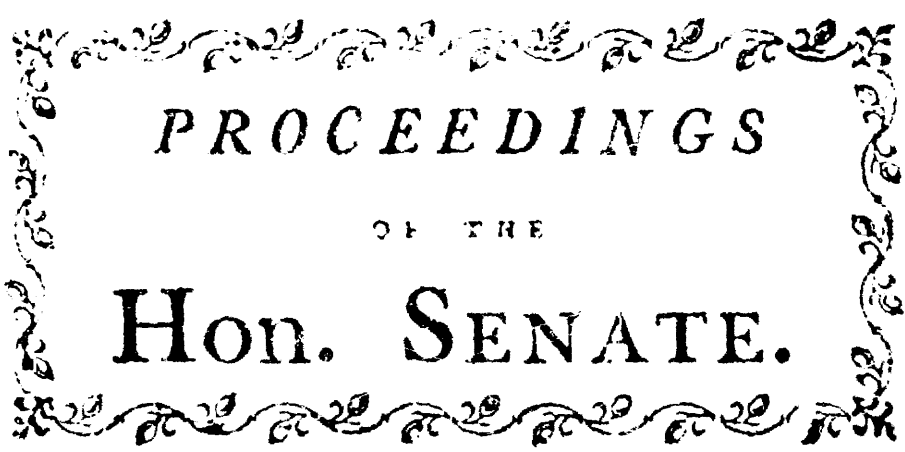


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PROCEEDINGS
OF THE
Hon. SENATE.

A
JOURNAL
OF THE
PROCEEDINGS
OF THE
Honorable Senate

OF THE
State of New-Hampshire,

At a session of the General Court, holden at
CONCORD, June, 1799.



STATE OF NEW-HAMPSHIRE.
PORTSMOUTH: PRINTED BY JOHN MELCHER,
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1799.



STATE OF NEW-HAMPSHIRE.



A

JOURNAL

OF THE

PROCEEDINGS OF

The honorable SENATE for said State, at
their session begun and holden at Concord,
June, 1799.

Wednesday, June 5, 1799,

BEING the time provided by the Constitution for
the annual convening of the General Court.—The
following members of the honorable Senate attended,
and were qualified and took their seats :

District N ^o 1,	the Hon. MOSES LEAVITT,
2,	JEREMIAH FOGG,
3,	JOSEPH BLANCHARD,
4,	MICHAEL M'CLARY,
5,	WILLIAM HALE,
6,	NATHAN HOIT,
10,	ELISHA WHITCOMB,
12,	MOSES BAKER, Esq'rs.

Making a quorum.

A 3

A

A message from the honorable House informed the Senate that a quorum of the House had assembled, and were duly qualified and ready to proceed to the business of filling the vacancies in the Senate.

The Senate proceeded by ballot, and made choice of Jeremiah Fogg, Esq. for chairman.

The Senate met in convention with the honorable House, and proceeded by joint ballot to fill up the vacancies in the Senate, when the honorable John Orr, Esq. was elected a Senator for District N^o 7—Henry Gerrish, Esq. for District N^o 8—Ephraim Hartwell, Esq. for District N^o 9—and Amos Shepard, Esq. for District N^o 11.

Proceeded to open and enter the returns of votes for Governor, which having completed, a committee was appointed to examine the entries and cast the same, the convention adjourned until to-morrow morning 9 o'clock, and the Senate returned to their chamber.

A vote for a committee to join such of the Senate as they may appoint, to procure a room for his Excellency the Governor, and the honorable Council,

was brought up, read and concurred :
Mr. Whitcomb appointed.

A vote for a committee to join such of the Senate as they may appoint, to prepare entertainment for the Reverend gentlemen of the clergy, that may attend in this town to-morrow, and invite his Excellency the Governor, the honorable Council, President of the Senate,

Speaker

Speaker of the House, and such other gentlemen of distinction as they may think proper to dine with said clergy, was brought up, read and concurred :
Mr. M'Clary appointed.

Adjourned until to-morrow morning, 9 o'clock.

Thursday, June 6, 1799.

Met according to adjournment.

Present as yesterday.

A VOTE for a committee to join such of the Senate as they may appoint, to procure a chaplain to officiate the present session of the General Court, was brought up, read and concurred :
Mr. Baker appointed.

A vote for a committee to join such of the Senate as they may appoint, to report what business was left unfinished at the last session that is now necessary to be taken up and acted upon, also report what business is necessary to be done the present session, was brought up, read and concurred :
Mr. Blanchard appointed.

The Senate met in convention with the honorable House, Mr. Gerrish having been duly qualified as a Senator, was introduced by the Secretary and took his seat.

The committee appointed to examine and cast the entries

entries of votes for Governor, reported "that the whole number of votes is 11,738, of which his Excellency JOHN TAYLOR GILMAN has 10,138, and is elected."

(Signed) JOSEPH BLANCHARD, for the committee.

Proceeded to open and enter the votes for Counsellors, and having entered the votes of the county of Rockingham, the convention adjourned until 4 o'clock P. M. and the Senate returned to their chamber.

A vote for a committee to join such of the Senate as they may appoint, to wait on his Excellency the Governor, and inform him of his election to the office of chief magistrate the ensuing year,

was brought up, read and concurred :

Mr. Blanchard and Mr. M'Clary appointed.

A vote for a committee to join such of the Senate as they may appoint, to make the necessary arrangements for the etiquette of this day's procedure,

was brought up, read and concurred :

Mr. M'Clary and Mr. Gerrish appointed.

The Senate met again in convention with the honorable House, and proceeded further in the opening and entering the votes returned from the several counties for Counsellors, which having compleated, a committee was appointed to examine the entries and cast the votes ; the convention adjourned until to-morrow morning, nine o'clock ; the Senate returned to their chamber.

A vote for a committee to join such of the Senate as they may appoint, to wait on the Reverend Mr. Payson, and present him with the thanks of the Legislature, for his ingenious and patriotic discourse, this day by him delivered

livered before the General Court, and request of him a copy for the press,

was brought up, read and concurred :

Mr. Blanchard appointed.

A vote for a committee to join such of the Senate as they may appoint, to procure, as soon as may be, one thousand printed copies of the Reverend Seth Payson's election sermon, this day delivered before the General Court,

was brought up, read and concurred :

Mr. Hale appointed.

A vote for a committee to join such of the Senate as they may appoint, to consider the petition of Daniel Burley,

was brought up, read and concurred :

Mr. Gerrish appointed.

A vote for a committee to join such of the Senate as they may appoint, to consider the petition of Thomas Packer Batchelder,

was brought up, read and concurred :

Mr. Blanchard appointed.

A vote for a committee to join such of the Senate as they may appoint, to consider the petition of Nehemiah Cummings and others, selectmen of Swanzey,

was brought up, read and concurred :

Mr. Hale appointed.

A vote that the Reverend Mr. M'Farland officiate as chaplain to the General Court the present session,

was brought up, read and concurred.

Adjourned until to-morrow morning, 3 o'clock.

Friday,

Friday, June 7, 1799.

Met according to adjournment.

Present as yesterday.

A VOTE for a committee to join such of the Senate as they may appoint, to consider the petition of Josiah Marsh, was brought up, read and concurred :
Mr. Whitcomb appointed.

The Senate met in Convention with the honourable House according to adjournment.

Mr. Orr being duly qualified as a Senator, came in and took his seat.

The committee appointed to re-examine and cast the votes for Counsellors, reported as follows :

“The whole number of votes for the county of Rockingham, is - - - - - 2777
1389 making a choice,
James Sheafe, Esquire, having - - - 1109 and
Joseph Cilley, Esquire, - - - - 1094 are
the two highest numbers.

That the whole number of votes for the county of Strafford, is - - - - - 2237
1119 making a choice,
Aaron Wingate, Esquire, having 1701 is chosen.

That the whole number of votes for the county of Hillsborough, is - - - - - 1626
814 making a choice,
Robert Wallace, Esquire, having 1423 is chosen.

That

That the whole number of votes for the county of
 Cheshire is - - - - - 1793
 897 making a choice,
 Samuel Stevens, Esquire, having - - - 684 and
 Daniel Newcomb, Esquire, - - - 319 are
 the two highest numbers.

That the whole number of votes for the county of
 Grafton, is - - - - - 1200
 601 making a choice,
 Russel Freeman, Esquire, having 621 is chosen.

(Signed)

MICHAEL M'CLARY, *for the committee.*"

The Convention proceeded by joint ballot to fill the
 vacancies in the Council, when the honorable James
 Sheafe, Esquire, was elected a Counsellor for the county
 of Rockingham, and the honorable Samuel Stevens, Esq.
 a Counsellor for the county of Cheshire.

Proceeded to the choice of a Secretary, and Joseph
 Pearson, Esquire, was elected to that office.

Proceeded to a choice of a Treasurer, and Oliver Pea-
 body, Esquire, was elected to that office.

Proceeded to a choice of a Commissary General, and
 George Gains, Esquire, was elected to that office.

The Convention adjourned until to-morrow morning
 10 o'clock, the Senate returned to their chamber.

A vote for a committee to join such of the Senate as
 they may appoint, to take into consideration the law of
 this State, intituled "an act for the better observation of
 the

the LORD's day," and report such alterations and amendments, or a new bill as they shall judge proper, was brought up, read and concurred :
Mr. Orr appointed.

A vote for a committee to join such of the Senate as they may appoint, to take into consideration the propriety of making a division of the tenth regiment of militia in this State, was brought up, read and concurred :
Mr. Hoit appointed.

A vote for a committee to join such of the Senate as they may appoint, to inform Joseph Pearson, Esquire, of his election to the office of Secretary, and Oliver Peabody, Esquire, of his election to the office of Treasurer, and if they accept, to receive from each respectively a bond for the faithful discharge of the duties of his office, and lay the same before the House, was brought up, read and concurred :
Mr. Hale appointed.

A vote for a committee to join such of the Senate as they may appoint, to take into consideration the petition of Elihu de Forrest, and also the petition of Walter Blos, was brought up, read and concurred :
Mr. Baker appointed.

A vote for a committee to join such of the Senate as they may appoint, to consider the petition of John Pierce, Esquire, and others, was brought up, read and concurred :
Mr. Hale appointed.

A vote for a committee to join such of the Senate as they

they may appoint, to consider the petition of Benjamin Peirce and others, inhabitants of Dover,

was brought up, read and concurred :

Mr. Hale, Mr. Gerrish and Mr. Blanchard appointed.

A vote for a committee to join such of the Senate as they may appoint, to report a bill for the punishment of those convicted of counterfeiting money,

was brought up, read and concurred :

Mr. Gerrish appointed.

A vote for a committee to join such of the Senate as they may appoint, to take into consideration the trustee act, and report such alterations and amendments, or a new bill, as they shall judge necessary,

was brought up, read and concurred :

Mr. M'Clary and Mr. Fogg appointed.

A vote for a committee to join such of the Senate as may appoint, to report a bill for the better regulation of schools,

was brought up, read and concurred :

Mr. Orr and Mr. Hoit appointed.

A vote for a committee to join such of the Senate as they may appoint, to consider the petition of William White and others,

was brought up, read and concurred :

Mr. Orr appointed.

A vote for a committee to join such of the Senate as they may appoint, to consider the petition of Joseph Blanchard, Esquire, and others,

was brought up, read and concurred :

Mr. Gerrish appointed.

A vote for a committee to join such of the Senate as they may appoint, to consider the petition of Andrew Tracey and others,

was brought up, read and concurred :

Mr. Blanchard appointed.

A vote for a committee to join such of the Senate as they may appoint, to take into consideration, a bill intitled "an act empowering the inhabitants of the town of Portsmouth, to appoint health officers, and for preventing nuisances in said town," and report such alterations and amendments as they shall judge necessary,

was brought up, read and concurred :

Mr. Hale appointed.

Adjourned until to-morrow morning 9 o'clock.

Saturday, June 8, 1799.

Met according to adjournment.

Present as Yesterday.

MR. Shepard having been duly qualified as a Senator for District N^o 11, was introduced by the Secretary, and took his seat.

The Senate proceeded to the choice of a President, when the ballots being taken and counted, the honorable Amos Shepard, Esquire, was elected to that office.

A vote for a committee to join such of the Senate as they

they may appoint, to consider the petition of Frederick William Geyer and others,

was brought up, read and concurred :

Mr. Shepard and Mr. Whitcomb appointed.

A vote that the bonds herewith presented, given by the Treasurer for the faithful discharge of the duties of his office, is fully satisfactory to this House, and that the same be lodged with the speaker of the House of Representatives,

was brought up, read and concurred.

A vote that the report of the committee appointed to settle the Treasurer's accounts, be received and accepted.

was brought up, read and concurred.

Voted that Mr. M'Clary, Mr. Fogg, Mr. Hoit and Mr. Blanchard be a committee on the part of the Senate, to join such of the honorable House of Representatives as they may appoint, to wait on his Excellency the Governor and inform him that both branches of the Legislature are organized and ready to receive his communications in the Representatives' chamber, at such time as he shall be pleased to appoint ; also to escort his Excellency to the Representative's chamber, at the time that shall be by him appointed.

Sent down for concurrence,

brought up concurred :

Mr. Thompson, Mr. Carr, Mr. Haven, Mr. Betton, Mr. J. Smith, Mr. Prichard, Mr. Upham, Mr. N. Parker, Mr. Everet and Mr. Crawford appointed.

A vote that John Prentice, Jacob Abbott, and John Calse, Esq's, be a committee to receive from the committee who settled the Treasurer's accounts, all the papers received of the Treasurer by said committee, and to de-

face the orders and new emission money, by punching the same, to destroy all the State notes and certificates, and lodge the new emission money and orders with the Treasurer after they are thus defaced, and report at the next sessions,

was brought up, read and concurred.

A vote for a committee to join such of the Senate as they may appoint, to consider the petition of William Robb, jun.

was brought up, read and concurred :

Mr. Hoit and Mr. Orr appointed.

The Senate attended in the Representative's chamber with the honorable House, when his Excellency the Governor came in, accompanied by the Secretary and Treasurer, the honorable Council, and the committee appointed to wait on him, and signified his acceptance of the office of Chief Magistrate to which he was elected, and took and subscribed the oath of office administered to him by the President of the Senate ; when the President in the presence of both branches of the Legislature declared his Excellency JOHN TAYLOR GILMAN to be Governor of the State of New-Hampshire.

His Excellency then addressed both branches of the Legislature as follows :

*Fellow-Citizens of the Senate,
and of the House of Representatives,*

IN meeting you at this time it affords me great satisfaction that I may with propriety again congratulate you on the harmony and tranquility so apparent in this State, as it respects our internal concerns.

Selected from all parts of the State as the Representatives

tives of an independent people, acquainted with the circumstances of all classes, and equally with them subject to the laws; you are now convened for the important purpose of advancing the common prosperity.

To be unitedly engaged in contemplating and promoting the welfare of a people who have invested you with authority for that purpose, must be pleasing to benevolent minds, although the task requires much deliberation.

In the Constitution formed by the people of this State we find many duties assigned to Legislators and Magistrates, part of one article I shall now take the liberty to repeat—"It shall be the duty of the Legislators and Magistrates, in all future periods of this Government to countenance and inculcate the principles of humanity and general benevolence, public and private charity, industry and economy, honesty and punctuality, sincerity, sobriety and all social affections and generous sentiments among the people." This article is expressed in terms the most positive, and at this time when demoralizing principles have made such rapid strides in many parts of the world, and it is to be feared have had very pernicious effects in some parts of our country, seems to claim our peculiar attention.

While attending to the rights, duties and interests of the State we cannot be unmindful of the Constitution of the United States, which each one of us has taken upon himself the most solemn obligation to support and defend.

I rejoice that we are connected with our sister States in this compact; having with them borne the losses and expences of a long and distressing war, and having finally obtained peace, several years passed away before a

system of Government was established, adequate to the management of our national concerns. It is not necessary for me to mention our particular circumstances in those years, they are known to you, and I will only observe they were such as to excite strong apprehensions in some of the wisest and best citizens of the United States, and who had a great share in the dangers and difficulties of the war, that we should not realize all the advantages from our independence which might have been reasonably expected—at length a system of General Government was formed and adopted by the several States, and since this began its operation, the United States have made astonishing progress in fame and wealth. We are without doubt in circumstances more favourable to civil and religious liberty than other nations; all that seems to be wanting is that we should duly consider the things which belong to our peace.

The divisions which have existed in some parts of our country, and the opposition which has been made to the General Government and some of the laws, has been productive of great expence; but this is but a small part of the evil: had the people of these States been firmly united heretofore, there is no doubt but many of the difficulties we have experienced and now labor under would have been avoided; in such case we should have had little to fear from any foreign nation—they would not attack a people under such circumstances: first divide and then destroy is the most general system.

The general state of our national affairs with relation to France are known to you, and the repeated attempts that have been made by our government, without success, to adjust existing differences;—That people appear to have made greater progress towards universal domination than has been known for a long period before.

Their

Their arts and intrigues have preceded their arms—they have fomented divisions among the people and under the specious names of liberty and equality destroyed their governments, dictated new systems and supplied armed forces to support these new systems and to enforce enormous contributions. Shall we neglect to take warning from their conduct towards other nations.

Their arts and intrigues have undoubtedly had a pernicious effect in our country—while France was viewed as endeavouring to make some reforms in their Government, a large proportion of the people of these States wished them success; but since they have become so hostile to our country—plundered our citizens—insulted the government, rejected all overtures for negotiation—since they have made such havock of mankind—destroyed all the Governments within their reach—made a mock of morality and religion—and given such strong proofs that they will give laws to all nations as far as their forces can be extended—and since these things are so generally known, is it not astonishing that any native citizen of our country should wish them success.

The violent convulsions of Europe will undoubtedly, while they continue have considerable effect on our country, but having a good system of national Government, being favoured with an able and faithful administration, and having laws enacted by the people of our choice, let us shew to the world that we are no longer a divided people, but unitedly and fully prepared to support our Independence, our Government and Laws against the intrigues or the arms of all our enemies.

Amidst all my apprehensions respecting our national affairs, it affords me great satisfaction that the Legislature of this State have so repeatedly manifested, in terms

not

not to be misunderstood, their strong attachment and determination to support the General Government; and I have not the least doubt but our fellow citizens of the State at large will give the strongest proofs of the same disposition in case it becomes necessary.

Having been more particular than is customary, or than has been usual for me in my addresses to the Legislature, they will excuse it when I inform them, that alarmed at the divisions which have existed in some parts of the United States, and fearing we shall be more deeply wounded if they continue and increase, I could not otherwise discharge my duty to my own satisfaction. Among the public papers that will be laid before you, are letters from His Excellency the Governor of Virginia, and the Secretary of the State of Kentucky, covering certain resolutions of the respective Legislatures of those States. These resolutions appear to me of a very extraordinary nature, but delicacy towards our sister States prevents me from making any observations thereon.

Such measures as you may think proper to take for promoting the tranquility and prosperity of the people, will meet my ready attention—and I pray God to preserve our common country from divisions, and the arts and deligns of its enemies at home and abroad.

JOHN TAYLOR GILMAN.

State of New-Hampshire, June 8, 1799.

His Excellency presented the President of the Senate and the Speaker of the House each a copy of his address, and then withdrew, and the Senate returned to their chamber.

A vote that the petition of Josiah Stevens and others,

He referred to the committee on the petition of Frederick William Geyer and others,
 was brought up, read and concurred.

A vote for a committee to join such of the Senate as they may appoint, to bring in a bill for the consideration of the House, to suppress all fraud in voting by ballot, in town meetings in this State, and to prevent the evil practice of candidates for any town or State office, treating the inhabitants thereof either before or after said meetings.

was brought up, read and concurred :
 Mr. Hoit appointed.

Proceeded to read a petition, handed in by Mr. Hoit, of sundry persons inhabitants of North-Hampton, wherein among other things, they represent that the honorable Moses Leavitt, Esq. is not duly elected a Senator for the first District, by a majority of votes ; but that a majority of votes actually given in and received were for the honorable James Sheafe, Esq. and praying that the Senate would enquire into and examine the evidence of the facts relative thereto, and determine that the said Moses Leavitt, Esq. is not duly elected a Senator for said District ; but that the said James Sheafe, Esq. having a majority of votes, is duly elected. Ordered that Wednesday next, at 9 o'clock, A. M. be the time assigned for the hearing on said petition.

A vote for a committee to join such of the Senate as they may appoint, to consider the petition of Richard Dame and others, selectmen of Rochester,
 was brought up, read and concurred :
 Mr. Hoit appointed.

Mr. Hale obtained leave of absence until Wednesday next.

A vote for a committee to join such of the Senate as they may appoint, to take into consideration the expediency of making a division or some alteration in the Representative District composed of Lancaster, Littleton, Jefferson and Dalton.

was brought up, read and concurred
Mr. Baker appointed.

Adjourned until Monday next 3 o'clock P. M.

Monday, June 10, 1799.

Met according to adjournment.

Present as on Saturday, excepting Mr. Hale.

MR. Hartwell having been duly qualified and sworn as a Senator for District N^o 9, was introduced by the Secretary and took his seat.

A vote granting the prayer of the petition of the inhabitants of the town of Temple, for liberty to send a Representative to the General Court, was brought up, read and concurred.

A vote for a committee to join such of the Senate as they may appoint, to consider the petition of Samuel Gilman Esquire, was brought up, read and concurred:
Mr. Gerrish appointed.

A resolve that the account of John T. Coffin, amounting to *fourteen dollars*, be allowed and paid out of the treasury, was brought up, read and concurred with this amendment,

amendments, that he receive *eight dollars and fifty cents* in full of his account, instead of the sum of *fourteen dollars*, sent down for concurrence, brought up concurred presented and approved.

Voted that Mr. M'Clary be added to the committee on the petition of John Peirce Esquire, and others.

A vote for a committee to join such of the Senate as they may appoint, to take into consideration the resolves of the House of Delegates in Virginia, of the 21st of December 1798; also the resolutions of Kentucky Legislature of the 10th of November 1798,

was brought up, read and concurred;
Mr. Fogg and Mr. Blanchard appointed.

Voted that Mr. Gerrish and Mr. Baker be a committee to present to his Excellency the Governor for his approbation, all such bills and resolves as shall be passed the present session.

A vote granting the prayer of the petition of Andrew Tracey and others, praying to be incorporated into a society by the name of the Congregational Society in Cornish, and giving leave to bring in a bill accordingly, was brought up, read and concurred.

A vote that the bond presented by Joseph Pearson, Esquire, for the faithful discharge of the duties of his office of Secretary, are fully satisfactory, was brought up, read and concurred.

A vote that the petition of John Chamberlain and others, be referred to the committee on the petition of Frederick William Geyer and others, was brought up, read and concurred.

A vote for a committee to join such of the Senate as they may appoint, to consider the petition of Sylvanus Larned and others, also the petition of Bradford Hammond and others,

was brought up, read and concurred :
Mr. Baker appointed.

A vote for a committee to join such of the Senate as they may appoint, to take into consideration the resolutions of the General Assembly of Rhode Island, at their October session 1798 ; the resolutions of the Legislature of Delaware, passed 28th June 1798 ; the resolutions of the Legislature of the Commonwealth of Massachusetts, of February 26th 1799 ; the resolutions of the General Assembly of Virginia, of Jan. 11th, 1799 ; and the resolutions of the General Assembly of Maryland, of January 1st 1799,

was brought up read and concurred :
Mr. Hartwell appointed.

Adjourned until to-morrow morning, 3 o'clock.

Tuesday, June 11, 1799.

Met according to adjournment.

Present as yesterday.

A VOTE for a committee to join such of the Senate as they may appoint, to consider the petition of Reuben True in behalf of the officers of the 21st regiment, also the petition of Nathaniel Eaton and others,

was brought up, read and concurred :
Mr. Gerril. appointed.

Mr.

Mr. Hartwell was added to the committee on the petitions for turnpike roads.

A vote for a committee to join such of the Senate as they may appoint, to consider the petition of the selectmen of New-London,

was brought up, read and concurred :

Mr. Hoit appointed.

A bill, intitled "an act to incorporate certain persons by the name of the proprietors of the social library in Hollis," was brought up and read ; a motion was made that the first enacting clause be amended, where it reads as follows viz. " And they may make, purchase and receive subscriptions, grants and donations of personal estate, not exceeding the sum of one *thousand dollars*, exclusive of the books in said library, for the purpose of their association," that the words "exclusive of" be struck out, and the word including be inserted, instead thereof, which proposed amendment was agreed to by the House, and the bill was brought up and enacted

Presented and approved.

A vote for a committee to join such of the Senate as they may appoint, to take into consideration the propriety of further suspending the operation of the limitation act, and if they think proper to report a bill for that purpose,

was brought up, read and concurred :

Mr. Orr appointed.

A vote for a committee to join such of the Senate as they may appoint, to take into consideration a bill intitled, "an act to prevent undue influence and fraud in town meetings, and in the choice of town and State officers,"

was brought up, read and concurred :

Mr. Fogg appointed.

A vote granting a day of hearing on the petition of Joseph Blanchard and others, before the General Court on the second Tuesday of the next session, wherein they pray that they may be incorporated into a body politic for the purpose of canalling and opening a water communication from Massabesick pond to Merrimack river, by the way of great Cohas brook,
 was brought up, read and concurred.

A vote granting a day of hearing on the petition of Daniel Burley, before the General Court on the second Wednesday of the next session, praying for the grant of a ferry over Pemigawasset river,
 was brought up, read and concurred.

A vote granting a day of hearing on the petition of Frederick William Geyer and others, before the General Court on the second Wednesday of their next session, wherein they pray to be incorporated for the purpose of constructing a turnpike road from Bellows's falls through Keen to the line of Massachusetts :
 was brought up, read and concurred.

A vote granting a day of hearing on the petition of Josiah Stevens and others, before the General Court on the second Wednesday of the next session, praying to be incorporated for the purpose of making a turnpike road leading from Cornish bridge through Claremont, Unity, Lempster, Washington, Campbell's Gore, Hillsborough, Society-land, Francistown and New-Boston, to Amherst,
 was brought up, read and concurred.

A vote granting a day of hearing on the petition of John Chamberlain and others, before the General Court on the second Wednesday of the next session, wherein they pray to be incorporated into a society for the purpose

pose of erecting a turnpike road from the north part of Charlestown, near Henry's tavern, in the most direct way to Wilcox's tavern, in Surry,
was brought up, read and concurred.

A vote that the hearing on the petition of Nathaniel Whittemore and others, which was to have been this day before the General Court, be postponed to the second Wednesday of their next session, of which all persons are to take notice, and govern themselves accordingly,
was brought up, read and concurred.

The Senate met with the honorable House agreeably to the order of the day for public hearings.

A vote for a committee to join such of the Senate as they may appoint, to consider the account of Jonathan Cilley, Esquire,
was brought up, read and concurred :
Mr. Hoit and Mr. Whitcomb appointed.

A vote for a committee to join such of the Senate as they may appoint, to consider the petition of Timothy Walker, Esquire, and others,
was brought up, read and concurred :
Mr. Fogg appointed.

Adjourned until to-morrow morning, 8 o'clock.

Wednesday, June 12, 1799.

Met according to adjournment.

Present as yesterday.

VOTED that the prayer of the petition of the selectmen of Keatinge Gore, for altering the time of holding

holding their annual town meeting, be granted, and that they have leave to bring in a bill accordingly.
was brought up, read and concurred.

The committee appointed to draught an answer to His Excellency's address, reported the following :

May it please your Excellency,

THE Senate of New-Hampshire, with peculiar pleasure, receive your communications at the opening of this session. The remarkable unanimity in the suffrages of our fellow citizens, so often repeated in the choice of a first Magistrate, is a lively token of our internal tranquillity and convincing evidence of the propriety of your administration.

To promote the happiness of society by enacting salutary laws and inculcating the principles of all the christian virtues and social affections among the people, is not only a duty constitutionally incumbent on a Legislature, but affords pleasure as resulting from moral obligation, and more especially at this juncture, when gallic philosophy and intrigue have deranged the minds of so great a part of the world. We sincerely lament the effects of this demoralizing system already discovered as well as fear its future tendency—No system of Government, however wisely devised, can long remain a protection and blessing to a people whose moral sense is extinguished ; and that society which lives under no apprehension of future rewards and punishments, must hold liberty, life and property by a very precarious tenure.

The difficulties, dangers and expence both of blood and treasure, which attended our procuring and establishing Independence, are of too recent a date to be forgotten by us ; and when we contrast our present happy
situation

situation with that prior to the adoption of our federal Constitution, it calls forth our warmest gratitude to the great Law Giver of the Universe and excites us more and more to prize our civil and religious liberties, and to draw closer the bands of union with our sister States, in order to support and defend them.

It is to be regretted, and a matter of astonishment that so many citizens of these United States, have lost sight of the things which belong to their peace ; but in all nations there will be vicious and designing men, who play with the passions of the populace, to excite jealousy against their rulers, and turn the current of public opinion, which is the principal director of human actions against the officers and administration of Government.

The experience of France in the usefulness of this important engine in Europe, taught them to play off their tricks in America, knowing that disunion amongst its citizens, and a separation of the people from the Government, would effect more than their arms, the truth of which appears too evident, from the repeated instances of opposition to our laws in some of these States ; But we hope and trust, that the ill success which has hitherto attended their efforts, and the general disposition of our country to preserve good order, will prove a sufficient barrier to the further progress of this evil.—The perfidy and madness manifested by that haughty republic, in their treatment of all the unhappy nations that have fallen victims to their boundless ambition, are sufficient evidence of their motives in war—that liberty and equality are but fallacious words, substituted for domination and rapine.

We are happy to find that the measures of our Government, and the firmness and wisdom of our Envoys

to France, tho' unsuccessful, have been approved of, not only by our own country, but the European nations in general, and that the intrigues of that nation have roused so many powers to unite in support of the common rights of man.

From a general observation of the temper and spirit of the citizens of this State, we have little reason to fear any formidable opposition to the measures of our General Government, not doubting the usual promptitude and willingness of its citizens to comply with all constitutional requisitions.

Any resolutions from our sister States, however extraordinary, together with all other matters you may be pleased to lay before us, shall occupy our early attention, and we most cordially join with you in praying for the preservation and safety of our common country.

On motion that the foregoing report be accepted, and that the same be presented to his Excellency the Governor, it was determined in the affirmative—yeas 12, nays none.—The yeas were

MR. SHEPARD,
MR. WHITCOMB,
MR. HALE,
MR. FOGG,
MR. M'CLARY,
MR. ORR,

MR. HARTWELL,
MR. BLANCHARD,
MR. LEAVITT,
MR. GERRISH,
MR. HOIT,
MR. BAKER.

This being the time assigned for the hearing on the petition from North-Hampton, contesting the election of Mr. Leavitt, Senator for the first District—the petition was called up; and Mr. Simon Dearborn, agent for the petitioners, appeared in support of the petition; and
after

after reading sundry depositions and hearing the parties, Mr. Leavitt requested a postponement of the further consideration thereof. A motion being made for the postponement of the consideration of said petition, it was determined in the affirmative—yeas 10, nays none : the yeas and nays being required were as follows :—yeas

MR. SHEPARD,
MR. FOGG,
MR. BLANCHARD,
MR. M'CLARY,
MR. ORR,

MR. HOIT,
MR. GERRISH,
MR. HARTWELL,
MR. WHITCOMB,
MR. BAKER.

Voted that Wednesday next, at 9 o'clock A. M. be the time assigned for the further hearing and consideration of the above mentioned petition from North-Hampton.

The Senate met with the honorable House, agreeably to the order of the day for public hearings.

A vote for a committee to join such of the Senate as they may appoint, to take into consideration, a bill entitled "an act to incorporate Andrew Tracey and others, by the name of the Congregational Society in Cornish," and report thereon,

was brought up, read and concurred :

Mr. Hartwell appointed.

A bill intitled "an act to divide the tenth regiment of Militia in said State," having been read a third time, was enacted,

Presented and approved.

A vote for a committee to join such of the Senate as they may appoint, to report what allowance shall be made for

for the travel and attendance of the members of the honorable Council, Senate and House of Representatives, and their officers, the present session—also report when this Court may adjourn, and at what time and place the next session of the General Court shall be holden,

was brought up, read and concurred :

Mr. Fogg, Mr. Whitcomb and Mr. Hoit appointed.

A vote for a committee to join such of the Senate as they may appoint, to consider the petition of Isaac Merve and others,

was brought up, read and concurred :

Mr. Hoit appointed.

A vote for a committee to join such of the Senate as they may appoint, to consider the propriety of an alteration in the act for incorporating the town of Stuart, and in a bill for raising a tax in said Stuartstown,

was brought up, read and concurred :

Mr. Baker appointed.

A vote granting the prayer of the petition of Edward St. Loe Livermore, Esq. in behalf of Samuel Livermore, Esq. and his associates, praying to be incorporated into a society for the encouragement of agriculture,

was brought up, read and concurred.

A vote for a committee to join such of the Senate as they may appoint, to take into consideration the propriety of making it the duty of any officer, who may attach any real estate, to make out a certificate thereof, and lodge the same in the Town Clerk's office in the town where the land lies, or with the recorder of deeds in the county, as soon as may be, after the attachment is made, and report which office they shall judge most proper for that purpose, and prepare a bill accordingly,

was brought up, read and concurred :

Mr. Blanchard appointed.

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A vote granting a hearing on the petition of Josiah March, before the General Court, on the second Thursday of the next session.

was brought up, read and concurred.

The Senate met with the honorable House agreeably to the order of the day, for public hearings.

A vote for a committee to join such of the Senate as they may appoint, to point out some method to explore, survey and report a plan of the unlocated land in this State,

was brought up, read and concurred :

Mr. Hoit and Mr. Orr appointed.

Adjourned until to-morrow morning, 9 o'clock.

Thursday, June 13, 1799.

Met according to adjournment.

Present as yesterday.

A bill entitled "an act for the division of the twenty first regiment of Militia in said State," having been read a third time was enacted,

Presented and approved.

A bill entitled "an act to incorporate John Pierce, Jacob Sheafe and Reuben Shapley and others, into a company by the name of the New-Hampshire Insurance

company

company," having been read a third time, was enacted
Presented and approved.

A vote granting the prayer of the petition of Timothy Walker, Esq. and others, praying for an incorporation of a Musical society in Concord, with leave to bring in a bill accordingly,

was brought up, read and concurred.

Voted that the whole Senate wait on his Excellency the Governor, and present him with their answer to his address, made to both branches of the Legislature at the opening of the present session.

The committee to whom was referred certain resolutions of the General Assembly of Rhode-Island, at their October session 1798—the resolutions of the Legislature of Delaware, passed 28th June 1798—the resolutions of the Legislature of the Commonwealth of Massachusetts, of February 26th, 1799—the resolutions of the General Assembly of Virginia, of January 11th, 1799—and the resolutions of the General Assembly of Maryland, of January 1st, 1799. Reported that the Legislature of this State, having by certain resolutions adopted on the 26th of December last, expressed their sentiments on the respective subjects submitted to their consideration by the several States in the resolutions now before them, any further proceedings are unnecessary, which report was received and accepted, was brought up, read and concurred.

A bill intituled "an act to incorporate certain persons by the name of the proprietors of the social library in Westmoreland," having been read a third time was enacted.

Presented and approved.

A.

A vote for a committee to join such of the Senate, as they may appoint, to consider the petition of John Mann and others,

was brought up, read and concurred :
Mr. Hoit appointed.

A vote for a committee to join such of the Senate as they may appoint, to consider the petition of Andrew M. Millen, Esquire, and others,

was brought up, read and concurred,
Mr. Hartwell appointed.

A bill, intituled, "an act for establishing an agricultural society in New-Hampshire," having been read a third time was enacted,

Presented this day, not approved.

A resolve that the account of Samuel Crosby amounting to *two dollars and six cents*, be allowed and paid out of the treasury,

was brought up, read and concurred :
Presented and approved.

A vote for a committee to join such of the Senate as they may appoint, to consider the petition of Isaac Baldwin,

was brought up, read and concurred :
Mr. Orr appointed.

A vote for a committee to join such of the Senate as they may appoint, to consider the petition of Moses Hodgdon and others,

was brought up, read and concurred :
Mr. Hoit and Mr. Hale appointed.

A vote granting a day of hearing on the petition of
Walter

Walter Bloss, before the General Court on the second Thursday of their next session,
was brought up, read and concurred.

A vote granting a day of hearing on the petition of Elihu De Forest, before the General Court on the second Thursday of their next session,
was brought up, read and concurred.

A resolve that Jonathan Cilley, Esquire, have and receive out of the treasury of this State the sum of *seventy two dollars and eighty three cents* in full of his account as Brigade Inspector,
was brought up, read and concurred :
Presented this day.

A resolve that Isaac Baldwin have and receive out of the treasury *forty dollars*,
was brought up, read and concurred :
Presented this day.

A vote for a committee to join such of the Senate as they may appoint, to consider the petition of sundry of the inhabitants of Pembroke, &c.
was brought up, read and concurred :
Mr. M'C... appointed.

A vote for a committee to join such of the Senate as they may appoint, to take into consideration, the expediency of passing an act, making it the duty of the selectmen in the several towns in this State, to build a sufficient number of school houses, for the use of schools in all such towns, as have not heretofore furnished the same,
was brought up, read and concurred.
Mr. M'Clary and Mr. Fogg appointed.

A vote for a committee to join such of the Senate as
they

they may appoint, to take into consideration the propriety of furnishing the artillery companies in this State with powder and other materials, to be used on muster days, or when exercised for their better instruction,

was brought up, read and concurred :

Mr. M'Clary appointed.

A bill, intituled "an act for altering the time of holding the annual town meeting in Kearsarge gore, in the county of Hillsborough," having been read a third time, was enacted :

Presented and approved.

A bill, intituled "an act for the better regulation of schools within this State, and for repealing all the laws now in force respecting the same," having been read a third time, was enacted :

Presented and approved.

A bill, intituled "an act to incorporate Andrew Tracey and others, by the name of the congregational society in Cornish" having been read a third time was enacted :

Presented and approved.

A vote granting a day of hearing on the petition of Moses Hodgdon and others, before the General Court on the second Thursday of the next session,

was brought up, read and concurred.

A vote granting a day of hearing on the petition of sundry inhabitants of Pembroke and others, before the General Court on the second Thursday of the next session, praying to be incorporated into a religious society,

was brought up, read and concurred.

A vote for a committee to join such of the Senate as they may appoint, to consider the petition of Thomas Cogswell,

was brought up, read and concurred :
Mr. Fogg appointed.

A vote for a committee to join such of the Senate as they may appoint, to consider the petition of Archibald Walker and others,

was brought up, read and concurred.
Mr. Hoit appointed.

Adjourned until to-morrow morning, 8 o'clock.

Friday, June 14, 1799.

Met according to adjournment.

Present as Yesterday.

Mr. Gerrish came in and took his seat.

A BILL, intitled "an act suspending in certain cases the operation of an act entitled "an act for the limitation of actions and for preventing of vexatious suits," passed the sixteenth day of June one thousand seven hundred and ninety one," having been read a third time was enacted :

Presented and approved.

A resolve that the account of Samuel Curtis, amounting to *seventy six cents*, be allowed and paid out of the treasury,

was brought up, read and concurred :
Presented and approved.

A vote that the petition of Aaron Kinsman and others,

was committed to the committee on the petition of Frederick William Gever and others,
was brought up, read and concurred.

A bill intitled "an act to prevent undue influence and fraud in town meetings, and in the choice of town officers," having been read a third time, was enacted :
Presented and approved.

A vote granting a day of hearing on the petition of the inhabitants of the township of Cockburne, praying for a tax of *three cents* per acre on the land in said township, before the General Court on the second Tuesday of the next session,
was brought up, read and concurred.

A vote granting a day of hearing on the petition of the inhabitants of Wales' location, before the General Court on the second Tuesday of their next session, wherein they pray for a tax on the lands in said town,
was brought up, read and concurred.

A vote granting a day of hearing on the petition of Archibald Walker and others, before the General Court on the second Tuesday of the next session, was brought up, read and concurred, with this amendment, "that the petitioners be heard on the second Wednesday of the next session. instead of the second Tuesday ;"
Sent down for concurrence,
brought up concurred.

A vote granting a day of hearing on the petition of Isaac M. Moore and others, before the General Court on the second Tuesday of the next session, was brought up read and concurred, with this amendment, "that the
petitioners

petitioners to be heard on the second Wednesday of the next
 October, instead of the second Tuesday."

Sent down for concurrence,
 brought up concurred.

A bill, intitled "an act for incorporating certain per-
 sons by the name of the members of Concord radical
 society," having been read a third time, was enacted,
 Presented and approved.

A bill, intitled "an act to empower the Representatives
 of the General Court from the county of Grafton, to
 form themselves into a convention for the purpose of
 granting and appropriating a county tax," having been
 read a third time, was enacted,
 Presented and approved.

A bill, intitled "an act empowering the inhabitants of
 the town of Portsmouth to appoint health officers, and
 for preventing nuisances in said town," having been read
 a third time, was enacted,
 Presented and approved.

A resolve that the members of the honorable Council
 receive *two dollars* per day the present session, and when
 called together in the recess of the General Court, *two
 dollars and fifty cents* per day—each Senator *two dollars*
 per day—Clerk of the Senate *two dollars and fifty cents*
 per day—Speaker of the House *two dollars and fifty cents*
 per day—Clerk of the House *two dollars and fifty cents*
 per day—Assistant Clerk of the House *one dollar and fifty cents*
 per day—Assistant Clerk of the House *one dollar and fifty cents*
 per day, and that the Clerk be allowed for the extra
 making out the rolls of the House, and that the Secre-
 tary and Clerk make up and certify the rolls according
 to the said resolve, was brought up, read and concurred in,
 Presented and approved.

The Legislature of New-Hampshire having taken into consideration certain resolutions of the General Assembly of Virginia, dated December 21st, 1798—also certain resolutions of the Legislature of Kentucky of the 10th of November, 1798.

Resolved, that the Legislature of New-Hampshire unequivocally express a firm resolution to maintain and defend the Constitution of the United States and the Constitution of this State, against every aggression either foreign or domestic, and that they will support the Government of the United States in all measures warranted by the former.

That the State Legislatures are not the proper tribunals to determine the Constitutionality of the laws of the General Government; that the duty of such decision is properly and exclusively confided to the Judicial Department.

That if the Legislature of New-Hampshire, for mere speculative purposes, were to express an opinion on the acts of the General Government, commonly called "the *Alien and Sedition Bills*;" that opinion would unreservedly be, that those acts are Constitutional, and in the present critical situation of our country highly expedient.

That the Constitutionality and expediency of the acts aforesaid, have been very ably advocated and clearly demonstrated by many citizens of the United States, more especially by the minority of the General Assembly of Virginia.

The Legislature of New-Hampshire, therefore, deems it unnecessary by any train of arguments to attempt further illustration of propositions, the truth of which, it is confidently

confidently believed, at this day, is very generally seen and acknowledged. Which resolve was brought up, read and unanimously concurred:

Presented and approved.

Adjourned until to-morrow morning, 8 o'clock.

Saturday, June 15, 1799.

VOTED that the Senate and House of Representatives join in conference in the Representatives' chamber, on the propriety of completing the business of the Legislature for the current year at the present session, and then to be adjourned until the last Wednesday in May next; sent down for concurrence, brought up concurred, with a message that the House were ready to go into a conference whenever it will be agreeable to the Senate.

The Senate met with the House accordingly.

A resolve that his Excellency the Governor be requested to transmit to the Legislatures of Virginia, the resolves of this State, in answer to the resolves of those States, respecting the Alien and Sedition bills of the United States,

was brought up, read and concurred:

Presented and approved.

A vote granting a hearing on the petition of Aaron Kuttiman and others, before the General Court, on the second Wednesday of their next session, praying for a turnpike road,

was brought up, read and concurred.

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A resolve the Secretary be directed to send to the several post offices in this State at the expence of said State, a copy of the laws passed the present session, and such as may be passed in future, as soon as may be after the close of each session, directed to each member and to each town agreeably to a resolve passed November session 1797,

was brought up, read and concurred :

Presented and approved.

A vote granting the prayer of the petition from the town of Wentworth, for leave to send a Representative to the General Court, brought up, read and ordered to lay over to the next session.

A vote granting the prayer of the petition from Orford, for an academy, was brought up, read and ordered to lay over to the next session.

A message from the honorable House by Mr. Abbot, "Mr. President the House have taken into consideration the subject matter of the conference, and it has made no alteration in their opinion respecting the former vote."

A vote that when the business of the present session is finished, that the General Court be adjourned to the first Wednesday in December next, then to meet at Concord, was brought up, read and concurred with this amendment, "that the court be adjourned to meet at Exeter in December next instead of Concord," sent down for concurrence, brought up concurred.

Voted that the hearing on the petition from North Hampton, contesting the election of Moses Leavitt, Esq. Senator for District No. 1, be further postponed until the first Thursday of the next session, at ten of the clock in the

the forenoon, and that the Deputy Secretary give notice accordingly.

A resolve that the account of Robert B. Wilkins amounting to *twenty-one dollars* be allowed and paid out of the treasury,
 was brought up, read and concurred :
 Presented and approved.

A resolve that the account of Caleb Buswell amounting to *twenty-one dollars and twenty-five cents*, be allowed and paid out of the treasury,
 was brought up, read and concurred :
 Presented and approved.

A resolve that the Rev. Afa M'Farland have and receive out of the treasury *ten dollars*,
 was brought up, read and concurred :
 Presented and approved.

A resolve that the Rev. Mr. Payson be allowed and paid out of the treasury the sum of *twenty dollars*.
 was brought up, read and concurred :
 Presented and approved.

A resolve that the account of Sarah Livermore, amounting to *five dollars* be allowed and paid out of the treasury,
 was brought up, read and concurred :
 Presented and approved.

A resolve that the account of Ebenezer Thompson, Esquire, amounting to *twelve dollars* be allowed and paid out of the treasury,
 was brought up, read and concurred :
 Presented and approved.

A resolve that the account of John Prentice, Esquire, amounting to *ten dollars* be allowed and paid out of the treasury,

was brought up, read and concurred :

Presented and approved.

A resolve that the account of William Stickney, amounting to *fifty dollars* be allowed and paid out of the treasury,

was brought up, read and concurred :

Presented and approved.

A resolve that the account of Silas Betton, Esquire, amounting to *ten dollars* be allowed and paid out of the treasury,

was brought up, read and concurred,

Presented and approved.

A resolve that the account of Joel French amounting to *eight dollars*, be allowed and paid out of the treasury,

was brought up, read and concurred :

Presented and approved.

A resolve that the account of James Sheafe, Esquire, amounting to *ten dollars* be allowed and paid out of the treasury,

was brought up, read and concurred :

Presented and approved.

A resolve that the account of John Calfe, Esquire, amounting to *thirty-six dollars and fifty cents* be allowed and paid out of the treasury,

was brought up, read and concurred :

Presented and approved.

A resolve that the account of Nathaniel Parker, amounting to *seventeen dollars and eighty-nine cents*, be allowed and paid out of the treasury,

was brought up, read and concurred.

Presented and approved.

A resolve that the account of Benjamin Connor, Esquire, amounting to *five dollars* be allowed and paid out of the treasury,

was brought up, read and concurred :

Presented and approved.

A resolve that the account of Nathaniel Weare, amounting to *three dollars* be allowed and paid out of the treasury,

was brought up, read and concurred :

Presented and approved.

A vote for a committee to join such of the Senate as they may appoint, to report how the election sermons are to be distributed,

was brought up, read and concurred :

Mr. Blanchard appointed.

A vote for a committee to join such of the Senate as they may appoint, to wait on His Excellency the Governor, and inform him that the business of the Legislature is finished, and that they are ready to be adjourned to the first Wednesday in December next, then to meet at Exeter,

was brought up, read and concurred :

Mr. M'Clary and Mr. Hoit appointed.

A vote that the election sermons be distributed as follows : His Excellency the Governor twelve, and the honorable Council one sermon each—the members of the General Court one sermon each—the Rev. Mr. Payson sixty—each ordained Minister one sermon. The remainder to be distributed to the several towns as near as may be, according to their proportion of public taxes, not to deprive any town from having one sermon, and

that

that the Secretary forward them in the manner as he is directed to forward the acts of the General Court, was brought up, read and concurred.

A resolve that the account of Josiah Nelson amounting to *forty-three dollars and fifty cents*, be allowed and paid out of the treasury, was brought up, read and concurred : Presented and approved.

A message from his Excellency the Governor by the Secretary, " Mr. President I am directed by his Excellency the Governor, to inform your honour, that he, with advice of Council, has thought fit to adjourn the General Court until the first Wednesday of December next, agreeably to their vote for that purpose, then to meet at Exeter."

They were adjourned accordingly.

