

MAINE STATE LEGISLATURE

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RESOLVES

OF THE

THIRD LEGISLATURE

OF THE

STATE OF MAINE,

PASSED AT THE SESSION,

WHICH COMMENCED ON THE FIRST DAY OF JANUARY, AND ENDED
ON THE ELEVENTH DAY OF FEBRUARY, ONE THOUSAND EIGHT
HUNDRED AND TWENTY THREE.

PUBLISHED AGREEABLY TO THE RESOLVE OF JUNE 23, 1820.

PORTLAND:

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1823.

Message
OF THE
GOVERNOR OF THE STATE OF MAINE,
TO
BOTH BRANCHES OF THE LEGISLATURE,
JANUARY 2, 1823.

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

IN entering upon the duties of the several stations to which we have been respectively elected, we cannot be unmindful of our dependence upon that source of wisdom to which all men, more especially those entrusted with the exercise of important political powers, should look for direction and support. To that Being we have abundant reason to be grateful, which the transactions of this occasion cannot fail of bringing distinctly to our consideration. Our State has been blessed with the enjoyment of more than common health; our populous towns have been preserved from that distressing sickness with which several of the cities of other States have been severely afflicted; the honest industry of the people in their various employments has been rewarded with success; the restrictions upon one of the important branches of our commerce have been removed; our fisheries have been unusually prosperous; our farms have produced their common abundance, and our citizens exhibit generally the appearance of contentment and prosperity.

Under such favorable circumstances we assemble as the agents of our constituents, selected by their voluntary suffrages to perform for their benefit certain duties in a manner pointed out by the Constitution. Having performed those duties our agency will expire, our power cease, and public opinion will decide upon our public conduct. On that opinion depends not merely who shall administer government, but the form and even the

very existence of government itself. To perpetuate in this free country that form of government which our ancestors established with great toil and unexampled wisdom, must be the ardent wish of every enlightened philanthropist. To secure to the people the enjoyment of civil and religious liberty and their just rights, a knowledge of those rights, of their value and importance to themselves and their posterity, is indispensably necessary. Nor should this knowledge be confined to a few; the more universal its diffusion the greater the security. It may justly be considered the pride of our State that here no man, however poor, is necessarily destitute of that Volume which is the best and purest fountain of moral instruction for himself and family; no youth, however indigent, but is provided with a school at the public expense, in which he may obtain such an education as will enable him to transact the usual business of life, and become acquainted with his rights and duties as a citizen. Education being therefore, within the reach of every one and provided at the public expense, that public have a claim upon each individual to share its advantages. Parents owe it to the community to afford the youth under their care every possible opportunity for moral and literary improvement, inasmuch as it will enable them to become more useful and influential members of society, as well as give them under Providence superior advantages through this life and a great opportunity of making themselves acquainted with their prospects in another. Magistrates and officers of every grade may do much by precept, and their country claims of them much by example, towards establishing and confirming correct moral principles among the rising generation. And our youth, some of whom are hereafter to be the depositories of the power which we now exercise, have every inducement to moral rectitude and persevering industry which can be afforded in a free government, established for the benefit of all, whose honors and emoluments can be claimed exclusively by none. The operation of wholesome and salutary laws is not more effectual in preserving the public peace and affording individual security, than is the influence of correct habits formed in early life and strengthened by all the partialities resulting from early education. Such habits become a law of themselves, ensuring the observance of the rights of others, and a performance of every duty arising from a connexion with civil society. Industrious habits, especially when accompanied by moral principle, rarely fail of securing private esteem and are indispenseable in those who prefer claims to the public patronage.

There should be no sinecures in the government ; no man appointed to or continued in office, unless he will devote to its duties his personal attention, and will not only assent in profession, but conform in practice, to the principle that the office is created for the benefit of the people and not of himself. The business of the public, in every station, claims at least as strict attention as that of individuals. The emoluments of office are in law presumed to be a fair and adequate compensation for such attention, and in some situations are known to be liberal. The incumbent, therefore, who neglects the duties of his office to promote his private interest or to gratify an indolent, inattentive habit, is unworthy of the public confidence and ought not to live upon the public bounty. A proper discharge of official duty requires industry, punctuality and civil demeanor in all official intercourse with the people. These are qualifications which every capable and faithful public agent, who consults the interest of the government under which he is appointed, will consider indispensable.

Our State affords peculiar facilities to those whose attention is directed to either of the three great branches of industry, agriculture, commerce or manufactures. Whatever opinions may have heretofore been entertained by a portion of our population, whose discontent might be attributable to various causes in no wise connected with either soil or climate, facts now prove most conclusively that those who sought a milder climate have not profited by the exchange, and that advantages, superior to those realized by the yeomanry of this State, are not to be expected. The interests of agriculture, being so intimately and inseparably connected with the interests of the State, will at all times claim the favorable consideration of the Legislature. It is to the substantial farmers that we are to look to supply the exports for commerce, a great portion of the raw materials for the manufacturer, and the means of subsistence for the whole community, and it is on the enlightened and patriotic yeomanry of our country that we are to depend for defence in war, and stability in peace. Whatever measures may be proposed by the Legislature to advance the interest of so useful and respectable a branch of industry in our State, will have the most cordial concurrence of the Executive.

An institution has recently been established in Gardiner, upon a plan original in its design, but promising much solid public utility. The encouragement of those arts, by which the labor of man can be aided and rendered more productive, is worthy of the patronage of any government. It is more particularly so in a country abounding in large tracts of rich, uncultivated

soil, on which surplus labor may be advantageously employed. As the benefits to be derived from this institution will be realized by the agriculturalist and the mechanic, it may properly be considered in connexion with these employments as promotive of the public interest, and consequently entitled to the public patronage.

The success of manufacturing establishments must eventually be as interesting to this as to either of the States in the Union. The products of these establishments have already excluded from importation a great proportion of foreign cotton and woolen goods of the coarser kind. The manufacture of the latter article in all its varieties and qualities, would seem to be equally as important to this State as to either of its neighbors. Our climate requires as great a supply of woolen goods of every description, and our farms will yield the raw material in as great perfection and with as little expense. By attention to this branch of industry, the agricultural interest is promoted, and a substantial benefit results to the whole State, by retaining within itself the capital with which articles of the first necessity have heretofore been purchased in Europe, and furnishing to its citizens like articles of equal and perhaps superior quality from their own farms and workshops at home. Whatever therefore may be done with propriety, to encourage the establishment of such factories as will afford us those articles of necessity for which we have been dependant on a foreign supply, will be in accordance with the best interests of the community.

It is, however, on the general government that we are mainly to depend for protection and encouragement to commerce and manufactures. The regulation of the former being particularly confided to Congress by the national Constitution, cannot be a subject of State legislation. Our extensive connexion in navigation will render every measure of the general government that may affect the commercial relations of the country interesting to our citizens. Maine has already become the third State in the Union in point of tonnage, and the official returns show its annual increase to be far greater than in either of the other States. Our industrious ship-builders find constant employment, and our forests ensure us an abundant supply of materials for their use, as well as an important and staple article of exportation; and our hardy, enterprising fishermen, both bank and coast, contribute their full share to the sustenance, the exports and the wealth of the country. In all measures therefore, which may relate to the interests of commerce and navigation, it is presumed this State will have its due influence.

The general laws of the State having within the last two years

all passed under the particular inspection of an able and learned Board of Jurisprudence, been revised and adapted to our state and condition, and reenacted after full consideration by the preceding legislatures, it will not probably be deemed necessary at the present time to make many material alterations. Great and frequent changes in the laws of a community serve rather to embarrass than relieve those on whom such laws are to operate. For all known defects the Legislature should indeed provide a speedy and an effectual remedy, but the application of such remedy should never be attempted unless the defect be fully understood. The people have a right to expect that the laws will be certain, plain and intelligible, as well as equal and just in their operation. In such laws, faithfully and uprightly administered, all honest citizens most willingly acquiesce. As, under our government, laws are the rules which individuals by their representatives prescribe for the regulation of their own conduct toward each other and the community, such rules should be well defined, and as far as practicable within the comprehension of every citizen. By frequent changes, statutes upon the same subject are multiplied, old statutes are partially repealed, doubts arise as to the extent or effect of repealing clauses, and the construction of additional acts requires judicial decision by reason of some unintentional ambiguity, until this rule, intended as a general guide, can be understood by few only, except those whose professional duty it is to expound its obligation. Such was the situation of some of our statutes previous to the late revision.

It is observable that within a few years propositions to amend the national constitution have become much more frequent than during the first twenty years of its existence. Scarce a session passes but the Legislature is requested to give its assent to some amendment proposed by a sister State. It is, however, a proof of the high estimation in which this entire instrument is held by the American people, that within the time above referred to, none of these various propositions have been sustained by the requisite majority. That it may be susceptible of improvements will not be denied, for it is the work of man, which is never perfect. But when we are called upon to consider and pass upon proposed alterations, it will not be forgotten that the original was framed by the soundest and purest minds of which our country can boast; that it was ratified by State conventions composed of delegates of all interests and professions, and that the instrument from which we have derived so much benefit, and under which we have experienced so few evils, should be viewed with veneration rather than with jealousy. Indeed there can be no ground of jealousy between the national and state gov-

ernments. The charters under which they exist have defined their powers ; the source from which they emanate is the same ; the object of their institution is alike the benefit of the people, and should either attempt to overleap its bounds and encroach upon the other, the all-powerful correcting hand of the people will be effectually applied for its restraint. A discreet administration will, however, at all times approach with caution those extreme boundaries of its power, which border upon the constitutional limits of others. The great unanimity which prevails throughout the country in relation to the measures of the General Government, affords the highest evidence of their correctness. To the people of this State, it is believed, they are entirely satisfactory.

Under the constitution and existing laws of the United States, the organization of the national government is dependent on the several State legislatures in the election of Senators, in providing for the choice of Representatives, and of electors of President and Vice President. As the term for which one of the Senators of this State was elected, will expire with the third of March next, your attention will be necessarily directed to supplying the vacancy. The law prescribing the mode of electing Representatives in Congress having expired by its own limitation, that subject will claim the early attention of the Legislature. The right of prescribing the time, place, and manner of holding the elections having been entrusted to the Legislatures of the several States, no uniform mode has been established. That which is most consonant to the principles of our government, most likely to ensure the election of suitable candidates, and give to all classes of people their due influence, will be the best mode. In the organization of the national government, the people are supposed to be immediately represented in the most numerous legislative branch, and the states in their corporate capacities in the other. It is, therefore, desirable that the choice of Representatives be made in that manner that will give a fair representation of all the various interests of the people, and best enable the electors to understand the merits of the candidates, and the elected, the sentiments of their constituents. By dividing the State into districts, equal in number to the representatives to be elected, we secure to each section an influence proportionate to its population, and a representation of its particular and prominent interests, whether agricultural, commercial or manufacturing.

A choice by general ticket increases the influence of a few, but in effect diminishes the power of the people. It enables the prevailing interest of a State, at the expense of every other, to secure to itself the whole representation, affords a greater oppor-

tunity for undue influence in the selection of candidates, is often burthensome in the filling of single vacancies, and usually inconvenient in its general operation. Having been accustomed in this State to elect by districts, the Legislature will undoubtedly have regard to the habits, and what may be presumed to be the wishes of our constituents. In laying off the districts, it will be impossible in all cases to conform to county lines, as some of the counties contain a population greater, and others less than the requisite number for a representative; but it will be practicable in most cases, as it is desirable in all, to connect together a population who have the same interests to be represented, who have a general centre of business, or who have become habituated to acting together for similar purposes. Districts thus formed, comprised of contiguous territory, the exterior limits of which being nearly of equal distance from a common centre, and as far as possible conforming to county lines, or natural boundaries, will be in accordance with the views of the Executive, and undoubtedly most consonant to the just wishes of all interested. The manner of appointing electors of President and Vice-President, has been different in the several States, and in the same State at different periods. An uniform and permanent mode of effecting these appointments throughout all the States, would have a tendency to ensure a fair expression of public opinion and an equal influence in the final choice. There have been various attempts so to amend the Constitution as to produce this uniformity; but a strong and commendable disposition to preserve that instrument from any innovation, has rendered every such attempt ineffectual. That mode of all others is preferable, which brings home this election to the primary assemblies in the several towns, in such manner as will enable every voter to express his opinion; and we may hope that there will be no disposition to vary from this mode, since experience has demonstrated it to be the most satisfactory. I trust no measure will ever be attempted in this State, that would either directly or indirectly take from the people the power of participating in, and controlling so important an election, by their voluntary suffrages. As no choice of electors is to be made the present year, our obligations to the national government will only require the present Legislature to fill the vacancy of Senator, and provide for the election of Representatives.

The constitution of this State having enjoined it upon the Legislature, under certain restrictions, to encourage and suitably endow from time to time, as the circumstances of the people may authorize, all academies, colleges and seminaries of learning

within the State, your attention will probably by some of these institutions be called to that subject.

The Colleges at Brunswick and Waterville, are believed to be increasing in reputation and usefulness, under the government of able and learned Presidents. The ardent attachment, which has recently been evinced for each of these institutions, by liberal patrons in neighboring States, in assisting and cheering the one in its infancy and relieving the other in its calamity, will not surely diminish their claims upon our protection. Whatever assistance may from time to time be necessary to sustain establishments so important to the character and stability of a free government, will undoubtedly be afforded, so far as it can be done consistently with the circumstances of the people. Those who call upon the Legislature for grants, should however recollect that we are now defraying the extraordinary expenses necessarily incurred in the organization of a new government; and that still further appropriations will soon become necessary to ensure the due execution of the laws. These are considerations which must be kept in view, and will have their weight in the discussion of every subject with which the situation of the Treasury is connected.

Under the resolve of the second of February last, a committee has been appointed to collect information and investigate the subject of the punishment of convicts and the establishment of a State Prison. The instructions contained in said resolve are so explicit and point so particularly to every important object of inquiry, that it has not been deemed necessary by the Executive to make any additions. But as the subject is probably of as great importance as any that will be presented for consideration the present session, I have deemed it proper to recommend it to your special attention. That some further provision has become necessary for the punishment of convicts is obvious. While connected with the parent State, punishment for the more flagrant offences was inflicted by confinement to hard labor in the State Prison, and the county gaols were required only for those who were committed for trial, or sentenced to imprisonment for shorter periods, and for minor offences. In erecting the prisons in the several counties, the same attention to strength and security, to arrangements for labor by yards and work shops, and to solitary confinement by suitable cells, was not deemed necessary, that would have been had there been no general prison for the State. Consequently we now find in most of the counties the prisons altogether insufficient even for a proper distribution of the prisoners without any regard to hard labor or solitary confinement. Some change is therefore unavoidable to give due

effect to existing laws. Either the county prisons must be enlarged or a State Prison erected. The question necessarily points to the inquiry which will be least expensive, and most likely permanently to answer the great objects for which imprisonment becomes necessary. The expense incident to the prosecution and punishment of criminals, forms a great item in the disbursements of the Treasury, and it is believed, under a judicious system may be considerably reduced. There remain in the State Prison of Massachusetts, twelve convicts who were tried and sentenced in Maine before its separation, and for whose support this State would be now chargeable had its government been organized previous to their conviction. From the prison calendars there appear to be seventy-six persons charged criminally, now confined within the several prisons in this State, of whom all but eleven were committed within the past year. More than fifty of this number being sentenced to solitary confinement and hard labor, would probably have been ordered to a State Prison if one had been provided. These prisoners are now supported in the several counties without labor, at an average annual expense of one hundred and four dollars each, exclusive of clothing. From evidence derived from many of the other States, there is reason to believe the charge for their subsistence in a State prison well arranged and properly managed, would be much less. In the adjoining State the whole expense, including clothing, superintendants, guards and every other charge, averages to between fifty and sixty dollars only for each convict, annually, and this the prisoner fully pays by his own labor. By a statement which has been obligingly furnished, showing the situation of the penitentiary in that State, and which will be laid before you, it appears that the annual receipts arising from the sale of articles manufactured therein exceed the whole annual expenditure. There is reason then for hoping that from a like establishment in this State, similar results might be realized. A better opportunity would likewise be afforded of varying the grades of punishment so as more fully to meet the different degrees of guilt, and of adapting imprisonment in the several county gaols, by a proper classification, to the character and circumstances of the prisoners remaining therein. The contaminating influence of corrupt society is such as to render it manifestly improper to confine the suspected held for trial only, in the same apartment with the convict. If uncorrupted, he ought not by compulsion to become an inmate with the hardened felon, whose influence under such circumstances would be demoralizing to the purest mind. If he be an initiate in vice, the instructions of an abandoned companion prepare for still

greater crime. Yet this cannot be avoided in county gaols with few apartments, all crowded and without the necessary means of classification. Our Constitution guarantees to the accused a "speedy, public and impartial trial," but in consequence of the present state of our prisons and the arrangement of the Courts in some of the counties, the accused previous to trial, if unable to furnish bail, may for more than eleven months be subjected to the highest punishment, not capital, now inflicted upon the most abandoned offender, and moreover after having suffered this punishment, more severe perhaps, than the law denounces against the offence with which he is charged, may be proved and adjudged to be innocent. The possibility of such an occurrence calls for legislative attention. It is necessary for the security of society that the guilty be visited with that punishment, however severe, which will be effectual to deter, correct and reform; but it is a violation of natural right for punishment to precede trial. The accused must unavoidably submit to such restraint as will ensure his answering the accusation and abiding the issue, but this restraint should never, either in discipline or diet, unnecessarily partake of the nature of punishment, and its continuance ought to be limited, or its character changed by a "speedy trial." To provide for the punishment of offences is the most unpleasant duty which the humane legislator is required to perform, but from which he cannot shrink unless regardless of the obligations he owes to those for whom he legislates. If we have laws, there will be violations; if there be crimes, there must be punishments. The honest and industrious portion of society have a claim for protection against the depredations of the lawless. This was the great object for which government was instituted; for this it is supported; for this taxes are levied, and to this the Constitution directs our first attention. The maxim that mercy to the criminal is cruelty to the State, has been said by some never to have been more fully illustrated than in this country within a few of the past years. Although this assertion is unquestionably too strong, yet it is beyond a doubt that imprisonment in some of the State penitentiaries has become altogether ineffectual, either for the purposes of prevention or reform. And what better effect could have been expected from the crowded state of the prisons, from an indiscriminate intercourse among all classes of offenders, constituting a society, suited to their dispositions; supplied by the government with better food and more comfortable clothing than they had ever provided for themselves, and living in every respect better, and performing less labor than a great proportion of the virtuous and industrious poor. And that this has been

the case in some of the States we have abundant evidence from the highest authority. What salutary effect could be expected from such punishment, either in producing a reformation of character, or deterring from the commission of crime. Sanguinary laws and punishments are altogether inconsistent with our principles of government, and expressly prohibited in our declaration of rights. Indeed there is little reason for believing that severe laws would have any tendency to diminish crime. In the country whose criminal code numbers upwards of two hundred capital offences, violations and convictions are no less numerous in proportion to population than in others where capital punishment is rarely inflicted. The revival of corporal punishment for offences not capital, will not probably be again generally resorted to in this country. Rather should we hope that the necessity for capital punishment may be diminished, if not wholly obviated by some other equally promotive of the public safety. It is not more the duty of the Legislature to enact laws for the security of society, than to provide the necessary means of enforcing those laws. Their violation must be followed by certain punishment, graduated by the character of the offence without unnecessary severity to the offenders. Experience has shown *that* punishment to be the most effectual in arresting the moral disease and producing reformation, which separates the convict from all intercourse with others, deprives him of every object which attracts the attention, and leaves him uninterruptedly to the reflection of his conduct and the accusations of his conscience. Thus secluded, with the sacred volume for his companion, if the criminal be not reformed he will at least be convinced that "the way of the transgressor is hard." The situation of this State requires that such conviction be brought home to offenders. From our contiguity to foreign provinces, our extensive coasts and numerous ports, we may expect that no inconsiderable number of those who have felt or escaped punishment in other countries, will be directing their course hither. There is reason to believe that few people in the ordinary pursuits of life make more exact calculations of the consequences than those who prey upon the honest industry of society, and who have justly been denominated the community of felons. The certainty of success, the danger of detection, the severity of punishment, and the probability of escape, are considerations by which old offenders are not unfrequently influenced in selecting the place of their depredations. It must be desirable, therefore, that the reputation of our criminal code, and the character of our prisons, and their discipline, should be such as not to invite emigrants from so dangerous a community. The costs for the prosecution

of criminals have become so great as to require some more effectual measures to secure the Treasury against unnecessary and improper charges. The Legislature will decide in what manner this can be accomplished, so as to relieve the people from a portion of these expenses already burdensome, and annually increasing.

The law of the 4th of February last, establishing a Court of Common Pleas, having been carried into effect in the early part of the season, the public are enabled to judge of the utility of the system by its practical operation. With the manner in which the business of this Court has been transacted in the several Counties, the members of the Legislature have had the best opportunity of becoming acquainted. By receipts at the Treasury it is rendered certain that the expense of this will be considerably less than that of the preceding system. The amount accruing to the Treasury, the current year for entry and other fees taxed for the Court, after discharging the salaries of the Judges will probably not vary materially from fifteen hundred dollars ; but as the returns from some of the Counties have not yet been completed the precise sum cannot now be ascertained.

On assuming the command of the Militia, my attention was directed to the thirteenth section of the Militia Law, requiring the Commander in Chief, under certain restrictions, to prescribe the uniform and equipments; which had been in no part executed. A general order was issued, prescribing an uniform dress for all Officers of Infantry, which has been carried into effect in the several Divisions in the State. In consequence of the particularity of said section in describing some part of the uniform, it became difficult to adapt it, by proper variations, to the several grades. The difficulty was not probably foreseen when the section was drafted, and may be easily remedied, should it be deemed important.

Under the resolve of the last Legislature, making an appropriation for the purchase of State Colours and Musical Instruments, those articles have been procured on terms highly advantageous to the State. Each Regiment of Infantry has been supplied with two Stands of Colours from an Engraved plate, which are judged to be equal, if not superior, in either appearance or durability, to those which have heretofore been furnished at a much greater expense. The plate having been engraved and purchased for the State, the cost of these articles, in future will be comparatively trifling. Each Battalion of Cavalry and Artillery has likewise been furnished with Colours, and Musical Instruments have been purchased and distributed through the

several Divisions for such Companies, of every description, as were destitute. The accounts of the Expenditures, under this appropriation, will be laid before you by the acting Quartermaster General.

By a due attention to the subject, much has been done for the Militia of this State during the two years in which our Government has been in operation. In return, the Militia have, also, done much to merit favorable consideration. The Reviewing Officers give the most flattering accounts of the improvements which have been made and are now making both in appearance and discipline, in every Division, and from the returns as well as from the general character of our population, there is reason to believe that the Militia of this State is as well equipped, and would be as hardy and effective, in actual service, as that of any portion of our country. The annual returns, which will be laid before you, show our force to be upwards of thirty-seven thousand able-bodied men, generally supplied with arms and equipments, in good order, for immediate use. The "Rules and Regulations for the Field Exercise and Manœuvres of Infantry," compiled by a Board of Officers, of which Major-General Scott was President, being under the Laws of the United States, the System of Discipline for the Militia in the several States, it is desirable that the same be generally promulgated and introduced. The Legislature will perceive the impracticability of carrying the system into effect and conforming to the Discipline therein prescribed, unless some means are taken to place it in the possession of the Officers. It is, also, equally desirable that the Officers of Cavalry and Artillery should be enabled to avail themselves of a more perfect knowledge of the best systems of discipline for their respective corps. The frequency of Courts Martial, and the expense incident to Military Investigations, render it desirable that the causes from which they originate, should be obviated, so far as may be within the power of legislation. A great proportion of the complaints arise from a misunderstanding of rights and duties, which depend more upon usage than positive law. These usages, by different officers, may be understood differently, and so long as there is no written authority to which they can appeal, and to which all opinions must yield, collisions will frequently occur. In most cases, it is believed, there would be less difficulty, certainly less expense, in preventing such collisions by legislation, than in settling them by Courts Martial.

I lay before you a copy of an agreement entered into between the Commissioners of this and the parent State under the law, relating to the separation of Maine from Massachusetts, by which

a full and final settlement and adjustment is concluded, and division made, of all the personal property, to a portion of which this State is entitled, under and by virtue of the fourth article of the first section of said law, and also for all liabilities for which it is thereby made chargeable.

Under this agreement and in fulfilment thereof, I have received from the Treasury of Massachusetts, the sum of fifteen thousand eight hundred and eighty-eight dollars and fifty cents. This sum after deducting the expense of the Agent appointed to receive it, and give discharges therefor, and also the sum of one hundred and fifty dollars, necessarily expended in securing the Military Stores, has been deposited in the Treasury of this State. The sum so deposited, and for which the Treasurer is chargeable, is fifteen thousand seven hundred and seventeen dollars and fifty cents. In addition to the sum abovementioned, the Commissioners have assigned to this State all sums of money, dues, claims, and demands, belonging to the Commonwealth, from sundry officers of the several counties included within this State, or from persons who have heretofore held said offices, with the right of using the name and authority of the said Commonwealth and its proper officers in collecting the same. It has been represented that in some of the Counties these arrearages are of such magnitude as to render an investigation necessary. The facts cannot be ascertained by any means, immediately within the power of the Executive, and the subject is submitted for your consideration.

The adjustment of the personal concerns of the two States, considering their variety and intricacy, was a business which we could not expect to have effected without much difficulty. The unanimity of the Commissioners, and the general approbation of their doings, seem to ensure a continuance of that cordiality and amicable feeling towards each other, which have been conspicuous in both States since our political connexion was dissolved. The prompt and accommodating manner in which this final agreement relative to the personal property, has been carried into effect on the part of Massachusetts, affords additional proof of its friendly disposition. The division of the ordnance, arms and military stores, and the progress which has been made by the Commissioners, in dividing the public lands, will be the subjects of a special communication. I lay before you a statement of all the warrants drawn by me, with the advice of Council, for the payment of money the at Treasury the past year ; exhibiting particularly in whose favor each was drawn, and the law by which it was authorized. From this statement you will readily ascertain the whole expenditures of the government, and by a recurrence

to the several items, will be enabled to decide if there can be any retrenchment. Six thousand eight hundred dollars of the principal of the public debt has been discharged within the last year ; and the residue, which was bearing an interest at six per cent. has, under the resolve of February last, been liquidated by a loan at five. The report of the Treasurer will exhibit the financial situation of the State. Although its appearance is as favorable as could be reasonably expected, considering the expenditures that were required in framing the Constitution and organizing the Government, yet the necessity of economy, and accountability in all who have connexion with the public monies will undoubtedly ensure a suitable degree of watchfulness on the part of the Legislature. Our constituents are willing to defray the expenses necessary for the proper support of government, but not a dollar for extravagance.

Whatever assistance may be in my power to expedite the public business and render the session useful to the State, will be readily afforded, and I trust we shall all co-operate to adopt such measures as will best contribute to that object, and promote the harmony and happiness of the whole community.

May this State long continue to enjoy the smiles of a kind and bountiful Providence ; and long may the foundation of its government be the will of a people professing reverence for religion, respect for virtue, an attachment to wholesome and equal laws, and a due regard to those institutions on which the happiness and moral improvement of society essentially depend.

ALBION K. PARRIS.

COUNCIL CHAMBER, }
 Portland, Jan. 2, 1823. }