

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

ACTS AND RESOLVES

PASSED BY THE

THIRTY-FIRST LEGISLATURE

OF THE

STATE OF MAINE,

A. D. 1851.

Published by the Secretary of State, agreeably to resolves of June 28, 1820, February 26, 1840, and March 16, 1842.

Augusta:

WILLIAM T. JOHNSON, PRINTER TO THE STATE.

1851.

GOVERNOR HUBBARD'S MESSAGES.

Gentlemen of the senate and house of representatives :

WE are permitted to assemble under circumstances calculated to awaken anew our gratitude to God, to inspire increased confidence in the stability of our institutions, and in the sound sense and patriotism of the people.

As a nation we have been called to pass through a severe ordeal. One section of our country demanded new securities for their rights—another section feeling that too much had already been conceded, had determined to grant no more. Secession—disunion, were openly threatened. Sagacious statesmen felt that there was danger, and they set themselves to provide against it. Animated by the spirit which inspired the fathers of the republic,—the framers of the constitution—they met in council, with a disposition to conciliate and to compromise. The result was an adjustment of the various matters in dispute, not such as either party had desired, but the most satisfactory to both, which, under the circumstances could be obtained.

One of the compromise measures was peculiarly distasteful to a portion of our fellow-citizens of the north. A large class, highly respectable for their intelligence, have not hesitated to denounce the law as hostile to the best interests, and subversive of the dearest rights of man. The people have been urged to disobey its requirements, and to resist by force its execution. They have been assured that their liberties were endangered, that the great charter of their rights had been trampled upon. They have been told that it were far better to dissolve the Union at once, than to submit to the imposition of accumulated evils so appalling.

But better counsels have prevailed—the law has been peaceably executed, another proof has been furnished that the people are loyal to the constitution, and devotedly attached to the Union. And now when excitement is in a measure allayed—when reason has resumed her sway over the passions, it is the part of wisdom to review the past, that the teachings of experience may the better prepare us to meet the emergencies of the future. Those who have counseled resistance to the law of congress have professed to be governed by a higher law, which they were under superior obligations to obey. That the law of God is of paramount authority no sane man will deny. The difficulty lies in ascertaining what that law would require us to do—how it would require us to act in the multiplied and changing relations of social life.

Who shall undertake to interpret this law and to apply it to the circumstances of a given case? It is urged that the Creator has established a tribunal in the breast of the creature, capable of understanding and of explaining his law—that in order to learn what this law requires, and what it permits, a man has only to consult his conscience.

But is conscience infallible? Does it always reflect the will of God? How does it happen that the conscience of one age, becomes the derision of the next? That the conscience of one man impels him to do, what the conscience of another man, under the same circumstances, impels him to forbear?

It was conscience which, roused by Peter the hermit, upheaved one continent from its deep foundations and hurled it in battle array upon another—which, for more than a century, devastated provinces, and depopulated kingdoms, that the christian might gain possession of the Holy Land, and wrest from the iron grasp of the infidel the sepulchre of the Prince of Peace.

It was conscience, which impelled the catholic to torture and burn the protestant—which impelled the protestant in his turn to persecute the catholic.

The enlightened Hale could conscientiously thank God, that he had been permitted to order a witch to execution, and to be instrumental in the extirpation of witchcraft. And the pious Las Casas believed he was acting in obedience to the higher law, while he was laboring to establish the African slave trade and to fasten upon this continent the curse of African slavery.

The conscience of this man requires the utmost freedom of religious opinion, while the conscience of that man would not scruple to employ the pains and penalties of the criminal law, if he might thereby enforce an uniformity of religious faith. This man would rescue his fellow man from bondage, be the consequences to all others what they might; in the accomplishment of an object so desirable, he would put at defiance the law and the constitution—that man *would uphold* every clause of the constitution, and would deem it dishonest to throw off the obligations devolved upon him by any contract, after he had enjoyed the benefits which it conferred—and especially would he deem it madness to abrogate a contract involving the interests of millions equally with himself entitled to a voice in the premises.

Shall the citizen then be at liberty to obey or resist the law of the land, according as he shall believe it to be in conformity with or in opposition to the divine law? A more dangerous doctrine was never advanced. It would be subversive alike of all society and all government.

Our institutions are founded on the right of the majority to control, limited and restrained by the provisions of the constitution.

Every government must have some controlling power and will—without which government could not exist. The controlling will of ours is the voice of the majority manifested through the ballot box.

Every man is allowed to entertain his own opinions, to promulgate

and enforce them upon the convictions of others. Every measure of government he has an unquestioned right to canvass and discuss—by argument, by invective, by ridicule, to render it odious if he can to the power who may modify, or abrogate it at their pleasure. But when he goes one step further, and claims the right to determine for himself whether he will obey the law or resist its execution, he claims that which no government can concede and exist—he would exercise a power which would subvert all government—when he counsels or incites others to the violation or disobedience of a law, he is guilty of treason against the very spirit of republicanism.

Gentlemen :—You are assembled to legislate for a people of multifarious occupations and interests—to adapt the laws to their diversified condition, is a work of great difficulty and delicacy. So long as society shall be in a state of progression, there will exist a necessity for modifying the legal code.

But there may be an excess of legislation—there may be undue and useless legislation. It is a matter of serious complaint, that laws are enacted, which are not called for—that they are drawn with so little care and consideration, that they become a snare rather than a safeguard to the citizen.

It is an opinion quite prevalent that our judiciary system needs reform—that our courts, as at present organized, are altogether inadequate to the administration of justice with that promptitude which the constitution contemplates and which the best interests of the state demand.

This subject was, by a resolve of the last legislature, submitted to a committee, whose duty it will be to report to you, “the form of a law to alter and reorganize the system of our judicial courts.” The high character and distinguished legal attainments of the gentlemen composing that committee will entitle their recommendations to your respectful consideration.

I would take the liberty of calling your attention to the fact, that the acts and resolves of the legislature are not generally perfected and sent to the executive till towards the very close of the session, and then crowded upon him in such numbers, as to forbid that careful examination which it is his constitutional duty to bestow upon them. I would respectfully suggest the propriety of transmitting all acts and resolves to the executive at as early a period as shall be consistent with considerate legislation, and with the convenience of the legislature.

Our fiscal concerns are in a very satisfactory condition, and the treasury is prepared to meet all demands upon it. The calls upon the treasury are, to meet the public debt and interest, to defray the ordinary annual expenses of the government, and to provide for extraordinary emergencies.

The public debt is about six hundred thousand five hundred dollars, payable in unequal annual sums up to eighteen hundred and sixty.

To meet this debt the proceeds of the public lands are especially set apart; and they furnish ample means for all liabilities from this source

for the next several years, whatever may be their eventual sufficiency to extinguish the debt.

There will be payable within the fiscal years eighteen hundred fifty-one and fifty-two, one hundred thirty thousand dollars; and nothing more till eighteen hundred fifty-four. The receipts from the land department for the fiscal year eighteen hundred fifty and fifty-one have been one hundred fifty thousand seven hundred eleven dollars sixty cents. This very large amount has arisen from the sales of the very best timber lands of the state, and no such results can be anticipated in future.

The present available resources of the land department, so far as the treasury is concerned, may be presented as follows:—Notes in the land office about two hundred thousand dollars; unsold lands belonging to Maine, one million six hundred twenty thousand seven hundred forty-eight acres, one half of which may safely be reckoned settling lands, and, by common consent, of no value to the treasury. The other half timber lands, eight hundred ten thousand three hundred seventy-four acres, at thirty cents an acre, will amount to two hundred forty-three thousand one hundred twelve dollars twenty cents—making a sum total of proceeds, which may be fairly anticipated from this source, of four hundred forty-three thousand one hundred twelve dollars twenty cents, and falling short of the final extinguishment of the public debt by the sum of one hundred fifty-seven thousand three hundred eighty-seven dollars eighty cents. The credit of the state of course stands pledged for the whole debt, and her resources will be ample for any deficiency which may eventually occur. The current annual expenses of the state government, including interest on state debt, amount to about two hundred thousand dollars, to be met by the usual state tax of that amount.

Extraordinary expenditures (and the calls for such are, at this time, numerous and pressing) will, it is believed, be amply provided for by moneys due us from the general government. By resolve of the last congress interest upon moneys advanced by us in the Aroostook troubles, is to be paid to us.

These claims are now in a process of adjustment, and the experienced and able agent, Samuel L. Harris, employed by the state in this business, thinks our just dues under this head will amount to from one hundred thirty to one hundred fifty thousand dollars.

For more full information upon the subject, I refer you to the able report of our faithful treasurer.

Your attention is especially solicited to the report of the bank commissioners, and your most deliberate thought invoked to the consideration of the facts and suggestions presented in it. It is a paper evincing, not only great care and fidelity on the part of the commissioners in the discharge of their duty, but unusual knowledge of banking operations and of the interests of currency.

The subject of banking and of currency generally, cannot, indeed, be too carefully considered by you nor too sedulously guarded; for it concerns the commercial prosperity of the whole community, and comes

home to the private weal of every one. It will be seen by this report, that on the whole, the banking corporations have faithfully complied with their charters and with the general provisions of our excellent banking law; and that our currency is in a safe and sound condition.

About a half million of dollars has, within the last year, been added to the bank capital of the state, and is now in operation as a basis of issue.

It is believed that the increase of circulating medium has, thereby, been fully commensurate with the growth of business and safe demands for money.

By resolve of the last legislature, it was made the duty of the governor to cause a preliminary survey for a railway, to be made from the Penobscot river at the city of Bangor, to the eastern line of the state, in the most direct practicable route to the city of St. John, in New Brunswick. An appropriation of five thousand dollars was made for the purpose.

In pursuance of this duty, the honorable Amos Pickard of Hampden, was by me, requested to act as commissioner; to give direction and efficiency to the whole enterprise. And A. C. Morton, esquire, the distinguished engineer of the Atlantic and St. Lawrence road, was appointed chief engineer. These gentlemen commenced the work with a promptness and executed it with a fidelity and ability, which does them honor.

The work appears to have been accomplished within an unusually short period, compared to the amount of labor involved and the magnitude of the object in view—the appropriation to have been economically and judiciously applied—and I cannot doubt that the state will more than realize in the importance of the results of this survey, ample remuneration for the expenditure.

For further information, I would refer you to the several reports of these two gentlemen herewith submitted.

The railroad and the telegraph have introduced a new era in the progress of civilization. They are giving an unwonted impulse to intellectual culture and development—new directions to industry—opening new channels and infusing a new spirit into commerce—multiplying the means of subsistence to the human family, and adding immeasurably to the sources of enjoyment.

In just proportion to the extension of railway facilities, has been the increase of population and wealth in our sister states.

With a soil comparatively sterile, with natural resources for the sustenance of man, and facilities for the conveyance and interchanges of commodities far inferior to ours, Massachusetts has not only outstripped us in the increase of her population and wealth, but has strided, in both these particulars, in advance of her sister states generally. This result is due more to her sagacity in railroad enterprises than to any other cause.

It is time we were aroused to a sense of our interests—that a comprehensive survey of our natural resources, and calm judicious legisla-

tion to advance them, should take place of the apathy or selfishness of individual movement; unless indeed we are content to fall in the rear of our neighbors, and of the age. Our sons and daughters are leaving us for more inviting prospects, more alluring fields for enterprise and wealth; when, if true to ourselves, we could present them with *certain* means of permanent prosperity and enjoyment not inferior to any other region.

The unsettled lands of the state, (commonly known as public lands,) are of paramount importance to our future growth in population and wealth.

These lands constitute about one-fourth of the whole domain of the state, and are owned in fee simple in about equal portions by Maine and Massachusetts, and by individual proprietors deriving their titles from them.

It becomes, therefore, your imperative duty, while extending to others all the rights of property, which they can claim under a fair and liberal construction of our stipulations with them, to guard sedulously and defend sternly our own rights.

I regret to inform you, that Massachusetts, reaping, as she is, a rich harvest from our soil, under conventional rights, is not in my judgment, pursuing that just and liberal policy towards us in respect to her claims upon lands within our jurisdiction, which is due from one state to a sister state. The terms of the compact are, that lands owned by Massachusetts in this state, shall not be taxed by us so long as the fee simple is in her.

The spirit of this compact would seem to imply, that exemption from taxation should not continue, after she shall have availed herself of all the benefits of usufruct.

No other construction can be put upon this compact, which shall be consistent with the right of sovereign domain, and the indefeasible interests that appertain to every state in its soil.—Nevertheless, Massachusetts, has parted by long leases with all that is valuable in many of her lands, thus procuring a higher price than the fee simple would bring, and yet she claims for them exemption from taxes.

Other tracts she sells under conditional deeds, and permits the purchaser to claim the like exemption, till the last dollar of the last payment is made and the title perfected.

The result is, that inconsiderable sums on the last payments are purposely withheld, and the real owners are thereby relieved from the just burdens, while they are enjoying all the benefits of the protection of our government.

The practical injustice of such procedure may be illustrated by a single case.

Forty miles of the Aroostook road, along the Fish river waters, remain to be built; a road of the most pressing necessity to this state, and of the utmost importance to all the owners of the soil—it traverses six townships, two and a half of which belong to Maine, the other three and half to Massachusetts and proprietors holding under her, and

they all refuse any aid in the construction of this road. For further information upon this subject, I refer you to the very clear and satisfactory report of our land agent. These abuses and grievances have been presented by the land agent to the constituted authorities of Massachusetts, the justness of our complaint has been by them admitted; but as yet, no means of redress have been provided by them. It would seem, that two millions of money actually received into her treasury, and near one million more in lands set apart for public institutions and other purposes, from that which she would willingly have sold, at the time of our separation, for one hundred thousand dollars, should incline Massachusetts to a more just if not liberal policy towards us. Should she continue to adhere to her present course, it will become a subject of serious import what means of redress we have in our own hands, and what measures shall be adopted to protect ourselves.

We may assess a tax on recusant lands, and try the principle in the United States court, or we may levy a tax upon the timber, as personal property, after it is separated from the soil.

I would in an especial manner direct your attention to the agricultural resources of the Aroostook country. In latitude and climate it corresponds to the most populous portion of bread growing Europe—in fertility of soil and facility of cultivation, it will compare favorably with any section of our Atlantic states—and it only wants the fostering care of government and the toil of a hardy yeomanry to make it one of the most desirable regions of the Union.

The whole northeastern section of this state abounds in agricultural lands of the first quality. The Aroostook country proper, however, embracing a tract of about one hundred miles north and south, by thirty miles east and west, commencing in the neighborhood of Houlton on the south, and extending to Fish river on the north, bounded by the St. John river on the east, and reaching the Penobscot waters on the west, may safely challenge New England or the middle states to produce a like continuous extent of fine soil.

Brought up to the full capacity of its productiveness, this section alone is capable of supplying with bread-stuff and the other necessaries of life, a population larger than that of the whole state at present.

The branches of the Penobscot river penetrate its very centre, and interlock with the sources of the Aroostook and Fish rivers. These three rivers permeate and intersect the whole of this region, thus affording an abundant supply of water and water power for all the uses of life. The Fish river, indeed, with its numerous wide spread lakes, is hardly equalled in this state for the abundance and constancy of supply, and the extent and cheapness of application of its waters to all motive powers.

Roads for intercommunication and for facilitating the transportation of the products of the soil to the best markets, are what is wanted to people this country.

It is a mistaken idea to suppose that lumbering operations do now,

or ever can, furnish a sufficient market for the agricultural products of this region. The pine timber of Aroostook proper is mostly gone to British markets, and what remains, should, so far as this state can control it, be devoted to the interests of the settlement of the country.

There is at this very time a surplus of grain lumbering their granaries, needing only a market to stimulate the people to future agricultural enterprise.

The natural market for the whole Aroostook, is on the Penobscot waters. It requires but a glance of the eye over it and its connections to become satisfied of this fact. Its entire face, with a surface undulating but almost unbroken, looks with a gentle declivity towards the Penobscot, and points to Bangor as its emporium.

The St. John river, though encompassing the whole of this country, labors under many natural disadvantages as a channel for its commerce. This noble river is extremely circuitous. The distance from the heart of the Aroostook country down the St. John river to the city of St. John, is about one hundred miles greater than it is from the same point to Bangor, and when arrived at St. John city, our own markets instead of being approached are farther distant. The navigation is interrupted by falls, rapids and shoals, is impracticable, even for rafts, through a large portion of the distance, except in seasons of high water, and at all times difficult and expensive. Added to this there is an onerous, illiberal and unjust tariff on all our lumber and products passing down this river, imposed by the cupidity of British legislation, contrary to the spirit, if not the letter, of the treaty of Washington; and it is likely to continue so long as the mouth of the river is within the exclusive jurisdiction of a foreign government.

A railroad from the Aroostook country to Bangor—a distance of about one hundred and fifty miles—would, in my opinion, independent of these foreign restrictions upon the use of the river, offer for the present and in future a cheaper and more desirable means of transportation than the river itself.

The inexhaustible supply of cedar, of spruce for spars and other uses—of ship and cabinet timber in every variety—of hard wood for all purposes, and of pine fit only for short lumber, and unsuitable for river running, needs some such conveyance to a market.

Without the requisite facilities for transportation, this class of timber, so highly valuable to the industry and wealth of the state, must share the fate of the clearings in all our older counties.

In fact the operations in lumber on the whole of the St. John waters, have thus far, if we except the revenue derived from stumpage and the sale of timber lands, added but little to the wealth of the state. The pine is becoming exhausted, and it has, up to the present time, gone mostly to the British market, in the form of ton timber and round logs, to encourage British industry and add to British capital.

The doctrine of free trade is undoubtedly the correct one, when it can be made reciprocal. Between us and our provincial neighbors, there exists the utmost good feeling—they have been, in most respects,

liberal in their policy towards us, and we should cordially reciprocate such policy.

The northeastern section of this state is indeed truly agricultural as a whole. Our permanent interest looks that way—the timber should be used as auxiliary to this object, and all due legislative facilities offered to effect it.

We should endeavor to make it an attracting and desirable point for the settlement of our children. They are now emigrating under the impulses of fancied advantages to distant regions; their place is being supplied, and the number of our population kept up by foreigners.

To effect this desirable object it becomes your imperative duty to exercise the protective and encouraging influence of the power with which you are clothed.

Thoroughfares are wanted, and they must be supplied by the state—exterior channels for communication and conveyance are demanded—the blessings of the free school system must be extended to the inhabitants, and the advantages of political and corporate organization, so far as is consistent with new settlements, must be presented to them.

I am aware that some jealousy has existed in the minds of our older counties in relation to the expenditure of money upon new settlements. Such jealousy is not well founded. It is for the true interests of the state that a just and generous policy, towards all new settlements, should be pursued. Do we wish to keep our children at home and around us? To what purpose then can we apply our surplus means better than in preparing a home and making it a desirable and attractive place for residence. Simple justice would seem to demand that the proceeds of our public lands (the rightful heritage of our children) so abundantly flowing into our treasury, should be appropriated, at least in part, to their improvement.

The Aroostook road along the Fish river waters, and a road from the mouth of this river down along the St. John, through the Madawaska settlements are presented to you in the report of the land agent as objects of immediate and pressing necessity. In this opinion I fully concur.

The Madawaska settlements occupy the river low grounds, from Fort Kent down along the St. John, for a distance of about sixty miles in a continuous and nearly uninterrupted line. These low grounds are of the first quality in the state. The whole body of upland contiguous to them is but little inferior for farming purposes; and it wants but the facilities of a thoroughfare and the protecting and fostering influence of legislation to cover them with a thrifty and valuable population.

The settlers are a sober and industrious, a lively and intelligent people, partaking of the characteristics of their French origin. They are strongly attached to our government, and are capable of becoming some of our best citizens.

It is derogatory to the character of our government, that such a people should be dependent, as they now are, upon our provincial neighbors for a road to travel upon and transport their produce to a market.

They are also desirous, as expressed to me personally, of being so far organized into plantations as to enable them, in addition to school taxes, to levy a tax for the support of roads.

This people have, heretofore, under British rule, been unaccustomed to direct taxes, insensible to their necessity, and they are still ignorant of the benefits which flow from them under our system of government.

Sound policy, would, therefore, dictate that they should be indulged in this partial and somewhat exceptionable mode of incorporation, until they shall be made acquainted with the necessity of a more perfect one.

I have alluded to the importance of a railroad from the Penobscot to the Aroostook waters. It is my settled conviction that such a road would now, in the transportation of the forest growth, be a profitable one to the owners.

Its influence upon the settlement of the country and upon the value of lands would be immense.

The citizens of Penobscot county and vicinity are moving in good earnest, for such a road to Mattawamkeag point, about one half of the distance to the Aroostook river and in the direct route; should they succeed in accomplishing this object, it may become a matter of serious consideration, whether the treasury of the state, even, would not be benefited, by appropriating to this purpose a portion of those lands which she is now endeavoring to give away.

In this connection I would call your attention to the necessity of having a new map of this state, and to the importance of completing the geological survey.

A peculiar fatality has attended our public institutions within the past year and during the recess of the legislature.

We have been called upon to witness the partial destruction of the state prison, and the almost entire loss of the insane hospital by fire,—two establishments of the most pressing and indispensable necessity to the state.

The pecuniary loss in the hospital, that noble monument of individual munificence, and of the philanthropy and liberality of your legislative predecessors, has been accumulated with the still greater calamity of the destruction of twenty-seven human beings. The appalling character of this disaster, rendered it necessary, in the judgment of the executive, to inquire rigidly into its cause.

A jury, composed of distinguished individuals in the vicinity and from a distance, was ordered, and a very careful and strict inquiry into the whole matter was had.

The result of the investigation is before the public, and it is presented to you in the report of the trustees.

It may be proper for me to say, that I fully concur in the conclusions to which they have arrived.

To doubt the readiness and determination of this legislature to re-construct this noble edifice, and to put it upon the basis originally contemplated, would be to call into question their intelligence and philanthropy.

The path of duty here, to ourselves and to posterity, is clear. The

means of performing this duty are equally clear. It can be accomplished without any additional tax, or embarrassment to our fiscal concerns, and all other desirable objects of public utility at the same time effected.

Some diversity of opinion exists, as to the expense of doing this. The most reliable estimates before me, and my own judgment, lead to the conclusion that the object will not be fully met short of seventy-five thousand dollars.

The entire amount, whatever it may be, should be made payable at different times, suited to the exigencies of the work, prior to January, eighteen hundred and fifty-three. It was deemed important in the re-construction of this building, to adopt all recent improvements in similar institutions. Doctor Bates, the superintendent, was, therefore, with the advice of the council, commissioned to go into our sister states to obtain information upon the subject. His report, now in the secretary of state's office, is replete with useful facts and judicious suggestions.

Compared with the preceding, the disaster at the state prison was trivial—no lives lost—no escapes—and but temporary derangements in its usual good order and industrial pursuits.

The actual value of property destroyed did not probably exceed five thousand dollars. The rebuilding with such improvements, as were before needed, and as the best interests of the establishment demand, will probably require nine thousand dollars; two thousand of which has already been advanced from the contingent fund of the governor and council—leaving seven thousand dollars to be appropriated for building—in addition to which two thousand dollars will be needed to complete the wall around the grounds, commenced under an appropriation of the last year—and for other ordinary annual expenses—making in all nine thousand dollars now wanted for this institution. Plans and estimates for the re-construction and improvements, have been procured and adopted by the executive, and the warden has been advised to proceed with the work. It awaits, then, only your pleasure to provide the means.

By an act of the last legislature, the supervisory power and management of the state prison was vested in the governor and council, and it was by the same act made the duty of the governor to appoint a committee of the council to visit the prison at least once in four months.

The provisions of this act have been carried into effect; and it is believed that the discipline, as well as the industrial and financial interests of the prison have been improved by the measure. Another very important benefit, growing out of the change in the administration of the prison, is the opportunity given to the committee of the council on pardons (who should be the visiting committee to the prison) to acquire a personal knowledge of individual cases calling for the exercise of the highly responsible power of pardoning, which is by our constitution vested in the executive.

It would seem to have been the intention of the framers of the act to supercede the inspectors of the state prison, under the old regime.

The duties of the committee of the council and of the inspectors of the prison, both of which are now in existence, are coincident, and may be conflicting.

I would therefore respectfully suggest that the two are unnecessary, and should you approve the obvious intentions of the act, that you abolish the board of inspectors.

Immediate and efficient action is required, both in relation to the insane hospital and the state prison.

Honorable Hugh J. Anderson, honorable John W. Dana and Henry Carter, esquire, have been appointed commissioners, under a resolve of the last legislature to provide for the establishment and erection of a state reform school.

These gentlemen have faithfully and ably performed the duties thus far imposed upon them.

A site has been by them selected, and by the munificence of the city of Portland presented to the state.

Plans and estimates have been presented to the governor and council, and by them fully approved, and the commissioners have been advised to enter into contracts for the erection of the necessary buildings.

Their report will furnish you with all further requisite information upon this subject.

The reports of the board of education, and of their secretary are worthy of your most careful consideration. I would especially urge upon you the importance of the suggestions in the report of the board concerning the education of the Indians, and the appointment of a general agency of visitation and encouragement to the schools through the state.

The secretary's report is deserving a place in every school and every private library throughout the state. His remarks upon ventilation should be brought home to the bosom of every parent. The recommendations should be adopted in every private and every public dwelling. Both these reports show that our efforts to improve the free school system have not been in vain—that the beneficent results of this long cherished establishment are becoming daily more widely diffused and deeply felt.

The Gorham Academy has accepted the charter for the Maine Female Seminary. It has realized about nine thousand dollars from the grant of lands made by the last legislature, and the trustees are laying such a foundation for the instruction of our daughters as the credit and the highest welfare of the state require.

The adjutant general presents you with a very clear and comprehensive view of his department. His suggestions and recommendations are sound and every way worthy of consideration. The duties of the office are now greatly increasing in importance and in the amount of labor required. I would therefore respectfully submit if his salary affords an adequate compensation.

The important duty of districting the state for representatives to congress, and for senators and representatives to our own legislature

will devolve upon you. Though a work of the highest import to the preservation of our government in the purity of its principles, it is not one which need occupy much time, or impose great labor, if directed by such rules as I am sure will commend themselves to your approbation. To give every man his numerical influence, and to arrange districts so as to give to equal numbers, equal weight in our public affairs, having due regard to established lines and corporate associations, and to facilities for communication, should be the controlling principle, regardless of personal or party aggrandizement.

And now, gentlemen, while we are bound by every consideration of religion, of morality, and of patriotism, to advocate and to advance those principles upon which we honestly believe the welfare of the republic rests, let us resort to no measures which a high sense of right and of honor would forbid.

JOHN HUBBARD.

COUNCIL CHAMBER, }
Augusta, May 19, 1851. }

Gentlemen of the senate and house of representatives :

IT is my duty to inform you that a vacancy exists in the office of major general of the eighth division of the militia.

JOHN HUBBARD.

COUNCIL CHAMBER, }
May 22, 1851. }

Gentlemen of the senate and house of representatives :

I herewith present you with the action of the governor and council, rendered necessary by resolve, approved August twenty-first, one thousand eight hundred and fifty-one, providing for an amendment to the constitution in relation to the meeting of the legislature.

JOHN HUBBARD.

COUNCIL CHAMBER, }
May 23, 1851. }

Gentlemen of the senate and house of representatives :

IN compliance with your order of the twenty-third instant, calling upon the executive for "information in relation to expenditures out of the treasury of the state on account of the insane hospital," I submit the papers herewith presented to you.

Four distinct items of expenditure are therein seth forth :

1st. Construction—including expense of buildings, purchase of lands, improvements, &c.

2d. Salaries.

3d. State paupers.

4th. Incidentals.

It will be seen that the salaries embrace a period of twelve years.

Supposing that it may be conducive to your purposes to have a comparison of expenditures, with those of our sister state, Massachusetts, on the Worcester Hospital, for the insane, which is but a small item of what that state has done for the benefit of that unfortunate class of our fellow beings, I send you, also, a statement of expenditures upon that institution, embracing the same items, excepting that for salaries, which is not included.

JOHN HUBBARD.

COUNCIL CHAMBER, }
May 29, 1851. }

Gentlemen of the senate and house of representatives :

IT becomes my duty to inform you that a vacancy exists in the office of major general of the fourth division of the militia of this state.

JOHN HUBBARD

COUNCIL CHAMBER, }
May 30, 1851. }