twenty-two dollars.

Nathan Fisher, twenty-one days, twenty-one dollars.

Jonas Sebley, twenty-two days, twenty two dollars.

James Robinson, twenty-two days, twenty-two dollars.

Which sums shall be in full for their services aforesaid, respectively.

## LXVI.

*Resolve prescribing to whom the laws of Congress shall be delivered.* June 27, 1811.

*Resolved*, That the copies of the laws of the United States, that are now in the Secretary's office, or which may hereafter be received, shall be distributed in the following manner by the Secretary, any thing in the resolves passed the twenty-sixth of January, and the tenth day of June, in the year of our Lord one thousand eight hundred and eight, to the contrary notwithstanding, viz. To the Clerk of each town or district, and to the assessors of each plantation within this Commonwealth, which pays a state tax, one copy for the use of such town, district or plantation; to each clerk of the several Judicial Courts, and Courts of General Sessions, within this Commonwealth, one copy for the use of the respective courts aforesaid; to each Judge of the Supreme Judicial Court, and to each Judge of the Circuit Court of Common Pleas, one copy; to the Judges of Probate in the several counties, one copy each; to the Attorney General and Solicitor General, one copy each; to the Sheriff of each county and to the Warden of the State Prison, each one copy, to be kept at the respective prisons; to the Quarter Master and Adjutant General, one copy each; to each Major General one copy; to the University of Cambridge, one copy; to Williamstown and Bowdoin Colleges, the American Academy of Arts and Sciences, and the Historical Society, one copy each. To his Excellency the Governor, and his Honour the Lieutenant-Governor, to the President of the Senate, and the Speaker of the House of Representatives, one copy each.

*Be it further resolved*, That upon the death, resignation or removal from office of either of the clerks of towns or districts, or Judicial Courts, Sheriffs or Warden, Judges of Probate, or assessors of Plantation, Attorney General, Solicitor General, Major Generals, Adjutant General, and Quarter Master General, he, or his executor or administrators respectively, shall be held and obliged to deliver over the said laws to his successor in office for the use of their several offices.

## LXVII.

*Resolve establishing the Salaries of the Lieutenant-Governor, Secretary and Treasurer, for one year.* June 27, 1811.

*Resolved*, That there be allowed and paid out of the Treasury of this Commonwealth to his Honour the Lieutenant-

Governor thereof, the sum of five hundred and thirty-three dollars and thirty-three cents, for his salary for one year from the thirty first day of May last.

Also Benjamin Homans Esq. Secretary of the Commonwealth, the sum of two thousand dollars, for his salary for one year from the sixth day of June current, he to be accountable at the end of the year, for all the fees of the office he shall have received. And to Jonathan Loring Austin Esq. Treasurer and Receiver General of this Commonwealth, the sum of two thousand dollars, for his salary for one year from the sixth day of June current, and that all the aforesaid salaries be paid in quarterly payments as they shall become due.

## LXVIII.

*Resolve for paying the Clerks of the General Court.*  
June 27, 1811.

*Resolved*, That there be paid out of the public Treasury, to Marcus Morton, Clerk of the Senate, and to Charles P. Sumner, Clerk of the House of Representatives, two hundred dollars each, and also to Robert C. Vose, assistant Clerk of the Senate, one hundred and twenty-five dollars, and to Thomas Wallcutt, assistant Clerk of the House of Representatives, one hundred and twenty-five dollars, in full for their services in said offices, the present session of the General Court. And to Samuel Smith, for services rendered the Clerk of the Senate, eighty-five dollars in full for the same.

## LXIX.

*Resolve on the petition of William Eaton and others, in favour John Jenkins.* June 27, 1811.

On the petition of William Eaton, praying that some compensation may be made to John Jenkins, for his invention of certain improvements in the art of writing.

*Resolved*, That the said petition be referred to the American Academy of Arts and Sciences, who hereby are requested by their Committees, or in any mode they may see fit, to examine the subject of said petition, and the merits of said invention, and to report to the General Court at the next session thereof, how far the same is deserving the public patronage, and in what manner the same invention may be properly rewarded.

## ROLL No. 65....June, 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.

Abington, for boarding and clothing Thomas Seymore to 4th June, 1811,	£24 80
Augusta, for boarding, clothing, and doctoring Lydia Gordon, to 6th March, 1811,	94 62
Adams, for boarding, clothing, and doctoring sundry paupers to 22d May, 1811,	110 66
Brookfield, for supporting George Baslington to 1st May, 1811,	19 7
Bellingham, for boarding and clothing Robert Atkins to 25th March, 1811,	20 41
Buckland, for boarding and clothing William Negus to the time of his death, including funeral charges,	111 62
Becket, for boarding, clothing, and doctoring Sally Leonard and Hiram Leonard to 21st May, 1811,	30
Bristol, for boarding, clothing, and doctoring William Howe to 1st June 1811,	41 33
Bridgewater, for boarding and clothing William Blakely and Frederick Bignor to 6th June, 1811,	45 30
Barre, for boarding, nursing, and supplies to John C. Danderick to 15th April, 1811,	80 14
Billerica, for boarding and doctoring Michael Taylor to the time of his death, including funeral charges,	46 50
Boxford, for boarding and clothing Mehitable Hall to 5th June, 1811,	92 50
Boston, for boarding and clothing sundry paupers to 1st June, 1811, and doctoring in full to the 1st December, 1810,	8549 74
Bradford Samuel, Sheriff of the county of Suffolk, for supporting poor prisoners in gaol, to May 11, 1811,	423 24
Charlton, for boarding, clothing, and doctoring Edward Madden to 4th May, 1811,	22

Colerain, for boarding and nursing Sally Lamonier to 25th May, 1811,	30 95
Cohasset, for boarding, nursing, and doctoring Alexander M'Leod, to the time of his death, including funeral charges,	20
Carlisle, for boarding and clothing Robert Barber to 25th May, 1811,	23 58
Columbia, for doctoring Robert Martin in his last sickness,	65
Cheshire, for boarding, clothing, and doctoring Ephraim Richardson, Polly Newcomb, and Polly Cooper, and supplies for William Davis and family, to 23d May, 1811,	207 52
Chelsea, for boarding and doctoring Ralph O'Donnel, to the time of his death, including funeral charges,	69
Cape Elizabeth, for boarding and clothing James Ramsbottom to 20th May, 1811, and supporting Abraham Burke to the time of his death, including funeral charges,	64 29
Dartmouth, for boarding and clothing John Quannawill to 20th May, 1811, and clothing Emanuel Gust to the same date,	88
Dighton, for boarding and doctoring Charles Williamson to the time of his death, including funeral charges,	25 48
Doggett Samuel, keeper of the gaol in Dedham, county of Norfolk, for boarding Isaac T. Cary, a poor prisoner confined for debt,	7 50
Durham, for boarding and clothing three children of Jonathan Dumerrit to 20th May, 1811,	141 90
Dover district, for boarding and doctoring Daniel Waters to the time of his death, including funeral charges,	39 50
Dracut, for boarding and doctoring widow Jacquith to the time of her death, including funeral charges,	21 66
Danvers, for boarding, clothing, and doctoring sundry paupers to 11th June, 1811,	272 12
East Hampton, for boarding and doctoring John Hall to 29th May, 1811,	17
Edgarton, for boarding, clothing, and doctoring John Cole, and for boarding and clothing Anthony Chadwick to 22d May, 1811,	59 38
Franklin, for supplies for Thomas Barre and wife to 5th June, 1811,	28 18

Falmouth, in the county of Cumberland, for boarding, clothing, and doctoring Felicas Sang to 25th May, 1811,	\$27 55
Florida, for boarding, clothing, and doctoring two children of Amos Eldridge to 22d May, 1811.	42 12
Granville, for boarding, clothing, and doctoring Archibald Stewart, and George Taylor to 1st June, 1811, and Amos Fay to the time of his death, including funeral charges,	67 26
Greenwich, for boarding, clothing, and doctoring John Howard, William Rice, Elizabeth Harrington, John Bailey, Jonathan Bailey's family, James Bailey, and Elizabeth Harrington's child, to 27th May, 1811.	160 79
Granby, for boarding and clothing Ebenezer Darwin to 27th May, 1811,	34 75
Gill, for boarding and clothing Sarah Hamilton, and Samuel Lyons and wife, to 24th May, 1811,	48 85
Gloucester, for boarding, clothing, and doctoring sundry paupers to the 10th May, 1811.	712 40
Gorham, for boarding Robert Gillfilling to 1st June, 1811,	25 50
Great Barrington, for boarding and clothing Isaac Catharine, Mary Hoose, John Whitty, Clarissa Lindsey, Amy Rathburne, and Lucy Porter, to 25th May, 1811,	184 25
Hancock, for boarding and clothing Rebecca Osborn to 20th May, 1811.	16 65
Hamilton, for boarding and clothing Molly M'Crief to 5th April, 1811,	62 2
Hodgkins Joseph, keeper of the house of correction in Ipswich, county of Essex, for boarding and clothing Mary Adelaide, a negro, John Squires, Huldah Hicks, James Cahoon, Josiah Bennington, to 6th June, 1811, and allowance made by the Court of Sessions to 21st March, 1811,	396 80
Hutson John, keeper of the gaol in Salem, county of Essex, for boarding sundry prisoners confined in gaol to 17th May, 1811,	286 48
Linconville, for boarding and doctoring Timothy Cox, and Alexander White, to 21st May, 1811,	56 57
Lenox, for boarding, clothing, and medicines for Abraham Palmer, and Neil M'Arthur to 24th May, 1811,	48 9



Litchfield, for supplies for the wife and children of John Taylor to 5th June, 1811,	\$40
Lee, for supplies for Jonathan and Sarah Blackman, to 23d May, 1811,	30 76
Lanesborough, for boarding, clothing and doctoring Jerusha Welsh, and William Tracy, to 1st June, 1811,	101 56
Leyden, for boarding, clothing and doctoring Jedediah Fuller and wife, Elizabeth Waggoner and Ruth Abel, to 24th May, 1811,	67 19
Middleborough, for boarding, clothing and doctoring John Fitzgerald, to 10th January, 1811, and William Pike, to the time of his death, including funeral charges,	159 70
Montague, for boarding, clothing and doctoring Joshua Searle, to 18th May, 1811,	108 69
Machias, for boarding William Whittemore, to 13th February, 1811, when he left the Commonwealth,	10 50
Minot, for boarding and doctoring Elizabeth Farrier to 16th March, 1811,	14
Marlborough, for boarding and clothing Joseph Waters to 28th May, 1811,	80 68
Milton, for boarding and clothing John Gray, Rebecca Welsh and child, to 8th June, 1811,	42 40
Marblehead, for boarding, clothing and doctoring sundry paupers to the 5th of June, 1811,	147 90
Medway, for supporting Eliab Patch to the time he left the Commonwealth,	21
Northfield, for supporting Richard Kinsbury to 25th May, 1811,	34 22
Norwich, for supporting Daniel Williams to 24th May, 1811,	67 20
Newbury, for boarding, clothing and doctoring sundry paupers to 1st June, 1811,	628 8
Northport, for boarding, clothing and doctoring Thomas Eustice to 1st April, 1811,	300
Newburyport, for boarding, clothing and doctoring sundry paupers to 1st June, 1811,	1265 75
Northampton, for boarding sundry prisoners confined in gaol, to 27th May, 1811,	28 43
Prospect, for boarding Anna Haynes to 1st Jan. 1811,	65 25
Pittsfield, for boarding and clothing Peter Huron, Jonathan Spear, Elisha Austin, and Polly Thurston, to 2d June, 1811,	56 12

Plymouth, for boarding Thomas Hazard, and John Anderson, to 26th May 1811, boarding and doctoring William Sands to the time of his death, including funeral charges,	\$91 28
Portland, for boarding, clothing and doctoring sundry paupers, to 1st June, 1811,	1392 34
Penobscot, for boarding and clothing Thomas Slack to 20th May, 1811,	29
Randolph, for boarding, clothing and doctoring John Cole to 5th June, 1811,	33 63
Rowley, for boarding, clothing and doctoring Benning Dow to 27th May, 1811,	23 24
Rochester, for boarding and doctoring George White to 21st May, 1811,	86
Sandwich, for boarding and clothing Richard Crouch to 2d June, 1811,	26
Swansey, for boarding Thomas Kennedy to 17th May, 1811,	21 89
Sandisfield, for boarding and clothing William Sanford, Elizabeth Dando, and supplies to Richard Dixon and family, to 13th May, 1811,	41 7
Springfield, for boarding, clothing, doctoring sundry paupers to 3d May, 1811,	82 59
Saco, for boarding and doctoring John Dunham to the 5th June, 1811,	45 75
Shelburne, for boarding and doctoring Mary Bates to the 14th January, 1811,	117 58
St. George, for boarding and clothing Robert Hawes and Eleanor Matthews to the 2d June, 1811,	37 40
Salem, for boarding clothing and doctoring sundry paupers to the 9th June, 1811,	1023 75
Sutton, for boarding and doctoring Isabella Santee and her children to the 4th June, 1811,	65 47
Sharon, for boarding and clothing Stephen Flood to the 17th June, 1811.	25
Uxbridge, for boarding and clothing David Mitchel and Benjamin Contriff to the 24th May, 1811,	157 67
West Hampton, for boarding and clothing Lemuel Culver and family to the 20th May, 1811,	34 98
West Springfield, for boarding, clothing, and doctoring James Aldrich to the 25th May, 1811, and William Bell to the time of his death, including funeral charges,	24 13
Westfield, for supplies to John Newton and wife to 1st June, 1811,	21 98

## RESOLVES, June 25, 1811.

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Williamstown, for boarding, clothing, and doctoring Robert Morrell, Charles M'Carty, Rachel Galusha, and Stephen Blue, until the time of his death, May 21st 1811, including funeral charges,	\$107 52
Worcester, for boarding, clothing, and doctoring sundry paupers to the 1st June, 1811,	184 27
Woburn, for boarding, clothing and doctoring William and John Lynham's children to 10th June 1811,	14 95
Windsor, for boarding and doctoring Henry Smith and wife to the 28th May, 1811,	43
York, for boarding of sundry paupers to the 8th June, 1811,	220 83
Total Paupers,	\$20,283 82

## MILITARY ACCOUNTS.

### *Courts Martial and Courts of Inquiry.*

Hoyt Epaphras, for the expense of a Court Martial, held at Worthington, 12th February, 1811, whereof Richard E. Newcomb was President,	143 2
Donnison William, A. G. for the expense of a Court of Inquiry, held at Pittsfield, 25th February, 1811, whereof B. Gen. Isaac S. Gardner was President,	226 69
Donnison William, A. G. for the expense of a Court of Inquiry held at Portland, 8th May, 1811, whereof B. Gen. John Peabody, was President,	212 42
Clapp Jeremiah, for the expense of a Court Martial held at Charlestown, in October, and by adjournment in April, 1811, whereof Lt. Col. Jonathan Bancroft was President.	482 78

### *Brigade Majors, Aids-de-Camp and Quarter Masters.*

Ayers James, to 1st June, 1811,	79 76
Adams John, to 1st June, 1811,	15 20
Bates Elkanah, to 4th February, 1811,	39 45
Bastow Sumner, to 24th May, 1811,	29 43
How Estes, to 17th May, 1811,	16 90
Kettell Jonathan, to 1st November, 1810,	39 17
Mattoon D. Noah, to 3d January, 1811,	39 95
Russ John, to 3d June, 1811,	34 20
Sawtell Richard, to 26th April, 1811,	119 73

Vernum Jacob, to 3d May, 1811,	\$31 50
Whiting Timothy, to 1st June, 1811,	29 22

*Expense for Horses, to haul Artillery.*

Blasland S. William, to 1st October, 1810,	7 50
Churchill Jesse, to 12th October, 1809,	7 50
Dwight Cecil, to 4th October, 1810,	8
Fairfield Nathaniel, to 23d May, 1811,	5
Johnson David, to 16th February, 1811,	8
Little Otis, to 5th June, 1811,	5
Stebbins Zenas, to 12th May, 1811,	5
Terrell Jacob, to 1st March, 1811,	7 50
Wells Martin, to 1st February, 1811,	10

*Adjutants.*

Adams Thomas, to 7th May, 1811,	84 85
Adams Moses, to 1st May, 1811,	45 58
Blossom Alden, to 4th October, 1810,	8 60
Bagley Abner, to 15th February, 1811,	11 33
Brichett Moses, to 10th February, 1811,	7 70
Brewer C. Daniel, to 1st October, 1810,	13 82
Beale John, to 1st December, 1810,	46 3
Bucklin Joseph, to 18th April, 1811,	9 63
Bliss Theodore, to 1st September, 1811,	12 13
Boyd Willard, to 1st June, 1811,	109
Bray Oliver, to 6th June, 1811,	16 79
Bates C. Isaac, to 30th January, 1811,	25 40
Cushing Thomas, to 1st January, 1811,	32 91
Crain Nathan, to 8th September, 1810,	39 56
Cutts William, to 1st February, 1811,	74 75
Davis Stephen, to 1st May, 1811,	10 3
Emery Moses, jun, to 9th October, 1810,	11 12
Foot Elisha, to October, 1810,	7 40
Foster Samuel, to 1st May, 1810,	20 81
Fettyplace Thomas, to 1st January, 1811,	4
Gage Nathaniel, to 15th February, 1811,	23 77
Gillett Daniel, to 1st September, 1810,	39 98
Hinman Ransom, to 7th May, 1811,	24 83
Ingraham B. James, to 22d May, 1811,	12 38
Keith Cyrus, to 1st June, 1811,	23 37
Lawrence Samuel, to 25th May, 1811,	16 14
Morgan Aaron, to 1st September, 1810,	11 89

Needham Harvey, to 2d May, 1811,	\$12 52
Ordway Nathan, to 2d May, 1811,	10 83
Pingree Samuel, to 23d May, 1811,	26 91
Richardson Wyman, to 12th May, 1811,	89 70
Rider Isaiah, to 25th May, 1811,	24 37
Stewart Jotham, to 2d November, 1810,	21 41
Sprague G. Joseph, to 1st June, 1811,	11 43
Tainter Harvey, to 1st May, 1811,	19 83
Thomas B. John, to 21st November, 1810,	24 18
Ware Jason, to 2d June, 1811,	13 15
Washburn Abiel, to 23d April, 1810,	6 90
Total Military,	<hr/> \$2607 95

*SHERIFFS' AND CORONERS' ACCOUNTS.*

Bridge Edmund, Sheriff of the county of Lincoln, for returning votes for members of Congress, and for Governor and Lieutenant Governor, and Senators, to May, 1811,	43 68
Crane Elijah, Sheriff of the county of Norfolk, for returning votes for Governor, Lieutenant Governor, and Senators, to 1st May, 1811,	3 40
Cooper John, Sheriff of the county of Washington, for returning votes for Governor, Lieutenant Governor, and Senators, to 1st May, 1811,	28 64
Chandler John, Sheriff of the county of Kennebeck, for returning votes for Governor, Lieutenant Governor, and Senators, to May, 1811,	14 40
Folsom John W. Coroner, for taking inquisition on the dead body of a stranger, June, 1810,	20 97
Hamlin Hannibal, Sheriff of the county of Oxford, for returning votes for Governor, Lieutenant Governor, and Representatives to Congress, to 22d May, 1811,	53 10
Hunnewell Richard, Sheriff of the county of Cumberland, for returning votes for Governor, Lieutenant Governor, Senators, and Representatives to Congress, to May, 1811,	50 70
Porter William, Coroner, for taking inquisition on the bodies of two strangers, 28th August, 1811,	41 79
Partridge George, Sheriff of the county of Plymouth, for returning votes for Governor, Lieutenant Governor, and Senators, to 1st June, 1811,	14 40
Parker Stephen, Coroner for the county of Washing-	

ton, for taking inquisition on the bodies of Jonathan Handers, Andrew Robinson, and George, a mulatto, 26th March, 1811,	\$48 20
Smith Joshua, Coronor for the county of Oxford, for service of writ of supercedes on David Learned, late Sheriff of the county of Oxford,	8 10
Ulmer George, Sheriff of the county of Hancock, for returning votes for Governor, Lieutenant Governor, and Senators, to 2d June, 1811,	18 96
Ward W. Thomas, Sheriff of the county of Worcester, for returning votes for Governor, Lieutenant Governor, Senators, and Representatives to Congress, to 6th June, 1811,	28 80
Wake Nathan, Coroner for the county of Middlesex, for taking inquisition on the dead body of a stranger, May, 1811,	12 54
Wade Edward, Coroner for the county of Middlesex, for taking inquisition on the dead body of a stranger, 28th June, 1808,	19 70
Total Sheriffs and Coroners,	\$407 38

*PRINTERS' ACCOUNTS.*

Allen Phineas, for printing military notifications, to 8th June, 1811,	16
Cushing Thomas, for printing acts and resolves, to 29th May, 1811,	16 67
Dennio John, for printing acts and resolves to June 1st 1811,	16 67
Clap William, for printing reports of Committee on Penobscot Bank, 11th March, 1811,	18
Edes Peter, for printing acts and resolves to May, 1811,	34 66
Lindsay Benjamin, for printing acts and resolves to June 1st, 1811,	16 67
Wilder Salmon, for printing military notifications to 12th April, 1811,	32
Munroe Isaac, for printing for the General Court, Secretary, Treasurer, and Adjutant General's office, to June 22, 1811,	4143 95
Rhodes & Adams, for printing military orders to May, 1811,	4
Russell Benjamin, for printing General orders, March, 1811,	4 75

Thomas Isaiah, jun. for printing acts and resolves to June, 1811,	\$33 33
Total Printers,	\$4336 70

*MISCELLANEOUS ACCOUNTS.*

Bass Benjamin, for sundries for the use of the Council Chamber, December, 1810,	112
Chase Warren, for assisting the messenger to the General Court, June 22d, 1811,	46
Dudley Indians, Guardians of, due them in full to 26th May, 1811, which sum the Treasurer is directed to charge said Indians with, and deduct the same from the sum due to them from the Commonwealth.	122 17
Davis, J. P. for a marble Bust of General Washington for the Representatives' chamber, June, 1811,	20
Durant William, for cleaning State-house windows, June, 1811,	42 75
Grant Moses, for sundries for the Representatives' chamber, May, 1811,	23 38
Kidder Stephen, for stationary for the Council chamber, January, 1810,	8
Kuhn Jacob, for balance due to him on the 20th of June, 1811, over and above two grants made to him by the General Court, viz. one of seven hundred and fifty dollars, 18th June, 1810, and one of three hundred dollars, 29th January, 1811.	19 61
Larkin Ebenezer, for stationary supplied the Secretary's office and Council Chamber, June 14, 1811,	48 93
Lapham Sylvanus, for assisting the messenger to the General Court to 22d June, 1811,	52
Pulcifer Joseph, for stationary for the Treasurer's office and Council Chamber, to June, 1811,	39 62
Perry John, for assisting the messenger of the General Court to 22d June, 1811,	52
Ridgway James, for sundries for the Secretary's office to June, 1811,	43 30
Skilling Samuel, for carved work for the Representatives' chamber, June, 1811,	46
Sumner Pinkney Charles, for making an index to the Journals of the House of Representatives, from the years 1780 to 1793, thirteen years,	70

## RESOLVES, June 25, 1811.

Thayer Stephen, for labour for the Representatives' chamber, March, 1811,	\$10 50
Wells John and Benjamin, for copper canopy, April, 1811,	135 75
Wheeler Josiah, for repairing the State House, to 9th June, 1811,	319 50
Larkin Ebenezer, for stationary supplied the Treasurer's office, to 4th June, 1811,	16 34
Total Miscellaneous,	<hr/> \$1227 85

*Aggregate of Roll No. 65—June, 1811.*

Expense of State Paupers,	20,283 82
Do. Militia,	2607 95
Do. Sheriffs and Coroners,	407 38
Do. Printers,	4336 70
Do. Micellaneous,	1227 85
	<hr/> \$28,863 70

*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 twenty-eight thousand eight hundred and sixty three dollars and seventy cents, the same being in full discharge of the accounts and demands to which they refer

*In Senate, June 25, 1811.*

Read and passed, sent down for concurrence.

SAMUEL DANA, *President*.

*In the House of Representatives, June 25, 1811.*

Read and concurred,

JOSEPH STORY, *Speaker*.

*Council Chamber, 25th June 1811.*

Approved,

E. GERRY.



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