

MAINE STATE LEGISLATURE

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SIXTIETH LEGISLATURE.

HOUSE.

No. 164.

MINORITY REPORT.

The undersigned, a minority of the Committee on the state of the Commonwealth, ask leave to submit the following report :

That they have not been consulted or taken any part in the preparation of the report of the majority, and having been requested to give their assent and fix their signatures to the same without having had sufficient time to fully examine the same, have declined so to do, and wishing to express their dissent, both with premises and conclusions of said majority report as far as understood by them, they would respectfully refer to the Inaugural Address of Governor Plaisted as its own sufficient vindication, which address we hereby make a part of our report, believing it will be adjudged by the plain people of this State worthy of their approbation and support.

J. R. TABER,

On part of the Senate.

F. W. RITCHIE,

THOS. S. BRIDGHAM,

On part of the House.

Gentlemen of the Senate and House of Representatives:

Called by the voice of the people and the voice of law, to assume the responsibilities and undertake the duties of Chief Magistrate of our State, I avail myself of this presence to express my grateful thanks to my fellow citizens, to whose partiality I am indebted for this distinguished honor. I should be, indeed, something more, or less, than human, if so distinguished a mark of public favor did not command my gratitude and my devotion, and fill me with a profound sense of the trust reposed.

A public trust is the most sacred of all trusts, and one that should bear, with the greatest weight of obligation, upon every right-thinking mind. The betrayal of a high public trust is more than treason, and admits of no excuse or palliation, and no mercy or pity for him who betrays it. For, be it remembered, that, after all the safeguards human wisdom and human prudence can devise for the security of our most sacred interests, we must repose at last, for that security, upon the simple honesty of man. No sure foundation but this hath society or government.

While it is with no little distrust of my own abilities, it is not without some confidence, that I assume the trust to which I am called of my fellow citizens, and to the faithful discharge of which I have just pledged myself by the most solemn sanctions; for the people are never unreasonably exacting of their public servants. Brilliant talents and great abilities are held by them in comparatively light regard; but faithful public services, when rendered by moderate abilities, never fail of their reward in the appreciation and gratitude of the people. The short comings and mistakes of a public servant, in the highest station, even, are forgiven and overlooked, provided he has done his best. Indeed, so little exacting, and so indulgent are the people, it would seem as if they were quite ready to impute it to him for righteousness if a public servant does not betray his trust. This is a sad reflection, if it be true, and yet one that should inspire each of us, entering upon this term of service, with a zeal to do his best for the commonwealth, and, at the same time, to lament that he is not able to do more.

I shall not be able, gentlemen, to furnish you with any detailed statement of the affairs of the departments and institutions of the State. I have not had access to the official Reports of the last year; they have not yet been published. Besides, owing to the uncertainty as to the election—the declaration of the result—I have not made such examination of these affairs of the State as I might otherwise have felt it my duty to make. Hence, for needed information respecting the affairs of the several departments and the condition and wants of our State institutions, I have to refer you to the official Reports, which will be laid before you at an early day; confining myself in the main, to such general reflections and suggestions, concerning them, as seem to me appropriate.

FINANCES.

Upon the subject of the State finances I give you such information as I have been able to obtain from the Treasurer's office :

Receipts for 1880.....	\$1,672,395 13
Expenditures	1,581,469 96
Sinking fund, Jan. 1, 1881.....	1,307,857 75
Bonded debt.....	5,883,900 00

The estimates for 1881 are not yet completed. For these and all other details as to the finances of the State, I refer you to the Treasurer's Report.

TAXATION.

Taxation is the one subject of universal and vital interest to the people of this State. It will receive from you, I doubt not, that earnest attention which its supreme importance demands. I wish it were permitted me to say, that none of our people were oppressed by debt and taxation; that none looked to the future with gloomy forebodings, seeing no way out of the toils of debt and taxation; that none, under the weight of these burdens, either succumbed to despair or left their homes to try their fortunes in a new country; but, rather, that all were prosperous, contented and happy. It would be far more agreeable to me and more in accordance with the customary language of this occasion.

The truth is, the people of this State are oppressed by the burdens they bear,—the burdens of debt and taxation. Taxation falls heavily upon some, because it does not fall equally upon all. Too large a proportion of the public burdens falls upon real estate. This is especially true of all farm property. The property of the farmer, both real and personal, is all

visible and exposed to assessment. Besides, no account is taken of his mortgages, though his farm may be mortgaged for all that it is worth. It approximates the truth, to say that none of his property escapes taxation "according to the just value thereof." Of this the farmer does not complain, but when other classes of property, in vast amounts, are permitted to escape taxation, in whole or in part, he does complain, and has a right to complain of the injustice of his government. For he is thus made to bear, not his own burdens only, but the burdens of others. This is injustice. Taxation and protection are reciprocal. It is the spirit of our institutions to be equal as well as free, equal rights and equal benefits; equal protection and equal burdens; special privileges to none.

It will devolve upon you, the legislative branch of the government, to devise and pursue such measures of relief from unequal taxation as shall seem to you the most appropriate. It will be your pleasure, as well as your duty, I doubt not, to reduce the current expenses of the government, if it can be done by the practice of a severe, not parsimonious, economy.

But it is not in the economical expenditure of the public revenue, so much as in seeking new sources of revenues and in equalizing the burdens of taxation, that you will be able to compass such reforms and such relief as will gladden the hearts and cheer the hopes of our people. The public burdens are unequally borne. When all the property in the State is reached and taxed as real estate and all property of farmers, "according to the just value thereof," the rate of taxation will be reduced one half. Then will taxation fall lightly and be borne cheerfully, because it will fall equally upon all. True it is, that absolute equality in taxation can never be attained. A disproportionate share of the public burdens will always be thrown on certain kinds of property because they are visible and tangible. The best system to be sought is that which, in its practical operation, approximates nearest to equality.

EXEMPTIONS.

The legislature in its discretion, has always exercised the power of exempting certain kinds of property from taxation. On the theory that taxation and protection are reciprocal, no exemptions can be defended. As all property receives the equal protection of the laws, all should be made to bear its proportionate share of the public burden. The exemption of any species of property is not equal taxation, and can only

be defended on the ground of a subsidy ; for it is the same thing as granting, to the owners of the exempted property, a considerable sum out of the public treasury.

MONEY AT INTEREST.

While there is a large amount of property in the State exempt by law from taxation, an amount much larger, in the form of bonds and notes—money at interest, is practically exempt because not reached by the assessors. How can this property be reached? Most of the States in the Union require the inventory to be made under oath. Experience has shown that the pains and penalties of perjury are not without an immense moral influence in bringing personal property within the reach of the assessors, and there would seem to be no valid reason why these should not be invoked to secure that end. As the law now stands, it is left to the discretion of the assessors whether they will require the taxpayers to give in their inventory under oath. There would seem to be good and obvious reasons why this requirement should not be left to the discretion of the assessors, but made imperative in all cases ; and in case of refusal or neglect, on the part of any tax payer, to give in such sworn statement, then the assessors should assess such persons, from the best knowledge within their reach, adding thereto a heavy doomsage. It cannot be doubted that by this means the aggregate mass of taxable property, brought within the reach of the assessors, would be greatly increased, the rate of taxation lessened, and individual burdens lightened.

TAXATION OF RAILROADS.

Prior to the law of 1880, providing for the taxation of railroad corporations, the capital stock only, of these corporations, in other words the right of redemption only, was taxable. Property of more than \$20,000,000 in value, therefore, escaped with trifling taxes compared with other kinds of property in the State. Hence, the law of last winter was passed providing for the assessment by the Governor and Council of one per cent. on the road-ways, rolling-stock and franchises of the several roads—leaving “the lands, buildings and fixtures outside of the road-ways to be taxed by the town” where situated.

Under this act the several railroads were assessed by the Governor and Council, and the assessments have been paid by the several corporations assessed, excepting the Maine

Central, the Boston and Maine, and the Portland, Saco and Portsmouth Railroads. These corporations resist the payment on the ground that the Act of last winter is unconstitutional. Actions to recover the taxes of these corporations have been commenced by the Attorney General; the cases have been made up and are now in the hands of the Court. An early decision is hoped for, and expected before the close of this session.

The taxes levied upon the corporations contesting the legality of the tax, are as follows: Maine Central, \$22,000; Boston and Maine, \$18,000; Portland, Saco and Portsmouth, \$12,000; assessed upon a valuation of \$2,200,000, \$1,800,000, and \$1,200,000, respectively; being at the rate per mile of \$7,000, \$38,000, and \$24,000, respectively.

It is possible that these corporations may escape the payment of their assessments, through defects of the law in the mode of imposing the tax. The assessments may not be sustained, either as a property or an excise tax. The constitution is over all, corporations and individuals alike, and, in a case of doubtful constitutionality, it is the right and duty of the management of these corporations to test the validity of the tax. They have seconded the efforts of the Attorney to the State, in seeking the decision of the Court at the earliest possible day.

As to your power to tax these corporations, you need only to be reminded that you are clothed with the sovereign functions of legislation, and that the only question for your determination is: what is the just and effective mode of imposing the tax. The power of taxation is an incident of Sovereignty, a State necessity, and the only power which our constitution, in express terms, declares that "the Legislature shall never in any manner suspend or surrender." All subjects therefore, over which the sovereign power of the State extends, are in its discretion legitimate subjects of taxation in one form or another; either as a property or an excise tax or license; and this may be carried to any extent to which the government may choose to carry it, provided the constitutional limitation, as to equality, is observed.

SUCCESSION TAX.

As all property should bear its just and equal proportion of taxation, it would seem but reasonable that all legacies and inheritances should not go untaxed. The propriety of an inheritance tax, distinguishing between lineal and collateral inheritance, is approved by the soundest political economists;

nor can there be any doubt of the legal and moral right of the Legislature to impose it. The conditions that make such a tax just and desirable, are, that a large amount of personal property that passes by bequest—particularly Government bonds—will escape taxation altogether, unless taxed when it comes to the light in its transfer from the dead to the living. Besides, it would seem but just and proper that this class of property should be made to contribute to the cost of maintaining Courts of Probate and of Probate Records, established and maintained for the sole benefit thereof. Then, again, the expenses attending the collection of this tax would be but trifling, and the burden of the tax would fall lightly upon those who pay it, because it would be deducted from what was never in their possession. The State of Pennsylvania derives an annual income of over \$300,000 from collateral inheritances and bequests, and in addition thereto a revenue of over \$100,000 from a tax on wills, writs, deeds, etc.

BOARD OF EQUALIZATION.

When the burdens of taxation shall fall equally upon all, they will bear lightly and be paid cheerfully by all. This equalization of the public burdens, so devoutly to be wished and so earnestly to be sought, is a subject that should command your especial attention. Without the determination of values for the purpose of taxation, there can be no equalization of the public burdens. Values should be readjusted oftener than once in ten years. State boards of equalization, or tax commissioners, have been created, in many of the States of the Union, for the determination and readjustment of values, and the discovery of new sources of revenue for purpose of taxation. The Attorney General, Secretary of State, and State Treasurer are the officers usually selected to constitute these boards, in States where there is no Executive Council. Any expense necessary to secure a result of such vital and universal interest as the determination of values for the purposes of taxation, will be an expenditure in the line of true economy.

RAILROAD COMMISSIONERS.

The railroads of our State are of great public utility, and should be objects of public favor; but though the property of these corporations is of private ownership, they are public highways, the creatures of the law—created to promote, not private interests, but the public good, and it is the bounden duty of the Legislature to see to it that their franchises are *used* to that end.

The almost unlimited control these corporations have over their rates, the power to change them at pleasure, raise or lower them, and levy discriminating rates, places the industries of our State at their mercy. For it is in the power of the few individuals, controlling their management, to tax production and commerce at will, and practically dictate what reward the farmer, manufacturer and merchant shall receive for their labor. The public interests involved in the management of these highways of traffic, require that their management should be regulated and controlled by the sanctions of law. It may be said the railroads of Maine have been managed upon business principles only ; that they can be trusted, and should be trusted. So they can be—to look after their own interests, but not to look after the public interests altogether. For the protection of these interests, the State can be trusted, and trusted, also, to do no wrong to private interests, but even and exact justice to both. We have to-day more than one thousand miles of railroad in operation in this State, and one hundred thousand miles in the United States. Certain it is that unless the railroads of the country are subjected to legislative supervision, the legislation of the country will soon be subjected to railroad supervision.

The railroad commissioners should be invested with ample power to supervise the management of railroads in respect to rates, with full power to revise and establish them. The law providing for the appointment of the commissioners implies as much. While one only of the commissioners is required to be an engineer, the law expressly declares that two of them shall be experienced in the "management," as well as construction of railroads. This requirement of the law has not been observed in the construction of the board ; while the board is composed of two engineers of well-known experience and skill in the construction of railroads, and one lawyer, I am not aware that it has ever contained even one member experienced as a railroad-manager.

STATE COLLEGE.

The administration of the State College of Agriculture and the Mechanic Arts for the past two years has been of very economical character, but by very close work on the part of the instructors, its efficiency, it is believed, has been fully maintained.

The value of the farm, buildings, apparatus, stock, etc., which the State holds in this Institution is about \$145,000, and the endowment is \$131,300, yielding an annual revenue of between \$7,000 and \$8,000 ; a revenue unfortunately much

too small for the wants of the College. The Burnside's bill, which has recently passed the Senate, provides for an annual appropriation for the support of the State Colleges of Agriculture and the Mechanic Arts. Should the bill become a law, it is hoped that this institution need be of no further charge to the State.

The number of graduates is 134 ; and the number that has been connected with the college for periods ranging between one term and three and a half years, is 186, giving a total of 320. This does not include the 104 now in the institution. Of the 310 graduates and former students, the vocations of 230, who may be regarded as established in the work of life, are known. Of these, 27 per cent. are in agricultural pursuits, and 27 per cent. in the mechanic arts. Only 11 per cent. are in the so-called professions ; 89 per cent. being engaged in pursuits of non-professional character. It is very obvious that the college is training its pupils for the industries of life rather than for the professions.

I believe that the college is filling a necessary and important place in our educational system ; that its affairs are judiciously managed ; that its work is carried forward with efficiency, and that it is worthy of hearty and liberal support. I am free to say, that the knowledge I have of this institution, and of its discipline, and particularly of the character of the young men gathered there, has given me a most favorable opinion of its advantages. These advantages, I believe, are not surpassed, in many respects, by those of any sister institution in this State. Then, as to the necessary expenses to the student, I am able to state from actual knowledge, that they need not exceed, or even reach, \$150 a year. Hence it may be truly said that the inestimable advantages of a liberal education are within the reach of every young man in the State who possesses only the ordinary resources of the farmer's boy—pluck and muscle.

INSANE HOSPITAL.

The condition and treatment of the insane in the State demand very careful consideration. Statistics clearly show that insanity is greatly on the increase, both in this State and throughout the country.

The dictates of ordinary humanity require that the best care and treatment possible should be given to this most unfortunate and helpless class. They should be placed under the most skillful and efficient superintendence ; and the highest ability and intelligent experience should be secured for

this purpose. As these patients are among the most difficult cases that come under medical practice, the best medical skill at command should have them under their care. Modern science is making a more thorough diagnosis of insanity, seeking more fully to learn its causes and how to reach it with a remedy. The Insane Hospital of Maine ought not to be behind others in the progress that is making in this direction.

Many States have a permanent Board of Commissioners in Lunacy, who have the general oversight of all insane institutions, both public and private, in the State.

Nearly one-half of the patients in our Hospital are women. In many cases their insanity is the result of diseases incident to their sex, and all of them require medical attention. There are many thoroughly educated women physicians, who have made the treatment of their own sex a specialty. A growing public sentiment favors the employment of a woman physician at the Hospital. There are now several women physicians, successfully occupying such positions in different hospitals for the insane in the United States.

The increase of insanity in the State demands more hospital room for the insane. The hospital at Augusta is already crowded, so that it would seem to be impossible to have proper classification of the patients; and patients are constantly associated in an improper manner, so that the recovery of hopeful cases is greatly retarded, if not rendered impossible.

Previous Legislatures have authorized the trustees to erect another building and appropriated funds for the purpose. No such building has been erected. The two systems of hospital buildings, viz: the massive, expensive, castle-like and prison-like structures, and what is known as the "cottage system," deserve careful consideration and investigation.

There appears to be a question whether the Hospital has an adequate supply of water. This is a matter of such grave importance, the people will rest satisfied with nothing less than absolute certainty that the water supply is abundant and at command, at all seasons of the year. The Legislature, through its committee, can settle this question, and secure what is of such vital importance. If there be any of our fellow citizens whose condition should touch our sympathies, and command our most considerate care and protection, they are these wards of the State, deprived of both reason and liberty. This subject is full of pathos. All other calamities that can befall humanity, are but light afflictions, and it would

seem as if some were made to bear the accumulated woes of our race, lest man should become wholly unmindful of his absolute dependence. Unacquainted as I am with the peculiar needs and demands of this institution, I can do no more than refer you to the official reports of its officers, and to pledge myself to discharge, so far as in me lies, my duties concerning it.

REFORM SCHOOL.

The Reform School will command, as it deserves, your especial attention. All who have boys, and know how they love liberty, and must have it, cannot but feel a deep sympathy for the class of unfortunates detained here. True, they have been committed, and are detained by sentence of the court, but not so much for their own, as the fault of their parents and of society. When we consider their tender years, a large proportion of them not in their teens, and orphans, committed for "Truancy," "Malicious mischief," "Sabbath-breaking," "Idle, and disorderly conduct," and other petty misdemeanors, this school must be regarded by every humane person as a part of our Educational System, and not as a State prison for boys. But it must be admitted, that such is the impression upon the public mind; due, not to the treatment its inmates receive, but to the name the institution bears. Every boy who leaves this institution has a feeling, and is looked upon as such, that he is a graduate of the State prison for boys, and this feeling he must carry with him through life. If he learn a trade, it is a constant reminder of the misfortune of his youth. It is the skeleton in his house from which legislation should relieve him, by changing the name of the institution to that of Industrial School for Boys. We have a kindred institution for girls. No one ever thought of giving to that institution the name of Reform School for Girls. Why should not the boys be treated with equal consideration and humanity? The general affairs of the institution will be laid before you in the report of the superintendent and trustees.

INSURANCE.

Every public officer, holding public funds, should be required to give the usual bond. There would seem to be no good reason why the Insurance Commissioner should be made an exception to this general rule.

As to the insurance of our public buildings, I can see no valid reason why the State should not exercise the common prudence of business men, and insure such property.

STATE PRISON.

The duties now devolved upon the Warden of the State Prison seem to me to require qualifications rarely found united in one person. If this institution is to be made self-sustaining, I believe its business and financial affairs must be separated from the duties of warden, and devolved upon a business agent of the very best business capacity and qualifications. When the business affairs of the institution are managed upon strict business principles, by the best skill and ability attainable, it will pay its way. No doubt of it.

The management of the State Prison and all other State institutions, should be taken out of politics—wholly. While Inspectors and Trustees of these institutions are all given to one party, we may expect them to be a burden to the taxpayers; for they can hardly fail to be run, not on business, but on political principles. It should be required by law that Inspectors and Trustees of all our State institutions should be representatives of the different political parties.

MILITIA.

The report of the Adjutant General will furnish you with the full information as to the military organizations of the State, and the expenditures for military purposes during the year.

The well considered Act of last winter provides for a complete and efficient military system. First, the enrollment, biennially, of all able-bodied male citizens between the ages of 18 and 45 (not exempt) to be known as the enrolled militia of Maine, not to be subject to active duty except in case of war. Second, the Reserve Militia—companies organized from the enrolled military, uniformed at their own expense, the State furnishing arms and equipments. Third, the Active or Volunteer Militia, regularly enlisted for five years, consisting of not more than three regiments of infantry, one battery of artillery and one squadron of cavalry. On a peace footing the whole force is limited to 2025 enlisted men, uniformed, and when on duty paid by the State.

Under the provisions of this Act two regiments of infantry, one company of artillery and one company of cavalry have been organized as the active military of the State, armed and equipped and uniformed at the expense of the State, comprising in the aggregate 1034 enlisted men and commissioned officers. The work of organization under this act has proceeded *de novo*. The whole force has been enlisted, officered, and organized without regard to the previously existing

military establishment. The Adjutant General has discharged his duties with great ability and faithfulness. It has been to him a labor of love, in the results of which he may indulge a just pride. The completeness and efficiency of organization and supervision, if maintained and perfected by practice, will give to Maine a military establishment of surpassing excellence.

The expenditures for military purposes during the year have not yet been reported.

The estimated cost to the State for maintaining the present military establishment, will require an annual appropriation of \$15,000. As the law now stands, the expenditures for military purposes are limited only by the discretion of the Executive. Section 156 of the Militia Act provides as follows: "and to carry into full effect the provisions of this law, the Governor is hereby authorized to draw his warrant from time to time on any funds in the Treasury not otherwise expended, for the purposes thereof."

So large a discretion should not be imposed on the Executive. It is a responsibility that belongs to the Legislature. The amount of annual expenditures for military purposes should be limited by law.

Cui bono publico? For what are we training these citizens in the art of war, in the practice of arms?

Undoubtedly military exercises and military discipline, when maintained at a high standard of excellence, should be accounted, even in time of peace, as among the most effective agencies for the moral and physical training of our young men. For such military training cannot fail to impart to our citizen soldiers a spirit of manly independence and pride, a love of order and neatness, and habits of subordination. Besides, they serve to keep alive, in old and young, the spirit of patriotism. Reminded of the past glorious achievements of our citizen soldiers in defence of their country, they will covet the honors of those who have deserved well of their country, and lament that they had not lived in the heroic days of the Republic, and had part in the war of the Revolution, or the great struggle for the vindication and preservation of the work of our fathers. A true military spirit is a patriotic spirit.

These are considerations which should recommend, and justify, the requirements, by law, of military drill and discipline as a part of our educational system for the moral and physical training of young men in our colleges. But whether they are sufficient to justify the annual appropriation necessary to maintain a military establishment beyond the small

number of highly disciplined companies, scattered over the State, to supplement the police force, you will judge and determine.

The great Republic has passed that period of its existence when it was thought arms might be necessary to vindicate national honor or preserve national interests against a foreign foe. The Geneva Arbitration settled that point, and forever.

Our dangers are not from without; they are all from within. And yet, thank God, we are not training these soldiers for another sectional war. The conditions for such a conflict no longer exist. That great barrier between the sections—Slavery—that barred all intercourse and made us strangers, hence enemies, is removed. A chasm is left, but that will be filled. Then, again, it is no longer true that,

—“ Mountains interposed
Make enemies of nations, which had else
Like kindred drops been mingled into one.”

For, by the agencies of steam and electricity, all our mountain barriers are removed, and space, that severs and estranges, is annihilated. So that now the dwellers upon the Atlantic and Pacific slopes are neighbors as well as fellow citizens, and the most distant portions of our widely extended Republic are brought into the closest relations, commercial and social, as well as political. We are now one people, of one country, with one constitution and one destiny. Nor need we train soldiers to sustain a “ Strong Government”—a government of force to be felt only in its power, in its control, and not in its protection, in its beneficence. For the now fifty millions, and the untold future millions, of this Republic cannot be governed. They must govern themselves or the Republic itself cease to be; for force is ever the immediate parent of despotism.

Our dangers are all from within; and our chief danger is that which we share in common with all governments—the peril attending the transfer of power from the hands of one to the hands of another. “ Wars of successions” have desolated all lands but ours, and even our experience has rendered us sensible of this peril to our institutions. But we need not train soldiers for this contingency; for our exemption from civil war—a war of succession—depends not upon the presence of military force at the Capital, but rather upon their absence; so liable are armed men, like concealed weapons, to be used when the blood is up.

In the days of the Roman Republic her legions were not permitted to approach the Capital, not permitted to cross the Rubicon. Cæsar crossed it and the Roman Republic fell. Is

it possible that the American people can contemplate, with indifference, the proposed gathering of militia of the States at the National Capital on the 4th day of March next? True, the result of this election is not in dispute, but the result of the next election may be disputed, and then the gathering of the military forces, at the inauguration of General Garfield, may prove a fatal precedent, the very Rubicon of our Republic. If the President-elect has the instinct of a patriot, he will signalize his inauguration by placing his veto upon this proffered courtesy, and imitate the simplicity of the third President, who, without pomp and circumstance, almost unattended, walked to the Capitol and took the oath of his great office. By a wise provision of our Constitution the militia of Maine cannot be marched out of the State by the commander-in-chief, without the consent of the Legislature.

Recent events, in our own State, have taught us that we are not exempt from this common danger, attending the transfer of the Government from the hands of one to the hands of another. We should look this danger square in the face, and apply such remedy as wisdom and patriotism demand of us.

If the framers of our Constitution failed, in any respect, to guard perfectly at all point, the citadel of constitutional liberty, it was in this precise particular. Their great patriotism seems to have rendered them incapable of appreciating this great peril. They never dreamed that the American people could ever become so blinded by party zeal as to sink the patriot in the partisan, and be ready to tear down the very temple of liberty itself if public offices were not occupied by men of their choice. This danger dawned upon the mind of the Father of our country, and in his farewell address he gave us solemn warnings against it.

And Jefferson, having in view this great peril to our institutions, lays down this rule as the vital principle of all republics, viz: "Absolute acquiescence in the decisions of the majority!" But this rule does not touch the point of our difficulties. One element is wanting. Who shall decide? Who shall canvass the returns, and determine the result? No man shall be a judge in his own case. Absolute acquiescence in the decisions of the majority, *as determined by the tribunal constituted, by law, for that purpose*;—this is the vital principle, to which the attention of the people should be directed; the essential condition of the orderly conduct of the Government; the only safe-guard against civil strife and bloodshed.

The powers of our Government are distributed into three Departments: Executive, Legislative and Judicial, each inde-

pendent of the other. While it belongs to the Executive Department to canvass the votes, returned for Senators and Representatives, and certify the *prima facie* result, it is made the duty of the Legislature to canvass the returns for Governor, determine the result and declare it. And from that decision there is no appeal except to force. The Governor and Council may err in certifying who "appear" to be elected members of the Legislature; the Legislature may err in determining who is elected Governor; but in either case, there is no appeal except to force. So, possibly, either of these departments in the discharge of these official duties, may act corruptly and fraudulently, and decide in favor of a candidate not elected; yet there is no appeal except to force. All possible frauds that may thus be committed, better be borne for a time, than to plunge the State into the horrors of civil war.

The provision of our constitution which permits the Executive, or Legislature, to call upon the Court on any occasion, solemn or otherwise, for its opinion, seems to me as wrong in principle, as dangerous in practice. Under this provision, questions are referred to the Court not for decision, only for opinions, which the Executive or Legislature may take for what they are worth, follow them or disregard them at will, as has sometimes happened in our history. If these opinions are to be regarded as decisions binding the conscience and free will of the other branches of the government, where is the boasted independence of these co-ordinate branches, which has ever been deemed the peculiar beauty of our system, and as fundamental as the reserved rights of the State?

As the Court has not the responsibility of *deciding* such questions, its opinions partake of the character of opinions generally. We all know how cheap our opinions are when we are not responsible for them. We never know quite what we ought to do, any more than what we can do, until brought face to face with our responsibilities. For responsibility is the true inspirer that gives us wisdom and courage equal to our day,—the wisdom to discern the path of duty, and the courage to pursue it.

In the Constitutional Convention of 1787, John Adams proposed to engraft upon our National Constitution this provision of his own State Constitution—whence we derived it; but fortunately for the Republic, his proposition was rejected. If, in an evil moment, it had been adopted, can it be doubted that our Constitution would have contained a dangerous, if not fatal, provision;—that the Supreme Court would have

become the overshadowing power in the Government, and, in the hands of a weak or wicked President, been used to sustain Executive usurpations, destructive of the Government itself?

It may be asked, is there, then, no remedy against possible fraud and corruption, in matters of such vital importance? Yes, wait for the righteous and certain vengeance of the ballot box; and, as to the guilty perpetrators of the fraud—traitors to a public trust—let their punishment be as swift as was his of old, who laid his hand upon the Ark of the Covenant.

IMPRISONMENT FOR DEBT.

The increase of population in this State, during the last decade, is between three and four per cent. This increase, for the most part, is limited to two counties, Androscoggin and Aroostook, and is due chiefly to the manufacturing interests of the one, and the agricultural attractions of the other. Thousands of our citizens have left the State, during the decade, to escape their burdens of debt and taxation, hoping to better their chances in a new country.

Why is it that the West is making such drafts upon our population, upon the bone and muscle and intelligence of our people? A prosperous people do not emigrate; only those who are in distress. This is true of emigration from one State to another, as well as of emigration from the old countries to this.

One of the most efficient causes tending to drive citizens from the State, is the law of imprisonment for debt, as all must admit who know anything of its operation. This law is made the means of great oppression. Demands are cut up into small amounts, ten or fifteen dollar notes given, execution taken out upon each, and the debtor is pursued, harassed and oppressed, until he is forced to leave the State to preserve his personal liberty. The poor debtor in this State is deprived of the benefits of the statute exempting his property from attachment, for it must go, if it be his last cow or shoat, to pay the fees and costs of his disclosure. It is a shame that the personal liberty of the citizen should be held more cheaply than the collection of a ten dollar demand. Maine is now about the only State that retains upon its statute books this relic of barbarism.

The act of last winter, giving justices of the peace and of the quorum jurisdiction throughout the State, adds to the abomination of this law; for, in cases of disclosure, the creditor may now take his justice from the most distant part of the State, at the expense of the debtor.

USURY.

Then, in aid of the law of imprisonment for debt, we have a statute which limits the interest, which the creditor may exact only by his greed and the necessities of the debtor. Under this law, whatever the exactions by the money-lender, in the form of interest, they are not regarded as usury or extortion, only as a business transaction. The evil effects of the law develop slowly but surely. They tend not only to transfer the property of the many to the pockets of the few, but to paralyze and blight all productive industries, by rendering the trade of the money-lender the most profitable as well as the most favored business in the State.

The evil effects of this law have been most conspicuous in the disasters it has brought upon our savings institutions. All have suffered by it, and many been brought to the verge of ruin. The managers of these institutions are of the best men in our State, and yet, in the management of funds not their own, and under the restraints of legislative supervision, such was their passion for high rates of interest, these men neglected their first duty to the depositors and loaded the banks with investments of such doubtful character that banks holding six millions of deposits, suspended payment. If these insolvent banks had gone into the hands of receivers, instead of having their liabilities scaled down under the wise provisions of our law, the result would have been disastrous indeed. If good men—the best in the State—handling trust funds, are so anxious to make money for others, what may we not expect, under the license of this law, from men who are governed in their rates of interest, only by their greed to make money for themselves?

This law also tends to aggravate, immensely, far greater evils—those resulting from the non-taxable Government bond.

GOVERNMENT BONDS.

Debt, public and private ; debt and taxation are slowly but surely undermining our free institutions. Government bonds not only escape taxation themselves, but they furnish a cover for all other kinds of evidences of debt that *are* taxable. This double iniquity must be borne so long as United States bonds are endured. It would seem that the proposition to refund the seven or eight hundred millions of United States bonds now maturing, could meet with but little favor by the mass of the people in this State ; that their interests demanded that these bonds should be paid, not refunded to remain a burden for a generation at least, and perhaps for generations.

Then that other proposition, before the American Congress, to retire and destroy the 346,000,000 of legal tender notes,—burn them, so that out of their ashes may arise a like amount of interest-bearing bonds to further tax the labor and industry of the country! Would it not be more in accordance with the interest of the toiling masses in this country, to require the National Banks to retire their currency, some over three hundred millions, and replace it with United States legal tenders, and thereby pay off a like amount of United States bonds, burn them up and thus relieve the people of so much burden of interest, and above all, from the baneful influence of these bonds upon the currency and business of the country?

The Treasurer of the United States in his last report says: “Instead of the volume of the circulation being regulated by the business needs of the country, it is governed by the price of United States bonds! Within the last year a large reduction of bank circulation has taken place in the face of an active demand for money, simply because a good profit could be made by withdrawing and selling the four per cents deposited as security for circulation. Nearly twenty-five million dollars in four per cent. bonds were thus withdrawn during the last fiscal year.” The power that controls the volume of the people’s money is certain to control the people’s destinies.

This question of the currency is one about which honest men may honestly differ. It is an important question. Its decision will be of far-reaching consequence. If the bank currency win the whole field of circulation, then we shall have a never-ending national debt, maintained by the banks as the basis of their existence; yes, fostered by them as “a national blessing”—to the banks, ever increasing in number and power as the country increases in wealth and population, and certain to become, if not so already, a political machine, hostile to free government, mingling in the elections and legislation of the country, corrupting the press and exerting its influence in the only way known to the money power—by corruption.

But it is claimed that this bond policy is demanded in the interest of idle capital; that it is necessary to furnish “an opportunity for the safe investment of idle capital.” These safe investments for idle capital are destructive, not only of the industries, but of the morals of the people. As they render the trade of the money lender the most profitable business, they tend to create a race of idlers, misers and cowards who will never take any chances with labor in the

productive industries, while this opportunity, for safe investment and exemption from taxation, is open to them. They take no risks. The Vanderbilts, with tens of millions of United States bonds, spending the interest in Europe, and the tens of thousands of lesser bondholders, who produce nothing and do nothing except clip coupons, what are they to this country and its industries, but a class of gilded paupers supported by the labor of the country.

If this bondholding policy shall continue, judging by the rapid accumulation of property in the hands of the few, during the last fifteen years, how long will it be before we shall see, in this country, the same condition of things as in England, where one hundred and sixty persons own one-half of all the soil of England, and two-thirds of Scotland; or, as in Ireland, where only one person in ten hundred and fifty-eight, owns one foot of mother earth? Order reigns at Dublin to-day; so it did at Warsaw.

We have in this country 5,000 persons who own and possess 5,000 millions of property, mostly accumulated within the last fifteen years, and that, too, through unequal laws. Twenty years ago a millionaire in this country, was as rare as a prince, and so was a tramp.

CORPORATE POWER.

According to Poor's Manual on Railroads, the number of miles of railroads in operation in this country, increased from 9,000 in 1851, to 86,500 miles in 1879; and the gross earnings from \$36,000,000 in 1851 to \$529,000,000 in 1879. These facts serve to illustrate the most startling development of the age—the development of corporate power.

The presidents of the great trunk lines in this country control property, three of them, valued at \$1,818,000,000; and three others, property valued at \$943,000,000.

These great trunk lines have been in the habit of combining, and raising and lowering rates, not according to business principles, but according to their selfish interests. It is notorious that the change of these rates in a single week recently added \$5,000,000 per week to the burdens of the people, and put many times that amount into the hands of Eastern holders of grain, some of whom were Railroad Directors. Continue for another thirty years the present power of corporations to tax the public, and we shall have a moneyed aristocracy in this country, such as the world has never seen, and with all the attendant phenomena of venal legislators, and corruption in high places, which has caused the downfall of all republics in history.

How, then, can any reflecting mind, any patriot, contemplate without anxious concern, the tendency of the legislation of this country to create such rapid accumulation of property in the hands of the few at the expense of the many?

"The freest government," says Webster, "cannot long endure, where the tendency of the laws is to create a rapid accumulation of property in a few hands, and to render the masses of the people poor and dependent."

Universal suffrage and great landed estates cannot long exist together, for either the owners of the estates must restrict the right of suffrage, or that right of suffrage will in the end divide their estates.

Is it not time we paused in our career, and reviewed our principles?

FREEHOLDS.

Our institutions were founded upon equality, or rather, grew out of equality—that condition of comparative equality as to property, that characterized the early settlers of New England. They brought with them no great capitals, and, fortunately for humanity, there was nothing here productive, to tempt investments. If one millionaire had come over in the Mayflower, he would have blasted the prospects of a continent; for ours, then, would have been a government not to protect labor but capital. Capital would have shaped it. Our ancestors came here all upon an equality as to property, or rather as to poverty. But the lands were all open and free to them. They entered into possession and established the town system, the hundred acre lot system, the district school system, and upon this foundation they builded their free and Christian republic. All were tillers of the soil, farmers—not tenant farmers, but freeholders, having absolute dominion over their acres, recognizing no man as lord or master, no power between them and the God they worshipped. They were lords and sovereigns themselves, and if we are a nation of sovereigns to-day, it is only so far as we are a nation of freeholders. When these sovereigns got together to form a government what kind of a government could they form? Only that under which all were equals, all were sovereigns. They could not have formed any other if they had tried. It was this necessary act of parceling out the land into small freeholds, says Webster, "that fixed the future frame and form of their government."

Our New England ancestors not only began their system of government under a condition of comparative equality as to property, but all their laws were of a nature to favor and

perpetuate that equality. This is undoubtedly the true principle of legislation. Any system of legislation, therefore, that tends to destroy this happy equality, wipe out the small freeholds and centralize the ownership of land in the hands of the few, not only destroys the prosperity and independence of the people, but strikes at the very foundation of our republic. There is nothing in this country so sacred as the freehold. It was the immediate parent of our free-school system and constitutes the essential condition of its existence, for in a country of great landed estates the district school system is as impossible as it is unknown.

CONCLUSION.

At the foundation of our free system, therefore, lies the principle of EQUALITY, and it is only upon that principle it can be preserved; for it can rest in the love of all only as it rests in the interests of all. Move it from this basis of equality and our temple of liberty falls, and then who shall raise up its stately columns again? It was only by a happy concurrence of the most fortunate circumstances, our Constitution was framed and adopted. No other people, no other country, no other age was equal to the work. How far above the powers of the American people to-day is such an achievement? We should know, since we are not able to supply its one little defect, in relation to counting the electoral votes. The wisdom and patriotism of Congress is unequal to the task, though urged to it by every consideration of public safety. No, if our experiment of free government shall fail from the earth, it will be the knell of popular liberty the world over and for all time.

Cicero, in one of his orations, is led off into a panegyric upon the Roman Constitution. How apt are his words, when applied to our immaculate charter, the crowning glory of the Revolution,—that master-piece of human invention, at once the wonder and hope of the world,—the Constitution under which we live! for, says the great orator, "O wonderful system and discipline of government which we have received from our fathers!—LET US PRESERVE IT."

HARRIS M. PLAISTED.

STATE OF MAINE.

In HOUSE OF REPRESENTATIVES, {
March 10, 1881. }

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ORAMANDAL SMITH, *Clerk.*