

MAINE STATE LEGISLATURE

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DOCUMENTS

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THE LEGISLATURE

OF THE

STATE OF MAINE,

DURING ITS SESSION

A. D. 1844.

AUGUSTA:
WM. R. SMITH & Co., PRINTERS.

1844.

MESSAGE

OF

GOVERNOR ANDERSON,

TO

BOTH BRANCHES OF THE LEGISLATURE

OF THE

STATE OF MAINE,

JANUARY, 1844.



AUGUSTA:

WM. R. SMITH & Co., PRINTERS TO THE STATE.

1844.



M E S S A G E .

To the members of the Senate
and House of Representatives:

Our system of annual elections will frequently bring into places of high responsibility persons who have had the benefit of no previous experience in the respective situations they are called upon to fill; and at times will devolve upon new and untried hands, the most important political trusts.

In assuming the duties assigned me by the suffrages of the people, I cannot be unconscious of the force of this observation, nor unmindful of the deficiencies in myself, which it necessarily implies. There are, however, many advantages in the changes which our system of popular elections is calculated to produce. If the State is sometimes temporarily deprived of ability matured by long experience in some particular branch of the public service, a more certain reflection of the popular will, a deeper sense of immediate dependence upon the people they serve, and a nearer responsibility to the tribunal of the public on the part of those intrusted with political power, is created and secured.

Distrusting, therefore, my own abilities, I yet enter upon the discharge of the responsible functions committed to me, with a confident reliance upon a disposition honestly

and faithfully to discharge them ; and with a firm persuasion, that in a resolute purpose of fidelity and zeal in the public service, will be found the safest guarantee for their proper performance.

Among the subjects which will claim your earliest consideration, that which involves the care of our State finances may be regarded as of paramount importance. The large amount of our State debt, and the necessity it creates for the imposition of a heavy tax, at a time when the pecuniary embarrassments of our fellow citizens render them the least able to bear it, has occasioned serious uneasiness and anxiety in the public mind, and the community now look with deep solicitude to the proper authorities of the State, for such a wise and frugal administration of its finances as shall lessen as far as possible, the public burdens.

At the date of the last annual report of the Treasurer, the whole funded debt of the State amounted to about \$1,700,000, redeemable at different periods, and most of it bearing an interest of six per cent. Since that time there has been received from the general government under the provisions of the late treaty with Great Britain, the sum of \$150,000 ; there has been allowed and paid to the Treasurer, the further sum of \$207,000, being the whole amount appropriated by Congress, in payment of the expenses of our civil *posse* upon the disputed territory ; and of the claim for military services incurred in defending our northeastern frontier, \$76,000 has also been received. These items make an aggregate of \$433,000. There still remains due about \$200,000, some of which will require a new appropriation by Congress before it can be

paid ; a portion of this balance has been passed upon by the proper accounting officer, and will probably be paid during the present year.

The large amount paid into the Treasury by the Land Agent, with the other ordinary sources of revenue, has enabled the Treasurer to meet all the liabilities of the Treasury during the past year, including the interest upon the public debt ; and the whole sum received from the general government may be available to the payment of so much of the principal. In pursuance of the Resolve of 24th March, 1843, the sum of \$62,000, consisting chiefly of the six per cent. stock of the State, has been redeemed by the Treasurer ; but the terms of the resolve having limited that officer to the par value of all the stocks, the sudden and unexpected appreciation in the market value of all safe public securities, has prevented the redemption of any further sums. The Treasurer's Report will therefore show, after meeting all the current expenses of the year, including interest upon the public debt, and the payment of \$62,000 of the principal, the sum of \$388,000 remaining in the Treasury. Assuming it to be the deliberate sense of the Legislature and the people, that the debt of the State shall be extinguished as rapidly as possible, it is unfortunate that a somewhat greater latitude had not been allowed to the Treasurer by the resolve referred to. A considerable portion of the large amount now in his hands, was received early in the year, and had he been authorized to pay a small premium upon the State securities, nearly a year's interest would have been saved to the State. There will become due in February and March of next year, a large amount of the six per cent. stocks, and in 1848, about \$120,000 of the

five per cents. will be also payable. It is believed, that these portions of the debt may be purchased at a trifling advance, and it would, unquestionably, be for the interest of the State to cancel these claims, even by the allowance of a small premium, rather than to incur the hazard of investing, for so short a period, the money on hand. I would therefore respectfully suggest the expediency of so enlarging the authority of the Treasurer, as to empower him to purchase upon the best terms, so much of the State stock as the amount of money now in the Treasury, together with that to be received from the general government during the year, will enable him to procure.

Should the whole amount expected from the general government be paid to the Treasurer during the present year, and none of it appropriated to other objects, as I trust it will not be, upwards of \$600,000 of the State debt may be extinguished. There will then remain the large sum of \$1,100,000 to be provided for in some other way. To meet the interest upon this sum and to defray the ordinary charges upon the Treasury under the present scale of expenditures, a heavy tax will still be necessary, and unless considerable reductions be made in the public expenses, or the means of the Treasury be enlarged by other sources of revenue, no diminution of the present tax can be safely contemplated.

It will be seen from the foregoing statement, that the whole amount of the State Tax, together with all the other incidental receipts into the Treasury, have been but little above the sum required for the expenses of our State government, and the payment of the interest upon the public debt during the past year; and that even in the

event of the reduction now contemplated in the principal of the debt, with the same rate of receipts and expenditures, but little would be left at the end of the present year towards its further liquidation.

It has been proposed to diminish the calls upon the Treasury, by transferring the payment of costs in criminal prosecutions to the Treasuries of the several counties in which they may accrue. The advantages of this change are fully set forth in the last annual report of the Treasurer, and the reasons there given in its favor seem to me conclusive as to its expediency and propriety.

Prior to the year 1833, the yearly tax paid by the Banks was applied to the use of the State, and formed a considerable item of income to the Treasury. It was at that time withdrawn from the general purposes of the Treasury, and converted into an annual School Fund, since which it has been distributed to the Towns for the encouragement and support of our common schools. Under the pressing exigencies of the last two years, it has been proposed to recall this sum for the uses of the Treasury; and its reception by the Treasurer would doubtless form an important and acceptable item in aid of his resources. The reluctance hitherto manifested by the Legislature to divert this fund from the laudable purpose for which it has been set apart, will not probably be diminished by the improving condition of our finances; and however desirable it may be to increase the means of the Treasury, I do not feel at liberty, under present circumstances, to repeat the recommendation of my predecessor, to reconvert it to its former object.

This view of our finances, showing as it does, the existence of a public debt, which, though considerably diminished from last year, is still formidable in amount, with but little available resources for its liquidation, except the sums annually raised by direct taxation upon the people, cannot fail to admonish us of the necessity of a rigid and systematic frugality in all that concerns the pecuniary affairs of the State. To discharge the interest upon this debt, and to defray the ordinary expenses of the government, an onerous tax will be required. To meet these unavoidable liabilities—to preserve inviolate the public faith, and to maintain with honor and dignity every department of the government, the intelligent and patriotic citizens of our State will cheerfully contribute. But while submitting without complaint to these necessary exactions, they have a right to demand, that the strictest economy should pervade every branch of the public service—that every expenditure should be narrowly scrutinized, and all unnecessary liability avoided.

It is believed by many, that the ordinary charge of supporting our State Government is much too large, and that a close examination of the different items of expenditure would demonstrate the practicability of a considerable reduction,—that there are some offices which might be abolished without detriment to the public interest, and the compensation to others reduced without injustice to those who hold them. To these enquiries I respectfully invite the attention of the Legislature, in the hope, that a careful and faithful scrutiny into the public expenditures, accompanied by an inflexible determination to cut off every useless charge upon the Treasury, may result in no inconsiderable saving of the public money.

In the above exposition of the condition of the Treasury, I have made no reference to the sum due from the general government, under the act of Congress passed September 4th, 1841, appropriating the proceeds of the sales of the public lands for distribution among the States. This sum, amounting to upwards of \$17,000, is now in the Treasury of the United States, and unless its reception be authorized by the Legislature, will enure to the benefit of the general government. In the annual messages communicated to the Legislature by my distinguished predecessor, the constitutionality and expediency of this law are elaborately examined, and the policy of the system proposed to be established, reprobated with just and well merited severity. The opinions thus expressed by the Executive were promptly responded to by the Legislature, and such is the universal condemnation it has received from the people, that but few intelligent men of any party are now found to approve it. In declining to participate in this alienation of the national revenue, while such participation would seem to countenance or encourage a scheme so impolitic and unwise, the government of this State have but acted in accordance with the disinterested and patriotic spirit of the people. Looking however, to the decisive indications of the public will throughout the country, as given in the most authentic form, in regard to the whole series of measures of which this formed a part, may we not be justified in considering the policy of distribution as fully repudiated and abandoned by both government and people? How far, if at all, this view may justify a departure from the course heretofore adopted by the government of this State in relation to this subject, the Legislature, in the exercise of its deliberate judgment, will decide.

In connexion with these remarks upon the policy of the National Administration, it may not be improper to advert to the unequal operation of the laws now in force for collecting the revenue necessary to its support. The taxes thus levied upon the people, though indirect in their form, are nevertheless substantial and burdensome exactions upon their industry and resources, and when so framed as to bear with greater severity upon one portion of the community than another, no more entitled to favor and protection, furnish good ground for remonstrance and complaint; and although the adjustment of these taxes be not within the sphere of your legislative duties, the important bearing they have upon the interests of those whom you represent, will commend the subject to your serious consideration. At the last revision of our tariff laws, the time seemed peculiarly propitious for an amicable and permanent settlement of this disturbing and complicated question; and observing it as I did with deep interest at the time, I could not but hope, that those entertaining extreme opinions, upon both sides of this controverted subject, would see the necessity of arranging its details in the spirit of moderation and compromise—of so adjusting the duties upon foreign imports, that an adequate income would be secured to the government, and a reasonable incidental protection afforded to our domestic manufactures. Had the advocates of a protective policy then manifested a proper forbearance, it is believed that a tariff would have been formed, which, while effecting its only legitimate purpose of securing a competent revenue, would also have given the manufacturing interest a sufficient advantage over foreign competition.

As the system is now arranged, I cannot but consider it as partial and unjust. Through its influence, one branch of the National industry may have been quickened into greater activity, and the capital invested in manufacturing establishments made to render larger profits; but the other, to us more material branches of Agriculture and Commerce, both equally important to the public prosperity, are still languishing and depressed, and without any near prospect of essential improvement. In behalf of these great national interests, little governmental interference has ever been solicited, but justice and good policy alike demand, that they should be crippled and disabled by no partial or unfriendly legislation, or their prosperity impeded by the adoption of a system, the burthens of which fall wholly upon them, while its benefits accrue exclusively to some more favored pursuit. The insufficiency of the present tariff to afford the necessary revenue to the government, would now seem to be demonstrated, and in its revision by Congress, we may hope, that all the great industrial interests of the country will be deemed equally deserving of attention and regard.

For a particular account of the operations of the Land Office, I refer you to the report of the Agent, herewith transmitted. It is gratifying to perceive, that the receipts into the Treasury from this department have considerably exceeded the estimate of the Treasurer; and I trust we may be justified in anticipating a steadily increasing revenue from its future operations. The sum of \$55,000 has been paid into the Treasury by the Land Agent; the whole amount expended upon roads under the Resolves of the last Legislature, together with the expenses of the commission to locate grants to the settlers upon the St.

John, and the cost of exploring and surveying upon the undivided lands, amounting in all to about \$10,000, have also been paid out of the funds realized in that department during the year:

The Legislature of last year, with a provident liberality, appropriated the sum of six thousand dollars for the purpose of locating and opening a road from Letter G, in the second range, upon the Aroostook river, directly to the Madawaska settlements upon the St. John; but as the expenditure of this sum depended upon the co-operation of the State of Massachusetts to a like extent, only one half of the appropriation has been used by the Agent. With the amount expended, the road has been located and so far made, as to render it practicable for a winter route. The importance of opening a direct communication with these settlements, now within our acknowledged limits, is fully set forth in the last annual report of the Land Agent; there are also other suggestions in that document, relative to the condition and wants of the residents in these settlements, well worthy the attention of the Legislature.

I would also invite your attention to the suggestion of the Land Agent, in regard to the road communicating with Fort Kent, at the mouth of Fish river. This important, and in fact only avenue to our lands and settlements upon the upper St. John, is almost impassable except in winter; and as it traverses through its entire length the public lands, a suitable appropriation for its improvement and repair, would be fully repaid by the increased value it would give to the public property.

The Report of the Adjutant General will advise you of the present condition of the Militia. Considering a well organized and efficient Militia as an indispensable feature in our scheme of self government—as sometimes essential to the maintenance of public order, and always our principal reliance against foreign aggression, I lament to perceive the decreasing regard evinced by many of our citizens for its respectability and success. It is gratifying, however, to know that this indifference is not universal; and that, in some sections of the State, vigorous exertions have recently been made to awaken a new and deeper interest in the prosperity of this useful and necessary institution. The earnest and repeated attempts of the State government to improve its condition, and to elevate its character, by legislative enactments, have attested the concern it has constantly had for this important arm of our defence, and may be considered as an assurance, that it will favor and encourage every well directed effort for its future improvement.

The Constitution of the United States has empowered the general government to provide for an uniform organization and discipline of the Militia. Some years since, when our relations with a formidable foreign power were supposed to threaten a hostile collision, this duty was attempted by Congress; and by its direction, a plan was matured for organizing and instructing a portion of the Militia of each State at the public expense. The outlines and most of the details of this plan were similar to those before recommended, and which had received the sanction of many of the most enlightened and patriotic statesmen of the country. It unfortunately happened, that this plan was presented at a time, when the public mind was

highly excited by an ardent political contest, and it was immediately seized upon by one of the parties, as a means of casting odium and reproach upon the other. Among the many topics discussed during that exciting period, none was more prominent than that denominated, in the party vocabulary of the day, the standing army; and such was the persevering, and I regret to say, successful clamor raised against it, that the project was abandoned, and has not since been revived. It is to be hoped, that the attention of Congress will again be called to this subject, and that under happier auspices, a system will be adopted, which will give us the benefit of a powerful and efficient citizen militia, without imposing upon any class of our fellow citizens an unnecessary or unequal burthen. In the meantime, in any efforts which the Legislature may think proper to make, to renovate the condition of the militia of this State, I shall cheerfully co-operate.

The Reports of the Warden and Inspectors of the State Prison will be laid before you. For a particular statement of the condition and affairs of that establishment, I refer you to those documents.

I also transmit herewith the Reports of the Superintendent and Directors of the Hospital for the Insane. That this philanthropic institution is fulfilling the hopes of its patrons and founders, affording a suitable refuge to those of our unfortunate fellow beings to whom Providence, in its inscrutable wisdom, has denied the guidance of reason, and furnishing the means and appliances best adapted to their restoration, must be a source of unmingled satisfaction to every right minded and benevolent citizen. The judicious munificence which founded this humane institu-

tion, and the prudent and careful supervision constantly exercised over its management, reflect the highest honor upon all concerned in its origin and progress. That the Legislature will continue to cherish an establishment so well calculated, always to mitigate, and often to remove, one of the greatest calamities which can befall our race, I will not allow myself to doubt.

The attention of the Legislature has, upon several occasions been called to the subject of submitting to the people a proposition to change the annual sessions from winter to summer. Believing that a considerable and growing disposition exists among our citizens to favor this change, I again bespeak for it the consideration of the Legislature.

Since the great crisis in the monetary affairs of the country, which occurred in the year 1837, the Banking capital of the State has undergone a great reduction; and the amount of capital now invested in these institutions is but little above that, which existed prior to the period, when so sudden and rapid an augmentation was authorized by the Legislature. In the general convulsion of that time, some of those institutions were involved in difficulties, by which they were finally prostrated, and others, having surrendered their charters, have wholly withdrawn from business. Those which now remain are believed to be in a solvent and healthy condition, and most of them have recovered from the losses sustained during the period to which I have referred. They are generally doing a limited and safe business, and, at the date of the last annual report of the commissioners, had a very contracted circulation.

The losses, which have been sustained from time to time by the public, in consequence of the failure of some of these institutions, have justly excited the jealousy of the people, and induced the Legislature to consider whether some further safe guards might not be established, which would more effectually protect the community against a recurrence of similar disasters. Several propositions have at different times been presented, all of which seem to look to a gradual enlargement of the specie basis of the banks, as best calculated to furnish a salutary corrective against excessive issues, and to afford the most constant and efficient check to the tendency to overbank, which those institutions have so often manifested. If, in addition to the restrictions and guards now established, further limitations should be deemed advisable, a considerate foresight would seem to point to their early adoption. The charters of all the Banks will expire in the year 1847; and it is proper, that if any considerable change is intended to be made in the charters then to be given, the institutions interested should be seasonably admonished of the terms upon which their continuance will depend.

In the wise and happy distribution of powers ordained by our complex political system, subjects of national interest are exclusively confided to the management of the general government. Without the power to direct or control its operations, it is yet not unusual or improper for those intrusted with the local and particular concerns of the States, to express the opinions entertained by their constituents upon matters nearly affecting their welfare and happiness.

The Legislature of last year, having given its attention to several topics of national interest, upon all of which the sentiments of a large majority of the people were truly reflected, it is not my purpose now to invite a renewed discussion; nor is it believed, that any thing need be added to strengthen the convictions of our fellow citizens in favor of that system of policy, under which, prior to the last change in its administration, the country was so generally prosperous and happy.

Upon the subject of a National Bank, the Legislature and people of this State have frequently spoken in the most decided and unequivocal terms. The opposition manifested to such an institution, in its days of prosperity and power, has lost nothing of its force by the melancholy developments of later times; and if it was then considered dangerous to the liberties and corrupting to the morals of the people, subsequent experience has proved it equally injurious to the business and currency of the country. The general soundness of the local currencies, and the consequent equalization of the exchanges between the most distant points, now maintained without the agency of a National Bank, are conclusive proofs, that these desirable results may be effected by other and safer means; and an attempt, under present circumstances, to re-establish a similar institution, would seem to evince an utter disregard of the warnings of example and the teachings of experience.

The management of our National finances is always a subject of interest to the people. Their present condition is certainly unsatisfactory and alarming; an insufficient revenue—large expenditures and a rapidly increas-

ing national debt, are the discouraging conclusions which a perusal of the public documents compel us to adopt. In the absence of any extraordinary calls upon the National Treasury, these repeated and growing deficits in the means of the government, are well calculated to awaken inquiry and concern. If not seasonably arrested we may look for the certain accumulation of a heavy public debt, to be left as an unwelcome legacy to our posterity. To provide an adequate and timely remedy for these continued deficiencies, should be the first care of the National Legislature; and none could be found so desirable, or more effectual, than an immediate and extensive reduction of the public expenses. In a general system of retrenchment and economy, vigorously applied to all the departments of the government; in limited appropriations and diminished expenditures of the public money, should the proper measures of relief be now looked for; and the strong voice of public sentiment, throughout the country, most distinctly points to such an alternative, as furnishing the safest and speediest remedy for an impoverished Treasury.

In regard to the administration of our State finances, I have before adverted to the necessity of practising a rigid and systematic economy—of reducing by every practicable means our annual expenditures, and of increasing by all proper expedients the resources of the Treasury. For the diligent and faithful performance of this duty, we shall all be held to a just and strict accountability by our common constituents, and in again urging upon your attention, its importance and necessity, I feel that I am but expressing the general sense of the people we represent. I would add, that in nothing could the

Legislature give a more acceptable proof of its desire to respond in this matter to the wishes of its constituents, than by making the present session as brief as may be consistent with a due and proper deliberation upon the subjects claiming its attention, and I most respectfully, but earnestly, express the hope, that the time usually consumed may be this year considerably abridged.

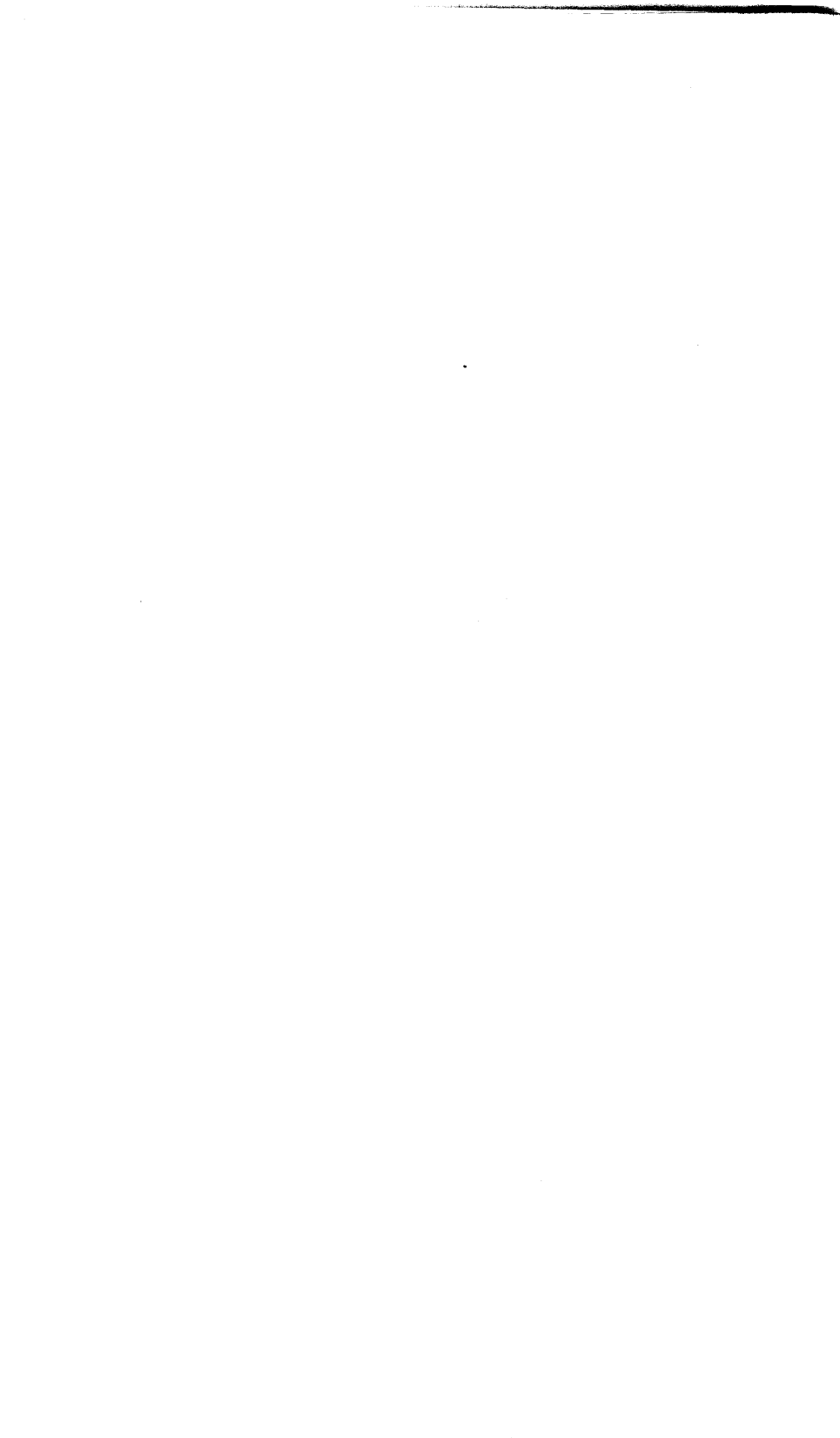
The complaints which have been made of the inconvenience and expense attending the operation of some parts of our Judicial system, induced the Legislature of last year to enact a bill, which, had it become a law, would have effected important changes in the existing forms of legal proceedings. Being passed at a late stage of the session, sufficient time was not afforded, before the rising of the Legislature, for the deliberate examination of its provisions, which a measure of such consequence required from the Executive. The bill having failed to receive the sanction of the Governor, was spread before the people, through the medium of the public papers, and ample time has since been afforded for a full investigation of its merits and defects. That there are faults in the present system is generally admitted: in seeking a remedy for these defects in an institution so closely interwoven with the habits and interests of the community, a wise discretion and an enlightened judgment are eminently called for. Coming as you do from immediate communication with your constituents, among whom this measure has been a subject of considerable discussion, you will doubtless be prepared to express their matured opinions in regard to its expediency and propriety.

In closing this communication, I will take occasion to

remark, that however much a portion of our fellow citizens may have suffered during the past year by the pecuniary distresses of the times, there is in our present condition and future prospects, much cause for mutual congratulation—high incitements to continued and vigorous effort, and above all, manifold cause for gratitude and praise to that beneficent Being, who has bestowed upon us the blessings we enjoy, and through whose goodness and mercy we have had so large a share of health and plenty prevailing among us. In commencing our public duties, let us all invoke His aid and counsel, and humbly ask, that in the discharge of our public functions, we may be enabled, through His guidance and blessing, to advance the interests and promote the happiness of the people.

H. J. ANDERSON.

COUNCIL CHAMBER, }
Augusta, January 5, 1844. }



STATE OF MAINE.

HOUSE OF REPRESENTATIVES, }
January 5, 1844. }

Laid upon the table, and 1,000 copies ordered to be printed for
the use of the House.

WM. T. JOHNSON, *Clerk.*