

MAINE STATE LEGISLATURE

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DOCUMENTS

PRINTED BY ORDER OF

THE LEGISLATURE

OF THE

STATE OF MAINE,

DURING ITS SESSION

A. D. 1846.



AUGUSTA:

WM. T. JOHNSON, PRINTER TO THE STATE.

1847.

MESSAGE

OF

GOVERNOR ANDERSON,

TO

BOTH BRANCHES OF THE LEGISLATURE,

OF THE

STATE OF MAINE,

MAY, 1846.



AUGUSTA:

W^M. T. JOHNSON, PRINTER TO THE STATE.

1846.

STATE OF MAINE.



HOUSE OF REPRESENTATIVES, }
May 15, 1846. }

Read and laid on the table and one thousand copies ordered to be printed for the use of the House.

SAMUEL BELCHER, *Clerk.*

MESSAGE.

*Gentlemen of the Senate
and House of Representatives :*

SINCE the adjournment of the last Legislature, a period has elapsed, considerably longer than that which has usually intervened between consecutive sessions ; and in conformity to the constitution of the State, as it has been amended by the people, we have assembled for the first time, upon the day designated by the recent provision.

It brings you together at a season more conducive to personal comfort, and better adapted, as I trust it will be found, to an expeditious and economical transaction of the public business.

During the recess of the Legislature, but little has occurred to interrupt the prosecution of the various pursuits, upon which the enterprise and activity of our citizens lead them to engage.

The orderly habits which prevail among the people, have protected us from the disturbances which have occasionally occurred in some of our sister states ; and the invigorating influence of a healthful climate, has exempted us from those enfeebling diseases, which have visited other sections of the country.

In addition to the vigorous prosecution of their ordinary avocations, the enterprise of our citizens is also leading them to other branches of profitable labor: under the liberal policy adopted by the Legislature, numerous acts of incorporation for manufacturing purposes have been granted, and there is reason to believe, that with the increase of our population, and the accumulation of unemployed capital, our natural advantages for this species of productive industry will be gradually developed.

Nor have the benefits which result from the opening of new avenues of intercommunication between distant and important points, been overlooked or neglected. Various projects to cheapen transportation, and facilitate the public travel, have been suggested and examined, one of which, as the result wholly of private enterprise and capital, deserves to be ranked among the most magnificent and useful conceptions of the time.

Designed to connect by a continuous line of Rail Road, the principal depot upon the St. Lawrence, with so convenient and excellent a seaport as Portland, the facilities this work would afford to both the internal and external commerce of the State, can scarcely be overrated: and though the well settled policy of the State government precludes it from any active co-operation in its construction, its successful prosecution will be regarded with the highest satisfaction in every section of the State.

In the retrospect of a period distinguished by so many evidences of public prosperity, it would be strange, if there should be found no admixture of disappointment.

The partial failure of an important crop has been seriously felt, and the extraordinary floods which have prevailed during the present spring, have been productive of great inconvenience and loss: for the one however, a considerable indemnity was found in the great abundance of more valuable productions; and it is hoped, that the perseverance and energy, so strikingly characteristic of the community most deeply affected, will speedily overcome the disasters occasioned by the other.

In assembling, to enter upon the duties assigned us by the people, it is gratifying, that with the exceptions I have mentioned, we are enabled to indulge in mutual congratulations, upon the continued and growing prosperity with which we have been favored. With abundant cause to be satisfied with the past, we may also hope, that with the blessing of Him, who has so signally favored us hitherto, our progress, in all that essentially conduces to the welfare of a State, will be sufficiently rapid in the future.

The annual Reports of the Treasurer and Land Agent, the latter of which is herewith communicated, will advise you of the condition of the two most important branches of the public service.

Under the care of the able and vigilant officers who have charge of these departments, the financial concerns of the State exhibit the most satisfactory aspect.

The balance in the Treasury at the date of the last report of the Treasurer, amounted to the sum of \$392,422.

There has been received into the Treasury from all

sources, and for all purposes, during the financial year, ending upon the 30th April last, the sum of \$610,772.

Of this sum, there was received from the avails of the State Tax for 1844 and 1845, the sum of \$215,433; from the Land Agent, \$155,048, and for claims against the General Government, adjusted and paid during the year, the sum of \$162,398.

There has been paid from the Treasury, during the same period, the sum of \$631,210; of which \$454,000 was for payment of principal and interest of the public debt, the greater part of which became due during the year. The balance in the Treasury is now \$370,000; and it is estimated, that the receipts for the ensuing political year, would fully justify the immediate application of the whole of this sum, in the payment of the principal of our State debt; and it is also estimated, that with the small amount now required to defray the ordinary expenses of the State, the receipts which may be expected from the Land office, together with other sources of income, and the tax for 1846, will increase the sum which may be appropriated to the same purpose during the year.

The whole amount of the funded debt of the State is now \$1,274,285; if the holders of its stock certificates would consent to receive, in anticipation of their maturity, the money now on hand, it would be reduced to the sum of \$905,000.

Three years ago, our debt amounted to \$1,700,000; the means are now in the Treasury, and needed for no other purpose, to reduce it to little more than half that sum.

It is but seldom, that largely indebted governments or individuals, are seriously incommoded with surplus funds. Such, however, has been our condition for two years past, and such will probably be our condition for some time to come. With the means of paying nearly a third of our whole debt, it is impossible to find, among the creditors of the State, those who will receive at any reasonable advance, the amount of principal that will be due to them; certificates of stock are but rarely offered in any of the markets, and it has been with considerable difficulty, that the Treasurer has been able to obtain the amount redeemed during the past year; and there seems but little probability, especially while it is known that the State itself is constantly in the market as a purchaser of its own scrip, that it will be offered for sale, upon terms which would justify its purchase. In the year 1848, there will be due the sum of \$169,000; with that exception, there will be little which can be paid until the year 1851, and in the meantime, the large sum I have named, with the accumulation of the coming year, must remain wholly unproductive in the Treasury, or be loaned to banks at such low rate of interest as they are disposed to allow.

In this unexpected condition of our finances, what course ought the State government to adopt?

Desirable as it is to extinguish our State debt as speedily as possible, it would seem consistent with neither justice nor economy, to make a further call upon the resources of the people, without a better prospect of effecting that object, than now exists.

Under these circumstances, it would seem to me, that,

unless you should deem it practicable and expedient, to repeal or modify the Act of the last session, by which the sum of \$200,000, was required to be raised for the use of the Treasury, the State Tax for the ensuing year, might be either wholly dispensed with, or so much reduced in amount, as to prevent a further accumulation of unnecessary funds.

It is somewhat unfortunate, that by the postponement of your annual session to so late a period, it became necessary to anticipate legislation, in regard to the State Tax, for so long a time ; and I apprehend it will be found inconvenient in future. It is now more than a year, since the Tax Act for the current year was passed ; and it was not then foreseen, either that so large a sum would be received into the Treasury from other sources, or that it would be difficult for the Treasurer, under the authority with which he was clothed, to apply its redundant means to the payment of the State debt.

The purchases of stocks which have been made during the year, have been of that class first becoming due.

With the exception of the sum I have named, as payable in 1848, it is not probable, that without some extraordinary and long continued pressure upon the money market, the stock payable on and after 1851, could be purchased under a premium of eight or ten per cent. ; and sales have been made within the year, at prices considerably above that rate.

It will be perceived, that there has been received during the year, for the claims of the State against the General government, the sum of \$162,398.

Of these claims, \$56,754, were for claims arising under the Treaty of Washington, comprehending a variety of items, not allowable under the first appropriations; the sum of \$85,928 for military expenditures, which were adjusted at the War Department; and \$19,716, being the distributive share of the land money belonging to this State. The Treaty claims due the State, have been allowed and paid in full: of the military claims, a balance is still unpaid.

Full and particular accounts of the final adjudication upon these claims, at the several departments to which they were referred, with a statement of the specified differences in the settlement of our military accounts, have been furnished me.

These papers, with a particular statement of the items allowed, as also a detailed statement of the "Disputed Territory Fund," which I have also received, will be shortly laid before you.

Of the operations in the Land Office, a detailed statement will be found in the report of the Agent.

That they have been uncommonly active and successful, will sufficiently appear by the large sums they have contributed to the resources of the Treasury, the receipts for the year having exceeded the estimate of the Agent, nearly one hundred thousand dollars.

It is not believed, that any new legislation in regard to our public lands is now called for; in a faithful administration of the laws already provided, the State is receiving

a constantly increasing revenue, and it may reasonably be hoped, that with an adherence to the same prudent policy, the time is not distant when it will afford an income sufficiently large to defray the expense of our State government.

The appropriations which have been made for the construction and repair of roads in the vicinity of the State lands, have increased the facilities of travel and transportation, and rendered to those whose enterprise and labor have been so profitable to the State, as well as to the public generally, a very essential service. The expenditure of the sums which have heretofore been granted for those purposes, has been generally contingent upon the expenditure of like sums by the State of Massachusetts, whose pecuniary interest is greatly promoted by the opening of these important avenues of communication. It is to be regretted, that the expenditure of these grants has been frequently limited for want of the required co-operation.

Several of these roads are in want of immediate repair, and considerable sums will be needed to render those now opened, tolerably passable. I trust an appropriation sufficiently large to make the necessary improvements will be made, and that the proper steps to induce the co-operation of Massachusetts will also be adopted.

The Report of the Bank Commissioners, which was made in December last, has been printed, and copies will be herewith laid before you.

The highly important functions which are performed

by our Banking Institutions, in all that pertains to the business affairs of the community, will always render an accurate knowledge of their condition and management, a matter of peculiar interest, both to the Legislature and the people.

Intrusted with almost unlimited control over our local currency, and extending their agency into every department of trade, it is the imperative duty of the State government, not only to see that they are subjected to wise and wholesome legislation, but to maintain over them such a supervision, as will insure a strict compliance with the legal enactments by which they should be governed.

The attention of former Legislatures has been anxiously directed to the accomplishment of these objects, and such guards and restrictions have been imposed, as without impairing their usefulness or efficiency, have been considered sufficient to protect the community from the irregularities and abuses, to which experience has shown they are liable.

The charters of all the Banks in the State will expire by limitation, in October of next year; and although the subject will not necessarily require your action at the present session, it may be proper in the meantime, to inquire, how far the operation of existing laws may have shown the necessity of further legislation.

In anticipation of such an inquiry, several suggestions are offered by the Commissioners, which from the experience and observation upon which they are founded, are

entitled to respectful consideration. They do not however contemplate any considerable innovation upon the present system; nor, with the exception of a narrower limit in the extent of their loans, do they recommend that any material restrictions should be added to those now provided. And they express their conviction, that the several acts for regulating banks and banking now in force, "though not entirely faultless, are as perfect as those of any State in the Union."

It will be perceived, that the Commissioners again invoke the attention of the Legislature to the continued infraction, by some of the banks, of that provision of the law, which limits the amount of their circulation. Neither this, nor any other habitual violation of the law, should be countenanced or permitted; if the restriction be unwise or impracticable, the law which imposes it should be repealed or amended; if it be salutary and proper, it should be rigidly enforced.

If one institution is allowed to transcend its legal limits, on the ground either of local necessity or of the undoubted ability of the Bank, it is difficult to conceive how another, no more culpable, but in which the violation may be attended with real danger, can be rebuked or punished. The same privileges should be extended to all, or all required scrupulously to conform to the prescribed limit.

The adoption of some provision, better calculated than any now in force, to remedy this continued irregularity, and which shall be also applicable to a similar excess in

the amount of loans, and the liability of directors, is strongly recommended by the Commissioners, and should receive your careful attention.

It has been frequently urged, that in the annual exhibits of the condition of our Banks, there uniformly appears a much greater disproportion between their paper circulation, and the amount of specie it is intended to represent, than was either contemplated by the law, or is consistent with a sound and prudent policy; and that while this disproportion is suffered to continue, there will be a greater liability to those sudden expansions and contractions in the currency, which have heretofore produced such injurious effects upon the operations of business, and created such frequent changes in the value of property.

However this may be, an inspection of the returns for some years past, has impressed me with the apprehension, that our paper circulation is becoming less and less dependent upon a metallic basis; and that the increasing disparity which these returns exhibit, may well call for legislative consideration.

It will be seen by referring to these returns, that while our banking capital was little more than half its present amount, and the paper circulation in the same proportion, the specie means in possession of the banks, exceeded by more than two to one, the sum now in their vaults; and even since 1843, while the paper circulation has increased more than six hundred thousand dollars, the returns show an actual diminution of the coin it represents; and in the report of the present year, there will be found a circula-

tion, by a single bank, of eighty thousand dollars, against eight hundred in specie.

It is not to be presumed, that while the present arrangement for the redemption of their bills is adhered to by the banks, it would be regarded as necessary, that an amount of specie, bearing any near approximation to their paper circulation, would be required ; that the establishment of some moderate limit, beyond which the disproportion referred to, should not extend, would seem to me but the dictate of prudent foresight ; and in view of the policy, which it is probable will be adopted by the general government, may be absolutely required.

That all the banks are abundantly able to fulfil their obligations, cannot be doubted ; in the opinion of the Commissioners, they are not only solvent, but remarkably prosperous, and are represented as doing a safe and profitable business.

The Reports of the Trustees and Superintendent of the Insane Hospital will be herewith laid before you.

Since the date of the last Reports from that Institution, its late able and accomplished Superintendent has retired from its service, and his place has been supplied by a gentleman, whose high professional and personal character is a sufficient guarantee, that its arduous and responsible duties will be adequately performed. Under his superintendence, the affairs of the institution have been judiciously managed ; and notwithstanding a considerable reduction which was made in June last, in the charges which had

previously been made for the board and attendance of patients, its pecuniary condition is quite as satisfactory as at any former period.

There will be required a small appropriation for the payment of expenses properly chargeable to the State; and in the opinion of the Trustees, the sum of \$600 should be granted, to meet an anticipated deficiency for the coming year, which may grow out of the reduction in the charges before referred to, both of which, I trust, will be made.

It will be observed, by reference to the Report of the Trustees, that a very considerable increase in the number of patients has taken place within the year; and that the number of males is now as large as the present capacity of the building will enable it to accommodate; and that unless some of the present occupants should be dismissed, no new male patients could be received.

It is estimated, that there are in the State, above six hundred persons, upon whom the dreadful visitation of insanity has fallen; and it may be presumed, that this number will increase in like proportion with the increase of our population; it may therefore be reasonably anticipated, that a much larger number than have heretofore enjoyed the benefit of this Asylum, will seek to participate in its privileges. In order that they may do so, it is indispensably necessary, that the building should be enlarged, and that one wing, for the accommodation of male patients, should be added. It is not anticipated, that a very large sum will be required for this purpose; and in view of the facts above suggested, I entirely con-

cur in the recommendation of the Trustees, that the necessary amount should be granted.

It is desirable, also, that the grounds belonging to the Asylum should be somewhat enlarged; more land for pasturage, is greatly needed; and I am advised, since the printing of the Report, that an adjacent lot, containing about twenty-six acres, lying between the river and the road, and which has always been regarded as a necessary acquisition to the lands of the institution, is now offered at a moderate price. The sum required for this purchase will be \$1,050, and I recommend an appropriation for that purpose.

While this most excellent institution has been contributing to the relief and comfort of the insane, the humane and liberal provision, which the bounty of the Legislature has extended to another unfortunate class of our fellow beings, has been silently diffusing its beneficent and salutary influence.

The appropriations for the support and education of the indigent blind, and deaf and dumb, have been sufficient to place at the Asylums at South Boston and Hartford, all the youth of suitable age and capacity, whose parents or friends have applied for the aid of the State. Twenty-four deaf and dumb pupils are now at the Asylum at Hartford, and thirteen blind children are at the Institution at South Boston, all of whom are receiving such an education, as will not only rescue them from mental darkness, and open multiplied sources of occupation and happiness, but which will qualify them to provide for their future support.

In a continued provision for these interesting recipients of the public bounty, you will find the indulgence of a kindly sympathy, entirely consistent with an enlightened and economical public policy.

The quarterly reports of the Inspectors of the State Prison, give a satisfactory account of the condition of that establishment. A more particular statement of its affairs will be furnished by the report of the Warden, which will be made directly to the Legislature.

The number of convicts in the Prison is much below the general average, there being but sixty-six now in confinement; and with the exception of the salaries paid to the officers, the establishment is wholly supported from the avails of their labor. It was anticipated by the Warden, that this aid might be dispensed with; but a series of disappointments beyond his control, have rendered it necessary that the appropriations for this purpose should be used. The reports of the Inspectors are herewith transmitted.

In the annual communication I had the honor to make to the last Legislature, I expressed at considerable length, the views I entertained upon the subject of our common schools.

Lamenting the defects in the practical operation of the present system, which the slightest examination will demonstrate to exist, the attention of the Legislature was earnestly invited to the consideration of measures, which might tend to elevate these primary institutions, to that

high degree of usefulness and efficiency they are entitled to possess.

That no plan, having in view this desirable object, was finally perfected, cannot have arisen from neglect or indifference to this legitimate and important subject of legislative action. Everywhere regarded as the proper objects of governmental care, the encouragement of our public schools, should be with us, a controlling and paramount obligation; and it would be matter of just and lasting reproach, if, through the apathy or neglect, either of the government or people, they should fail to accomplish the beneficent and patriotic purposes for which they were established.

That they have failed to participate in the general spirit of improvement and reform, which is characteristic of the time, is too obvious to be questioned; nor are there wanting those, who entertain the belief, that a careful examination of their actual condition, will show in some respects, a positive deterioration. It is one of the deficiencies of the present system, that no authentic means of affirming or disproving so startling an allegation, are anywhere to be found. The returns annually made to the Secretary of State, contain but meagre and scanty materials upon which to form a reliable opinion; of the abstracts which were formerly made from these returns, the publication has been for some time discontinued; and they are permitted to slumber, undisturbed and unregarded, among the obsolete files which encumber the office.

The observation and enquiries of public spirited individuals, and the evidence of remarkable proficiency in par-

ticular localities, occasionally brought to the notice of the community through the public press, are the chief sources of information, as to the condition of our public schools, which now exist; and I respectfully submit, whether it is proper, that these imperfect and casual communications, upon a subject of such incalculable importance, should longer constitute the sum of information within our reach.

Is it not but too probable, that a diligent investigation into the operation of the existing system, will to a lamentable extent, verify the apprehensions to which I have alluded; that it will disclose the same melancholy array of incompetent teachers—dilapidated or inconvenient buildings—the same waste or perversion of the public funds—and the same absence of intelligent and active supervision, which have been generally exhibited by similar inquiries in other States?

However this might be, it cannot be doubted, that such an investigation would demonstrate the necessity of additional legislation; that it would show in what particular parts of our present system, reformation and improvement were most needed, and how far the public mind was prepared to countenance and sustain, the innovations proposed; and if conducted by intelligent and competent individuals, would powerfully contribute to awaken the public attention, and to strengthen the hands, and encourage the hopes, of those private individuals, whose commendable exertions have already done so much to advance the cause of popular education.

Various modes to attain this object, with but little inconvenience and expense, could be readily suggested;

but none would seem more entirely unobjectionable, than that proposed by the Committee on Education of the last Legislature.

By the establishment of a Board of Commissioners, selected for their peculiar qualifications, either by the Legislature or the Executive, the requisite information could be easily and economically obtained; existing defects would be pointed out and exposed, and the improvements which have been introduced by the liberality and spirit of particular communities, commended to the notice and imitation of all.

And availing themselves of the experience of other States, which have preceded us in this laudable undertaking, the operation of those auxiliary establishments, which have been recently engrafted upon their respective systems, and their adaptation to the wants and capacities of our own, might form a subject of profitable inquiry.

With the information which could be thus obtained, the Legislature would be enabled to adapt its action to the condition and wants of the existing system; and be better qualified to enter upon the consideration of a more permanent and comprehensive plan of educational improvement.

In the amount of money annually devoted to the support of our common schools, it is not believed, that we should suffer by a comparison with other States; nor that the improvements required would add, in any formidable degree, to the pecuniary means we are accustomed to allow them.

In the belief, that by introducing into our system higher elements of order, economy and uniformity, the expenditure of these means may be productive of a greater amount of good, I respectfully commend the inquiry I have suggested, to the consideration of the Legislature.

Under the resolve passed by the last Legislature, for the promotion of Education in the Madawaska settlements upon the St. John, the Agent who had superintended the expenditures of the preceding year, was again appointed to perform the duty.

Having afterwards engaged in other business, which rendered it inconvenient to discharge the duties of the office, he resigned the appointment, and in October last, another Agent was appointed, under whose superintendance, a portion of the appropriation has been expended.

There remained an unexpended balance of \$700, which, as the Legislature was to convene before it would be needed, it was not deemed advisable to draw from the Treasury.

Unless, therefore, you shall consider it proper to re-appropriate that sum, there will be no means to continue the schools, and the Agency of the Superintendent will be terminated.

The Report of the Agent is herewith communicated.

In communicating the Report of the Adjutant General, I would bespeak your attention to several suggestions connected with the care of the property of the State, at

the several Arsenals and Gun-houses. Much of this property is rapidly falling into decay, and some small appropriations are required to preserve it from entire ruin.

Having upon former occasions expressed the regret with which I had witnessed the subversion of our military system, it is not now my intention, to reiterate to the Legislature, views, which however weighty they have appeared to me, have found so little favor with those to whom they were addressed.

I am aware also, that the increasing aversion which has been manifested by our citizens to the performance of military duty, may have rendered the preservation of an efficient militia, not only difficult, but perhaps impracticable; and that, unless under circumstances of imminent public danger, an attempt to revive it would probably prove unavailing.

It will appear from the report communicated, that under the present law, the militia may be considered as entirely disbanded; the returns which should be made to the Adjutant General, are either wholly omitted, or so imperfect as to be of little value; and in making the annual requisition for our quota of arms from the general government, it is necessary to resort to returns which have been made in former years.

In the annual communications I have made to former Legislatures, I have taken occasion briefly to refer to the several topics of public interest, which were then occupying the public mind.

I have done so with no view, unnecessarily to introduce into their deliberations, the irritation and excitement incident to the discussion of national politics; nor do I now desire to mingle with the local interests which require the care of the present Legislature, the disturbing questions which are properly committed to other hands.

Upon the questions to which I have referred, the public judgment has been deliberately pronounced, and the administration of the general government has passed into hands, charged with the consummation of those measures of public policy, which have constituted the leading topics of popular discussion, and upon which, the opinions of the people have been clearly expressed. My own convictions are unchanged, that in a steady adherence to the line of policy indicated by that expression, the stability of our Institutions, and the solid and enduring prosperity of the whole country, will be most effectually promoted.

But whatever importance may be attached to the adjustment by the general government, of these disputed questions of domestic policy, the unsettled and threatening aspect of our relations with foreign governments, will at this juncture, more strongly arrest the public attention.

The information which has recently reached us, renders it highly probable that with the republic of Mexico, hostilities have actually commenced; it is sincerely to be lamented, that the repeated efforts which have been made to avoid an alternative so much to be deprecated, should have proved unavailing; and that the misguided government of that unhappy country, should have compelled the adoption of measures, which must inflict the most serious evils upon its people.

The long pending controversy between the governments of the United States and Great Britain, in relation to their respective rights in the territory of Oregon, seems also to be rapidly approaching its crisis; it is most devoutly to be hoped, that it will result in a pacific and honorable settlement.

In the spirit of liberal and honorable compromise, and with a moderation which evinces the strongest desire to bring this agitating question to a speedy termination, the President of the United States has offered a nearly equal division of the territory in dispute.

That a proposition so clearly within our just rights, and which may be regarded as the limit, beyond which, in the united judgment of the country, it would be improper to go, should have been declined by the government of Great Britain, is deeply to be regretted. In the hope which is entertained, that negotiations between the two countries will be resumed, and the controversy settled upon just, and mutually satisfactory terms, I strongly participate.

As it is my purpose to retire from the office, to which the suffrages of my fellow citizens have called me, at the close of the present political year, I avail myself of this occasion, to express my grateful acknowledgments for the repeated marks of their confidence and regard, with which I have been honored; and to tender to the Legislature, in the meantime, my ready co-operation in every measure which may be calculated to promote the public good.

H. J. ANDERSON.

COUNCIL CHAMBER,
Augusta, May 15, 1846. }