

MAINE STATE LEGISLATURE

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FOR THE YEAR A. D. 1839.



VOL. 1.

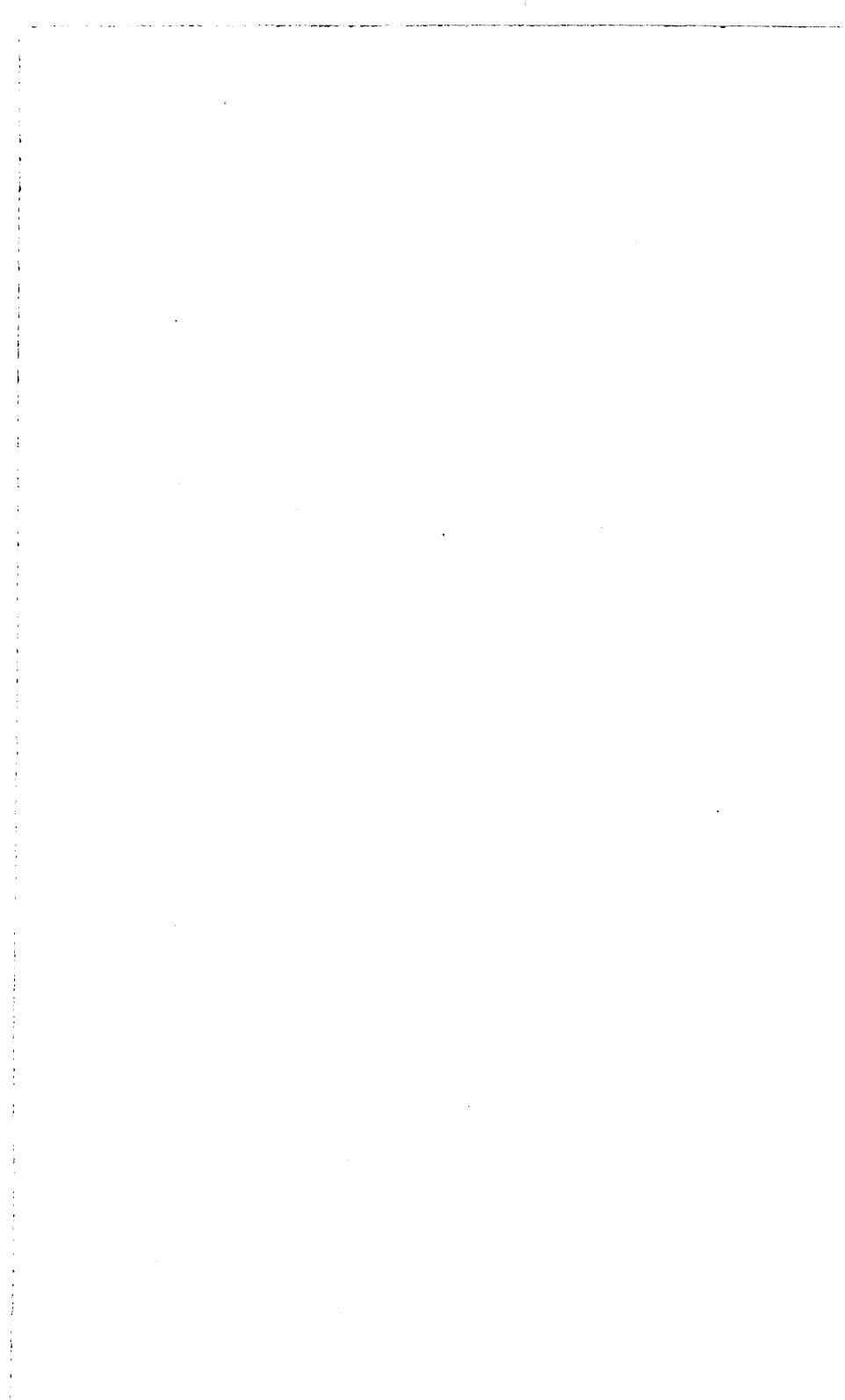
AUGUSTA:
SMITH & ROBINSON, PRINTERS TO THE STATE.

1839.

MESSAGE
OF
GOVERNOR FAIRFIELD,
TO
BOTH BRANCHES OF THE LEGISLATURE
OF THE
STATE OF MAINE,
JANUARY, 1839.

Augusta:
SMITH & ROBINSON,.....PRINTERS.

1839.



M E S S A G E .

*Gentlemen of the Senate and
House of Representatives :*

FOR the highly favorable circumstances under which we enter upon the discharge of the respective duties assigned us by the people of this State, there is due from us to the GIVER OF ALL GOOD, the expression of a profound sense of gratitude. The voice of health is heard within our borders—the reign of peace is still undisturbed—submission to the laws is generally and cheerfully yielded—confidence in the form and principles of our government remains unshaken—labor is permitted to enjoy the bread it has earned—the earth has yielded an abundant harvest—and industry in most of its various branches has been crowned with a good degree of success; and if somewhat of embarrassment has been experienced by a portion of our citizens, in relation to the monetary affairs of the country, we may rejoice in believing, that it has arisen from causes, as temporary in their nature and operation, as they were unjustifiable in their origin. The day of “panics” and “pressures,” with all its train of individual

suffering and public inconvenience, has gone by, and from the want of success in its authors, I trust, not soon again to be renewed. True virtue, intelligence and patriotism, are not to be subdued by any amount of physical suffering. Property is perishable, while principle is eternal : and none better know and appreciate the distinction, than those, who, having their birth in a land of freedom, and enjoying the inestimable rights of self-government, are deeply imbued with the true spirit of liberty and independence. No attempt, I am well persuaded, on the part of associated wealth, or any power, political or otherwise, to coerce the people of this country to yield their assent to measures which they believe to be highly pernicious, and destructive of their dearest political rights and welfare, can ever prove successful. Upon this point our most sanguine hopes have been abundantly confirmed by the history of the last few years.

From a temporary depression, business has, happily, revived; and is now pursued by our citizens with that enterprise and zeal so characteristic of them, and which seldom fails to ensure a corresponding success. And may we not entertain the hope, too, that the lessons of the past, fraught as they have been with severe instruction, will not be entirely unheeded by those who are starting anew upon the great theatre of business and enterprise.

In attempting, for the first time, to discharge the duty imposed by the Constitution, of giving the Legislature information of the condition of the State, and recommending to their consideration such measures as may be judged expedient, so full and perfect information probably will not be expected, as would be required of one heretofore connected, in some way, with the government of the State.

For the condition of the finances, I refer you to the Report of the Treasurer. You will undoubtedly take early measures to provide for the demands upon the Treasury, including the amount to be paid for bounties upon the production of wheat and corn, as well as to provide for the expenses of the government the current year. A loan, I think, can be effected upon easy terms; and considering the amount to be raised, a resort to taxation, at this time, for the whole, probably will not be thought of.

Under a Resolve of the 23d of March last, the Geological Survey of the State has been continued, under the direction of the distinguished gentleman heretofore having charge of that service. The duty imposed upon the Governor and Council, of laying before the Legislature a "detailed account of the progress of the survey, together with the expenditure in prosecuting the same," will be performed as soon as practicable. When the great benefits that

may result from this survey, at so comparatively trifling an expense, are considered, I cannot forbear to recommend its further continuance.

An appropriation will be needed to complete the Insane Hospital, and render it fit for the reception of those unfortunate persons for whose benefit it is designed. I trust, that so noble an undertaking—one, so creditable to the munificence of individuals and the State, will not be permitted to languish, especially, in a stage of its progress so near completion.

The "Poor Debtor law," as it is called, seems not in all cases to have answered the benign object of its authors. An ambiguous phraseology has led to a variety of construction and practice, defeating its design, and involving consequences of no inconsiderable importance. It is neither in accordance with the spirit of the age, nor with the dictates of an enlightened philanthropy, that man should have the power of incarcerating his brother in a dungeon, like a felon, for mere inability to perform a civil contract. At the same time, justice requires, that the creditor should be furnished with every reasonable facility for obtaining satisfaction of his debt from the property of his debtor. While the personal liberty of the poor but unfortunate debtor should be sacredly preserved, the fraudulent con-

cealment of property should be regarded as criminal, and punished accordingly. On a careful revision of the law, it is hoped you will be able to remedy its defects, and render it more promotive of both justice and humanity, than it now seems to be.

The long standing question touching our North Eastern Boundary, I regret to be obliged to say, still remains open and unadjusted. How much longer the pacific temper of Maine is to be taxed, not only by the continued assertion of an unfounded and preposterous claim of title to her territory, but to exclusive possession until the question of title be settled; or how much longer her patience is to be tried by the tedious and unjustifiable procrastination heretofore indulged, remains to be seen. For myself, I am persuaded such a state of things cannot much longer continue. A struggle of arms, it is true, is but a poor arbiter of right between contending parties, and is a calamity too dreadful to be lightly hazarded. But there is a point beyond which forbearance would be more than pusillanimity. It would be dishonoring our noble ancestry, and committing treason against those who are to succeed us. The general government must soon feel it to be its unavoidable duty to insist upon a termination of this question—peaceably, if possible, but at all events and at all hazards, to see it terminated.

If, however, the general government, under no circumstances, should be disposed to take the lead in measures less pacific than those hitherto pursued, yet, I trust, we are not remediless. If Maine should take possession of her territory, up to the line of the treaty of 1783, resolved to maintain it with all the force she is capable of exerting, any attempt on the part of the British government to wrest that possession from her, *must* bring the General government to her aid and defence, if the solemn obligations of the Constitution of the United States be regarded as of any validity.

This step, however, is only to be taken after the maturest deliberation. Once taken, it should never be abandoned.

The course pursued by both branches of Congress during its last session, (in addition to the strong views expressed by the President,) in the unanimous adoption of resolutions recognizing and asserting, in strong terms, the justice and validity of our title to the full extent of all the territory in dispute—and the determination, manifested by prominent members in both Houses, to stand by us in every event, is one among the few encouraging circumstances which surround the case, and which cannot, I think, be without its effect upon the hitherto pertinacious injustice of the British government.

If you should not deem it necessary that there be immediate action upon this subject, circumstances may render it proper for me to make some further communication to you in regard to it, before the close of the present session. But whatever course you may think best to adopt, to secure to Maine her just rights, I can assure you of my hearty co-operation. And if rashness do not guide our counsels, but our positions be taken with wisdom and prudence, and then maintained with a firmness unflinching and inflexible, a successful result to this long pending controversy is beyond a reasonable doubt.

The Militia has long been a fruitful subject of discussion, if not of complaint. By some, it is regarded as unequal and oppressive in its operation—imposing an unnecessary tax upon the time of the people—and as a means of defence, inefficient and useless. But making the most liberal admissions as to its defects, still I trust that the large body of the community have a more just estimate of its value and importance, and regard it with those feelings which would seek rather to reform than to abolish. It is a system, republican in its principles—wise and patriotic in its design—and eminently adapted to the feelings of those, who imbibe with their earliest notions, a dread of standing armies. Far be the

day, when any permanent and principal means of defence shall be preferred to a *citizen soldiery*.

That the present Militia laws are defective, and, that the changes of the last ten years have brought little or no improvement with them, is clear. It is hoped, however, that some plan may be devised by which existing defects may be cured, and a greater degree of military ardor excited.

A Bill is now pending before the Congress of the United States, which, if enacted, may in some measure have this effect. It reduces the aggregate number of the militia, by embracing citizens only between the ages of twenty one and forty. These are divided into two classes—the first to be denominated the “active militia,”—and the other, the “general militia.” The first class composes one tenth only of the whole number—and these, for their improvement in military science and discipline, are to be encamped and perform duty six successive days annually, according to the system prevailing, for the time being, in the regular army. Tents, camp equipages, &c. to be furnished by the United States, and a compensation of one dollar and fifty cents a day to be paid from the national treasury.

This plan, it appears to me, has much to recommend it, and if adopted, would give us a militia,

while not unwieldy, yet sufficiently large for all practical purposes, and capable of acting with all the efficiency of regular troops.

It is hoped that the bill alluded to, will pass into a law the present session of Congress. If it should not, perhaps a plan similar in principle, if not in detail, might, with great advantage, be adopted for this State. The existing state of affairs, particularly in reference to our boundary question, renders some action upon this subject extremely desirable.

The condition of our "Independent Companies," so far as my information extends, is truly gratifying. They seem to be animated by a right spirit, and exhibit a degree of military skill and discipline, highly creditable to them and to the State.

Among the various subjects that will demand your attention at the present session, that of the Judiciary is, perhaps, not the least important. The business of our Courts has accumulated to that degree, that it is physically impossible for the present number of Judges, however able and industrious they may be, to dispose of it, without great delay, and serious inconvenience to the citizens. This is an evil that should be early remedied. Under a government of laws, and in a community enlighten-

ed as our own, not only the purity and ability of the Judiciary, but its adequacy in all respects to the exigencies of society, must ever be regarded as indispensable. The slight enhancement of the expenses of the government, which an increase of the number of the Judges would create, is a consideration, which probably would not have much weight with your constituents in a case of this kind.

Permit me, therefore, to recommend that provision be made for appointing at least one additional Judge for the Supreme Judicial Court, and a like addition for the Court of Common Pleas, if you should deem it best to permit the present system to remain unchanged.

It must be a source of sincere gratification to every one feeling an interest in the cause of human improvement, as well as to every well wisher of his country and its institutions, that the subject of education, especially in connexion with our primary schools, is beginning to receive the attention it so richly deserves. Based, as our free institutions are, upon the virtue and intelligence of the people, the cause of common schools, I trust, will ever command the fostering care of the Legislature. And every friend of religion and of morals—every one desirous of witnessing a ready obedience to the laws, the prevalence of temperance, virtue and

good order in the community, may here find an ample field for his most strenuous and untiring efforts. Upon this subject, you, as legislators, can hardly do too much. The most anxious solicitude—the most unwearied exertions—the amplest expenditure, will scarcely fail to secure a rich and enduring recompense.

While it is admitted that our system, or that prevailing in New England, combines advantages surpassed, perhaps, by few others, if any, in the world, still, that there is much, very much room for improvement, no one can doubt who has turned his attention at all to the subject. The best mode however, of effecting this, is left for your united wisdom and experience to devise.

Without pretending to any superior knowledge in regard to this matter—and being much more willing to follow a well chosen track, than ambitious to originate new ones, I would suggest for your consideration, whether the establishment of a board of education, with an active, zealous and efficient Secretary, to collect information touching the existing state of our Schools—present modes of instruction—qualifications of teachers—construction of school houses, &c. and to disseminate information upon these and kindred subjects, by lectures and otherwise, similar to the course adopted in Massachusetts,

might not be found to be the most judicious mode of beginning the great work of reform and improvement.

And whether a Seminary might not be endowed, or a department in some existing institution exclusively devoted to the education of teachers for our common schools, is well worthy of consideration. Our ideas, however, must necessarily be somewhat indefinite, as to the precise means of improvement, until the statistics upon this subject have been faithfully collected.

If the establishment of such a board as has been suggested should not yield all the benefits now anticipated from it, yet it is believed, that, if it do nothing more than to awaken public attention, and induce more reflection and comparing of opinions upon the subject, that such an impetus will be thereby given to the cause of education, as will amply compensate for all the time and expense bestowed.

Several very valuable publications upon the subject of education having lately been put forth, I would further suggest, whether extracts from them, under the supervision of a suitable committee, and a republication of them at the public expense, for liberal distribution among the people, would not be

eminently useful in promoting juster views, and exciting a more ardent interest in the great cause of common school education.

A question of considerable importance, is presented to you, in relation to the repeal or continuance of the law bestowing a bounty on the production of wheat and corn. If it is to be regarded as the commencement of a system—a part of the permanent policy of the State, its continuance will be a matter of course. But if, on the contrary, it should be viewed as a temporary expedient—a mere experiment to test the capabilities of our soil and climate, and to ascertain to what extent we might render ourselves independent of other States, for one of the necessaries of life, you may perhaps consider the end as having been accomplished.

Of this, however, you are the proper judges. Coming as you do from all parts of the State—representing the various interests of our constituency—and being well acquainted with the public sentiment upon this, as well as other subjects, you will undoubtedly pursue such a course as shall not only be the result of enlightened reflection on your part, but prove entirely satisfactory to those whom you represent.

The interest of agriculture must ever command

the favorable regard of the Legislature, constituting as it does a branch of industry which lies at the foundation of all others—and contributing, perhaps, more than all others, to the supply of our wants, as well as adding immensely to the real wealth of the State; and in reference to the whole country, furnishing at least nine-tenths of the whole amount of our exports.

If you should conclude to repeal the law conferring bounties on the production of wheat and corn, it may fairly serve as an additional stimulus to your desire to do something in promotion of the cause of agriculture in some other mode.

Perhaps the establishing a board of agriculture, or the appointment of an agent, one or both, similar to the plan suggested upon the subject of education, might exert a more general as well as beneficial influence over the State, than any other course that could at present be adopted. Much good, I think, could be effected by this means, in diffusing more generally a knowledge of agricultural chemistry, inducing the adoption of improvements in agricultural implements, and improved modes of culture—by exciting a spirit of emulation among our farmers, and causing a more just estimate among the young men of our State, of the honorable as well as useful character of the employment itself. There are

various ways in which such a board or agency might prove highly useful, too obvious to require enumeration here.

For some reason, perhaps better known to you than to myself, our County Agricultural Societies have not excited so deep an interest in the farming community as was expected, nor have they consequently been so efficient agents in promoting the design of their establishment as was anticipated. The members of these societies, however, are highly deserving of our thanks for their efforts, and entitled to our more hearty co-operation with them hereafter. I trust that if any thing can be done, by way of donation or otherwise, to add to their number and to increase their usefulness, that no formidable objection will be found in the way of your doing it.

The subject of internal improvements is one of great importance, and highly deserving of your most earnest and deliberate attention, especially as it is believed that a considerable contrariety of opinion prevails in regard to it, among your constituents.

Strong, and to my mind, insuperable objections have heretofore been expressed by this State, to a system of Internal Improvements conducted by the General Government. That government being one of limited powers, its authority to institute such

a system, has been constantly denied and resisted. But, aside from the constitutional objection, the adoption of such a system has been believed to be fraught with incalculable mischief. The general scramble which it creates for governmental favors—the bargaining it induces among members of Congress, exchanging votes and influence, for the votes and influence of others—the grouping all the appropriations into one general bill, thereby compelling members to vote for what they know to be wrong, or lose appropriations which they believe to be right; are a few among the many circumstances which are calculated to lower the tone of moral feeling among the members, if not to eventuate in a systematic course of gross corruption and fraud. Besides the injustice of collecting large sums of the whole people, through an exorbitant tariff, to distribute again to a small portion only, is strikingly apparent. Nor, if the thing was right in itself, could appropriations be expended by the General government, under that vigilant supervision, and with that prudence and economy, which might reasonably be expected of the agents of the States.

Many of these objections, however, do not exist against the adoption of a system of Internal Improvements by the individual States. To their action no constitutional objection is interposed; the question, therefore, with them, is purely one of expediency.

But, is it necessary that we should adopt one or the other of the two extremes upon this subject? Must we follow the lead of some of our sister States in the west, who are now involving themselves in a debt of million piled upon million, borrowed from abroad, the interest of which may hereafter absorb much of the hard earnings of the people? or must we, on the contrary, bury our resources, hug our wealth with the miser's grasp, and lag behind all other States in the great highway of improvement? I apprehend not. One would, for us, perhaps, be as unwise and impolitic as the other.

It appears to me, that a just and happy medium between these ultra courses, is easily attainable—one that shall be adapted to the business and exigencies of the people, and corresponding, in some measure, with the means at our command.

My information is not sufficient to enable me to go into detail upon this subject, if I was so inclined. I would, however, suggest, that there is one class of improvements, which, in my opinion, should continue to receive the favorable attention of the Legislature, viz: that of making roads through the public lands. The sale and settlement of these lands will be thereby promoted, and some of those conveniences extended to the hardy and enterprising pioneer of the forest, to which he is so pre-eminently entitled.

Perhaps, also, certain streams might be cleared of their obstructions, and short canals cut, at comparatively trifling expense, by which our vast interior might be rendered accessible, and its immense and invaluable resources made available to the purposes of business.

These and similar improvements, probably may be made from the avails of our public lands, and without loading the State with an enormous foreign debt. They are a benefit to the whole people, and may be done gradually, as our means may permit, and as the growing wants of our rapidly increasing population may require.

Our public lands will necessarily, for many years to come, constitute an important subject for legislative attention. A constant and vigilant supervision over them, is demanded from the peculiar exposure of the growth upon them to the depredations of the lawless, their immense value as a source of revenue to the State, and their still higher value as a means of adding, by a hardy, enterprising, and virtuous population, to the growing prosperity and importance of our State.

In the management of these lands, the true policy unquestionably is, as recommended by several of my predecessors, to facilitate the sale and settlement of

those fit for cultivation. Low prices, a reasonable credit, convenient roads built at the public expense, liberal reservations for schools and the support of the ministry, are among the most efficient means for accomplishing this object.

Those that are principally valuable for the timber growing upon them, may be sold more with a view to pecuniary considerations; especially, as to these we must probably look for the means to discharge the public debt, if not to defray, in part at least, the ordinary expenses of government.

At present I am not prepared to recommend any important changes in the system now in operation. If any considerable defects exist, your own sagacity will undoubtedly detect them, and your care for the interests of your constituents supply the remedy.

I cannot close this communication without recommending, that, in regard to the public expenditures, you adopt a system of rigid economy. Not only does the state of our finances render such a course peculiarly proper at this time, but a constituency, distinguished as well for their frugality, as for their justice and liberality, expect it at your hands.

Sudden and important changes in laws with which the people have been long familiar, and which

have received a construction by the long practice of the community, if in no other way, should be made with great caution. Nor, should our statute books be unnecessarily cumbered with new laws, called for by no peculiar exigencies of the people. More evil results from excess of legislation than from want of it. Besides, a good government interferes as little with the liberty of the citizen, as is compatible with the restraining of wrong, and the maintenance of safety and good order in society.

If you find yourselves occasionally differing upon questions that may come before you, particularly those involving your peculiar political opinions, I trust that that difference may be entertained without hostility. The human mind is not so constituted as to ensure unanimity of opinion upon any subject. It is no more to be expected that men should think alike, than that they should look or act alike. While therefore, each is tenacious of his own entire freedom of thought and opinion, let that freedom be enjoyed with all that charitableness, towards those who differ from him, which a sense of justice and an enlightened toleration would seem to require. This spirit of charitableness and courtesy, it appears to me, is in no wise incompatible with the most ardent attachment to one's principles and party. Uniting, then, with such feelings, though on many points with antagonist principles, may we not

oftener find a common ground upon which we can cheerfully and successfully co-operate in the promotion of the public good.

That our united labors may all tend to advance the true interests of the State, and secure the welfare and happiness of this people, let us not fail to look for support and guidance, to **HIM**, whose goodness never fails, and whose wisdom never errs

JOHN FAIRFIELD.

COUNCIL CHAMBER, }
January 4, 1839, }

STATE OF MAINE.

HOUSE OF REPRESENTATIVES, }
January 4, 1839. }

Read, laid on the table, and 3,000 copies ordered to
be printed for the use of the House.

CHARLES WATERHOUSE, Clerk.