

# MAINE STATE LEGISLATURE

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# Public Documents of Maine:

BEING THE

ANNUAL REPORTS

OF THE VARIOUS

PUBLIC OFFICERS AND INSTITUTIONS

FOR THE YEAR

1877.

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VOLUME I.

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AUGUSTA:

SPRAGUE, OWEN & NASH, PRINTERS TO THE STATE.

1877

ADDRESS

OF

GOVERNOR CONNOR

TO THE

LEGISLATURE OF THE STATE OF MAINE.

JANUARY 4, 1877.



AUGUSTA:

SPRAGUE, OWEN & NASH, PRINTERS TO THE STATE.

1877.

# STATE OF MAINE.

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IN SENATE, January 4, 1877.

On motion of Mr. KYES of Franklin,

ORDERED, That five hundred copies of the Governor's Message be printed for the use of the Senate.

S. W. LANE, *Secretary.*

## ADDRESS.

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*Gentlemen of the Senate and House of Representatives :*

I beg to preface the communication you have invited me to make to you, with my respectful and cordial greeting at your entrance upon the exercise of the power entrusted to you, "to make and establish all reasonable laws and regulations for the defence and benefit of the people of this State." The duty which you have been delegated to perform, ranks among the most important and responsible of the services which men can render to their fellows, and requires the exercise of their best faculties, acquirements, and qualities, for its worthy fulfilment. Custom and nearness are apt to cause too light an esteem for the blessings which attend our daily life. Our instant admiration is reserved for the remote, the mysterious, and the rare. It is by reflection alone that we are brought to perceive and own the wonderfulness, the vastness, and the worth of the possessions which we as human beings, and as a people, enjoy. The uncounted millions who have preceded us upon the earth have wrought no diminution of Nature's bounty. Her inexhaustible stores and tireless energies are for us no less than for the eldest born of our race. Rather, we are the favored ones, endowed by birthright with the transmitted wealth of human experience through the long stretch of bygone generations,—“the garnered wisdom of a thousand years.” We are the rich heirs of all the ages of man's thought and work. The achievements, the discoveries, and the errors of our predecessors, remain to enrich, to guide and to warn us. In no other regard is our indebtedness to them more apparent than in the laws which

define the reciprocal rights and duties of citizens, and the civil state, of the individual and the community.

Regarded in themselves alone, the statutes upon our books commend themselves for their intrinsic worth to the calm approval of good judgment, as the product of sound intelligence, right reasoning and humane sentiments. But when it is sought to trace them to their origin and follow them through the process of development, they become invested with an immeasurably higher character and a more impressive sanction.

The principles upon which they rest had their rise in other lands, in the morning twilight beyond our ancestral annals. The history of the growth of those principles is a record of noble lives, great actions, of wretchedness and misery, of the exercise of all virtues, and the experience of all forms of vicissitude that move to admiration or pity. Whatever great minds have done in unfolding and adapting them, the good and brave have dared and endured in their defence, and unfortunate generations have suffered from their misapplication, and thus led to truth by costly proof of error,—the story of all is inscribed in ineffaceable characters upon the palimpsest whereon are written the laws which constitute the muniments of our freedom, the safeguards of life, reputation and property.

When, therefore, laws so descended are approached for the purpose of adding to or subtracting from them, or qualifying them in any way, the veneration due them should not be forgotten, and every step should be cautious and deliberate. If the legislator of to-day hopes that his own careful work may be preserved in the future from hasty and reckless hands, let him well weigh his action in dealing with the labors of those who have been before him. "The mischiefs resulting to the public from inconsiderate legislation," which he is called upon to remedy, warn him to give a searching forecast to the consequences of every proposed change or enactment which comes before him.

The traditions of these halls, and your character as representatives of the sentiments as well as the authority of the people, are assurances that a conservative spirit, yet not unfriendly to progress, will direct your deliberations and manifest itself in your acts.

The past year has not been distinguished by any extraordinary events or unexpected conditions specially affecting the interests of the people of the State or the conduct of its government and institutions. Maine, in common with the whole country, and indeed with other countries also, has suffered from the continued inactivity in business, which has discouraged enterprise and compelled capital and labor in many instances to utter idleness, or a profitless exercise. Still, the chief resource of the State—her hillsides, fields, and fertile intervals—has kept faith with the sower of the seed and yielded rich harvests; some manufacturing industries and branches of business have been exempt from the prevailing dullness, and there remain to all the hope and promise of the near dawn of prosperous days.

The laws have been well enforced throughout the State and every department of the government, and all public institutions have been efficiently and economically managed.

#### THE FINANCES.

The State Treasurer will lay before you a very gratifying exhibit of the condition of his department. The receipts of the treasury for the year amount to \$1,310,605.49; balance in the treasury January 1st, 1876, \$377,093.84; expenditures for the year 1876, \$1,293,277.06; amount in treasury Dec. 31, 1876, \$394,422.27.

It is unnecessary to enter here upon the details of the ordinary business of the treasury. They require no comment, and are so clearly and fully set forth, and so well arranged in the Treasurer's report that any desired information concerning them may be obtained at a glance.

The public debt has been reduced the past year by the payment of \$29,000 for bonds matured, and by the addition of \$114,681 to the sinking fund, and now, after deducting the amount of the sinking fund, \$791,293 81, amounts to \$5,129,107. A portion of the public debt, \$46,500 in amount, falls due on the first of February next, and will be paid from funds in the treasury. On the first of March, 1878, \$25,000 of the debt matures. The law of February 24, 1875, provides for renewing and extending the bonds next thereafter becoming due; \$307,000, in 1880; \$385,000, in 1883, and \$2,330,000, June 1st, 1889. It is desirable, in my opinion, that no action be taken at the present session of the Legislature to carry into effect the provisions of that law in respect to the issue of the new bonds to be substituted for the old. Since there is no reason for believing that the new bonds can be exchanged more profitably now than a year or two hence, it is well to permit the question whether the bonds due in 1880 shall be redeemed at maturity, or renewed and extended, to remain open for consideration as long as it can be done consistently with prudence. The remainder of the public debt, \$2,826,900, due October 1st, 1889, is provided for by the sinking fund. The Treasurer estimates that if no unusual appropriations be made, and other revenues are maintained, a tax of three and one-fourth mills on the dollar of the present valuation, a reduction of one-half a mill from the rate of the assessment of 1876, will yield a sufficient sum to satisfy the requirements of the State for the current year.

ATTORNEY GENERAL'S DEPARTMENT.

The Maine Central, and certain other railroad companies, have refused to pay the State tax assessed against them, on account of a clause in their charters, which, it is alleged, exempts them from taxation. A stockholder of the Maine Central Company procured a temporary injunction against the State Treasurer from the United States Circuit Court, and a hearing in regard to a perma-



ment injunction was to be had in that court in April last. It was deemed for the interest, and for the honor of the State as well, that the validity of the tax should be first tested before the State court, and accordingly the Attorney General succeeded, owing to the spirit of frankness and courtesy in which he was met by the counsel for the company, in causing a suspension of the hearing before the circuit court and in bringing the case upon its merits before the Supreme Judicial Court of the State, where it was argued at the Law Term in July last.

It is expected that the decision of the court will soon be rendered. If it shall be favorable to the State there is reason to believe that the case will not be farther contested, and that the delinquent companies will accept the result of this, which is substantially a test case applicable to them all, and pay the taxes due, which amount to over \$147,000.

The Attorney General reports that he has not been informed of any indictments found in any court during the year for any capital offence, or offence hitherto called capital. He adds that it is probable an indictment will be found against Edward M. Smith for the murder of three persons at Bucksport in October.

It would be obviously unjust to draw from the experience of less than a single year, a sweeping and conclusive inference as to the comparative efficacy of the law passed by the last Legislature abolishing death as a punishment for crime, and the law it displaced. I am glad, however, to remark the evident fact that the substitution of imprisonment for life for the death penalty has not been followed by an increase of the crime which it is the object of the law under consideration to punish, or any instance of crime encouraged by the mitigation of the penalty.

I am persuaded that the prevailing sentiment among the friends of the new law is not one of tenderness towards the criminal, but of regard for the safety of society.

The much-mooted question, whether the character of the punishment enters at all into the considerations which prompt to the

perpetration of the greatest of offences, has failed to obtain any answer meeting with general acceptance. It is certainly not demonstrable that the penalty of death exercises a more deterring influence upon those disposed to crime, than the penalty of imprisonment for life. The advocates of the latter form of punishment do not claim that its adoption will cause murder to cease or even to be appreciably checked at once or within a short period of time; it is their belief that murder will not at least be emboldened by it, and that the authoritative recognition by society of the inviolability of human life, in forbearing to take that of even the man who has disregarded its sanctity, is in harmony with the spirit of modern social science, and will tend to magnify the offence, increase the detestation of it, and to exert an educational and humanizing influence, which, aided by the many agencies at work for the improvement of the condition of society, will in process of time cause a sensible reduction of crime of every sort.

The recommendations of the Attorney General relative to authorizing the detail of civil officers from any part of the State to investigate cases of heinous offence, to the payment by the State of the expenses of county attorneys assisting at law courts to present cases from their counties, and to compelling county treasurers to make the returns required of them by law, are all worthy of your careful consideration.

#### THE ADJUTANT GENERAL'S DEPARTMENT.

No change has occurred in the organized military force of the State, which consists of one regiment and two unattached companies of infantry, and one company of light artillery. Two companies of cadets, one at Bath and one at Waterville, have been furnished with arms and equipment under the law of 1872, authorizing the formation of companies of cadets, not to exceed ten in number, to be composed of boys not subject to military duties under the militia laws. New tents sufficient in number for the

present force, made under contract, of the best pattern, quality of material and workmanship, were procured by the Adjutant General in season for the encampment.

An encampment of the volunteer militia, for drill and discipline, lasting four days, was held at Brunswick in September, and was very successful. The men were orderly in their behavior, soldierly in their bearing, and obedient to orders. Marked proficiency in drill was made, showing the value of the encampment as a school of instruction. The general appearance of the command at the closing review, and their marching, were most excellent. The success of this encampment amply warrants my recommendation that provision be made for holding one the present year.

It is greatly to be regretted that the reduced appropriation for soldiers' pensions did not prove sufficient to enable the Adjutant General to respond to all requests for aid which he deemed meritorious. The great excess of the supply of labor over the demand for it, has caused the applications for relief to be unusually numerous. Great care is taken in the granting of pensions, and I advise an appropriation for this purpose of the full amount estimated by the Adjutant General to be required. The important consideration to the people of Maine is, that the soldier who has sacrificed in their cause his ability to support himself and family, should not know want or humiliation.

#### THE LAND AGENCY.

The receipts of the land office for the year ending November 30th were \$42,399.77, from the several sources and on the various accounts specified in the Land Agent's report.

Conveyances of 22,304.38 acres of land were made to actual settlers. Lands to the amount of 13,054.69 acres were contracted to actual settlers; of the remaining State lands 26,773.39 acres are unsold, and 127,665.97 are in possession of actual settlers,

and are to be conveyed when the settling duties shall have been performed.

The islands on the coast, aggregating an area of 663 acres, were sold at public auction for \$1,109.15. It required a great deal of labor and research to ascertain what islands belonged to the State. It is supposed there are a few remaining unsold, concerning which definite information could not be obtained before the sale. They are probably so insignificant in number and value that it would be well, in order to avoid expense, to authorize the Land Agent to sell them in such manner as he may deem advisable.

The duties of the Land Agent have been performed under the immediate direction of the Governor and Council, as required by the act of 1876 relating to the appointment and duties of that officer, and it has been their endeavor to further as far as possible the expressed purpose of that act to prepare for the discontinuance of the land office at the earliest practicable moment. I am convinced that the office cannot be at present advantageously discontinued, and that the transfer of its duties to some other department would neither benefit the public service nor effect an economy.

#### THE PUBLIC SCHOOLS.

The statistics of the common schools for the school year ending April 1st, 1876, do not differ materially from those for the preceding year. They indicate, however, a continued interest and progress in all that relates to them.

The sum of \$1,053,497 was expended for public schools, to which the State contributed the available amount of \$375,852. Eighty-six school-houses were built during the year, at a cost of \$164,399.

The laws concerning the relations of the State to the schools, work admirably, and are heightened in efficiency by the recent act requiring sworn fiscal returns to be made to the State Superin-

tendent. It is believed that this law proves of benefit to towns also, in enforcing a strict account of all school moneys belonging to them, from whatever source derived.

I invite you to consider the advisability of providing for the inspection of high schools by authorizing the State Superintendent of Common Schools to appoint a sufficient number of competent persons to aid him in visiting and ascertaining the character of all the schools in their respective vicinities claiming the benefit of the free high school law.

That officer is required to be satisfied that the provisions of the free high school act have been complied with before issuing his certificate for the sum due from the State. While as to most of the provisions of the law, he can readily satisfy himself from the reports of the superintending school committees, whether they have been complied with, it is easy to be perceived that they do not furnish sufficient data to prove that the proper attention has been paid to the specified studies required, and that the schools conform in spirit as well as in letter, to the intent of the law.

It is proper and business-like that the Superintendent should, in person or through his agents, examine these schools before vouching for the justice of their claim upon the State. Besides affording the Superintendent information which should be in his possession, such an inspection would greatly tend to elevate the standard and promote the efficiency of this class of schools.

The virtual institution of high schools by the State, through the aid it proffers for their support, was a wise and timely act, in full accordance with the provision of the Constitution enjoining the encouragement of education upon the Legislature. The system has been four years in operation, and has fairly demonstrated its value. But care should be taken lest by failing to maintain a proper standard, they not only defeat the object of their institution, but injuriously affect the common schools. My recommendation is intended to subserve the interests of both grades.

It is the universally expressed opinion of those having the most knowledge of our schools, that better instruction is the one thing needful to their efficiency. The Normal Schools are doing good service in this behalf to the extent of their capacity. Since the discontinuance of the Teachers' Institutes, a great majority of the teachers of common schools have had no opportunity for obtaining instruction in the art of teaching. The renewal of Institutes is respectfully suggested for your consideration.

#### SAVINGS BANKS.

No new savings banks have been organized the past year. Since August, 1875, four of the sixty-four savings banks in the State have become insolvent and been placed in the hands of receivers, and three others have suspended payment. One of these latter, the Waterville Savings Bank, has resumed payment by the action of the depositors. No arrangement has yet been accepted by the depositors of the two other banks.

The amount of deposits and profits of the sixty banks doing business, was, on the sixth of November last, \$27,818,764.70, a decrease during the year of \$4,264,549.58, including \$1,029,-963.95 of deposits placed in the hands of receivers. The number of depositors decreased during the year 10,705. The present number is 90,621, and the deposits average \$306.00 to each depositor.

The Winthrop Savings Bank was taken possession of by receivers before the day fixed by law for making returns to the State Treasurer for the six months then nearly expired, and the receivers refused to pay the tax for that period. A suit to recover this tax was brought by the State Treasurer, and prosecuted by the Attorney General to final judgment by the Law Court to the effect that the tax is upon the franchise of savings banks, and the Winthrop bank having ceased to exist before the return for taxation was due from it, nothing remained upon which to assess a

tax, and the claim of the State was therefore not a valid one. Applications growing out of this decision will probably be made to the Legislature by several banks for the refunding of taxes alleged to have been improperly paid.

The Commissioners appointed for the purpose under a resolve of the last legislature, have prepared a draft of a general law relating to savings banks which will be reported to you. A principal feature of the new law is the substitution of one-half of one per cent. for the present tax of one per cent. The present rate of taxation, considered relatively to the tax upon other franchises and property, cannot be regarded as discriminating otherwise than in favor of the banks. The only question is whether it is expedient, as tending to maintain and increase deposits, to reduce the rate. If the Legislature shall favor the affirmative of the question I trust that the reduction made will not exceed one-fourth of one per cent.

#### THE INSANE HOSPITAL.

The past year has been made notable in the history of the Insane Hospital by the construction of works for supplying the institution with water. The source of the supply is an artificial pond, excavated in that part of the farm east of the highway, and so situated as to be fed by springs, and to receive the drainage of an extensive water-shed. A substantial reservoir has been built on the summit of a hill near the pond, of the capacity of 385,000 gallons. The water is raised from the pond to the reservoir by steam power, and conveyed thence through iron mains to the hospital, and distributed by a system of pipes through the main building, and to the various offices and farm buildings where it is needed. The water is conducted through two filters, one at the outflow from the pond, and one at the outflow from the reservoir, and is perfectly clear and pure where it is drawn for use. Water may be forced at need directly from the pond to the hospital. It

is believed that the supply will be ample at all seasons for all uses and exigencies.

While it is a matter of the first necessity to the proper conduct of such an institution that there should be abundance of water for culinary, cleansing and sanitary purposes, and for farm uses, every consideration of humanity and of prudence imperatively demands that the lives of the many inmates of the hospital, and the valuable property of the State should have the fullest protection possible from the dangers of fire. The Trustees have well done their plain duty in making this indispensable provision. The works cost twelve thousand dollars, and have been paid for from the hospital fund.

The inception and execution of this enterprise are highly creditable to all concerned in it.

The amount of the crops raised upon the farm indicates that its productiveness has been increased to a marked extent. This improvement is undoubtedly due in good part to the fertilization of the soil with the sewage of the hospital, upon a system which was devised by an officer of the hospital, and has been three years in effect. The State Board of Health of Massachusetts have made this system and its operations the subject of investigation, and in their annual report for 1876 they describe it and give it their commendation, as "almost the only system which has stood the test of experience in this country."

The Trustees propose to provide at once for the thorough ventilation of those wards of the hospital which are deficient in this respect.

The reports for the present year, and former years, of the various officers connected with the hospital, make it evident that the capacity of the hospital barely suffices for the present number of patients, and suggest the propriety of seasonably providing for the increase of applications for admission which will attend the growth of the population of the State.



The trustees make no request for an appropriation, and I am informed by them that they expect to be able soon to make a reduction of the rate charged for the support of patients.

The public have always been peculiarly sensitive with regard to the treatment of patients at such institutions, and therefore every care should be taken to inspire the community with confidence in the management of the hospital. The frequent inspections by the visiting committee are a valuable means to that end. Whenever any differences appear between the observations or opinions of the trustees and those of the committee, the attention of the Legislature is called directly to the examination of the matters in question.

#### COLLEGE OF AGRICULTURE AND THE MECHANIC ARTS.

The leading object of this institution is "to teach such branches of learning as are related to agriculture and the mechanic arts, in such manner as the Legislature of the State may prescribe, in order to promote the liberal and practical education of the industrial classes in the several pursuits and professions in life." Whatever latitude of instruction the terms of the foundation may seem to permit, it must be evident to all who are acquainted with the sentiment of the State, that the prevailing opinion is, that the college should first of all be faithful to its leading object, and so arrange and limit the course of instruction that its pupils upon completing their course may be prepared to enter at once upon the practice of some industrial pursuit.

The want of facilities for practical instruction has caused the course of study in branches relating to the mechanic arts especially, to be necessarily of a general and theoretical character. The trustees propose, in order to fulfil more directly the object of the college, and to meet the popular expectation, to establish workshops of instruction in the various mechanical trades connected with the working of wood and metals, by means of which

students may, by combining the training of hand and eye in actual service at the forge, bench and lathe, with the instruction of the school-room, become intelligent and skilled mechanics. This system has long been in successful operation in Russia, and meets with the enthusiastic approval of the best educators who have examined it. It has already been adopted by one of the foremost schools in this country.

I most heartily approve the recommendation of the trustees, and I urge you to give it the favorable consideration it merits.

The sum estimated to be required to adapt the barn on the college premises and not now in use, to this purpose, and to equip the proposed workshops with the necessary tools and machinery, is very moderate, when the probable benefits of the expense are considered. I am confident that such a union of study and practice would attract many young men, and result in reinforcing manufacturing and mechanical industries with a body of educated, skillful, and ambitious mechanics and artizans, who would give a decided impetus to the development of the industrial resources and capabilities of the State. The State would thus realize a substantial profit from the outlay it has already made in assisting to establish and maintain the college, and the college would by so clear a manifestation of its usefulness, command a grateful and more general appreciation, and a liberal and unquestioning support.

#### OTHER INSTITUTIONS.

The reports of the State Prison and Reform School will be laid before you. I have no recommendation to give in regard to these institutions. On the several visits I have made to them in company with the Council, I have been most favorably impressed with the manner in which they are conducted.

The Orphan Asylum at Bath and the Industrial School at Hallowell well deserve the care of the State.

## THE INDIAN TRIBES.

The lessees of the shores of the Penobscot river belonging to the Penobscot tribe of Indians, have declined to pay the annual rent due under the terms of the lease, and the agent of the tribe has brought suit to compel payment. The lessees allege that the shores are less valuable than when the contract of lease was entered into by them. If application shall be made to the Legislature for relief, by the delinquent parties, I trust you will consider the honor of the State in its character as guardian of the Indians, and take care that whatever relief from the obligations of the contract may be granted, it shall not be done at the expense of the tribe.

The appropriation of last year for the poor of the Passamaquoddy tribe was not sufficient to provide for the pressing needs of the aged, sick, and helpless of the tribe. A small increase of the appropriation for the present year is necessary to enable the agent to prevent want and suffering among them.

## RAILROADS.

Twenty miles of railroad have been built the past year; eight miles, by the Piscataquis company in extension of their line from Abbot to Blanchard, and twelve miles, from Fort Fairfield to Caribou in the town of Lyndon, by the Aroostook River company. The Railroad Commissioners report that the roads in the State have continued to improve in condition and management, as evinced by their remarkable exemption from accidents.

I concur in the request of the Commissioners for legislation requiring railroad companies to adopt the system of accounts recommended by a convention of the Railroad Commissioners of New England, and already made obligatory by at least one State. The system does not differ materially from that now in use by the principal companies in the State. A uniform method of keeping

them would greatly facilitate investigation into the complicated accounts of railroad companies.

#### THE COMMISSIONERS OF FISHERIES.

The report of the Commissioners of Fisheries contains an interesting account of the measures which have been taken the past year to re-stock our rivers with salmon and interior waters with land-locked salmon and black bass, and of the good results of the work performed by them in former years. The Commissioners forcibly present the disadvantages under which they prosecute their enterprise, and appeal to you to remove some of the obstacles that stand in the way of the full success of their labors. The justice and good policy of some of the legislation asked for by them seem evident.

In regard to closing for a term of years to all fishing, except with hook and line, the rivers to be re-stocked, I am not informed as to the extent of the hardships such an enactment would cause to those engaged in fishing in the waters of those rivers near the mouths, but, whatever their temporary loss or inconvenience, they would be amply compensated in the future by the increased value of their fisheries, and it is certainly unjust to permit them to neutralize the efforts being made to benefit the people along the whole length of those rivers.

Many citizens of the State are deeply interested in the stocking of our lakes and ponds with game and food fishes, and assist in carrying out the laws relating to the subject by distributing copies of them and procuring the appointment of wardens to be paid by themselves.

In view of the public interest in this undertaking, and of the many advantages that will result to the State from its thorough prosecution, I recommend that a sufficient appropriation be made to enable the Commissioners to continue their work effectively and to protect the interests committed to their care.

## NEW SWEDEN.

The Swedish settlement in Aroostook county was organized into a plantation under the name of New Sweden, in April, and fifty-two of its inhabitants have been naturalized. Good school-houses have been built, and four schools are now taught by competent teachers. Fourteen substantial buildings, either framed or built of hewn timber, have been erected the past season; abundant crops have been harvested, and but four families have received assistance as paupers. The success of this enterprise vindicates the wisdom of its conception and attests the faithfulness of the services of all entrusted with the management of it.

## ELECTION LAWS.

I respectfully suggest an amendment to section 32 of chapter 4 of the revised statutes, requiring the Governor to issue a certificate of election to every person who has been declared elected a Representative in Congress. A law of the United States requires the executive of each State to certify the election of any United States Senator who has been chosen by the State, and the laws of this State provide for giving to all State and county officers an official notification of their election. I have not been able to discover any law of the United States, or of this State, providing in express terms for furnishing a certificate of his election to a Representative-elect, or to any person in his behalf. The amendment would conduce to uniformity.

The second and third clauses of section 32 of chapter 4 of the revised statutes, are as follows:

“Blank pieces of paper and votes for persons not eligible to the office shall not be counted as votes, but the number of such blanks and the number and names on ballots for persons not eligible shall be recorded and return made thereof. In case of Representatives to Congress, and to the State Legislature, Registers of Deeds, county and State officers, except where a different

rule is prescribed in the Constitution, the person or persons to be voted for at any one time, for any such office, having the highest number of votes given at such election, shall be declared to be elected." It appears, therefore, that the final determination of the eligibility of persons voted for, so far as the declaration of the election of the officers mentioned in the extract I have quoted, and other officers as well, is affected,—rests with the officers of municipalities who count the ballots and make up the returns, since the Governor and Council have authority to count the votes only which are recorded as such in the returns. I do not regard it as judicious to permit a question of such importance, oftentimes involving testimony and nice points of law, to be decided by the unaided judgment of municipal officers in the brief period afforded them by the necessity of making and sealing the returns at or within a fixed time.

In my judgment, the authority to determine eligibility should be transferred to the Governor and Council, inasmuch as they have ample time for deliberation in examining the returns and it is in their power to obtain the opinion of the Court.

I recommend that the authority conferred upon the Governor and Council by the amendment of section 5 of chapter 78 of the revised statutes, made by the act approved February 1, 1876, to count and declare for any person all votes intentionally cast for such person for a county office, although his name upon the ballot is misspelled or written with only the initial or initials of his Christian name, and to hear testimony upon oath in relation to such votes—be extended to include all officers whose election is declared by them.

It is provided by the laws that when an original return of votes has been lost or destroyed, or there is any question as to the agreement of a return of the vote of a town with the record of the vote of such town, in the number of votes, or the names of the persons voted for, an appeal may be had to the record. I suggest as an

additional safeguard of the elective franchise, that when a return is fatally defective by reason of any informality, it may be made lawful to substitute a duly attested copy of the record therefor; and, in order to prevent the carelessness in making returns by municipal officers that might arise from such a provision, that a messenger be sent by the Secretary of State to procure the copy of the record, at the expense of the town whose officers have failed to perform their duty.

#### BEEET SUGAR.

In my address of last year the attention of the Legislature was called to the desirability of taking steps to encourage the introduction of the manufacture of beet sugar. An interesting lecture on the cultivation of beets and the process of manufacturing sugar from them has since been delivered before the State Board of Agriculture, and will be incorporated in the forthcoming report of the Board. Seeds of the best varieties of sugar-beets attainable, were procured and distributed for trial the past season by the Secretary of the Board of Agriculture. Samples of the product from them have been analyzed and found to contain from seven to thirteen per cent. of sugar; a result which indicates that by a more careful conformity to the approved methods of cultivating them, beets of the best sugar-making qualities can be produced. Several varieties were raised and analyzed at the State College and found rich in sugar.

The Dominion of Canada has offered a bonus of \$7,000 a year, for ten years, to the first company successfully engaging in this manufacture, and a relief of fifty per cent. of the excise duty on their product. I earnestly commend to the Legislature the action of our neighbors in offering a bonus as an example worthy to be followed. The chief hindrance to the introduction of the beet sugar manufacture is the magnitude of the capital necessary to its successful prosecution. The offer of a premium sufficient to

afford reimbursement for the preliminary investigations and extra expenses incident to the establishment of a new business, would induce capitalists to turn their attention to it. The beginning once made, I do not doubt that the industry would extend rapidly and widely throughout the State and repay a hundred-fold the bounty which called it into being.

#### THE STATE HOUSE.

The pressing need of more commodious, healthful and convenient offices and apartments for carrying on the business of the State, and of an orderly arrangement of the public archives, books and property, where they would be more accessible, and also protected from fire, unites with the favorable condition of the Treasury and the cheapness of labor and material, in pointing to the present as the proper time for improving and enlarging the State House. Regarded externally, the building justly excites admiration by its commanding site, the beauty of the material of which it is constructed, and its simple, yet grand architecture. The test of nearly fifty years has disclosed scarcely a flaw in the workmanship employed in the erection of it.

Some of the internal features are all that could be desired. The Senate Chamber, and the rooms assigned to the Executive Council and the Governor are of ample size, admirably proportioned, and in all respects adapted to their respective uses. For the rest, commendation is not so much in order as criticism.

The Hall of the House of Representatives is not capacious enough to admit of comfortable seats for the members, and of suitable accommodations for the public who desire to witness the proceedings, and is unprovided with ante-rooms. The committee-rooms, where a large portion of the business of the Legislature is transacted, are insufficient in number and totally unfit for that purpose. When crowded, as they often are, in important hear-



ings, the air soon becomes so vitiated as to seriously endanger health.

The State Treasurer and Secretary of State require better facilities for performing the duties of their offices, and for the safe and convenient bestowal of their voluminous and important records.

The Library is difficult of access and its constantly accumulating stores are overrunning into such attic nooks and corners as the Librarian has been so ingenious as to discover.

But it is unnecessary to specify the respects in which the State House, in its present condition, fails to furnish the reasonable accommodations required. The facts are before you. If you seek argument and illustration, look around you.

In 1867 the Governor and Council, under an order of the Legislature of that year, engaged competent architects to make a survey of the State House and to present plans for its re-arrangement and enlargement. Their detailed report and accompanying designs and estimates were laid before the Legislature of 1868, and are now in the custody of the Superintendent of Public Buildings. I refer you to those documents for full information in regard to the building as well as to the addition proposed by them.

#### ELECTION OF UNITED STATES SENATORS.

During the recess of the Legislature a vacancy has occurred in the representation of this State in the Senate of the United State, caused by the resignation of Lot M. Morrill to accept a position in the Cabinet of the President of the United States. A temporary appointment until the meeting of the Legislature was made as directed by the Constitution. It now devolves upon you to fill the vacancy. The term for which Senator Morrill was elected expires with the present Congress, and it therefore becomes your further duty to choose a Senator for the term beginning on the fourth of March next.

## GEORGE WARREN.

George Warren, the member of the Executive Council from the second councillor district, died in the month of July, of last year, at his home in Westbrook. Mr. Warren was a prominent and respected citizen, an active and successful business man, and a most faithful and efficient officer of the State. At the time of his decease he was serving upon his second term as a Councillor.

## CONCLUSION.

Gentlemen, the times in which we are met are filled with solicitude for the welfare of the country. A heated Presidential contest has not been followed, as is customary, by the acknowledged election of the candidate of one party, and the ready submission of the defeated party to the result. But there is no present reason for foreboding. Partisan clamor will be hushed in the majestic presence of the law of the land, when the time comes for it to manifest and assert itself. We cannot doubt that the tribunal upon which devolves the settlement of the vexed question, composed of men chosen of the nation for wisdom and patriotism, will establish the right by clear proof of law and ancient custom, and that the general voice of a law-abiding people will accept their decision.

The frequency and intensesness of our political strifes cast no reproach upon a Republican form of government. They are its legitimate attendants, the conditions necessary for the preservation of it. Before all else—ease, prosperity, freedom from excitement, every consideration of present personal well-being—the Republic which ensures the greatest good of all, is to be regarded and maintained. The worth of a free government cannot be measured by any cost of time, labor, material, or, as our history as a nation shows, by even the sacrifice of the lives of its citizens ;

“Of what avail the plow and sail,  
Or land, or life, if freedom fail.”

SELDEN CONNOR.