

MAINE STATE LEGISLATURE

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RESOLVES

OF THE

SEVENTH LEGISLATURE

OF THE

STATE OF MAINE,

PASSED AT THE SESSION

WHICH COMMENCED ON THE THIRD DAY OF JANUARY, AND ENDED
ON THE TWENTY-SIXTH DAY OF FEBRUARY, ONE THOUSAND
EIGHT HUNDRED AND TWENTY-SEVEN.

Published agreeably to the Resolve of the 20th June, 1820,

FORTLAND.

PRINTED BY THOMAS TODD.....PRINTER TO THE STATE
1827.

APPENDIX.



REPORT AND RESOLVES OF THE TWO HOUSES OF THE LEGISLATURE, IN RELATION TO INTERNAL IMPROVEMENT.

HOUSE OF REPRESENTATIVES, Feb. 8, 1827.

The Committee to whom was referred so much of the Governor's Communication at the commencement of the Session as relates to the subject of Internal Improvement, and a system for a proportional distribution of the surplus funds of the United States to promote Internal Improvement, have had that subject under consideration and ask leave to REPORT :

That they are aware that much diversity of opinion exists as to the Constitutional power of the Government of the United States to appropriate money for the purposes of Internal Improvement. It is said that no idea was entertained, either by the advocates or opposers of the Constitution, at the time when it was formed and adopted, that any such power was granted to the General Government. The general idea then was, that *that* was a Government for exterior and foreign affairs, and for objects purely National, but that all subjects of exclusive internal interest and domestic concern were left to the care of the States. In the animated discussion which that instrument produced in every State of the Union, it is scarcely possible that a grant of power so important and extensive in all its bearings should have escaped animadversion, if it was actually contained in it, or was intended so to be. But we do not propose to enter into an argument on the Constitutional question.

We have looked at it, only in a practical point of view. It is well known that the revenue of the United States, derived from imposts and the sale of the public domain, is much more than enough to cover all the ordinary expenses of the government, exclusive of the charge on those funds for paying off the public debt. By existing laws \$10,000,000 are annually applied for this purpose. By the operation of the sinking fund about one half of the debt has been paid since the conclusion of the last war, and it is calculated that the whole will be extinguished in about seven years more.

If our income is not then diminished, and we believe that it will not be, and our current expenditure is not increased, and it is thought that it need not be, there will be an annual surplus of about \$10,000,000, which may be appropriated to works of public improvements or to the purposes of education. How this may be disposed of so as to produce the greatest public good, is a question worthy of great consideration. So far as opinions have been expressed on the subject, there seems to be an united sentiment that it ought to be appropriated to promote the internal improvement of the country, by constructing Roads and Canals, and improving navigable water courses, &c.; or to aid in the work of the general Education of the People, by contributing to the support of Schools, or to both these objects jointly.

If the surplus revenue of the United States is to take this direction, under what management should it be expended? Two modes have been suggested. First, for the General Government to direct the expenditure on such works of National utility as they shall think advisable; reserving to themselves exclusively the selection of the objects, the employment of the agents, and the sole direction of the works of improvement within the territorial jurisdiction of the several States. The second, is to distribute the funds to the several States in just and equitable proportions, and to leave the expenditure to the judgment and discretion of the State Government, under a general restriction that it shall be exclusively appropriated to works of Internal Improvement and to Education.

Your Committee after mature deliberation have come to a decided opinion that the latter mode is preferable, and if the Legislature shall concur with them in their views, they think there is a propriety in their publicly expressing such opinion. The objections to the first mode we believe are many and strong.

The first relates to economy. The distance of the seat of the General Government from the remote parts of the Union, is such; that its officers cannot have that constant oversight of its agents employed in the expenditure, which is indispensably necessary to exercise over them an efficient and useful control. Under such circumstances, the expenses will always be great in proportion to the work accomplished. With a lavish expenditure, the work advances slowly and the agents grow rich. Such are the lessons of common experience in private life, where the principal is at such a distance from the agent that he cannot oversee and give him direction in the detail of his business. That the public will find it so, we believe none can doubt.

But there are solid and weighty objections to this mode of a different character. These Roads and Canals are to be constructed within the territorial limits of the several States. We do not advert in this, to the apparent violation of State sovereignty; we look only to the practical side of the question. The United States' Government, may, perhaps, think a Canal of public utility, which the State might think peculiarly injurious to itself. It might be such an one as might be beneficial to a neighboring State, but injurious in a high degree to the State within which it was made, by diverting from it its accustomed trade. It is unnecessary to enlarge on the unpleasant consequences which might and probably would grow out of such cases, the heart-burnings and jealousies between neighboring States, and the discord between the General Government and those of the individual States.

The dangerous uses to which the exercise of such a power by the United States' Government may hereafter be applied, constitutes another objection. It will usually be an object with each of the States to have as large a portion of the public money expended within its limits as can be obtained. Yet the Government may withhold the whole from any particular State which they choose. Thus one State may be enriched by a great and disproportionate expenditure within its limits as a reward for its faithful attachment to the men in power, while every thing may be refused to another which contributes double the amount to the public treasury. The extent to which this may be carried, for the purpose of punishing opposition, or rewarding a blind subserviency to an existing administration—of purchasing support to a corrupt or pernicious system of government by buying the people with their own money, may easily be seen, and need not be more than hinted at by your Committee. Nothing can be more dangerous to the purity and stability of our political institutions.

The unlimited and overwhelming influence which this gives to the General Government, in the employment at the public expense of a vast number of persons in any State which they please, is another objection to this system. This influence, systematically managed for such a purpose, may be carried so far, as, in no distant time, substantially to annihilate the State Governments, and lead to a practical consolidation of all power in the Government of the Union. The State Governments are, we believe, in our system, the great bulwark of liberty; when they are shorn of their honors, and crippled in their authority, and the mass of political power is absorbed in the great Central Government, the forms of liberty may remain, but the substance will be gone. It cannot have escaped general observation, that hitherto in the administration of the

ordinary powers of Government, the influence of the General Government has been on the increase, and that of the individual States on the decrease. The augmentation of the influence of the General Government to so great an extent as it must be under the system that is proposed, would go far to destroy entirely that balance of power, between the United States and the individual States, which constitutes the great excellence of our political system.

Another objection is the dangerous and improper combinations which the system may lead to in the Legislative department of the Government. The members of different parts of the country may unite together for the purpose of appropriating the whole or an undue proportion of the public funds to those sections of country which they represent to the exclusion of the rest. A little more than one half combining in this manner may monopolize the whole disposable revenue of the country, and covering their own selfish purposes with pretence of the public good, swallow up millions of the public money, for the private benefit of, comparatively, a small number of individuals.

These views might easily be extended and amplified, and other arguments of not less cogency urged; but, without saying more, the Committee feel constrained to conclude, that it is highly inexpedient for the Government of the United States to adopt a system of Internal Improvements, to be carried into execution within the limits of the several States, under the exclusive agency and direction of that Government.

If the surplus funds of the United States are to be appropriated to these purposes, we think in every point of view in which the subject can be presented, the best mode will be to distribute these funds among the States, in proportion to their population, subject to the condition that they shall be exclusively appropriated by the State Governments, to the purposes of Internal Improvement and general Education. It is obvious that, so far as they are made tributary to Education, the expenditures must be under the direction of the last Governments; and, so far as they go to the objects of Internal Improvement, under such directions, we believe that they will be more wisely, and more beneficially, as well as economically expended for the public. The local Governments can best understand the wants of their own State, they have a deeper interest in the improvement to be made, can more effectually direct the expenditures to objects of the greatest utility, and by an immediate oversight of the work, are able with the greatest efficiency to control extravagance and prevent a waste of the public money.

With these views the Committee submit the following Resolves.

DANIEL GOODENOW, *Per Order.*

Resolved, That if it shall be the determination of the Government of the United States to appropriate a part of its revenue to the purposes of Internal Improvement in the construction of Roads and Canals and improving the navigation of Rivers, and in promoting Education, it is the opinion of this Legislature that the funds designed for these objects ought to be distributed among the several States in proportion to their population, to be expended under the authority of their respective Legislatures.

Resolved, That the Secretary of State be and hereby is directed to transmit a copy of these Resolves with the Preamble to each of the Senators and Representatives in Congress from this State.

Resolved, That the Governor be and hereby is requested to transmit a copy of these Resolves with the Preamble to the Executive of each of the other States in this Union.

HOUSE OF REPRESENTATIVES, Feb. 13, 1827.

Read and passed—Sent up for concurrence.

JOHN RUGGLES, *Speaker.*

IN SENATE, February 21, 1827.

Read and passed, in concurrence with the House.

ROBERT P. DUNLAP, *President.*

DOINGS

*Of the Commissioners of Massachusetts and Maine,
in the further Division of the Public Lands.*

WE, Charles Turner, Silas Holman, Benjamin J. Porter, Reuel Williams, and Daniel Rose, appointed Commissioners, pursuant to a certain act of the Commonwealth of Massachusetts, passed the nineteenth day of June, in the year of our Lord one thousand eight hundred and nineteen, entitled, "An Act relating to the separation of the District of Maine from Massachusetts Proper and forming the same into a separate and independent State," to divide all the public lands belonging to the said Commonwealth, in the District of Maine, the one half thereof to the said Commonwealth, and the other half