

# MAINE STATE LEGISLATURE

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# RESOLVES

OF THE

## GENERAL COURT

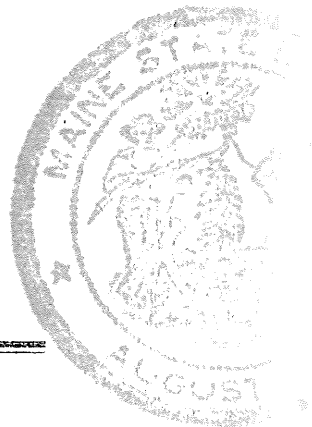
OF THE

### Commonwealth of Massachusetts,

*PASSED AT THE SESSIONS, IN*

OCTOBER 1812, AND JANUARY 1813.

Published agreeably to a Resolve of January 11, 1812.



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# RESOLVES

OF THE

General Court of Massachusetts,

PASSED AT THE SESSION,

COMMENCING ON THE FOURTEENTH AND ENDING THE TWENTY

FOURTH DAY OF OCTOBER, A. D. 1812.

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## GOVERNOR'S SPEECH.

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REPRESENTATIVES' CHAMBER, OCT. 14, 1812.

*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 period again approaches when Electors of a President and Vice President of the United States are to be appointed, and you have now assembled that you may execute the important trust, of directing the manner of their appointment on the part of this State. I hope that nothing will interfere to prevent an impartial discharge of this public duty. The

language of the Constitution on this subject is imperative ;—“ Each State shall appoint in such manner as the Legislature thereof may direct, a number of Electors”—This form of expression was necessary ; for it is obvious, that if the States should neglect to appoint Electors, the national government would be at an end. In addition to this, the Constitution has required, that the members of the State Legislatures, and all Executive officers, shall be bound by oath or affirmation, to support the Constitution. We have taken this oath, and have sworn impartially to perform all the duties incumbent on us as members of the State Government—should this duty be neglected, the people of the State would, on this important occasion, lose their political consequence, and be deprived of the rights of citizens.

By a letter of the 12th of last June, the Secretary of War, requested me, by direction of the President, to order into the service of the United States, on requisition of Major General Dearborn, such part of the quota of militia from this State, detached conformably to the Act of the 10th of April last, as he might deem necessary for the defence of the sea-coast. On the 22d of June, I received a letter from Gen. Dearborn informing me that war was declared against Great Britain ; and requesting me to order forty one companies of the detached militia into the service of the U. States, for the defence of the posts and harbors in this State, and the harbor of Newport in the State of Rhode Island ; and stated that the companies were intended for the following posts and harbors in the following proportions : For Passamaquoddy, five companies ; for Machias, one company ; for Castine, three companies ; for Damariscotta and Wiscasset, two companies ; for Kennebunk, one company ; for Portland, five companies ; for Marblehead, Salem, Cape-Ann, and Newburyport, four companies ; for Boston, twelve companies, and for Rhode Island eight companies. I also received from General Dearborn, two other letters of June 26th and June 29th, on the same subject.

The Constitution of the United States declares, that “ Congress may provide for calling forth the Militia to execute the laws of the Union, suppress insurrections, and repel invasions.” And the act of Congress of April 10th, authorising a detachment of one hundred thousand of the militia, empowers the President “ to call into actual service any part or the whole of said detachment in all the exigencies provided by

the Constitution." From these clauses in the Constitution and Law of April 10th, the President derives his authority to call the militia of the States into actual service ; and, except in the exigencies above mentioned, he can have no authority by the Constitution to do it. But there was no suggestion, either in the Letter from the War department above referred to, or in those from General Dearborn, that this State or Rhode Island was invaded, or in imminent danger of an invasion, or that either of the exigencies recognized by the Constitution and law of the United States existed. If such declaration could have been made with truth, it would undoubtedly have been made.

General Dearborn plainly supposes, that in consequence of the Act declaring War, he was authorised, by virtue of the power given him by the President, to require any part or the whole of our detached Militia to be called out, and marched to such places in this and the other States as he may think proper. If this construction of the Constitution is correct, the President and Congress will be able at any time, by declaring War, to call the whole Militia of the United States into actual service, and march them to such places as they may think fit, and retain them in the service as long as the War shall continue. It is declared, indeed, by the aforesaid Act of April 10th, "that the said detachment shall not be compelled to serve a longer time than six months after they arrive at the place of rendezvous." But if the mere Act of declaring War, gives a right to the National Government to call the Militia into service and detain them six months, it must give a right to detain them six years, if the war continues so long ; and the National Government has the same authority to call out the whole as a part of the militia.

Heretofore it has been understood, that the power of the President and Congress to call the militia into service, was to be exercised only in cases of sudden emergency, and not for the purpose of forming them into a standing army, or of carrying on offensive war.—But according to the above construction, the right to employ the militia is made to depend, not upon contingencies which the National Government might be unable to foresee or provide against, but upon its own act—upon the existence of a state of war, which the government has a right to declare as often, and continue so long as it may think proper.

Although many of the most important attributes of sovereignty are given by the Constitution to the Government of the United States, yet there are some which still belong to the State Governments. Of these, one of the most essential is the entire control of the Militia, except in the exigencies above mentioned : this has not been delegated to the U. States, it is therefore reserved to the States respectively : and whenever it shall be taken from them, and a consolidation of the military force of the States shall be effected, the security of the State Governments will be lost ; and they will wholly depend for their existence upon the moderation and forbearance of the National Government. I have been fully disposed to comply with the requirements of the Constitution of the United States, and the laws made in pursuance of it, and sincerely regretted, that any request should be made by an officer of the national Government to which I could not constitutionally conform. But it appears to me that the requisition aforesaid was of that character ; and I was under the same obligation to maintain the rights of the State, as to support the Constitution of the United States. If the demand was not warranted by the Constitution, I should have violated my duty in a most important point, if I had attempted to enforce it, and had thereby assisted in withdrawing the militia from the rightful authority of the State. Besides, if the measure was not required by the Constitution, it would have been oppressive, as the Militia must have been called from their occupations to places remote from their homes, and detained in the service during the busy season of the year. I therefore, on the third day of July, issued a general order ; and on the same day wrote to General Dearborn, that I had directed the Adjutant-General to furnish him with a copy of it, and that after mature reflection I had endeavored, in that order, to pursue the course which my duty, in relation to the request contained in his letter of June 22d, required of me.

Afterwards, by a letter of July 15th, Gen. Dearborn informed me, that having received orders to leave the sea coast, where he was ordered for the purpose of taking the necessary measures for placing the towns and garrisons in a state of defence against the invasion or attack of the enemy, and to repair to Albany, it became his duty to request me to order out such part of the detached Militia *as the present state of war required*, the number being stated in his letter of June 22d ; and that as other objects would require the service of

a great part of the regular troops, it would become his duty to order them from the sea board.—This letter I had no opportunity of answering before Gen. Dearborn left the state. But I presumed, if this State was in danger of invasion, that the regular troops would not be ordered to Albany ; and if they were so ordered, that the Militia were not liable to be called into service, and stationed in the Forts of the United States to do garrison duty, when no danger of invasion appeared.

On the 27th of July, I received a letter from the Secretary of War of the 21st of that month, stating, that orders had been given to General Dearborn to move the regular troops to the northern frontier, leaving a sufficient number to man the guns in the garrisons on the sea-board, and renewing the requisition aforesaid. In this letter he says “The danger of invasion which existed at the time of issuing the order of the President, increases.” This expression was peculiarly guarded, as the order of the President was issued before war was declared. However, as this, and the last letter of Gen. Dearborn seemed to imply that there was some danger of invasion, and as the measures to be taken on my part were of importance, I thought it expedient to convene the Council, and request their advice on the subject of the foregoing letters. The Council advised, that they were unable from a view of the Constitution of the United States and the documents aforesaid, to perceive that any exigency existed, which could render it advisable to comply with the said requisition. But, as upon important questions of law, and upon solemn occasions, the Governor and Council have authority to require the opinions of the Justices of the Supreme Judicial Court, that it was advisable to request the opinion of the Supreme Court upon the following questions, viz. :

1—Whether the commanders in chief of the militia of the several states have a right to determine, whether any of the exigencies contemplated by the constitution of the U. States, exist ; so as to require them to place the militia or any part of it in the service of the United States, at the request of the President, to be commanded by him pursuant to acts of Congress ?

2—Whether, when each of the exigencies exist, authorizing the employing the militia in the service of the United States, the militia thus employed can be lawfully command-



ed by any officer, but of the militia, except by the President of the United States.

After the above request was made to the Supreme Court, a person deputed by the inhabitants of Eastport and Robinston on our eastern boundary applied to me, representing, that there were many lawless people on the borders from whom they had serious apprehensions of an attack ; and requesting that a number of the militia might be stationed in those towns. The Council advised that three companies of the detached militia should be called into the service of the U. States for their protection. On the 5th of August, I issued an order for that purpose, and directed that two of the companies should be stationed at Eastport, and one company at Robinston, until the President should otherwise direct ; and the same day, by a letter to the Secretary of War, informed him of the transactions aforesaid—and having received the opinion of the judges on the above questions, enclosed to him their answers—a copy of that opinion, and the letters and papers above referred to, will be laid before you by the Secretary.

Soon after the declaration of war, several towns on the sea coast, applied to the Governor and Council for arms and ammunition, as many persons who were exempt from military duty were destitute of the necessary means of defence. Agreeably to the advice of the council, they were, in some instances, furnished with those articles. By inspecting the returns of the Quarter-Master-General, you will be convinced of the necessity of obtaining a further supply of small arms and military stores ; and the more so, as our defence on the sea-board seems almost wholly to be confided to the militia. We have in this state several hundred miles of sea-coast, a number of Islands near the coast are inhabited by our citizens, and more than one hundred of our towns may be approached by the enemy's ships. It is obvious therefore, that only a maritime defence can afford them full security. Still, however, we should employ such means as we possess for their protection ; and to this end, it will be necessary that the whole militia should be armed and equipped in the best possible manner, and ready to march at the shortest notice ; and in case of invasion, that arms should be in readiness for every man who is able to bear them. In this way it is probable that our defensive force, and the general security of the sea-board, will be as great as if portions of the militia were drawn

from every part of the state, and stationed in a few of the large towns on the coast.

While the war, in which we are unhappily involved, continues, it is to be carried on, only in the name and by direction of the public. The people cannot act of themselves, except for the defence of their possessions and territories.— Without the commission or particular order of the government, they have no right to commit hostilities or undertake any offensive expedition. In modern warfare, the troops alone carry on the war, while the rest of the people peaceably follow their callings, and if they refrain from hostilities, have generally but little to fear from the enemy's arms.

For many years, and until within a late period, the nations of Europe have made war with moderation and generosity, and in a manner which proved that they had not forgotten that their enemies were men, and might afterwards become friends. Indeed war is so dreadful in its effects, and so destructive to human happiness, that the law of nature allows of it only in the utmost extremity; and requires, that when it is resorted to, the persons engaged in it shall endeavor to mitigate its horrors, as far as their safety will permit, by the exercise of justice and humanity. These principles of the law of nature are confirmed by the precepts of the Christian religion.

Whatever sentiments may prevail among the people of this state concerning the justice or expediency of the present war, I hope and trust that they will perform the duties enjoined on them by our constitution and laws, and that they will do nothing to obstruct the government in the constitutional measures they may think proper to adopt. If those measures are thought to be unjustifiable or particularly injurious to this part of the union, let us cherish a confidence in the wisdom and justice of the other states, and wait with patience for the remedy provided by the constitution. In the mean time, let us regard with abhorrence those violent personal outrages, which are fatal to the peace, and disgraceful to the character of any people; let us be watchful and determined to prevent tumults and disorders of every kind, by which our internal tranquility would be endangered; and be as willing to indulge in others the right of expressing their opinions of public measures, as we are to exercise that right ourselves.

I shall readily co-operate with you, Gentlemen, in any measures that may be thought conducive to the defence and

tranquility of the State, and the preservation and security of the Union ; and may the God of our Fathers protect us in this calamitous period, and guide us in the way of duty and safety.

**CALEB STRONG.**

*Council Chamber, October 14, 1812.*

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## ANSWER

OF THE

HOUSE OF REPRESENTATIVES.

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*May it please your Excellency,*

THE House of Representatives have considered your Excellency's Address to both branches of the Legislature, with that attention which so important a communication is calculated to inspire ; and will enter upon the discharge of those solemn duties which have devolved on them, with all that moderation and candor, which are consistent with the obligations they are under to their constituents and their country.

While freedom is driven from the continent of Europe, and her republics have successively fallen before that scourge of liberty, whose corruption or arms have spread desolation and slavery through the old world, the right of electing their own rulers, at stated periods, is still left to the people of the United States : A right, upon the faithful, upright and vigilant exercise of which, the continuance of our Republic most essentially depends. The people of this Commonwealth have contemplated, with anxious solicitude, the re-

turn of that period, when the State would be again *required* to appoint their portion of Electors of President and Vice President of the United States. They have considered it as an event, which, by the independent exercise of the right of suffrage, would afford a peaceful and constitutional remedy for the multiplied evils they have so long experienced ; and would restore to our unhappy country, the days of her former prosperity. As the immediate Representatives of the people, therefore, your Excellency may rest assured, that this House will persevere in its efforts, to enable this great Commonwealth to discharge a duty imperiously required of them by the Constitution, and to exercise a right, at once so important to their interests and so consonant to their wishes.— A recurrence to the proceedings of the former session of the Legislature, while it will evince the readiness of the House of Representatives to sacrifice their own favorite views to the attainment of this great object, will bear testimony to the industry and zeal they have manifested in their endeavors to comply with the requisitions of the Constitution—And they now pledge themselves to your Excellency and their constituents, that they will not cease their efforts to preserve to Massachusetts the inestimable privilege, guaranteed by that instrument, of appointing, in a fair and impartial manner, Electors of the first Magistrate of the nation. To a steadfast adherence to this determination, they will be alike induced, by their own wishes, their regard to the rights and interests of their constituents, the allegiance they owe to this Commonwealth as a “ sovereign and independent State,” their attachment to the Constitution of the United States, and the obligations of that oath, by which they are bound to its support. Should this duty therefore be neglected, should no mode of appointing electors be prescribed by the Legislature, should the people of this State, upon this most important occasion, be deprived of their political consequence, and of the rights of citizens, and thus have imposed on them a President hostile to their interests and abhorrent to their wishes, the House of Representatives owe it to themselves to declare, that of this political sin *they will be guiltless*. They cannot however permit themselves to believe, that at a period so momentous to their country and the world, either branch of the Legislature will attempt to controul the wishes, or counteract the demands of a great majority of the people of this Commonwealth.

The House of Representatives have witnessed with great satisfaction, the course which your Excellency has adopted and pursued, in regard to the requisition of Major-General Dearborn, for a part of the quota of the militia of this Commonwealth ; and it is due to your Excellency to declare, that the conduct of the Executive, upon this interesting subject, has met the unqualified approbation, not only of this House, but of the great body of the People. While, on the one hand, it has discovered a sincere desire to comply with the requisition of the Constitution of the United States, and the laws made in pursuance thereof, it has equally evinced a determination to protect the citizen against all unconstitutional encroachments, and to maintain the rights of the State, as secured and recognized by that Constitution. By the Constitution, Congress are wisely entrusted, not only with the right of declaring war, but with the power of raising such forces, both by sea and land, as may be necessary for its vigorous prosecution. By a discreet and judicious exercise of these important powers, the national government may, at all times, place themselves in such a state of preparation, as to render the aid of the militia unnecessary in the commencement of an *offensive war*, deliberately declared by themselves ; and the power to call the militia into service was never intended to be exercised, except in cases of sudden emergency, or for the purposes of defence ; not with a view of forming them into a standing army, or to prosecute a war of conquest. Any other construction of the Constitution than that which your Excellency has adopted, would expose the citizens to be torn from their homes, whenever the general government might think proper to declare war ; and to be retained in the service of the United States, as long as the war might continue ; while, by thus depriving the Commonwealth of all their means of protection and defence, every essential attribute of State sovereignty would be completely destroyed. The Commonwealth of Massachusetts have never surrendered to the General Government the power to call forth their militia, excepting to execute the laws of the Union, suppress insurrection, and repel invasion ; and whenever this call is made, it is not only the right of the Commander in Chief, but his sacred duty, to determine whether either of those exigencies exist. The citizens of this Commonwealth will long cherish grateful recollections of the faithful and independent manner, in which your Excellency has discharged

this important trust. And the papers and documents, upon this subject, referred to in your Excellency's communication, shall receive from the House of Representatives all that attention which their importance requires.

While the troops of the United States are withdrawn from our garrisons and harbors, and our extensive sea coast is left destitute of a maritime defence, the House of Representatives will endeavor to furnish all the means of protection in their power, by supplying every citizen with such arms and military stores, as their situation may require. Still, however, it is obvious, that maritime protection only, can afford full security to the numerous towns which are exposed to the enemy, and the Islands which border on our coast.

The House of Representatives are not without hope, that their own experience will satisfy the national government, of the necessity of a naval force ; for while disaster and defeat have attended our arms on the land, a recent occurrence has borne honorable testimony to the skill and bravery of our gallant seamen.

The House of Representatives deem it unnecessary, at this time, to enter into a consideration of the avowed causes of that unhappy war in which our country is engaged. They cannot, however, refrain from expressing their surprise and regret, that although the principal cause for its declaration has ceased, by the revocation of the British Orders in Council, no disposition has been manifested by our rulers, to bring it to a peaceable termination ; and the United States now present the novel spectacle of a nation, professedly contending for the rights of commerce, and by that contest annihilating its benefits, while, if the declarations of our own government be correct, that the French decrees are repealed, we might at this moment, enjoy an unrestrained commerce with all parts of the globe ; contending too with a nation, whose *downfall* would be attended by our own *subjugation* ; and in concert with that power, whose *triumph* would bind us in *chains*. In such a war, commenced without preparation, and prosecuted as it has been with a mixture of imbecility and rashness, it is not surprising, that those who must endure its privations, and who foresee its dreadful consequences, should, from the best principles of patriotism, proclaim its inexpediency, and doubt its justice. Upon this subject, the House of Representatives have fully expressed their opinions on a former occasion ; and they have only now to add, that by

the events which have since transpired, both at home and abroad, those opinions have been strengthened and confirmed.

In a government like ours, public sentiment alone must arrest the progress of those calamities, which the measures of the administration might produce. This House, therefore, have viewed with detestation and abhorrence, the attempts which have been openly made in a distant state, to overawe public opinion, by lawless force, and to silence the freedom of the press by personal outrage.

The House of Representatives assure your Excellency, that they will be unceasing in their efforts to maintain the tranquility of this Commonwealth, to secure to the citizens, the liberty of speech, the freedom of the press, and the rights of election; to assuage the asperity of party animosity; to mitigate the calamities of war, by the exercise of justice and humanity; to preserve the union of the States in the genuine spirit of the constitution; and, by the blessings of heaven, to restore to our suffering country, prosperity and peace.

## ANSWER OF THE SENATE.

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*May it please your Excellency,*

THE communication which you have been pleased to make to the Legislature at the opening of the present session, will meet from the Senate with that respectful consideration, which its authority and the importance of the subjects it contemplates, eminently demand. The duties of Legislators, at all times arduous, have become at the present interesting crisis of our country, peculiarly imposing. The people with anxious solicitude are looking to the measures of government for immediate protection ; and a government faithful to principle, and singly regardful of the interests of the people, will not disappoint their reasonable expectations. Upon the Legislatures of the several States, the Constitution has devolved a most important and responsible duty in the designation of the mode of appointing Electors of President and Vice President of the United States, for the discharge of which the Legislature of Massachusetts is now specially convened. That this duty is *imperative*, is most obvious from the language, by which it is enjoined. It is a high and distinguished privilege, secured to the people by their Charter of government, that the Executive should be vested by their will, and act responsible to their power. The right of election cannot be denied to them. The *mode* of the exercise is only left to be prescribed by the Legislature. If this were optional, to be complied with or neglected, the right would cease, and the election become arbitrary in the government, a matter either of convenience to the Legislature, or of indulgence to the people. On the present occasion, the members of the Senate feel solicitous only to acquit their obligations to their constituents and their country, in the adoption of *such mode*, as is consistent with the spirit of the Constitution, and congenial with the feelings, the situation and the best interests of the inhabitants of the State. In acting thus, they will on their part comply with the imperative language of the Constitution ; and should the selfishness of in-



trigue, or the pertinacity of opposition defeat their purpose, they will cheerfully submit their responsibility for consequences to the discernment and justice of the nation.

In pursuance of the authority delegated by the Constitution, and in the exercise of a discretion confided in by the people, the Congress of the United States have placed this country in the character and attitude of a belligerent with Great-Britain. This new situation has already presented unexpected events, and brought into operation novel principles. It is also calculated to draw the efficiency of the government to a hitherto untried test, and to prove its competency or inadequacy to self preservation. In the view taken by your Excellency of the subject of the requisition by the President of the United States, of a *portion* of this States' quota of the detached militia, is a striking illustration of the remark, that as yet, the experiment upon the value of our form of government, has been altogether imperfect. A similar demand was made of the Executives, of most if not of all the States in the Union, and while on the part of some, there was a prompt, zealous and patriotic compliance, which in a period of common danger spurns at etiquette, and disdains complaint, on the part of others, there has been a cold, reluctant and unaiding assent, or cautious, doubting and equivocal refusal. To believe the conduct of the National Executive, sanctioned by the conforming measures of most of the State authorities, *plainly unconstitutional*, would require more distrust of their patriotism and our own intelligence, than the members of the Senate are disposed to entertain. If the language of the Constitution be of equivocal import, confidence should yield its support to the measures of government. The hour of danger is not the fit time for abstract speculation, and to decide principles by views to political policy, would be hardly more rational than satisfactory. The vigilance with which your Excellency would guard the sovereignty of the *State*, is a sure guarantee for its present integrity; but the jealousy with which your Excellency regards the authority of the *National Administration*, might suggest an apprehension for the safety of the Union. If the existence of the exigencies provided for by the Constitution, as authorizing a requisition for the militia, is made dependent upon the information or opinion of the Executives of the several States, there must be a want of harmony and efficiency in the government. From situation,

the Executive of one State would have earlier and more precise intelligence than that of another ; and upon the same information, there would often be a diversity of action. The rope of sand, which connected the old Confederacy, would be a chain of adamant, in comparison with the obligation which should thus secure the fidelity of the several States to the Union. The Constitution, in the apprehension of the Senate, anticipated occasions for which the providence of Congress could not prepare. A resistance to law, sudden insurrection and hostile invasion are exigencies, for which a prospective remedy may be provided, and Congress are invested with authority to adopt means, at all times, for its application. To defy the event of danger, to slumber in the garrison, while the outposts are carried, to disregard threatening, until violence succeeds, would be the consummation of political folly. Must we wait to be invaded before we prepare for resistance ? And is the act of preparation *less legalized*, because it anticipates and defeats the occasion ? A detachment of the militia may be required, and from the mere requisition its necessity may be superceded. What an enemy may not accomplish by surprise, it will often not attempt. If it be denied to the National Executive to decide upon the necessity of a detachment of militia, it will render indispensable the support of a standing army. The causes of danger mostly result from our foreign-relations. These are first and best known to the National Executive, and not only would their communication often be improper, but in cases easy to be conceived, would jeopardize the safety of the nation. To confide then to the Executive of the several States, the prerogative of deciding upon such Presidential requisition, would imply information which the Constitution has denied, and the existence of powers, which can be realized efficiently by the permanent authority only. The Senate therefore learn with regret, that they are constrained to dissent from the opinions of your Excellency, on this most important subject. It would have been more to their satisfaction, that the patriotic and valorous spirit of the Militia of Massachusetts should have been permitted to participate in vindicating the rights of an abused and insulted country. That there was occasion, the Senate are informed by your Excellency's communication. The State of Massachusetts, a component part of a nation at War, having "*several hundred miles of sea coast, Islands near the coast inhabited by Citizens, and more*

*than one hundred towns which may be approached by the enemy's ships,"* must be in peculiar danger of invasion, and have the most urgent demand for that protection to which your Excellency seems aware, "*our defence on the sea-board is almost wholly to be confided !*" Should the danger not be removed, the Senate confidently anticipate the co-operation of your Excellency with the National Executive in those measures of self-preservation, which the exposed situation of our sea-board imperiously require, and with this view will cheerfully comply with the recommendation of your Excellency in providing for the supply of arms and equipments necessary to a perfect and efficient state of preparation.

*May it please your Excellency—*The war in which the United States are engaged, results from the injustice and aggressions of a nation, to which, *in our love for peace*, we have denied nothing but the sacrifice of our sovereignty and independence. Our commerce had become the sport of *British* rapacity, and our citizens, victims to a cruel and relentless tyranny, negotiation had failed, patience was exhausted, and hope of peaceable redress was extinct, ere a resort was had to arms—The appeal was made by Congress to the patriotism of the people. In the proportion that they value their liberties, with the same ardor that they cherish the blessings of peace, should be their devotion to this just and necessary war. Vigor in its prosecution will accelerate its desirable issue. Let the arm of Government be strengthened by the simultaneous will of the people, and the contest will soon be finished. It is upon our own divisions that the enemy may triumph. Union is more to us than *armies with banners* ; and the spirit of patriotism than *weapons of warfare* !

The Senate accord with the sentiment of your Excellency, "*that the laws of nature and the precepts of the christian religion alike command the endeavor to mitigate the horrors of war, as far as safety will permit, by the exercise of justice and humanity*"—and with the highest indignation, have witnessed, within a late period, a violation of these solemn obligations by the nation with which we are contending. The employment of *Savages* whose native ferocity inspires with terror even when restrained, but spreads desolation when incited to action, is an outrage upon the first principles of civilization which since the period of the revolution, until the present war, has not been repeated. The butchery of

women and children, the scalps of old men and of infants are triumphs and trophies, of which an infidel nation would scorn to boast. And has the enemy deserved this reproach? Lest history be unfaithful in its record, for it is upon a people proud of their *Religion*, that the stigma is to be reflected.

In a government of popular existence, the administration of which is directed by the will of the people, it is reasonably to be expected, that there will be great diversity in opinion, and boldness and ardor in expression. This is as essential to the continuance of the republic, as it is grateful to the minds of freemen. The Constitution has provided for a peaceable redress of wrongs, and for a certain correction of oppressive and arbitrary measures, by the opinions and suffrages of the people. A recourse to violence in opposition to law, can therefore never be necessary, and in no event is to be justified. The late most unhappy and dreadful commotion in the capital of a sister state, is an alarming and monitory illustration of the total insecurity of all personal privilege, against the fury and madness of an excited and ungoverned populace; and has furnished a precedent, which the *state of Massachusetts* must ever blush to acknowledge, has met with countenance from some of her citizens, in the insults and indignities more recently offered to public officers. Your Excellency may be assured of the sacred regard, in which the *Senate of Massachusetts* hold the right of opinion and the freedom of discussion, and of the solemn determination to pursue such measures in their individual as well as official character as shall restrain personal outrage, preserve order, and maintain the supremacy of law.

# RESOLVES.

*October, 1812.*

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## CHAP. LXIV.

*Resolve on the Petition of James Freeman and others.  
19th October, 1812.*

On the petition of James Freeman, Nathan Nye and Samuel Fessenden, present Committee of the first precinct in the town of Sandwich, praying that Branch Dillingham, and Zenas Nye, Constables of said town, may be authorized to collect the present tax of said precinct for the present year A. D. 1812.

*Resolved*, for reasons set forth in said petition, that the said Dillingham and Nye be, and they are hereby authorized and empowered to collect the said precinct tax which has been committed to them ; and that the same authority is hereby given them for that purpose, as if they had respectively been legally chosen Collectors of taxes for said precinct.

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## CHAP. LXV.

*Resolve confirming the doings of the town of Lebanon, County of York. 19th October, 1812.*

On the petition of a Committee in behalf of the town of Lebanon, in the County of York, praying a confirmation of

the acts and proceedings of the Selectmen, Assessors and Town Clerk of said town.

*Resolved*, for reasons set forth in said petition, that the several persons, purporting to be chosen to the respective town offices in said town of Lebanon, at the last annual meeting of the inhabitants of said town for the choice of town officers, be and hereby are considered as the legal officers of said town to all intents and purposes, notwithstanding any omissions or illegalities in the proceedings of said meeting, or in the acts and proceedings of said town at any former period.

*Resolved further*, That the Collectors of said town of Lebanon for the year 1811, be and hereby are authorized to complete the collection of the taxes contained in their respective rate bills in pursuance of warrants to them respectively directed, notwithstanding any defects in said warrants by reason of having no seals affixed to the same.

## CHAP. LXVI.

*Resolve on the Petition of Nathaniel Lawrence, Executor to the Will of Nathaniel Soden.* 19th October, 1812.

On the petition of Nathaniel Lawrence, Executor of the last will and testament of Samuel Soden, late of Watertown, yeoman, deceased, stating that he duly complied with the direction of law in posting up notifications of his appointment and in advertising the same in the public newspapers, as ordered by the Judge of Probate for the County of Middlesex, but that through mistake of the law, he did not file his affidavit of his doings before said Judge within three months from the time of undertaking that trust, but did file the same afterwards :

*Resolved*, That the affidavit of the said Nathaniel Lawrence, made and filed in the Probate Office of the County of Middlesex on the seventh day of October, in the year of our Lord one thousand eight hundred and twelve, shall be valid in law to all intents and purposes, in the same manner as if the same had been made and filed by him within three months after his undertaking of the said trust of Executor to the said Samuel Soden.

## CHAP. LXVII.

*Resolve on the Petition of John Partridge, Administrator on the estate of Joshua Davis. 19th October, 1812.*

On the petition of John Partridge, Administrator with the will annexed, on the estate of Joshua Davis, late of Sidney, in the County of Kennebeck, gentleman, deceased, shewing that the said Davis on the second day of April, A. D. 1801, then in full life, did by his certain agreement of that date, bargain and sell to Thomas Thorn, of Lisbon, in the County of Lincoln, yeoman, a certain tract of land, lying in said Lisbon, bounded thus, viz. beginning at the southerly corner of land belonging to James Small; thence running northerly on said Small's line, two hundred and forty poles; thence running easterly sixty six poles and two thirds of a pole; thence running southerly by land belonging to Lewis Cushman, two hundred and forty poles; thence running westerly on the north line of the Hallowell Right, so called, sixty six poles and two thirds of a pole, to the first mentioned bounds, containing one hundred acres more or less; and shewing further, that the said Thorn had made several payments to said Davis in his life time, and since his decease, said Thorn has paid the residue to the said administrator, but the said Davis died before he executed a deed thereof, and prays this Court, that he, the said administrator, may be authorized to make and execute a deed accordingly.

*Therefore resolved*, for reasons set forth in said petition, that John Partridge, of Sidney, in the County of Kennebeck, aforesaid, administrator on the estate of said Joshua Davis, be, and he hereby is authorized and empowered to make and execute in due form of law, a good and sufficient deed of the aforescribed premises to said Thomas Thorn, his heirs and assigns forever, and to warrant and defend the same to the said Thorn, his heirs and assigns forever, against the lawful claims and demands of any person or persons whatsoever, in as full and ample manner as the said Joshua Davis could have done in his life time.

CHAP LXVIII.

*Resolve on the Petition of John Rice Goulding, discharging him of an Execution. 20th October, 1812.*

On the petition of John Rice Goulding, praying to be discharged from a judgment in favor of the Commonwealth, and execution issued thereon, by which the said John is now imprisoned in the common gaol in the town of Worcester :

*Resolved*, for reasons set forth in said petition, that the said John Rice Goulding be, and he hereby is discharged and fully released from the said judgment and execution, and that the Sheriff of the County of Worcester be, and he hereby is authorized and empowered to discharge the said John Rice Goulding from his imprisonment on the said execution :

*Provided*, however, that the Commonwealth shall not be subjected to any cost or expense which may have accrued for the support of the said John during his confinement thereon.

CHAP. LXIX.

*Resolve on the Petition of Edmund Eastman, a Member of the House of Representatives, granting him \$84. October 20th, 1812.*

On the petition of Edmund Eastman, a Member of this House from the town of Limerick, praying to be allowed for travel and attendance as such at the last session of the General Court, although he was not present, having been taken sick on his way to attend the same, and confined thereby for more than two months :

*Resolved*, for reasons set forth in said petition, that there be allowed and paid out of the Treasury of this Commonwealth to the said Edmund Eastman, the sum of eighty four dollars, in full compensation of his claim in the premises.



## CHAP. LXX.

*Resolve for providing for the pay of the Council, Senators and House, &c. 20th October, 1812.*

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

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

## CHAP. LXXI.

*Resolve for Districting the Commonwealth for the purpose of choosing Electors of President and Vice President. 22d October, 1812.*

*Resolved by the Senate and House of Representatives in General Court assembled, and by the authority of the same*, That for the purpose of choosing Electors of President and Vice President of the United States, this Commonwealth shall be divided into six Districts, as follows :—The Counties of Suffolk, Essex and Middlesex, shall form one District and choose five Electors ; the Counties of Worcester, Hampshire, Hampden, Franklin and Berkshire, shall form one District and choose six Electors ; the Counties of Plymouth, Bristol, Norfolk, Barnstable, Dukes County and Nantucket, shall form one District and choose four Electors ; the Counties of York, Cumberland and Oxford, shall form one District and choose three Electors ; the Counties of Lincoln, Kennebeck and Somerset, shall form one District and choose three Electors ; and the Counties of Hancock and Washington, shall form one District and choose one Elector.

*And be it further resolved*, that the Selectmen of the several Towns and Districts, and the Assessors of the several Plantations in the respective Electoral Districts before

described, shall in manner the law directs for holding town Meetings, and by five days previous notice (which shall be sufficient for this purpose, any law or usage to the contrary notwithstanding) cause the inhabitants thereof, duly qualified to vote for Representatives to the General Court of this Commonwealth, to assemble on Thursday the twelfth day of November next, to give in their written or printed votes to the Selectmen, or Assessors, whose duty it shall be to preside in such meeting, for the number of persons as Electors assigned to such Districts respectively, not being Senators or Representatives in the Congress of the United States or persons holding any office of trust or profit under said United States ; and the said Selectmen or Assessors, or the major part of them, shall, in open town meeting, sort and count the votes and form a list of the persons voted for, with the number of votes for each person against his name, and shall make a public declaration thereof in said meeting, and shall in presence of said inhabitants seal up copies of said list and transmit the same to the office of the Secretary of the Commonwealth, on or before the twentieth day of November next ; and on the twenty-first day of November next, the Governor and Council, then in session, shall examine said returns and determine and declare, who are elected from each District by a majority of the votes in said Districts respectively ; and in case the number of Electors hereby appointed to each District shall not be chosen by a majority of votes, it shall be the duty of the Governor and Council to ascertain from the returns of votes, the persons or person who shall have the highest number of votes returned from such District, and to declare as many of such persons, having such plurality of votes, as shall be equal to the deficient number, duly elected for such District.

*And be it further resolved,* That his Excellency the Governor be, and is hereby requested forthwith to transmit to each person so chosen Elector, a certificate of said choice ; and that said Electors be, and hereby are directed to meet on the first Tuesday of December next, at the State House in Boston, at four o'clock in the afternoon ; and in case of the death or absence of any of the Electors, the deficiencies shall immediately be supplied from the people, by a majority of votes of the Electors present ; and the Electors, thereafter, on the first Wednesday in December next, shall vote by ballot for one person for President, and for one person for Vice

President of the United States ; and that for their travel and attendance, they shall receive the same compensation as Members of the Senate are entitled to.

*And be it further resolved,* That if the Selectmen of any Town or District, or the Assessors of any Plantation in the Commonwealth, shall neglect to transmit the list of votes of said Town, District, or Plantation, in manner aforesaid, to the Secretary of the Commonwealth, on or before the twentieth day of November next, each of said Selectmen or Assessors so neglecting, shall forfeit and pay a sum not exceeding five hundred nor less than one hundred dollars :

*Provided,* That if the Selectmen or Assessors aforesaid, shall transmit to the Sheriff of the County in which such Town, District or Plantation shall lie, the votes of such Town, District or Plantation, on or before the fourteenth day of said November, the said Selectmen shall be excused from the penalty aforesaid ; and it shall be the duty of the Sheriffs of the several Counties in this Commonwealth, to transmit the votes by them respectively received from the Selectmen or Assessors of the several Towns, Districts and Plantations, to the Secretary of the Commonwealth, on or before the said twentieth day of November next ; and any Sheriff neglecting to return the votes by him received as aforesaid, within the time aforesaid, shall forfeit and pay for any such neglect, a sum not exceeding one thousand nor less than five hundred dollars, and the Sheriff shall be allowed and paid out of the Treasury of this Commonwealth, the sum of ten cents for each mile's travel to and from the town of Boston, in transmitting the votes aforesaid.

*And be it further resolved,* That the penalties herein provided, may be prosecuted for and recovered by indictment or by action on the case, in the Supreme Judicial Court, or Circuit Court of Common Pleas, one moiety thereof to the use of the Commonwealth, and the other moiety to him or them who may complain, prosecute or sue for the same.

## CHAP. LXXII.

*Resolve on the Petition of Asa Luddens, discharging him from an Execution. 23d October, 1812.*

Upon the representation and petition of Asa Luddens, stating that an execution was issued against him upon a judgment recovered by the Commonwealth against him, the said Luddens, at the March term of the Supreme Judicial Court, in the County of Suffolk, in the year of our Lord 1811, and praying, for reasons set forth in said petition, to be discharged therefrom.

*Resolved*, That the Sheriff of the County of Hampshire, or his Deputy, in whose hands the said execution now is, be, and he is hereby directed, upon the payment of all costs included in said execution, and his fees, to discharge the said execution, that the said Asa Luddens be therefrom fully acquitted, and discharged from the same.

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CHAP. LXXIII.

*Resolve on the Petition of Josiah Batchelder, allowing further time for payment of his bond. 23d October, 1812.*

On the petition of Josiah Batchelder, of Boston, in the County of Suffolk, shewing, that he on the fifth day of August, in the year of our Lord one thousand eight hundred and nine, contracted with the Agent for the sale of Eastern Lands, to purchase a tract of Land, containing twenty-eight thousand eight hundred twenty two acres, and gave in part payment for the same, his four obligations, amounting to four thousand three hundred twenty dollars, payable in four equal annual payments, the last of which will expire on the fifth day of August, in the year one thousand eight hundred and thirteen, and praying for an extension of time for completing the payment of his said obligations, and also for effecting a settlement of the tract according to the terms of the contract, and of the deed to be given in pursuance of the same.

*Resolved by the Senate and House of Representatives in General Court assembled, and by the authority of the same,*

That the said Josiah Batchelder be, and he is hereby allowed the further term of two years from the fifth day of August next ensuing, to complete the payment of the balance which may then be due from the said Batchelder to the Commonwealth on the obligations aforesaid, he, the said Batchelder, paying interest thereon according to the terms of the said contract; and also that he, said Batchelder, be allowed the further time of two years, in which to effect the settlement of twenty families on the said tracts, after the term shall have elapsed which is mentioned in the said contracts.

*Provided*, nevertheless, that the said Batchelder, his heirs or assigns, shall on or before the first day of September next, give bond to this Commonwealth in the sum of four hundred dollars, with sufficient surety or sureties to the satisfaction of the Agents for the sale of Eastern Lands; conditioned that the number of families required by said original contract to be settled on said land, shall within the said term of two years be settled on the same, or for the payment of thirty dollars for each family which shall then be deficient of the whole number.

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#### CHAP. LXXIV.

*Resolve on the Petition of William Farwell.*

23d October, 1812.

On the petition of William Farwell, of Fitchburg, in the County of Worcester, praying that the disabilities he is under in consequence of having been convicted at the Supreme Judicial Court, begun and holden at Worcester, within and for the said County of Worcester, on the third Tuesday of April, in the year of our Lord one thousand eight hundred and ten, of having in his possession, within this state, false, forged and counterfeit bank bills, with intent to pass the same, knowing the same to be false, forged and counterfeit, may be removed.

*Resolved*, for reasons set forth in said petition, and the certificate thereto subjoined, that the disabilities the said William Farwell is under, in consequence of the said conviction, be removed, and that he be restored to all legal rights and privileges of a citizen of this Commonwealth,

to which he would be entitled had he never been convicted as aforesaid.

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## CHAP. LXXV.

*Resolve authorizing the Governor to employ Expresses.*  
23d October, 1812.

*Resolved*, That his Excellency the Governor be, and hereby is authorized to employ such Express riders, or other means as to him, with advice of Council, may appear expedient, for the purpose of communicating to the Towns, Districts and Plantations of the Commonwealth, the resolution providing for the choice of Electors, and also of facilitating the returns of votes to the Secretary's office; and that a sum not exceeding five hundred dollars be appropriated for this purpose, for which sum his Excellency the Governor is hereby authorized to draw his warrants on the Treasury.

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## CHAP. LXXVI.

*Resolve on the Petition of John Marston, directing the Treasurer to issue a new State Note.*  
23d October, 1812.

On the petition of John Marston, stating that he has in his possession, a State Note which has been altered, and praying for a new Note for such sum as shall be found to be due.

*Resolved*, That the Treasurer of this Commonwealth be, and he hereby is authorized and directed to receive of the said John Marston, a consolidated State Note, numbered twenty thousand five hundred and thirty-one, at the sum of four pounds and fourteen shillings, being the sum for which it originally issued, upon the loan authorized by an act passed February 7, 1794, calculating the interest thereon agreeably to the direction of said act.

## CHAP. LXXVII.

*Resolve on the Petition of Ezra Kingman, authorizing Nathaniel Thompson to execute a Deed.*

24th October, 1812.

On the petition of Ezra Kingman, stating that he purchased two certain lots of Land of one Isaac Chamberlain, late of Bridgewater, in the County of Plymouth, deceased, and took his promise in writing, but without seal, for a Deed, and that the said Isaac died, without having given said Deed, praying that the said Land may be confirmed to him.

*Resolved*, That Nathaniel Thompson, Esq. of Halifax, in the County of Plymouth, aforesaid, Administrator on the Estate of the said Isaac Chamberlain, deceased, be, and he hereby is authorized and empowered to make and execute a Deed or Deeds of the said lots of Land to the said Ezra Kingman, describing them according to their true boundaries, and the said Deed or Deeds so made and executed, shall give to, and vest in the said Ezra, as good and perfect title to said Lands and their appurtenances, as if the said Isaac had given and executed a Deed thereof to the said Ezra, according to his said promise in writing.

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## CHAP. LXXVIII.

*Resolve on the Petition of Elijah Robinson and Wife.*

24th October, 1812.

On the petition of Elijah Robinson, and Charlotte, his wife, praying that they may be authorized to make and execute a Deed of a certain tract of Land, lately sold by her father, now deceased, to John Whitmore.

*Resolved*, That Elijah Robinson, of Vassalborough, in the County of Kennebeck, and Charlotte, his wife, be, and they hereby are authorized and empowered to make, execute and deliver unto John Whitmore, of Bowdoinham, in the County of Lincoln, a good and lawful Deed of a certain lot of Land lying in said Bowdoinham, containing about one hundred acres, and bounded (according to the report of Commis-

sioners) westerly by Robert Jack's land ; southerly by Robert Patten's land ; easterly by land formerly owned by Captain Maxwell ; and northerly by James Williams' land, and lies between the McKenney lot, so called, and a lot of land sold by Joshua Davis, father of the said Charlotte, to Robert Patten, which said land to be conveyed as aforesaid, appears to have been sold and bargained to be conveyed to the said Whitmore by the said Davis, who afterwards died, without having legally conveyed the same, and such Deed so to be made, executed and delivered by the said Elijah and Charlotte, as aforesaid, shall make and vest in the said Whitmore as good and valid a title to said lands and their appurtenances, as if the said Davis, had made, executed and delivered such Deed.

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#### CHAP. LXXIX.

*Resolve on the Petition of Lee Tinker, authorizing Stephen Spelman, to execute a Deed. 24th October, 1812.*

On the petition of Lee Tinker, of Granville, in the County of Hampden, setting forth, that in the life time of his brother, Martin Tinker, late of Granville, aforesaid, deceased, he, the said Lee, purchased of the said Martin, a certian lot of Land, lying in said Granville, containing about twenty acres, and bounded south on lands of William Marvin ; west on a County road ; north on land of Nathan Caldwell ; and east on lands of the heirs of said Martin, deceased, and that the said Lee paid to the said Martin in his life time, the full consideration for the said land, viz. four hundred and seventy dollars ; and that the said Martin died without having executed a Deed of the said premises to the said Lee Tinker.

*Therefore resolved, That Stephen Spelman, of said Granville, Administrator on the Estate of said Martin Tinker be, and he is hereby authorized and empowered to make and execute a good and sufficient Deed of the Land above described, to the said Lee Tinker ; and such Deed, duly acknowledged and recorded, shall give as good a title to the said Land, to all intents and purposes, as if the same had been duly executed by the said Martin Tinker in his life time.*



## CHAP. LXXX.

*Resolve allowing Pay to Sylvanus Lapham, Assistant to the Messenger of the General Court. 24th October, 1812.*

*Resolved, That there be allowed and paid out of the public Treasury of this Commonwealth, unto Sylvanus Lapham, 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.*

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## CHAP. LXXXI.

*Resolve allowing Pay to John Perry, Assistant to the Messenger of the General Court. 24th October, 1812.*

*Resolved, That there be allowed and paid out of the Treasury of this Commonwealth, to John Perry and Warren Chase, Assistants to the Messenger of the General Court, one dollar per day each, during the present session of the General Court, over and above the usual allowance to them.*

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## CHAP. LXXXII.

*Resolve granting Jacob Kuhn \$400 to purchase Fuel for the General Court, &c. 24th October, 1812.*

*Resolved, That there be paid out of the Treasury of this Commonwealth, to Jacob Kuhn, Messenger of the General Court, the sum of four 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 and Treasurer's Offices, he to be accountable for the expenditure of the same.*

CHAP. LXXXIII.

*Resolve making Appropriations for the State Prison.*  
24th October, 1812.

*Resolved,* That his Excellency the Governor, by and with the advice and consent of the Council, be, and he is hereby authorized to draw warrants upon the Treasurer of this Commonwealth, in favor of the Warden of the State Prison, for such sums, and at such periods as may be deemed expedient by the Governor and Council, not exceeding three thousand dollars, to enable said Warden to fulfil his contracts and defray the necessary expences of said Prison, he to be accountable for the same.

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CHAP. LXXXIV.

*Resolve for Paying Stephen H. Tower, Page to the House.*  
24th October, 1812.

*Resolved,* That there be allowed and paid out of the Treasury to the Messenger of this House, to be by him paid over to Stephen Hall Tower, one dollar and twenty-five cents for each and every day he, the said Tower, shall have attended as Page to this House the present session of the General Court.

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CHAP. LXXXV.

*Resolve for Paying Ward Lock, Assistant Messenger to the Governor and Council.* 24th October, 1812.

*Resolved,* That there be allowed and paid out of the public Treasury of this Commonwealth, to Ward Lock, Assistant Messenger to the Council, fifty six dollars in full for his services the last and the present session of the General Court.

## CHAP. LXXXVI.

*Resolve authorizing the Quarter Master General to purchase Gunpowder, Timber, &c. 24th October, 1812.*

*Resolved*, That the Quarter Master General be, and he is hereby authorized and directed to purchase, for the use of the Commonwealth, five tons of Gunpowder; also twenty tons of Timber of suitable dimensions for mounting the Cannon belonging to the Commonwealth.

*Be it further resolved*, That the said Quarter Master General be, and he is hereby directed to cause to be erected, a brick Building in the town of Cambridge, in the County of Middlesex, in size sufficient for the safe keeping of the Military Stores, the property of the Commonwealth, deposited in said town of Cambridge.

*Be it further resolved*, That the sum of twelve thousand dollars be paid to the said Quarter Master General, from the Treasury of this Commonwealth, to meet the expences aforesaid, for the application of which he is to be accountable, and that his Excellency the Governor, be requested to issue his warrant on the Treasury for the amount, at such periods, and in such sums as his Excellency with advice of Council, may deem expedient.

## CHAP. LXXXVII.

*Resolve on the Petition of Thomas Shepard, Esq. authorizing the Treasurer to issue an alias Warrant of Distress. 24th October, 1812.*

Upon the petition of Thomas Shepard, Esq. late Sheriff of the County of Hampshire, praying that a warrant of distress against Jonathan Wood, Collector of the town of Pelham, for the State tax, assessed upon said town for the year 1810, amounting to one hundred and sixty five dollars, may be renewed.

*Resolved*, for reasons set forth in said petition, that the Treasurer of this Commonwealth be, and he hereby is authorized to issue an alias warrant of distress against Jonathan Wood, Collector of said town of Pelham, for the balance due from said town of the State tax, for the year A. D.

1810, the said Jonathan Wood having escaped from the custody of William C. Lyman, a Deputy Sheriff under the said Thomas, late Sheriff as aforesaid, after the said Wood was arrested on a former warrant.

*Providing*, nevertheless, that nothing in this resolve shall in any manner discharge the said late Sheriff or any other person or persons from his or their responsibility to this Commonwealth, or to the Treasurer thereof, for the amount due to said Commonwealth on account of said tax.

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### CHAP. LXXXVIII.

*Resolve providing for the Payment of the Clerks of the two Houses.* 24th October, 1812.

*Resolved*, That there be allowed and paid out of the public Treasury, one hundred and twenty dollars to Marcus Morton, Clerk of the Senate, and the like sum to Benjamin Pollard, Clerk of the House of Representatives, and seventy five dollars each to Robert C. Vose, Assistant Clerk of the Senate, and Thomas Walcutt, Assistant Clerk of the House of Representatives, in full for their services for the present session.

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### CHAP. LXXXIX.

*Resolve on the Petition of Benjamin Joy, authorizing the Agents for the Sale of Eastern Lands, to convey a lot of Land to said Joy.* 24th October, 1812.

On the petition of Benjamin Joy, requesting that the Agents for the sale of Eastern Lands be authorized to give a Deed of a lot of Land, in conformity to a resolve passed the 3d March, 1810.

*Whereas*, the said Benjamin Joy having completed the road mentioned in said resolve of the third March, 1810, the Agents for the Sale of Eastern Lands, are authorized to convey the lot of Land in Township No. 4, 1st Range of Townships north of the Waldo Patent, granted by said resolve (upon a Certificate being produced from Charles Hammond,

Esq, that said road is completed to his satisfaction) in the same manner they were authorized to do in case said road had been seasonably made.

### CHAP. XC.

*Resolve prescribing the Form of the Returns of Votes for Electors of President and Vice President of the United States, &c. 24th October, 1812.*

*Resolved*, That it be recommended to the several Towns, Districts and Plantations in this Commonwealth, to observe the following form in the returns of votes for Electors of President and Vice President, and that the Secretary of the Commonwealth cause the same to be published, as soon as may be, in all the newspapers in which the laws of the Commonwealth are published :—

#### FORM.

At a legal Town Meeting held at \_\_\_\_\_ in the County of \_\_\_\_\_ on the twelfth day of November, in the year 1812, for the choice of Electors of President and Vice President of the United States, the undernamed persons had the number of votes to their names respectively annexed :—

<i>Names.</i>	<i>Number of Votes.</i>
A. B.	_____ hundred.
C. D.	_____ hundred.
E. F.	_____ hundred.

*Sorted, counted and sealed in presence of*

G. H. }  
T. K. } *Selectmen.*

Attest,

*Town Clerk.*

### CHAP. XCI.

*Resolve appropriating Money to pay for Alterations in Representative and Senate Chambers. 24th October, 1812.*

*Resolved*, That the sum of one thousand dollars be allowed and paid to Jonathan Hunnewell, Johnathan Whitney

and Thomas Barry, to defray the expences of alterations and repairs made by order of this House in the Representatives' Chamber, they to be accountable for the same ; and that his Excellency the Governor be, and hereby is authorized to draw his warrant on the Treasury for that sum accordingly.

*Be it further resolved,* That the sum of one hundred and ninety two dollars, thirty eight cents, be allowed and paid to Hon. Samuel Dana, Esq. President of the Senate, to defray the expences of alterations and repairs made by order of the Senate in the Senate Chamber, he to be accountable for the same ; and his Excellency the Governor, is requested hereby to draw his warrant on the Treasurer for that sum accordingly.

## CHAP. XCII.

*Resolve for Paying Ezekiel G. Dodge, a Member from Thomastown, and Cyril Brown, from Vinalhaven.*

24th October, 1812.

*Resolved,* That there be paid out of the Treasury of this Commonwealth, to Ezekiel G. Dodge, a Member of this House, from the town of Thomastown, sixty eight dollars, and to Cyril Brown, a Member of this House from the town of Vinalhaven, seventy two dollars in full for their travel and attendance respectively, the present session of the General Court.

## CHAP. XCIII.

*Resolve for Paying Leonard Hoar, a Member from the town of Lincoln.* 24th October, 1812.

*Resolved,* There be paid out of the public Treasury to Leonard Hoar, Esq. Member of the House of Representatives from the town of Lincoln, in full for his travel and attendance the present session of the General Court, twenty seven dollars, he being omitted in the pay roll.

## CHAP. XCIV.

*Resolve for Paying Robert Snell, a Member from Poland.*  
24th October, 1812.

*Resolved*, That there be paid out of the Treasury of this Commonwealth, to Robert Snell, a Member of this House from the town of Poland, fifty-five dollars in full for his travel and attendance the present session of the General Court.

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## CHAP. XCV.

*Resolve on the Petition of Walter Field and others, legalizing certain Actions.* 26th October, 1812.

On the petition of Walter Field and others,

*Resolved*, for reasons set forth in said petition, that the writs entered in the Circuit Court of Common Pleas, held at Greenfield, in and for the County of Franklin, on the first Monday of August last, which were made returnable on that day, be sustained by the said Court, and proceeded upon to final judgment, in the same manner as if the act entitled "an act to fix the times and places for holding the Circuit Courts of Common Pleas, within and for the several Counties in this Commonwealth, and for repealing all laws heretofore passed for that purpose," passed June 22d, 1812, had taken effect immediately upon passing the same.

*Note*—This Resolve passed the Senate the 23d, and the House of Representatives 24th of October.

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