

# MAINE STATE LEGISLATURE

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ACTS AND RESOLVES

112

PASSED BY THE

FORTIETH LEGISLATURE

OF THE

STATE OF MAINE.

1861.

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## GOVERNOR WASHBURN'S ADDRESS.

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

The year which has just closed, has been with our people, one of unsurpassed prosperity in all their material relations. The husbandman has enjoyed the advantage of ready markets and remunerating prices for the generous harvests which have been the reward of his labors. The shipbuilder and the lumberman have been encouraged by more liberal returns than had, for several preceding years, waited upon the important branches of industry over which they preside; and in the employments of labor and capital, in whatever department, with few, if any exceptions, the spring of a quicker and steadier life has been felt. Health, peace, and comfort have been within our borders, and in our habitations. It has been the common remark of our wisest observers, that never before has the State been so strong in all the conditions of physical prosperity—that never has its wealth been so considerable or so generally diffused; and that the people have at no former period been so free from pecuniary liabilities as at the present time. It may be doubted that the sun in his whole course, visits a community whose members are more clear of financial embarrassments, or who are more generally in possession of the means and accessories of comfort and independence than those among whom our lot has been cast.

For these favors and benedictions, let us acknowledge with devout and reverent hearts, with offerings of thanksgiving and gratitude, our dependence upon that beneficent and gracious PROVIDENCE from whom alone they have come; and let us implore the continuance of His blessings to this people, to our beloved Commonwealth, and to that Union-Government, in whose perpetuity and integrity are enfolded so many of the hopes of mankind.

It will be our grateful duty to labor assiduously and earnestly—and in the light of that large and comprehensive policy which perceives that the different sections of the State are intimately related to each other, and that no step taken in behalf of one does not advance them all—for the promotion of those interests and pursuits to which our attention and care are obviously summoned by the

natural resources, and the geographical and climatic position of the State whose welfare has been temporarily committed to our charge.

Situated in the path of the intercourse between the new world and the old, with a direct sea frontage of two hundred and thirty miles, and, following the sinuosities of the tide, with more than three thousand miles of coast, upon which are numerous harbors, some of them unrivalled in capacity, safety and accessibility; with railroad connections, extending through the Canadas and the Northwest—few states possess facilities for the transaction of a large and profitable commerce equal to those of Maine. And in the essential conditions of a successful prosecution of the carrying trade, in particular, her superiority over all the other states is manifest and unquestionable. Already she has become the largest shipbuilder in the Union, furnishing two-fifths, at least, of the sailing tonnage of its entire merchant-service.

For the prosecution of the fisheries with economy and success, no people in the United States can be better situated than those who live upon the thousand bays, harbors, creeks and rivers of this State.

The rivers and large streams, so numerous that there is no neighborhood within our boundaries which they neglect to visit, are literally crowded with falls and rapids, furnishing water power of vast extent and capacity, and at many points so accessible to the centers of trade and distribution, as to place them among the most eligible sites for manufacturing purposes in the country.

Iron of excellent quality, and, it is believed, inexhaustible in quantity, is found in the counties of Piscataquis and Aroostook. And slate, superior even to the best importations from Wales, abounds within fifty miles of Bangor. Such is its quality and the facility with which it may be quarried, that, as I have the highest authority for saying, a reduction of fifty cents per ton in the expense of transportation to tide water, would secure for it the nearly entire market of the United States.

The lumber in our forests is yet so considerable in extent and variety, that the amount of labor and capital employed in its cutting, driving, manufacture, and transportation will rather be increased than diminished for a quarter of a century to come.

The soil of Maine is not upon an average so fertile as that of most of the Western States, but a good portion of it is arable, and nearly all, in natural adaptation, arable or grazing. Under the auspices of good husbandry it yields better returns, in net exchangeable values, than the fat acres of the West—for the Maine farmer lives in the eye of commerce, and where the best markets are at his door. In no part of the country do the wheat harvests display larger crops—more bushels to the acre—than the fields of the Aroostook valley. Undoubtedly the cost of dressing, planting and

gathering is greater in Maine than in Illinois, but the clear profit of the crop is, I think, greater also. And I am confident that no acre sown with wheat in any Western State, shows so liberal a margin of profit, as, with a like investment of labor and capital, is realized by the potato grower in most of the counties in this State.

To enlarge our commerce, to place the great business of ship-building on a surer and stronger footing, to extend the employments of our carriers, to increase the number and enhance the profits of our hardy fishermen, to attract the investment of capital in the manifold varieties of manufactures for which the State is pre-eminently adapted, to work the iron mines of Katahdin, and open those of Aroostook, to enable Brownville and the neighboring towns to supply the markets of America with slate, to systematize the operations and diversify the employments of those engaged in the lumber trade, and, by all these, to give new incitements and ampler recompense to those who till the soil, by creating an increased demand and nearer markets for the fruits of their industry—are among the objects which the people of the State will expect those who have been invested with legislative functions, will, to the best of their ability, endeavor to promote.

But of all the employments of industry in our midst, that of the farmer is unquestionably first in rank and importance. Agriculture is the foundation of all material wealth and strength—its achievements are the measure of the external improvements and progress of a people. Whatever measures, therefore, within the scope of proper and just legislation, will tend to the advancement of an interest so great and so universal; whatever policy will bring to its service the contributions of science, and the generalizations of intelligent observation, will receive from you that degree of attention which their great importance demands. I am happy to believe that the farmers of Maine are taking a higher interest than formerly in the business which forms the chief pursuit of their lives. Ceasing to regard their occupation as one of mere drudgery and toil, they are entertaining juster views of its nature, and of its relations to other departments of human interest and endeavor. In the study of its methods, the investigation of its laws, the working-out of its experiments, and in the increased measure of remuneration achieved thereby, agriculture becomes the useful, the honorable, and the beautiful calling which God has provided for the most favored of his children.

The farmers of our State who have always contributed with cheerfulness in aid of other interests and avocations, will expect of the Legislature some practical recognition of their claim to the fostering care and judicious encouragement which a State may properly extend to those who do so much to make it strong and great and happy. They will come before you, as I am advised, soliciting an

appropriation for a scientific survey of the State, believing "that such a survey embracing its Geology, Agriculture, Natural History and Physical Geography, ably conducted and faithfully reported, would greatly tend to develop and improve its agriculture, determine its mineral wealth, increase its mechanical and manufacturing interests, and assist in supplying our educational wants. And moreover, that it would attract population, capital and enterprise from abroad." Concurring in these views, I have no hesitation in commending the subject to your consideration, expressing at the same time my firm belief that you can in no way render a better service to the State and all its interests, than by making adequate provision by law for carrying into effect the wishes of this numerous body of our citizens.

In the northeasterly section of the State is a tract of country, embracing an area of not less than one hundred townships, surpassing in capacity for agricultural development and production any territory of equal extent in New England, and which with the encouragement of a wise and liberal policy would become, in the not distant future, the seat of a population not inferior in numbers, nor dissimilar in character, to that of the State of Vermont at the present time. The means for accomplishing an end so much to be desired are obvious and available. What is demanded is not a change of climate, for there is no better climate on the continent, all things considered, than that of the Aroostook—none more conducive to health and strength, to intellectual and physical vigor. If the season is short, it is happily adapted to the profitable cultivation of many valuable crops, some of them among the most important produced in the country, to whose generally unfailling success the long winter with its deep continuous snows, by protecting the earth from the severe frosts common in the more southerly New England latitudes, essentially contributes. A better soil is not wanted, for by far the larger portion of this is not inferior to that of Western New York and Michigan—nor are the prime necessities of wood and water in this region deficient, as its magnificent forests and innumerable springs and streams sufficiently attest. But what is wanted is Access—cheap, speedy, easy communication with the marts of trade and commerce in the country below. With such facilities for the transit of persons and commodities as no free State east of the Mississippi river has failed to provide for any district of equal extent and resources, what is known as the Aroostook country would, long before the close of the present century, be as densely settled as is the county of Kennebec at this day. Certainly, to promote the development and settlement of a domain like this, is an object worthy of the statesmanship of the representatives of a great commonwealth. It is not for me to direct, or perhaps advise, in regard to the particular manner, or the specific means, by which

this indispensable service may be best accomplished. But I should be false to my sense of duty, and fail in the love which I have ever borne to my native State, and in the hopes which I have never ceased to cherish of her great future, if I hesitated to commend this subject in all its aspects and bearings to your most earnest and thoughtful regard. By the Constitution you are forbidden to make use of the credit of the State for the promotion of works and improvement to any considerable extent; and I am not prepared at this time to recommend any change of that instrument in this regard. But without such change the Legislature may do something—indeed, it may do much—for the encouragement of such works. To the extent of its constitutional power it may grant direct or indirect aid. The unsold lands, the securities in the public offices, the legal and equitable claims of the State against the general government growing out of the war of 1812, of the north-eastern boundary controversy, and out of other transactions,—(some of them certain to be allowed and paid to the very considerable amount for which that government, by the principles it has recognized and acted upon in many instances, is fully committed, and others in the end I hope not less certain, upon the able and faithful presentment and advocacy which I know our senators and representatives at Washington are prepared to make)—may be appropriated, in whole or in part, to be holden in trust for their prosecution and completion. In this way such recognition of the value and importance of these enterprises might be made, as, by assuring the public confidence in their importance, would, in connection with the direct aid to which I have adverted, go far towards placing them in the way of early and certain consummation. While the Aroostook section, as containing the largest portion by far of the good settling lands owned by the State and yet unoccupied, will undoubtedly present stronger claims upon your consideration than any other, it is to be readily conceded that the other northerly counties have large tracts of excellent and available settling lands, the development of which should also be the object of your care. To all these districts as well as to the northeast, your aid should be extended, if extended at all, in just and equitable proportions, having regard to the circumstances of each case.

While upon this topic of the settlement of our unoccupied lands, I will take occasion to say, that the plan of some organized measures for the introduction of emigrants from the north of Europe to our State, has been received with much favor by many of the most thoughtful and far-sighted of our citizens. The Norwegians, in particular, it is believed by those who have studied their character, would form desirable accessions to our population. By such they are said to be athletic, fair, and healthy. They are also represented as intelligent, brave, loyal, frugal, industrious, affectionate, and re-

ligious. They are our true ancestors. The climate, growth and agricultural productions of Norway resemble in many respects those of northern Maine; but an industrious Norwegian farmer removed to Aroostook county, with its better soil, larger cattle and horses, and longer summers and more generous production, while he would find a congenial climate, would think himself in a tropical region, so much more bountiful returns would nature yield to his industry.

It will not escape your observation that whatever assistance may be granted towards the construction of a railroad to the Aroostook, will be in aid practically of the interests and purposes of the friends of the European and North American Railway, whether made directly to them or not. Thus while contributing to the settlement of our unoccupied lands you may also be instrumental in forming that connection between the railroads of the United States and Canada on the one side, and of the lower British Provinces on the other, which has so long been regarded as a most desirable consummation by the intelligent people of this and other States. Of the importance of this connection to this State and the United States, as necessary for the completion of a great international highway, I have no occasion to speak after the thorough and exhausting expositions of the question which have been made by some of my predecessors, and by members of former legislatures. The Congress of the United States has heretofore in many instances granted lands to aid the construction of works of general interest. That any of these can compare in national importance, in direct usefulness and convenience to all parts of the country, with an enterprise which would lead to a shortening of the transit between New York and London by from four to six days, will not be asserted by those who will give the subject a careful and thorough examination. While I cannot encourage the hope that an application for aid for this work from the federal government would meet with sufficient favor at Washington to ensure its success at the present time, and under existing circumstances, its importance to the whole country as well as the government itself, and the sacrifices which Maine so generously made in 1842, of her clear and indisputable rights of property and jurisdiction, for the benefit of the whole country, persuade me that the grant of such aid as might be necessary to effect its accomplishment, would be both wise and just.

The consequences of a policy like the one I have advocated in respect to internal improvements, if carried out—and let me say it is a policy which has been growing in favor among our wise and thoughtful men for many years—would be not to impoverish, but to enrich the State—not to run it into debt, not to impair its credit, and not to augment the burdens of the people. It would increase the population of the State, swell its valuation tables, reduce the taxes upon its citizens, and assist it to hold its relative position—

if not to improve it—in regard to wealth, strength, population, representation and power, among the sister states.

The trade of the Aroostook, now rapidly increasing with the growth of its population, is in danger of being wholly diverted from this State. Already, much the larger part of it is carried on through channels of communication in a neighboring Province, and without some effectual measures to arrest the present tendency of things, it will be wholly lost to us. With the needed facilities of transit within the State, its entire commerce, thereupon to be largely increased year after year, would flow into the cities of Bangor and Calais, placing their prosperity and expansion beyond the reach of any contingency that human foresight can imagine. The opening up and improvement of other sections of the State, would contribute materially to the trade of the cities of the Kennebec, and of our leading commercial emporium. Added to these results, we should witness the building up of many trades and employments, in the various departments of industry, throughout the State. New incitements would be given and new hopes held out to labor, enterprise and capital every where within our borders.

Within twenty years many millions of capital have been invested in the railroads of the State, upon which in most cases no returns in the form of dividends have been realized. But with the lapse of years, the gradual accommodation of business to the new avenues, and the better management which has come from the lessons of experience, the financial condition of many, if not all of our railroad corporations, is steadily improving, and their earnings are yearly approximating the point at which the shareholders in them may expect to receive interest upon their stock. The increased traffic upon all these roads which would attend the development of the policy I have recommended, would add little to their ordinary expenses, and thus would swell, by nearly the entire amount of the increased receipts, their actual and realized profits. In this way the certificates of stock in our railroad corporations, held by so many of our citizens, from being the witnesses of so much money lost, would be transformed to signs of so much productive capital. A truth of great practical value would be impressed upon our people in reference to those hasty generalizations, which, because of the comparative failures that have attended investments in railroads, injudiciously located in many cases, and in all built under circumstances involving a cost of twice the amount that would have been required under more experienced management and with adequate means, therefore assumes that all roads, without regard to the amount of traffic they would accommodate, to the vast areas of country they would develop, or to the cheapness and economy with which they could be built, would fail to be sources of income and profit to their proprietors.

The census tables exhibit an increase of the population of the State for the last decade of less than twelve per cent., and the smallest since the formation of the government; while in the neighboring State of Massachusetts, with no virgin lands, no inviting Aroostook, but under the influence of a liberal and far-reaching policy, and of a spirit of courageous enterprise, there has been a gain of more than twenty-five per cent. The census returns of Maine may be, and probably are, imperfect and incorrect, and fail of showing our actual numbers by many thousands; still there is no doubt that the ratio of increase for the last ten years has been miserably small. Shall these things go on? With greater physical attractions and ampler resources than three-fourths of the States possess, shall we cling to the narrow and shrivelling policy which leaves, and will leave, our State far behind any other that enjoys a tithe of its advantages? The debt of the State is now less than seven hundred thousand dollars. I would not counsel its enlargement, but its reduction, rather; and I would earnestly advise the adoption of a policy which, by increasing our wealth and numbers, would render its payment more easy. Double the property and population of the State, and you practically reduce its debt one-half. It is in this way that Pennsylvania, New York, Illinois and other states, although they have nominally sunk many millions of dollars in their railroads and canals, have nevertheless become so rich and strong, that their debts, large as they seem, are scarcely felt as burdens. From the causes of imagined ruin have come the means of real prosperity, and from the nettle, debt, has been plucked the flower, wealth. But, fortunately for us, owing to the felicity of our physical position, and the vastness of our capabilities, the objects which I have so earnestly commended to your notice, depend upon no such contingency, as in the experience of other States, has been the condition of their accomplishment.

A noble field, broad, fertile and beautiful, has been given to us to be cultivated and adorned. With a just appreciation of its extent, capacity and needs, let us enter upon the work that is before us. Waving aside the petty schemes and unseemly wrangles which too often disfigure the actions of public men, and mounting above the trifling views and unworthy purposes of mere partizans, let us rise, if we can, to the height of the great argument which duty and patriotism so eloquently address to us.

The report of the Treasurer will be laid before you in a few days, and will place you in possession of such facts as will fully inform you in regard to the financial condition of the State. I learn that the receipts into the Treasury the past year, were, from all sources, \$452,276, and that for the same period the expenditures were \$483,854, exclusive of the deficiency of the late Treasurer. The estimated receipts for the current year are \$351,940, and the esti-

mated expenditures \$364,927. The operations of this department of the government have been somewhat embarrassed the past year in consequence of the defalcation of the late Treasurer. But it is believed that the ultimate loss to the State, proceeding from this dereliction of duty, will be small. Whether any legislation upon this subject is necessary, will be for your consideration when you shall have been fully advised of all the facts bearing upon it. At a time when the affairs of this office are administered by a gentleman of distinguished ability and unquestionable integrity, the best opportunity will be found (for everybody will understand that no reflection upon him can be implied) for the introduction of such reforms in the manner of transacting its business, and in the rules for conducting its operations, as will serve to protect the State from losses hereafter. In addition to those farther penal enactments, if any, which you may consider expedient, I would earnestly recommend the adoption by the Legislature of a system of accounts for this department, involving, in its perfect execution, the designation of two officers, at least, who should act independently of each other, and each of whom should be required to keep one of the duplicate set of books, in which should be entered every item of money received or disbursed, no receipt or draft to be valid unless signed by both. Provisions like these exist in New York, Ohio, and most of the other states, (suggested in many of them by the dereliction of their officers,) under the operation of which it is believed that the abstraction or illegitimate use of the public funds is nearly impossible.

Of the State debt, \$30,000 will be due on the first day of March, 1861, and some provision should be made for its redemption. A like or larger sum will be due annually for several years. The spectacle of a State permitting the years to pass without making an effort to reduce its indebtedness, is one which I cannot look upon with pleasure. The people of this State would be glad to diminish the amount of interest which they are annually called upon to pay, and would, I doubt not, applaud the adoption of any well-matured measure for the reduction of the debt upon which it rests. They would, if I do not greatly mistake their character, be pleased to see some moderate increase of the State tax—it would be so small that practically they would scarcely feel it—if thereby they might be assured of the gradual but certain extinguishment of the debt of the State. The people who are ever and justly restive under the weight of burdens imposed for the benefit of individuals or classes, or occasioned by the blunders or frauds of their officers, are ever ready and willing to grant the necessary means for the discharge of their honest obligations.

The reports which the several State officers are by law required to make, will be laid before you at the earliest practicable moment.

At the time of preparing this Address, I have not been able, with two or three exceptions, to examine them. They will show the operations of the offices from which they emanate, and to them I must refer you for the knowledge, in the main, of their details, and for such practical suggestions as may have occurred to those whose duty it is to make them.

The receipts of the Land Office for the year ending November 30, 1860, were \$62,624.76, and the disbursements \$58,934.15. I am not aware that any change in the laws respecting the sale and management of the public lands will be demanded.

Whatever measures, whether of encouragement or regulation, will tend to increase the efficiency of the Militia, to place it on a better and more practical footing, and make it more available for the exigencies of actual service, will be regarded by you, I may not doubt, with that degree of favor which their own merits, and the circumstances of the times, shall require.

Upon a cursory examination of the recommendations of the Attorney General, I am inclined to regard them as timely and judicious.

The welfare and security of a people, and the strength and credit of a State, rest, to a large extent, upon a learned and independent judiciary. It is not only essential that able and honest men should be selected for the elevated position of Judges of our highest Court, but it is also important that it should be known that they have been, that they may thereby enjoy the public confidence and respect. The people should always be able to feel that in the manifold questions affecting life, liberty and property, which come daily before the courts, their rights and remedies are in the hands of men of the best legal accomplishments, and of unquestionable probity. While it is to be readily conceded that hitherto the bench of the Supreme Judicial Court has been so constituted as to secure this end in an eminent degree, it is to be considered whether, with the present salaries, we may fairly expect to be so fortunate in the future. There are, I believe, already indications that places on the bench are not certain to attract those who are in all respects the best qualified to fill them. Nor shall we be surprised at this, when we reflect that those who occupy the highest places of honor and trust in the State receive a compensation smaller in amount than is paid to many merely clerical and ministerial officers—and smaller than is often paid to clerks, agents, cashiers, &c., in our mercantile houses and corporations; and which has been increased, in the term of forty years, by only the small sum of two hundred dollars per annum, during which time the expenses of living and compensation received by other persons, whether in public or private life, have advanced nearly one hundred per cent. I leave the subject to your candid examination.

The Constitution has made it the duty of the Legislature "to require the several towns to make suitable provisions, at their own expense, for the support and maintenance of public schools; and

\* \* 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." Believing, with the framers of that instrument, that "a general diffusion of the advantages of education is essential to the preservation of the rights and liberties of the people," we shall not be likely to falter in the discharge of the high obligation they have laid upon us. The suggestions of the Superintendent of Common Schools, and particularly those in regard to Normal Schools, will engage your attention.

The report of the Bank Commissioners will, I have no doubt, confirm the general impression that the banks of this State are in a sound and healthy condition. But while I believe they are entitled to rank among the very safest and best conducted institutions of the kind in the country, and am not prepared to say that further legislation is indispensable, either for the protection of the public or of the stockholders, I am confident that I do not err in asking for the subject your faithful and scrutinizing examination. That every safeguard should be provided consistent with the reasonable convenience of those who are entrusted with the management of the banks, there can be no question. The good name and welfare of the State and of the banks themselves, not less than the security of the public, demand this. In view of the fact which cannot have escaped your observation, that nearly every instance of defalcation, mismanagement and loss, which has occurred within our State for many years, has arisen from the facilities which have been extended to the officers of the bank to issue and put in circulation, bills to a larger amount than is authorized by law, I cannot help thinking that the recommendation of Governor Hamlin in his message to the Legislature of 1857 is pertinent and wise. He said:

"It may be deemed expedient to designate some officer, by law, who shall deliver to each bank, blank bills, duly countersigned and registered, which shall constitute the circulation of the bank; and also to determine by law the amount of bills to be thus delivered." Whether to the legislation recommended by my distinguished predecessor, may not be added such provisions as would authorize and secure a more detailed and searching examination of the banks, by the Commissioners, than is now required and practiced, is an enquiry which you may think not unworthy of your attention.

The Insane Hospital and the Reform School, the logical expressions of modern civilization, vindicate our title better, perhaps, than any other of our works, to the name of Christian Common-

wealth. In the fact of their existence we find a practical recognition of the duties we owe to the unfortunate, the stricken and the wayward, because they, too, are men, women and children.

Of the Insane Hospital I am unable to speak from any direct knowledge or personal examination of its management and results, but the uniform testimony of those who are most conversant with the way in which it is conducted, justifies the belief that no institution could be administered with more practical wisdom, more exact and rigid economy, and with more beneficial results to the unfortunate persons for whose benefit it was formed. The report of its able and upright Board of Trustees, and of the excellent officers to whose supervision the Hospital is now immediately committed, are to be laid before you, and will fully confirm the favorable opinion already entertained in regard to the management of this important institution.

I have recently availed myself of an opportunity to visit the Reform School at Cape Elizabeth, and from what I saw there of its management, of its order, cleanliness and decorum, and of the appearance of the boys—sprightly, hopeful lads, the most of them—all too valuable to be castaways—my conviction of the value and importance of that institution have been strengthened and established. Of the admirable qualifications of the superintendent and matron, Mr. and Mrs. Scamman, all who have visited the School will bear cheerful testimony. In relation to this method of treating boys who have been removed from the ways of vice and crime, in which there was scarcely a chance for them to become any thing but pests of society, I would say that education is better than ignorance, good habits than bad, and that Reform Schools are cheaper than Penitentiaries.

The affairs of the State Prison have engaged the attention of the Legislature for several years. It is apparent, however, that no final solution of the questions which have been raised in reference to them, has yet been found. It will be for you to consider whether any legislation is necessary to place them on a footing that will allay the uneasiness which has existed, and continues to exist to some extent, in the public mind in regard to them. The prison expenses at Thomaston, unlike those of most of the neighboring States, have for many years been considerably in excess of the earnings. The fact is explicable, I think, upon the hypothesis of chronic and fundamental errors in regard to the manner of conducting its operations. From these errors, systems may have grown up with the knowledge and sanction, for many years, of the State government, which the power of no warden could avail to overthrow. But however this may be, and whether there are just causes for complaint or not, and whether the faults, if any have existed, have been in the system or in the officers, there can be no doubt

that the whole subject should undergo a most rigid and searching examination.

In the performance of the duty which may devolve upon you, of districting the State for Senators and Representatives in the Legislature, and for Representatives in the Congress of the United States, for the next decade, it will be scarcely necessary for me to observe that a determination to consult the requirements of convenience and justice in the formation of the districts, should be paramount to all other considerations. The suggestions of duty and true policy in this regard are not antagonistical; for nothing is more certain than that the attempts heretofore made in this and other States, to obtain a party advantage at the expense of fairness, have generally failed to accomplish the purpose intended, and not seldom redounded to the injury of those who put them forth.

While our view is cheered by so many badges of prosperity and signs of hope, a cloud, gathered in the southern sky, is casting its portentous shadow over the land, occasioning uneasiness in the public mind, disturbing the industrial relations and financial operations of the country, and menacing the general welfare. That it will be dispelled, having cleared the atmosphere, and removed many causes of disease in the body politic, thereby promoting life and health, should not be doubted by those who will investigate its origin and trace its progress from the earliest beginnings to its present culmination.

The history of the American people, of their opinions, purposes and aspirations anterior to the revolutionary war, the principles underlying the commencement and prosecution of that struggle, and which were supposed to have been established by its success; the grand and deathless truths of the Declaration of Independence; the Constitution with its affirmations, omissions and exclusions, its luminous contemporaneous expositions; the original policy of the government; the opinions and labors of the fathers, of Washington, Franklin, Rush, Henry, Adams, Jefferson and Madison; the decisions of the judicial tribunals of the Slave States down to a recent period; the frequent admissions in regard to all these, in our own times, and even in the late Presidential canvass, by distinguished southern statesmen—prove beyond the reach of cavil or doubt, that this government could not have been established with any view to the extension, or the advancement of the interests of slavery, and that the system of African bondage, as practiced in this country, was regarded by those who framed the Constitution, as an evil, and not as a good. That they neither desired nor expected its diffusion, but that they contemplated, and their contemporaries provided for, its restriction, looking to its ultimate extinction, is apparent, to make no other specifications, from the provisions of the Constitution authorizing the prohibition of the slave trade,

and recognizing fugitives from labor and service as "persons," and not as property, and therefore not reclaimable by any process applicable to property; from the ordinance of Jefferson, in 1784, and of Dane in 1787, and from the act of the first Congress, passed in 1791, affirming the latter.

These ideas in regard to the Constitution, to the policy of the government, and to the character, rights and destiny of slavery, prevailed throughout the country during the life time of those by whom our institutions were moulded. Slavery was a weakness, an impolicy, an evil with all; with many, a sin. It was the child of municipal law, local, sectional—not national. If there is one fact that stands out stronger, clearer and more indisputable than any other in our history, it is this. There is the record, it cannot be blotted out, it cannot be burnt out—it remains forever.

But the infirmities and necessities of this system were such that its prosperity, perhaps its very existence, depended upon a change of policy and purpose among those upon whom it was fixed. As slavery was in itself thriftless, weak, self-destructive, it required expansion and protection from without—and hence the history of its assumptions and claims for the last forty years. In 1820, the slave power demanded the admission of Missouri into the Union as a slave State. In 1830, it effected the removal of the Indians from their homes in Alabama and Georgia. In 1840 it drove the red men out of Florida. In 1850, having previously acquired Texas and large portions of Mexico, for the advantage of slavery, it obtained an abandonment by Congress of the long approved principles of the ordinance of '87, and it procured the passage of a new fugitive slave law, abhorrent in some of its provisions to every sense of justice and every feeling of humanity. But to all these demands and conquests the people of the free states, from their old and extinguishable regard for their southern brethren, from their love of peace, and devotion to the Union, submitted. In 1854, it wrested from freedom the abrogation of the Missouri compromise line, opening the virgin fields of the vast and beautiful regions of Kansas and Nebraska to the torture of involuntary labor. In 1855 and '6, it inaugurated a reign of violence and terror in Kansas, that the freemen of that unhappy territory might be awed, subdued and finally driven therefrom. It organized in 1857 and '8 a system of force and fraud, by which it hoped, with the sympathies and aid of the administration at Washington, to bring Kansas into the Union as a slave State, under the Lecompton Constitution, an instrument which embodied the declaration, in substance, that slavery was a thing of divine authority, above and beyond the power of human laws to impinge; and to all these machinations—violent, fraudulent, and revolutionary as they were—the people of the north interposed only the peaceful resistance

of the laws and the power of the ballot. In 1860 it demanded of the country an affirmation of the right of property in man by virtue of the Constitution of the United States, and protection to slave property in the territories—demands which, if acceded to, would have made slavery legal and irremovable in every State of the Union—the one thing sacred and national, above all others, under the Constitution established by the great men of the earlier age in order that the blessings of liberty might be secured to them and their descendents, so long as their work should endure. The men of the free states, and of the slave states too, who had been unable to bring their minds to believe that slavery was a blessing favored of Heaven, and upheld by the organic law as a national institution, but who held, without addition or diminution, the doctrines illustrated by the fathers in their works and lives, perceived that but one course remained for them to pursue, unless they could be false to all the invocations of patriotism, and to all the mandates of inexorable duty. They were equal to the emergency, and taking issue with the slaveholders in regard to the dangerous and revolutionary theories, assumptions and claims set up and insisted upon by the latter, they entered with earnestness and vigor into the canvass—which terminated, after the most full and thorough discussion that ever took place in the country, in the election of Abraham Lincoln as President, and Hannibal Hamlin as Vice President of the United States. This result was accomplished in strict conformity with the Constitution and the laws of the United States, and of the several states, and was the deliberate, well considered and honest verdict of the people. This verdict, so honorably obtained, and so necessary to the defence of the Constitution of our fathers, and to the preservation of the Union in its old integrity of living principles and glorious hopes, is made the pretext, by a portion of the slaveholding states, for the subversion of that Constitution, and the disruption of that Union; and by another portion for exacting a series of concessions and abnegations from the people of the free states, which they have no moral right to make, and which, while they would involve, if made, a surrender of everything affirmed or gained in the recent election, would, nevertheless, bring no peace to the country, for the reason that the willingness of the people to make them, would only prove their measureless capacity for abasement and servility, and thus invite fresh demands and ever-recurring aggressions. The history of the past shows that no concessions will be accepted as satisfactory which do not secure to the slave states the rights of expansion and protection to their peculiar property under the federal Constitution. This is what they believe they need, and this alone will satisfy them. I believe that I speak the voice of every true, brave,

and conservative man in the north, when I say that such concessions cannot be made.

But, if not, we are told that the slave States, or a portion of them, will withdraw from the Union. No, they will not. They cannot go, and in the end they will not want to go. Much as they desire to have their views accepted by the country, far as they would go to secure the protection of slavery by the general government, and its unchecked expansion, they will not pass the brink of the precipice, to effect these ends. Deeply as they regret the accession of the party of Mr. Lincoln and Mr. Hamlin to power in the general government, an actual and permanent secession of any or all of the slave States, they would regret still more,—for they are not regardless of the strifes, the difficulties, the inevitable disasters, and the long line of woes that would beset their path and hang around their way at every step. They will know that their strength, their security and their happiness are in the Union, and in the Union with us, their truer and better friends than those who by their wilful misrepresentations of the views and purposes of their neighbors; by their unnatural and malignant revilings of the great majority of the people among whom they live, and with their treacherous friendship for the slaveholders, have been in no small degree responsible for the want of confidence and fraternity, the distrust and apprehension, the passion and the fever, which are the immediate spring of all our present troubles. They will learn, as they should know already, that the people of the free States have no intention of intermeddling with their system in the States where it exists by virtue of the local law, and that they will cheerfully extend to them all their constitutional and equal rights.

When the excitement of the hour shall have passed, and reason has resumed her sway, when the realities of disunion, the burdens, the difficulties and dangers shall be seen as they are, and the old-time respect and friendship shall re-appear, for they cannot always be repressed, and when the people of the slave States shall come to accept, as they will, the conclusions of that invincible logic which pronounces the Union a necessity—commercial, social and political—to all its members, and which has also determined the position of the free States upon the question, no longer to be a disturbing one, of slavery,—concord, mutual respect and confidence, will be re-established on a basis which no faction, in any quarter, shall be able to disturb. In the meantime, conciliation, forbearance, and tokens of good will, which no criminations shall be allowed to interrupt, and the setting of ourselves right in whatsoever respects we may have been wrong, will be the offerings which as good men and patriots we should lay upon the altar of our country. And in doing this we need consent to the abatement of not one jot or tittle of the principles affirmed by the people at the recent election. We

will stand by the Constitution of our fathers, the Constitution as it is, and make no compromises that would involve us in the guilt of moral treason, and justly render us the scorn of mankind.

The personal liberty bills, as they are called, of some of the free States, have been the occasion of much crimination, not only on the part of our southern neighbors, but also from considerable numbers of our own people. The reasons which induced their passage, and the provisions which they embody, have been, I think, singularly misunderstood by many who have complained of them. As a general thing, I believe they were intended, in perfect good faith, to accomplish two legitimate purposes; first, to prevent the kidnaping, or illegal removal, of free persons from the States; and, secondly, to bring their action into entire harmony with the line of constitutional power and obligation as laid down by the Supreme Court of the United States in the case of *Prigg vs. the Commonwealth of Pennsylvania*. So far as this has been the case, and where the legislation of the States has not in fact transcended these limits, there can be no just cause of exception to what has been done. But if, passing this boundary, laws have been enacted which are in violation of the Constitution of the United States, or of any constitutional law of Congress, although they may be mere waste paper and void, and would be so declared by our courts, they ought not to remain on the statute books. Unconstitutional laws are not merely harmless. Powerless for good they are not impotent for evil; and are always of mischievous example. With these views, I would earnestly recommend a candid examination of the laws of this State. And if, thereupon, you shall find among them any provisions that are in violation of the federal Constitution, or of any constitutional law of Congress, there can be no doubt that they ought to be repealed, or so modified that they may be brought within the limits of State authority. To effect such repeal or modification, is a duty which you owe, not to any menaces from without or clamors from within, but to the State and to yourselves who can never afford to be in the wrong. But, if upon such review, you shall find no laws which are not strictly constitutional, and proper in themselves—none that are justly offensive to the people of other States—that have not been revised by men learned in the law, and sanctioned by legislatures of different political parties, and none, in fine, to which any constitutional objection could be pointed out upon examination by those who have complained most vehemently against the personal liberty laws of other States,—I would submit whether, with a due regard to the rights of the State and of the people, and of the essential conditions of popular government, you can find justification for entering upon the work of their repeal. You might be willing upon proper representation, to abrogate laws entirely constitutional and just, when made by others, however needlessly,

causes of stumbling and offence. But when such action is demanded as the condition upon which you are to be permitted to enjoy your constitutional rights, your civil and political freedom, you are forbidden to yield to the requisition by every consideration that can have weight among men fit to be free. The concessions, for the most part, which are now demanded from the free States, as the terms upon which the people of this country are to be allowed to govern themselves under the Constitution, are wholly inadmissible, not merely that they are objectionable in themselves, but also because they have been made such terms. To grant them would be to establish a precedent of incalculable mischief and danger, through which would be wrought, at no distant period, a practical subversion of the Constitution, and a transfer of the government from the hands of the many to the power of the few.

If the people of any of the States have determined that Mr. Lincoln, who has been regularly and legally elected President of the United States, is not to enter upon the duties of that office, unless he and those who have supported him, will purchase his inauguration as President of an unbroken Union, by concessions and compromises involving an abnegation and denial of the vital principles of the government, and of the cherished doctrines and purposes of the great men who established it, and shall attempt by force to execute such purposes, they will be guilty of treason against the United States, and will furnish occasion for testing the strength of this government. The right of the majority to choose their officers and to administer the government, under the Constitution, must not be surrendered, and will not be, whatever may happen. For in the dark catalogue of public ills, all are tolerable but the loss of a people's honor. An errant star, rushing wildly from its sphere, and wandering however long and far, *may* return to its wonted place in our system. But when the manhood of a people is extinguished, there is an end alike of public virtue and of individual freedom and popular government becomes an impossibility. Political degeneracy feels no Promethean heat; the death of a people's spirit is followed by no resurrection.

The practical question in this exigency is not, as has been represented by some high in authority, whether a State is to be coerced, or war made upon it, by the general government, but whether the laws of the land can be and shall be faithfully executed. In other words, it is whether we have a government or not. The President is bound by his oath of office to enforce the laws of the United States—those laws extend into every State in the Union, and are operative upon all the people thereof. There is no power in the government to release the President from the discharge of his constitutional duty. He *must* "see that the laws are faithfully executed," and that he may, the military and naval forces of the country

have been placed at his command, and he can find no excuse for the non-performance of his duty in any State, although it may allege that it has retired from the Union, and is no longer within the jurisdiction of the United States. The fantasy of secession is without foundation either of authority or reason. It was denied by Mr. Jefferson and Mr. Madison in the earlier, and by Gen. Jackson, Mr. Clay, Mr. Webster, and even by Mr. Calhoun, in the later time. There is no such right in the Constitution; the President cannot permit it; Congress cannot grant it; the States cannot concede it; and only by the people of the States, through a change of the Constitution, can it be conferred. The laws then must be executed, or this, the best, because the freest and most beneficent, government that the world has ever seen, is destroyed. If the people of any of the States shall resist the laws by force, and thus make war upon the United States; or if, in the madness of the hour, they shall attempt to prevent the inauguration of the incoming President at the National Capitol, let there be no doubt that all such treasonable endeavors will utterly and ignobly fail; for the law-abiding, Union-loving, courageous people, not of the free States alone, but of all the States, will rally to the execution of the laws, the defence of the Constitution, and the maintenance of the Union, imbued with the spirit of that patriot-President, who, in an emergency not unlike the present, uttered the memorable words, "THE UNION—IT MUST BE PRESERVED."

In any such contingency, we know that our own State, whose attachment to the Union has been avouched not only by words, but by works—by sacrifices such as she alone of all the states has been called to make, even by the dismemberment of her territory, that the nation might have peace—will renew her claims upon the gratitude upon the country by the alacrity with which she will furnish material and efficient proofs of her fidelity and virtue. Then the divisions of party will disappear from amongst us, and the names by which we have been recognized will be forgotten, and all will be known as Patriots and Defenders of the Union.

But I will not indulge in speculations as to what will happen when civil war shall have been begun. I yet believe most firmly that the moderation and steadfastness of the free states and the good sense and patriotism of all, will be sufficient for this hour, and that God, who was with our fathers, will be with us also, in this crisis of our country, to guide, to strengthen, to chastise it may be, but to save. Even the timid and extreme conservative men of the country, and the political opponents of those who have been elected to the highest places in the government, and who at first were inclined to deprecate the result which has been made the occasion for these manifestations of disloyalty and violence, will see that there is in it great cause for congratulation and encour-

agement. For who is there but will acknowledge that recent events and disclosures have demonstrated that the changes in the policy of the government, and the persons appointed for its administration, which the people have willed, have been made not an hour too soon? Now, respect for the Constitution, devotion to the Union, and the love of liberty yet burning in the breasts of the people, may, and I believe will, carry the country safely through the perils which encompass it, while a few more years like the past, with its heresies and demoralizations, would have bound it, without remedy, to the car of a grinding and relentless oligarchy. Now, the corruptions of an administration which have become a national scandal—malversations, frauds and peculations, which in a single term have dwarfed the aggregate of the wrongs and corruptions in the government from its formation to the present time, may be fully exposed, and their progress arrested, before they have become so fixed upon our system as to be ineradicable and fatal, and before the contagion of their example has reached the homes of the people.

GENTLEMEN—In all your endeavors for the public good, whether looking to the preservation of the Constitution, the integrity of the Union, or to the promotion of the varied interests of our own State, you may rely upon my prompt and cordial co-operation.

ISRAEL WASHBURN, JR.

JANUARY 3, 1861.