

# MAINE STATE LEGISLATURE

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ACTS AND RESOLVES

115-

OF THE

FORTY-NINTH LEGISLATURE

OF THE

STATE OF MAINE.

1870.

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

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AUGUSTA:

SPRAGUE, OWEN & NASH, PRINTERS TO THE STATE.

1870.

## GOVERNOR CHAMBERLAIN'S ADDRESS.

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*Gentlemen of the Senate and House of Representatives:*

In approaching the duties of another session, it is well to impress upon the mind a due estimate of their importance; and acknowledging and invoking the Divine favor, seek for wisdom in their faithful discharge. It is true that the councils of the Nation have more to do with the greater matters of our common weal or woe; but the questions which are within your control, and the duties to which you are now solemnly devoted, are worthy of your best thought and conscience and wisdom.

While the dark burden of the war rolled its gloom over us, the people were not niggardly in giving nor over-critical in receiving whatever promised aid in the great deliverance. With a patriotism which knew no class or section, with a generosity which counted no cost, and a devotion that shrank from no sacrifice, they poured their choicest treasure and their most precious life into the field where the great issue was joined for the guaranties of liberty and a government of law. Intent on this they paid little attention to little things; they did not stop to challenge either men or measures that came in the guise and color of the common cause. But the crisis now is past; the field won. The times are different; our duties new. We must challenge both measures and men, cast out the false, displace the weak, entrench the strong. We must look back over the tumultuous track and see where ruin can be repaired and abuses corrected;—false channels cut by the wild overflow stopped up; true currents of prosperity restored. We must look forward, not only to see what must be borne, but what must be done,—stifled energies to be set free, new powers put in motion. No spiritless or timid reluctance to grapple with the vexed questions which may claim our attention, should be allowed to settle upon us from the too modest impression that our acts are of little consequence. On the contrary never was sound judgment and generous toil, and the clear, sharp scrutiny that runs before and after, more demanded by the exigency of the times and the interests of the people.

A government has something more to do than to govern, and levy taxes to pay the governors. It is something more than a police to arrest evil and punish wrong. It must also encourage

good, point out improvements, open roads of prosperity and infuse life into all right enterprises. It should combine the insight and foresight of the best minds of the State for all the high ends for which society is established and to which man aspires. That gives us much to do. We sit down here to devise things for the public good. Let us be at the work early, and do it both well and quickly. For both are possible. Promptitude and activity will enable us to avoid a protracted session, omitting nothing and at the same time considering well. That there will be conflicts of opinion and differences of judgment may be expected, and is well. Where men are thoughtful there will seldom be unanimity. Where men are honest there will be sharp individuality. Independence, if it is genuine, is no evil, but a good. The great requisite, indeed, on the part of those who make or administer laws, is moral courage. We cannot expect much that is good from laws enacted under clamor or to meet some crisis, nor from statesmen who are chiefly concerned in contriving to keep their place and power. One thing we may be sure of,—the virtue in the hearts of the people. That instinct may be deceived, but will not be defeated. It demands honesty; and will pardon us if in that cause we are over bold.

One man, indeed, we have lost from active participation and influence in our affairs. One voice is silent that was wont to speak only honest conviction, without favor and without fear. WILLIAM PITT FESSENDEN is gone. The race of men that dare be right has suffered loss. The man who will calmly resolve and give judgment with understanding, unmoved by the voice of those who seeing not so clearly, feel more violently—the man who aims for the ultimate right, rather than for the near advantage—the man who in the tremendous hour of responsibility when great issues hang upon his action, hearing above the tumult of taunting foes and supplicating friends, the deeper voices of reason and conscience, fixes his single eye on duty, and stakes his all upon the blow—that man it is hard to find, and hard indeed to lose. One by one the great men around whom our hearts rallied in the dark days of the Republic, are passing from our view. We feel that we are lost, rather than they. Happy will it be if the young men now rising to their places, shall learn from their example, and be able when the day of trial comes to do their duty as unselfishly, as boldly, and as well. The deeds of such men live after them. Their words are gone out unto the end of the world. Their light shall shine along the heights of history, as the glory lives on the Alpine peaks when the sun is seen no more.

The vacancy in the United States Senate it became my duty to fill for the time, and I accordingly appointed Hon. Lot M. Morrill. It now devolves on you to elect a Senator for the remainder of the term ending March 4th, 1871.

I proceed to lay before you an abstract of the condition of the State, with the few suggestions which appear needful to be made: the more complete details and cogent reasons will for the most part appear in the several reports and other documents submitted to your inspection.

## FINANCIAL.

The report of the Treasurer will present a most interesting statement and history of our finances. Our receipts during the past year have been \$939,814.50, and our expenditures \$919,609.80. On the old civil debt we have paid the annual installment of \$37,000, leaving a balance of \$384,000. Our war debt December 31, 1869, was \$4,632,500. This is amply provided for by the sinking fund arising from the tax of three-fourths of a mill on the dollar by the valuation of 1860. Of this debt \$800,000 falls due in 1871. The sinking fund, with the collections from the general government applied to extinguish this debt, already amounts to \$972,530, so that we are already \$172,530 in advance of our liabilities in 1871, and at the present rate of increase we shall be \$300,000 ahead.

Our whole public debt January 1, 1870, including the civil and the war debt, and the municipal reimbursement loan is \$8,100,900. Notwithstanding the heavy drain on the Treasury last year, expenditures have been so economized and cut short, that the loan authorized to meet current expenses has not been resorted to, nor have even the appropriations been exhausted. It is estimated that with all that may reasonably be contemplated, the rate of taxation this year will fall somewhat short of the last. Still, we should make all reasonable appropriations. It would be poor economy to refuse to expend any money till our debts are paid.

The remarkable feature of our finances this year is the assumption by the State of a portion of the war expenses of towns. This is made at the rate of \$100 for every three years' man actually furnished for the war. After a long and thorough examination of the most tangled and perplexing matters, the commissioners appointed to adjust the reimbursement have now made their report, which will be found to contain serious matters of history in regard to the method of furnishing men for the war. They adjudge the sum of \$3,105,183.33. The fractional parts of \$100 required to be paid in currency in this distribution amount to \$20,783.33. For the rest, viz. \$3,084,400, Bonds of the State are now ready for issue bearing interest from October 1, 1869, at the rate of six per cent., payable semi-annually. To provide for this interest and the ratable portion of the sinking fund required to extinguish this debt, you will need to assess the sum of about \$80,000.

It would serve as a protection against loss or robbery, if you

were to provide for the registration of these bonds as the holders might desire. If a portion of this loan finds its way to the market, there is no reason to apprehend a serious depreciation. Under the late stringency which so severely tested all bonded securities, ours fell off not more than two or three per cent. from par. When we consider also the much higher rates of interest offered by other securities which flood the market, we cannot but congratulate ourselves upon the public confidence in our financial soundness.

The liabilities, which, one way or another, grew out of the war, have laid a heavy burden on us. Were it not for this, it will be perceived, they would be but light. But it must be borne in mind that this debt does not represent what is wasted and lost. It is a heritage of honor, and a patent of nobility; and if that seems too unsubstantial a consolation to those who dwell on the more striking fact that our taxes continue high, they may be reminded that more than half this debt is for money that has been scattered broadcast among our own citizens.

The report of the Examiner of Banks and Insurance Companies will suggest matters of unusual importance. It will be seen that our old banks, under State charter, are almost extinct. The policy of the Government is hostile, and we shall probably have to abandon the system.

The recommendation of a tax to be laid upon foreign Insurance Companies doing business in this State, seems well supported by argument.

Those who are interested in the condition of our people, will not be content to estimate the prosperity of the State from the operations of capitalists and the balance of trade. They will also look upon the great masses, and see if they can live upon their daily labor; to what use they put their earnings, and to what advantage their small savings. There you can best discover whether you are rightly solving the problems of political economy, or realizing the objects of society. There are now thirty-seven Savings Banks in Maine, several having been recently chartered in what we might call our country towns; the chief apprehension in regard to which is, that they may not be able to afford suitable security against robbery. The deposits for the past year amount to \$10,839,955, by about 40,000 depositors; making an average of something over \$250 each. An interesting comparison is shown by the fact that the amount thus laid in store from honest and hard-earned gains, is already more than a million and a quarter larger than the aggregate capital of all our banks of issue, State and National, and nearly two and three-quarter millions larger than the whole of our bonded public debt.

It is urged by some that a direct tax should be laid on savings banks. It is a sound principle that property should share as

equally as possible the public burden ; and it seems, at first sight, that savings banks should no more be exceptions to the rule than any other banks. But it will be seen upon reflection that the spirit and intent of deposits in savings banks differ entirely from the object and operation of deposits in other banks ; and it is a grave question whether this difference is not of such a nature and result as to make the savings banks a positive benefit to the State, which might even entitle them to special grace, practically amounting to a bounty, or premium, if you please. These banks are the special depositories of the poor ; treasuries of pittances which could in no other way be so well guarded and made profitable. If not kept here many of them would not be kept at all. Besides the actual saving of earnings, and the positive addition to wealth thence accruing,—itself an object worthy of your thoughtful care,—there are incidental and even more valuable advantages. The moment he has money in the bank, the humblest feels a bracing up of his self-respect and whole moral force. From that moment springs an incentive to industry, frugality, temperance, enterprise ; to all, in fact, which constitutes good citizenship, and advances the character and condition of men. Anything, therefore, which tends to discourage deposits in savings banks should be scrupulously avoided. If there were any way to reach the large depositors by requiring the officers of banks to make returns to the assessors of towns for the purpose of taxation, it would certainly be well. But first premising that large sums are less likely than small ones to escape taxation in the ordinary way, it is to be said that such depositors might still easily evade the law, and the burden would fall back on those less able to bear it.

Indeed the mere fact itself of publishing Savings Banks deposits would intimidate and dishearten many whose very struggle and merit it is to keep this pittance from the willful and wasteful hands which would at the same time destroy it and themselves. By the very confidential relations of these banks many a poor woman is helped in her heroic struggle to bear her unequal burden. Therefore it seems to me better even to suffer such evils as we do, than in the attempt to correct them to subvert a far greater good.

What this State needs is capital—money in motion, whether gold or currency. Our material is stagnant, our industry crippled, our enterprise staggered for want of money, which is power. What makes the sinews of war, makes also the sinews of peace. Maine strikes me as quite different in her circumstances from the other New England States, with their denser population, developed arts and industries, their centralization of forces and accumulation of capital. She reminds me more of the Western States in her condition and needs,—a virgin soil, undeveloped powers, vast forests, and vigorous men, but no money. Like them she is trying

to build railroads, invite immigration and develop her resources, and perhaps is not so much in love with a high tariff as some of her more cultivated sisters. The elements and powers of nature, and the energy and enterprise of men in order to be turned to account for the great uses of civilization, must wait on capital. Unfortunately we cannot hold our own: we can keep neither our men nor our money at home. Higher rates of interest for the one, and quicker and larger returns for the other, win the game. The result is a double drain which keeps all our channels low. This evil must be remedied or Maine will have to wait a great while for her coronation. What can be done it is not easy to say specifically. We must look to the National Government to strike off some of our fetters and lighten some of our burdens. To me it seems unwise to cramp our energies with duties and taxes in trying to do everything in one day. I have no great pride against letting somebody else help pay the cost of the war. The great debt of the country is a boon which we must invite posterity to share, along with the blessings which they will inherit with it. We gave our strength, our blood, our tears; let the delivered future bear a part at least in the thank-offering. If we can do anything that will make labor, skill, talent and capital remunerative, that let us do. People will come and will stay; money will be kept and brought, if we can manage to make it pay. What we can do for money does not readily appear. But we can look over the situation. As I have said, higher rates of interest abroad lure our money away. Money will seek the highest level as sure as water. Argument and entreaty will not change the course of this inexorable law. Capitalists are reluctant. Some scruple to receive an illegal rate and so refuse. Some stipulating for these rates, knowing that they can only trust the honor of the borrower for the continuance, want a better security. But mortgages of real estate, which is about all we have, carry a long right of redemption, and the lender is liable to be kept three years out of the money at merely the low legal rate. The result is he will not accept even the mortgage, but demands an outright deed, and then the borrower must trust the honor of the lender, which in turn may not be very valuable security.

Two things would undoubtedly tend to make money more plenty. 1. To perfect and make practicable our free banking law. 2. To legalize higher rates of interest. Of course the suggestion of evils growing out of the latter proposal at once arises. But it may be that the example of the General Government which compelled us to suspend specie payments, may also compel us for a time to recognize a rate of interest corresponding with this general practice and sanction.

The Commissioners on the State valuation will submit the result

of their labors for your action, which will require your careful scrutiny and impartial judgment.

#### INSTITUTIONS, REFORMATORY AND SANITARY.

The various institutions under the care of the State are generally in a prosperous condition. The Reform School shows excellent management. The business is conducted with judgment and energy; the discipline and care of the boys is wise and kind; and although this is in some sense a prison it is in the best sense a school. It is a greater task than we might think to administer the affairs of such an institution with entire success. We have every reason to be gratified with the present results.

I trust we shall not lose sight of the proposition so cordially received two years ago, to establish an Industrial School for girls. Such an institution would do much good, and save from vast evils. The subject cannot but command the sympathy of every humane and considerate man.

So far as I can judge of the State Prison, everything about it appears to be well managed. The sum of \$15,000 was placed last year in the hands of the Warden for a working capital. The experiment has proved successful. The books show this year an excess of earnings over expenses of \$689.19, which is a marked change in the balance of accounts. Great care is taken for the welfare and improvement of the convicts, and every thing is done for their good which the nature of the case will permit.

I am constrained to say here, that the jail system in this State is far from being so satisfactory. As I have said before, it is attended by evils which are disastrous in the extreme, and I would respectfully renew my recommendation that you provide some method to reach this matter.

The Executive Council have given particular attention to the condition of the deaf, dumb and blind, who are now sent to institutions out of the State. Some matters of detail have been corrected and improved, but upon the whole the present mode of caring for those unfortunates is approved as the best provision we could make.

The Hospital for the Insane is still crowded with inmates. Applicants are awaiting the completion of the new wing. This it will be necessary to provide for. The building will then be architecturally complete, and the institution as large as can be advantageously managed. The adjacent lands on the south have been purchased, and the grounds are now convenient and symmetrical. Cordially conceding all that is claimed for the sincere efforts of those who have the management of the institution in charge, I still remain of the opinion that we are somewhat short of perfection in our methods, if not in our system, of caring for the insane. Cells

and corridors and stone walls are dreary confines for minds broken under the weight of real or fancied wrongs. It may be justified on the homœopathic principle that the proper medicine for a sick man is that which produces the same disease in a well one; for a brief treatment of a sane man in these crowded corridors would very soon give him a title to stay there. I cannot venture to point out (even were I able) precisely what should be done, but we may reasonably expect that those who are especially charged with this responsibility, instead of troubling themselves too much to defend what they do, should set themselves to search out and correct the evils which inevitably grow up in such institutions, and think it no confession of fault if they strive to improve in every possible way their methods, instrumentalities, and even their system.

If I were to permit myself a suggestion, it would be that we strive to make the Hospital less of a prison, and attend more to the healing influences of Nature. Let the inmates come in contact as much as possible with that which is calm, and free, and natural, and sane. I think that the laying out of the grounds on some artistic plan would afford salutary employment and recreation to many of the inmates, and thus without much outlay by the State, the place may be made attractive, and the gloom which pervades the atmosphere of such an institution be mitigated if not dispelled, by the beauty and salubrity of its surroundings.

For some reason which does not now clearly appear, the Insane Hospital is largely exempt from that responsibility to the Executive Council which affects other institutes of the State. The practical effects of this appear in many ways, and have not contributed to relieve the doubts which have sometimes arisen in regard to the management of the establishment. I would therefore recommend that the Hospital be placed under the same supervision as other Institutions sustaining a similar relation to the State.

The Trustees of the Maine General Hospital will ask your aid. It is understood that generous private benefactions are ready to follow an appropriate endowment by the State. This petition is eminently proper, and should be received with the most favorable disposition.

#### EDUCATIONAL.

There is probably no branch of our public interests where such improvement has been made as in that of our common schools. Not that any striking changes or brilliant results have as yet appeared; but what I mean to say is, that we are set upon right ways; that the faults, the wastes, and the wants of our former practices have been brought out, and appropriate means have been set in motion which can scarcely fail to work salutary and permanent effects. We are seeking, not so much to change the system,

as to infuse life into it; so that the best appliances, the best methods and the experience of the best minds, can be extended to remote and humble places; so that in an educational sense, we can secure through every nook and corner of the State, the equal rights of all.

It is moreover no exaggeration to say, that the present is a new era in teaching. It is not a little singular to find novelty in an art so old. But the spirit of our institutions, and the demands of the times, have necessitated aims, objects, and methods which render education altogether a different business from what it was a generation ago. It no longer seeks to cram the mind with strange forms and aggregated facts, without harmony, relation, life, or permanence; it now teaches the mind from the very start to observe, compare, analyse, assimilate—to master and make its own;—in fact it is education—the training, unfolding, leading and fashioning forth of the mind. Teachers must now have something more than a good moral character—that, and something besides—they must demonstrate that they have character at all. They cannot teach merely what they have borrowed over night; but only that which they have wrought out and made their own. This tells on the young mind; gives it edge and point, and in many ways tends to fit all, both teacher and taught, to enter undismayed the arena of these stirring and eventful times. I think the highest good is flowing from our Normal Schools, and Institutes and County Supervisorships. They have caught the right spirit and transfuse it. They are the means mainly by which the State is to be reached and brought within the better modes.

That the people are awake in this matter, it is easy to see. They have raised over \$800,000, this past year, by direct taxation, and expended the total sum of \$1,100,000 for the support of schools. It remains for us to take care, by all means in our power, that such provisions are not wasted and such intentions foiled. We want, among other things, to see that all have a fair chance; that, for instance, the cost and changes and variety of books do not put poor parents to distress to keep the means of education within their childrens' reach.

I feel that these are important matters, and have thus spoken that we may understand the spirit in which we shall be called to act. We have wasted a good deal of time and money hitherto; but I believe we have now begun better things, and that with the intelligence, good sense and vigor now brought to bear on these interests, our people will before long be satisfied with the results of their generosity and care.

As to our College of Agricultural and Mechanical Arts, although generous devotion to duty has been manifest on the part of all who are charged with its immediate concerns, it yet fails to attain

to quite the prosperity which we hoped, and which I believe is still possible for it. It is my duty to say that, so far as appears, there are two principal causes of its present feeble and uncertain condition. 1st, The neglect of mechanics and manufacturers and masters of the Industrial Arts, to assert their rights in the college. 2d, The deep-settled feeling on the part of many, that the location is unfavorable. The existence of these two disadvantages it is worse than folly to deny, or pass over with soft words. The truth is, we must come to an understanding and agreement in the matter. It is a pity to waste money and mind, even for the best of motives, without hope of a successful end. The \$28,000 voted last winter in condition of a perfect deed of the property to the State, has fallen dead through failure of the town to make the full conveyance. If we are all in earnest to have the college go on where it is, neither the State nor the town need insist much upon conditions. But if it is the intention to remove the college, then it would be best not to expend more money there. I am unable to give you the least information or advice on this point. But I am ready to assure you that unless we keep in mind the scope and generous intent of this institution, it will never greatly thrive. A farmers' college is a good and worthy idea, but limited to that alone, such an institution will not live and move. There are not boys enough who mean to go back to a farm after they have got through the college. Farming is not at present a business of that inviting sort in Maine. But a school embracing all the material industries, teaching our young men skill in the handicrafts which invite them to worthy and profitable employment, training and nerving them to strike a sure and a good blow in the manly rivalries of peace or war—such a school in fact as hundreds of our young men go out of the State to seek, would not only live and flourish, but would be a powerful and preëminent good. Whether we can make such a school of ours I do not know; but such an one we must have, or our money and our efforts will have been spent in vain.

The splendid volume published by the Historical Society forming the first in the series of the Documentary History of Maine, authorized by the Legislature of 1867, which traces the discovery of this coast from the Northmen in 990 to the Charter of Gilbert in 1578, has doubtless been laid before you. A volume quite as remarkable containing the first publication of an original manuscript of the celebrated Hakluyt in which he urges upon Queen Elizabeth the vigorous prosecution of colonization on this coast, is in course of preparation. It is proposed to go on with the history of the actual occupation of this territory under the influence and efforts of Sir Ferdinando Gorges. These works are a credit to the liberality of the State and the learning of the

society, and are attracting much attention as valuable contributions to American History.

#### MILITARY.

The question of an efficient and economical militia system has been long agitated, but still unsettled. For the last three years I have given the matter much thought. You will bear me witness that I have not shown a disposition to exalt unduly the military element, to incur the expenses or abuse the powers which the law places in the control of the Executive. It is unsafe however to be without some military force at call in case of need. The moderate suggestion was made and adopted at the last session, of authorizing ten companies of infantry to be fully equipped by the State. The orders of the Department will show with what care and caution the intent of the Legislature has been carried out. Applications have been thoroughly considered; companies have been accepted only where the several localities appeared fully in earnest to maintain them, and only those men mustered, who upon rigorous examination were found able to do full duty. The result vindicates the wisdom of the statute. We have now an incentive to military duty, and a premium on good soldiership. It will be work and not play, a school of discipline for manliness. Seven companies with an aggregate of 413 men have been accepted. The appropriation intended to accompany the Act having been overlooked, no uniforms have as yet been issued, with the exception of overcoats for the two Portland companies, which are under orders to appear on duty. We can the better afford to expend money judiciously, because we have not expended any foolishly. These companies were not to be organized as a regiment. That especially I wished to avoid. 1st. They extend over too much space to be best handled in that way. 2nd. The rank of Colonel would be too low for the actual command of our whole effective force. 3d. This office being elective, the personal and local rivalries that would ensue would be harmful to good discipline. 4th. It was the pith of the whole plan to have these companies independent corps, responsible only to the Commander-in-Chief, and capable by the character of the men, their military knowledge, spirit and discipline, of being expanded into regiments and even brigades, at very short notice, with officers ready, competent and understanding. This I am satisfied is the right way for us, and at a trifling expense we may have a body of soldiers which might well be a pride and example as well as a defence to the State. Our present militia law is a good one and sufficient for all exigencies, and need not be touched.

A large lot of material accumulated in the Arsenals, and practically worthless to the State, has been very advantageously sold

under the direction of a committee of the Council, and the proceeds, \$2,564.61, paid into the Treasury.

The State Pension Law has been administered with much care. The whole number of applications for 1869 is 772. Of these 635 have been allowed at various rates. The whole amount expended to date is \$24,562. The pension year ends somewhat awkwardly, on the 23d of February, which constantly renders a complete report to the Legislature impossible. It would be better to make the pension account end with the year. It is estimated that some fifty claims more will be presented and allowed, rendering the whole number of pensions some 700, and swelling the amount paid for the full year to about \$35,000. These figures we may now regard as about the settled amounts of our liabilities on the score of pensions. The law and its application is now so well understood that few but meritorious cases will apply, and these, it may be presumed, are now nearly all in. It will be seen that the amounts received by the pensioners fall very far short of the maximum allowed by law, viz. \$96 each. The average is now very nearly \$50. The appropriation being limited, we are, of course, anxious to keep within the amount; while the applicants are so many that to render aid to all, the sum allowed to each must necessarily be small, and some have to be sent away empty, and perhaps rather summarily. You will doubtless continue this aid. It seems indeed pitifully small, compared with the great gift these widows and orphans and wounded men have made to the nation in her hour of peril. This pittance does not restore health, nor the son, or husband, or father. The guide of youth and the stay of age is smitten from their sight. The best we can do is poor—the most we can give is little. That at any rate we should do and should give. The cost of the pension office will be \$2,100 for the year. Perhaps some saving might be made and some other advantages secured by placing this business in the Adjutant General's office. The ordinary duties of that office will naturally be less as we gradually settle up the accounts of the war. One disadvantage would be obviated—the changing of hands each year. In all doubtful or disputed cases as now, appeal might still be had to the Governor.

The Board of Guardians of destitute orphans of soldiers and sailors have used such diligence as they could in fulfilling their trust. The duties of this Board are varied and wide. Besides receiving applications, they have to search out cases, visiting distant places for the personal inspection of reported destitution, and sometimes assuming the entire care of the homeless and unprotected. The result has shown many bereaved families, and much suffering. The number of orphans now on our list is 2,270. Of these, 1,200 have more or less been aided. Sixty have been abso-

lutely taken into our care, and most of them placed in those beneficent institutions which are well called Homes. The Orphan Asylum, at Bangor, has received twenty-five, and the amount paid for their support thus far is \$1,000. This Institution is not primarily devoted to orphans of this class. But the broad and tender charity that presides over it has admitted these little ones as a special favor, which we were authorized by the Legislature to accept. The Orphan's Home, at Bath, is now established under the most happy auspices. The conditions annexed to the appropriation of last winter were promptly fulfilled by generous citizens of Bath, whose names are already venerated for acts of charity, and a commodious estate was bought and refitted for the Home. It is not completely furnished as yet, but the space is ample, and with the benefactions which will follow, this institution will become the dispenser of many blessings. There are thirty-three orphans now there. The amount paid for their support is \$2,000. The whole amount disbursed up to the present time is \$11,230; remaining in the hands of the Board for disbursement during the next quarter \$2,920; expenses of the Board thus far \$850; making the total amount drawn from the treasury on this account for the year \$15,000, which leaves the balance of the appropriation, viz. \$5,000, unexpended and not drawn from the treasury. Whatever means you provide for the care of these orphans, it is a duty too sacred to be slighted. The alms-house, the hovel, and the street, are sad homes for the sons of martyrs.

## LEGAL.

The Attorney General suggests important changes in our law. Especially do I concur in his recommendation that the act of 1869 relating to reviews in capital cases, together with the related and consequent sections of other acts, be repealed. This was one of those acts hurried through near the close of the session without due consideration. Although impressed with grave doubts as to its constitutionality, and fitness to promote the ends of justice, I was in that brief time unable to prepare and present such reasons of public policy as would warrant me opposing an act which had the weighty sanction of a majority of the Legislature. I believe the intent and practical working of the law were not at that time fully understood.

The Governor and Council were instructed at the late session to provide for a revision and consolidation of the Public Statutes by contract or commission. After careful consideration it was deemed advisable to appoint Commissioners for that purpose. These gentlemen have been diligently employed upon their work, and their report will be laid before you at an early day. The matter of changing the phraseology, be it never so slightly, of existing laws

in order to harmonize and consolidate them, is so delicate a task that you will pardon me if I remind you of the close scrutiny with which such a revision must be examined before it is passed upon, making no doubt at the same time that the work of the board will be found in a high degree accurate and judicious. The period happens to be a critical one; the census about to be taken, the new valuation of property to hold for the next ten years, and various matters of unusual importance awaiting your decision, render it of the utmost importance that you should use the best discretion and foresight in repealing obnoxious or unnecessary laws, and in enacting such as incorporated into this revision may give it some chance of standing for ten years without being so mutilated and overlaid as soon to become almost without advantage.

The complaint is not unfrequently made that the administration of justice is not so prompt as it should be in this State. If this is so the remedy is beyond the reach of my suggestions. I am of opinion, however, that an injustice is done the court as well as the people, by reason of the fact that the Judges of the Supreme Court are required to travel over the length and breadth of this State without proper remuneration. I am not aware that this is the case with any other officer on public duty. It is well known the salaries of the judges are inadequate, and without derogating aught from that high reverence for the court which is naturally entertained by us all, and so especially commanded by the character of our present Bench, it is still by no means unnatural that a judge detained from home at heavy expense, every day making deeper inroads upon his scanty means of support, might become impatient of long terms, and in his anxiety possibly slight some duties. When it is the case as now, that the more one does the less pay he has, the tendency and effect it is not difficult to perceive. An unembarrassed, independent judiciary is of inestimable value. I would respectfully suggest that the actual circuit expenses of the Justices of the Supreme Court be audited and paid by the State.

It was made the duty of the Governor and Council to count and report the vote on the proposed amendment to the Constitution, authorizing the legislature to divide towns into voting districts. The whole number of votes upon this amendment was 5,186. Number voting "Yes," 2,809; number voting "No," 2,377. So the Constitution is amended accordingly.

The accounts of the State Liquor Commissioner and his method of doing business have been carefully examined and are found highly satisfactory. Some points remarked on in his report, will demand your attention. The practice of turning in confiscated liquors—always more or less impure—to the town agencies, taken in connection with the fact that we have provided a State Commis-

sioner who is paid and placed under bonds to furnish nothing but the purest liquors, which the town agents are imperatively required to purchase exclusively of him, is so absurd that good logic, if not good morals, demand that it should be prohibited.

It is proper that I should inform you that there seems to be a general falling off in respect for our liquor laws. The enforcement of these laws comes in no manner within the power of the Executive. It very properly devolves upon municipal officers, and the degree of their zeal and efficiency is measured by the prevailing local sentiment. It is not an unreasonable theory that the State should secure the even and impartial execution of her laws throughout her jurisdiction. So far probably all good citizens would agree; but the erection of a special police for the purpose mainly of enforcing the liquor law beyond, certainly, if not against the wishes of the municipalities, has been urged by some as a proper measure, and proclaimed by a few as a test of allegiance to the cause of Temperance. But in a government like ours one of the most delicate things which a State could be called upon to do, is to invade the ancient rights and dignities of towns, which the historian and statesman know are at the foundation of our liberties. It is still more difficult when the issue is upon a contested question of social ethics, or public morals, on which even good men might be divided, and bad men find pretext for giving the most dangerous passions way. The antagonism to excessive measures is likely to react against a virtue which all good citizens hold high.

Unfortunately we have made the experiment our own; and the salutary lesson to be learned from it may warrant me in taking public notice of it here.

A principle prized by all was arrogated by a few, and made the placard if not the watchword of a political organization. The result, as might have been expected, was to give to a worthy and a sacred cause the appearance of defeat. The cause has suffered, but should not be held to blame. Its very virtue was its misfortune. The strong hold which it had upon the hearts of the people was the occasion of its being seized upon to cover sinister intentions. Various elements of disaffection availed themselves of the confusion which their cries had raised, and rallied in a strange companionship, under a banner which had never been so entrusted to them, and which lost its consecration by their laying on of hands. The elements which conspired in this movement and the animus which impelled it, appear to have been so well understood by our people as to require no analysis by me. 4,700 votes in a total of nearly 100,000 after the unparalleled resorts of that campaign, prove that whoever else voted that way the Temperance men of Maine did not. They answer to a longer roll-call. They

muster a nobler host. The people of this State are a temperate people, and "in favor of temperance," if that can mean anything more. They are also a manly people. They do not fear to express their opinions, nor shrink from espousing any just cause. What they desire of right or expedient in their laws they will in their own good time have. But anything forced upon them contrary to their best judgment, and consequent upon their good nature alone, cannot be expected to receive their hearty moral support, or be productive of real good. It is a sad day, however, for the welfare of this State when any rash measure must be adopted simply because no one dares for a moment to question its expediency lest its champions should taunt him with infidelity to a creed of which they are not the chosen apostles, and anathematize him in the name of a power which they have usurped.

Gentlemen, I yield to no man in respect for the rights of minorities. This is the glory and nobility of liberty. Men may vote as they please and be protected. They may do and say what they please, perhaps; but not without being held responsible for the abuse of the privilege. And if I may be allowed the opportunity to advert to matters which, although of a personal nature, yet in their effects rise to the dignity of a public consideration, let me here deprecate the practice so recklessly resorted to in the last campaign, of aspersing the motives of official conduct, and of misrepresenting private character for political and sinister ends. So far as those efforts were successful, I fear they did no good to the cause of temperance, or to the young men of Maine. It is a regard for their welfare, and solicitude that those who have followed me on other fields may not be seduced to wrong ways, by the false fancy that they are following me still, that I ask you to let me lift my standard for a moment that they may see where I am. Let them not think that the record of a life-long loyalty is so easily reversed. I shall not seek safety in the lines of the enemy to escape the mutinies of the discontented, more anxious for their own way than for a right cause; nor turn back to camp because some raw recruit on picket, with the impetuosity of terror, unable to discern front from rear, or friend from foe, shrieks at me for the countersign.

Let us not, however, in our scorn of hypocrisy, or resistance to ill-judged or encroaching measures, be forced into a seeming antagonism to virtue, and to those who love and labor for its cause. But rather with cool brain and steady nerve, summoning all the agencies of good, whether of heart or hand, go on to practice and promote the things that are honest and pure and of good report. Those who join wisdom with zeal to promote virtue among the people, will labor to nourish a right public sentiment as well as to secure punitive enactment. Some margin must always be left for

differences of moral sentiment. Otherwise we might break down the public conscience. For one, however, I do not object to a law's being somewhat in advance of public opinion—that is, more stringent in its provisions than the people really like to obey. The requisitions of even an impossible virtue may avail for good. Its broad, high aspect may strengthen and hold up some that would otherwise fall before the influence of bad surroundings, and the terrors of its penalty might cool the recklessness of some who would not be restrained by milder persuasives. But when a law is widely different from the people's judgment, and provokingly contrary to their wishes; then, instead of expecting it to go on crushing its way like an unrelenting law of the universe, it would be better to look for one that takes some cognizance of human conditions, and reach out a hand that will meet half way the trembling instincts of good. These are questions which go to the foundations of society. Indeed it may be said that wisdom consists in seeing the practical points of contact between the abstract and the human right. For the human law is not as the divine. That declares the ways of absolute Justice and the inexorable Right. But the object of human law is to protect individual rights so that every man may be free according to his own conscience to work out his obedience to the higher. Any law, therefore, which proposes to abridge personal rights, should be ventured upon with the utmost caution, and administered with the widest charity. There are other things to be thought of besides restraining men from the use of intoxicating drinks. Although this be a parent of crime, and begets monsters from which all the good avert their faces and seek to save their fellows, yet we must not expect that it can be wholly subdued and driven from among men. The laws against intoxicating liquors have been as well executed and obeyed as the laws against profanity, theft, unchastity or murder. Even if they are executed, they will not avail to extinguish crime, nor banish evil from the hearts of wicked men. We must consider what can be done. Restrain and intimidate as much as you can by law; it is only by the Gospel still that men can be converted from evil.

I see no reason why measures for the promotion of temperance should not be approached as calmly, and, if need be, as boldly as any other question of so much moment. Nay, it is such questions as these, most of all, which demand the full measure of your wisdom, your candor and your courage.

#### MATERIAL INTERESTS.

Agriculture, considered in reference either to the amount of property it represents, or to the numbers employed in it, stands at the head of our material interests. Our wide and thinly settled

territory, while it makes this a leading industry, still gives it a certain character which is in some respects unfortunate. The tendency is to too much breadth, and too little skill. If farming is a hard business at the best, then we cannot afford to do it otherwise than well. But of late we see more thoughtfulness and more courage. The best agencies are brought to bear upon this interest, and the discussions and Reports of the Board of Agriculture show what sturdy good sense and what fine talent these pursuits may develop. Farming is rather a hard way to get rich, but it is a good way to be independent. And I think as a general thing farmers are far happier and more comfortable than any other class of men who work as hard, whether with hands or brains.

I have upon other occasions endeavored to express my sense of the importance of this great branch of our industries, and I shall not now venture more than two suggestions;—that we do not waste our forests, which are more valuable than we have been taught to think; and that we try to raise our own breadstuffs, and save the enormous loss of paying three or four profits on foreign grain, and twice as many more on its transportation.

The Commissioners on the settlement of our Public Lands, will make their report to you. It has not passed under my eye. I learn, however, that well-matured and feasible plans are proposed for encouraging worthy settlers on the rich lands now lying idle. It is a little curious, to see that everybody who really examines the subject of Swedish immigration, whatever may have been his prejudice from the failure of imperfect experiment, comes to a warm support of the measure. I confess I can see no reason why we should not make good work of this, as well as the Western States, who find it an element of wealth and power. A little retouching of our color by the infusion of fresh, young Northern blood, would do us no harm.

Two instrumentalities, which will powerfully aid us in proportion as they flourish, are Manufactures and Railroads. It appears to me that the last few years have witnessed such an awakening of interest in these matters as almost to mark an epoch in our history. Capitalists from abroad are beginning to understand our extraordinary facilities, and improve their own opportunities; yet much—almost all—remains to be done. I will not weary you with iterations upon our wants and our advantages—you already know them, or you may. The now completed work on the Water-power of Maine, which I cannot mention with any feeling less than that of pride, I commend to your careful perusal, and for a wide distribution. You cannot contemplate the astonishing results so admirably presented in this report without seeing where our nearest way to prosperity lies, and what is yet

to be the work and the wealth and the fame of Maine. Shipping has been our glory, but we shall look in vain for that preëminence to return. Causes more powerful than any within human control have turned the tide from our shores. Still our power is in the waters. We may lay hands upon their wild career and ask of them a service and a blessing ere they mingle with the sea. We must foster this great interest which is the hope of the State. We must do it generously, yet judiciously. We have still to bear the sight of our noble powers running wild, our rich materials lying waste, waiting the magic touch of mind and skill; our abundant products sent away, raw, or rudely shaped, to receive their chief value elsewhere. To export abundance of raw material is thought by some to be great prosperity; though the most that they receive in payment is a portion of the same material finished into costly fabrics for a thousand uses, by the skill of other hands. This may do where civilization has not much advanced, but does not seem a wise policy for a State which is mature, and has abundant facilities for manufacturing. Take for example one of our common trees, worth in the rude shape we give it for the market, say twenty dollars. Now set talent and skill at work upon it, fashion it for all the fine uses and finish it to the high perfection which sooner or later it would have found elsewhere—put \$100 worth of such work upon it and you have made it worth \$200. You have done more. You have gained the countless advantages of cherishing the industry and skill, the talent and character employed upon it. Carry this out on a large scale and into all the fields of enterprise that invite us on every side, and you are doing something for others as well as yourselves. You encourage diversified industries and increase wealth. You lend a helping hand to humble toil and honest ambition. You quicken hope, and pride, and higher aspirations. You carry life into deserts, and happiness into homes. This I somewhat more than fancy is the right policy for a State like Maine, with her unparalleled advantages, and her strong sinews anxious and eager to be at work.

Then as to Railroads, we are doing all that is possible. More than 250 miles of new road are now building in many directions, wherever enterprise points. The great road which connects us with Halifax,—hence already freighted with so many stirring hopes of good—now lacks but about fifty miles of completion; to secure and hasten this, the State has already made generous gifts, and an effort is to be made to induce Congress to recognize the claim assigned to the road by Maine and Massachusetts. We trust this may be successful, and that the year may witness the consummation.

In the west, too, we have openings which are scarcely less, if not indeed more, in their promise of good. The courage and energy of Portland, in undertaking the task of cutting her way through to the great lakes and the greater west, forming thus a link in the magnificent continental chain, has already ensured victory. Other efforts as worthy I can scarcely name here, but they also deserve our interest and care.

The Railroad Commissioners make valuable suggestions in their Report, which I commend to your attention. The feature of immediate interest which will come before us, is the proposed consolidation of prominent lines in the State. If this means to place the public at the mercy of a monopoly unrestrained by responsibility to the State, and relieved from the checks of competition, I cannot recommend it to your favor. But, this probably is not the case. The roads, however, have already the power to consolidate to all practical intents, by lease. What they want I understand is, that the rights they already severally have be brought under one organization and legalized, so as to economize their own efforts, and provide better securities for their public obligations. It is not the mere authority to fix times and rates. That they already claim to have. I do not believe, however, that they are independent of the State. Whatever their charters may contain, I do not believe it is competent for a State to grant away her powers over great public thoroughfares like these. It is to cede away her "right of eminent domain." These corporations took private property for public uses. Have they no responsibility to that public for whose uses this property was taken? It is the indefeasible duty of the State to take care of herself, and of her citizens. Everything is hers, if need be,—our fortunes and our lives. Shall railroads claim immunity? With this understanding, I need not feel it necessary to oppose consolidation. There are manifest advantages for the State in it. 1st, We may take the occasion, if there is any doubt, to declare or reaffirm the ultimate right of the State over the roads. 2d, The public convenience may be thereby facilitated. 3d, Better securities based on the whole property and franchise would be given in exchange for old ones. 4th, The wrangling which railroads have indulged in before the Legislature, and the political control which they have sought, would be entirely at an end. 5th, It would be a saving of money and strength. These things I can see in favor of the measure. But I leave the decision to your better judgment.

The things we have been considering are great matters. We must not let them drift; but seize them with a strong hand, and wield them for the common welfare. It is not enough to call a power into exercise; we must be able to guide and control it, and

shape it to useful ends. We must be ready when the incubus is lifted from enterprise, and the bolts thrown back from capital, to receive the influx of strength and population that will surely come, and to take part in the great reciprocities of civilization which are as the tides of life to nations.

Gentlemen, we have reached the fiftieth year of our existence as a State. We are not ashamed of her history. One of the earliest in discovery and colonization, she is one of the latest in the development of her resources, and the fruits of civilization. Yet all the obscure trial and toil that have intervened wrought for the times that were to come. The State sees her place and owns her duty; and does not spurn the task that enfolds the triumph. The gates of Destiny are opened, and she enters on her proud career. We shall watch with admiring interest, and help with untiring toil her onward way. Nor can it be that we hope and prophecy in vain. Our work may be obscure and the reward far off; but both will live. The early discoverers of this territory foresaw the future, and foretold its glory. Then by reason of human weakness and immature times, they fell short or perished. Then came two centuries of dull mechanical advance—slow moving by mere force of physical laws, without any grand mastery of mind and inspiration of idea. But in fact beneath this dull and lifeless seeming, forces were in preparation, elements in ferment, and germs maturing, which were in due time to ripen into blessings of which all that work and waiting were actual powers. The seeming death foretold and foreordained the life. The thrilling story of the voyagers rang round the world, and seemed to have rung itself away. But it is heard again coming round on the other side, swelling with the yet more wondrous harmonies of prophecy fulfilled.

So we may be "building better than we know." Our humble works wrought in faith are regenerated by a mightier spirit than that in which they were conceived, and built into loftier monuments than our hands have reared. We pass and are forgotten; but amidst the silent or tumultuous years our good deeds are working free from the taint of our imperfection, and stand solid and shining in the perfect day. God deals with men as the melter of metals. He puts the earth-mingled ores into his crucible, and seals it up in fiery furnaces, out of view. Men forget it, but He does not. In the fullness of time it is opened—lo, on one side the dull earth, on the other the glittering ore. Surely, He "sits as a refiner of silver."

He who thinks of these things will be humble, but will not be idle; trustful but not spiritless; reverential but not afraid. He is the true worker, heir of the ages past, and testator to the "all

hail hereafter." It is thus that they who labor must also wait; that they who are faithful shall endure. It matters little what becomes of us, if we so conduct our great concernments that they who come after us are thereby made wiser and better than we. It matters little that our poor toil seems buried in the dust, if so be that it shall spring up again to bless the coming time.

The ways of Providence seem slow to our brief, impetuous lives; but they are swift in the centuries of God.

JOSHUA L. CHAMBERLAIN.