

MAINE STATE LEGISLATURE

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RESOLVES

OF THE

LEGISLATURE

OF THE

STATE OF MAINE,

PASSED AT ITS SESSION,

WHICH COMMENCED ON THE THIRTY-FIRST DAY OF MAY,
AND ENDED ON THE TWENTY-EIGHTH DAY OF JUNE,
ONE THOUSAND EIGHT HUNDRED AND TWENTY.

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MESSAGE

OF THE

GOVERNOR OF THE STATE OF MAINE,

TO

BOTH BRANCHES OF THE LEGISLATURE,

JUNE 2, 1820.

*Gentlemen of the Senate and of the
House of Representatives.*

THE political connexion, which had so long subsisted between Massachusetts and Maine being dissolved, it is a source of much satisfaction to reflect, that the measures, adopted for its accomplishment, have effected the object in the most friendly manner. A great and powerful Commonwealth voluntarily yielding up her jurisdiction over a large portion of her citizens and territory, over whom she held an undisputed and rightful sovereignty ; these citizens peaceably and quietly forming themselves into a new and Independent State, framing and adopting with unexampled harmony and unanimity a Constitution, embracing all the essential principles of liberty and good government ; these are events, which constitute a memorable era in the history of our state—events for which you,

no doubt, as well as our fellow-citizens in general, will acknowledge with gratitude that divine goodness, which directs and controls the concerns of men.

The Act of Massachusetts, assenting to the formation of the District of Maine into a separate and independent State, also provides for a division of the public property. Although a large majority of the legislative body, which passed that act, was constituted of members from Massachusetts Proper, who thus had it in their power to dictate the terms; the principles of division as settled by them are so equitable and just, that they have received the general approbation. By this correct and wise course of policy, the executive and legislative departments of that government have laid the foundation of a lasting harmony between the two States.

Assembled for the purpose of performing the first acts of legislation, on you is devolved the arduous and important duty of devising, maturing, and perfecting a system of wise, equal and wholesome laws. Nor is the responsibility and difficulty of your situations as members of the first Legislature diminished by the consideration that the consequences, which may result from your deliberations, will have an important bearing on the generations, which are to succeed you, as well as upon the present and future character and standing of the state.

The establishment and organization of a Supreme Judicial Court will require your early attention. As the security of the people, the uninterrupted enjoyment of individual rights, the protection of property and the peace and harmony of society, in a great measure depend upon the correct exposition and impartial administration of the laws through the instrumentality of our Courts of Justice; it is highly important to the people themselves, that such adequate compensation should be assigned to our first Judicial officers as shall command the services of men of unquestioned integrity, possessing the first intelligence and extensive legal attainments.

Connected with the establishment of our Judicial system there is a subject, which I submit to your consideration with great diffidence. Our statutes, which embrace, as is well known, but a small portion of our laws, are comprised in five or six large volumes. In many cases in consequence of explanatory, additional, supplementary and partially repealing Acts, it has become difficult to ascertain what the law is. Under a government such as ours, a government of laws, and not of men, it ought to be one of its first principles that the laws should be simple and plain and easy to be understood. A new and revised code of statute law therefore, it is believed is exceedingly desirable as it certainly is practicable. It also becomes an interesting question, whether it is not practicable, as well as desirable, to extend the revision still farther. When the United States assumed their independence, it became necessary for the several States, and Massachusetts among them, to adopt the then existing colonial statutes, together with the common law of Great

Britain, embracing also a considerable portion of her statutes.— This heterogeneous mass with the statutes and judicial decisions of Massachusetts has been provisionally adopted by this State ; in addition to which, we have those of the United States, the whole combined forming such a variety of laws, opinions and judicial decisions, as to fill so many volumes, that few fortunes can purchase them, and still fewer capacities correctly understand them. A condensed, plain, perspicuous and well digested code therefore, embracing every branch of civil and criminal law, as well as the forms of proceeding in the several Courts would, it is believed, be a most invaluable acquisition to the citizens of this State. That the compilation and establishment of such a code is not altogether visionary is demonstrated by the fact, that such a code has not only been framed and established for itself by a foreign nation in our own times, but is universally acknowledged to be one of the greatest national benefits ever conferred on any country in any age. If the enacting of such a code is ever practicable under a government constituted like ours, there can be no period more favorable to its accomplishment, than the present, when we are just commencing our political course, as a new and independent State, and when so general a disposition prevails to harmonize in all measures calculated to promote the best interests of the community. Should the Legislature deem it expedient to adopt any measures preparatory to such a general revision of our laws, I would recommend that provision be made for establishing a *Board of Jurisprudence* to consist of men best qualified for the duties of such a station, with instructions to digest and prepare such a code, and report the same to the Legislature.

The situation of our fellow citizens, employed in agricultural pursuits, will not suffer in comparison with that of those of any other part of our country. It furnishes the most plenary evidence how advantageous this employment is to the people of our State. The encouragement, which agriculture has received not only from government but from patriotic individuals, and the consequent advances, which it has made, afford the most satisfactory evidence of the importance of a continued and a more particular attention to that interest. The propriety of encouraging our various agricultural societies at this time cannot be doubted. As the inhabitants of a good soil and healthy climate, we owe it to a bountiful providence to do all in our power to make it the residence of men alike prosperous and happy.

The manufacturing business of the country is at this time acquiring new energy. The capital now employed, though already large, will necessarily be increased ; as this State furnishes an unusual number of sites, where water power can be applied with advantage, I suggest for your consideration, whether there would not be a propriety and sound policy in exempting all such manufacturing establishments, as are or may be located within this State, as far as

the principles of the Constitution will admit, from every species of taxation for a considerable term of time. Some such encouragement the manufacturing interest at this time requires. If yielded, the State will no doubt find itself amply indemnified by the increase of capital and a large accession of respectable inhabitants.

The fisheries of our coast, bays, and rivers are so connected the one with the other, and are an interest so important to the people, that they will require your particular attention. The laws enacted for their regulation differ so materially, that it may well be doubted, whether all their provisions are calculated to promote the public good, and whether in some instances the views of individuals and sections of country have not been too much consulted.

The lands belonging to the State will also deserve your attention. Should a system be adopted for their management, calculated to prevent speculation, at the same time giving every encouragement to the real settler, the expectations of the best friends of Maine will be fully realized in an extended cultivation and an increased number of inhabitants. The system, which has hitherto been pursued, you will probably think has little to recommend it for further experiment. The inconveniences and embarrassments, which the settlement, as well as the settlers themselves, have in many instances experienced from the large proprietors, will, it is presumed, long be remembered in order to be guarded against by future legislators. A part of the public lands is covered with timber, which hereafter will be valuable; at the same time the land itself is not generally well calculated for settlement. The preservation of the timber therefore will be highly interesting to the State.

What progress has been made under the fifth article of the British Treaty in settling the eastern boundary of the State against the Province of New-Brunswick, and the northern boundary against that of lower Canada, I am not able to inform you. As this State and Massachusetts have so deep an interest in the settlement of these boundaries, there would seem to have been a propriety in the agent, appointed on the part of the United States, being taken from one of these two States. But under existing circumstances you will consider whether the interest of the State does not require from you the adoption of such arrangements, as are best calculated to afford the present agent such information in relation to this important subject, as the people in this State have it in their power to give.

A revisal of the Militia Law is rendered necessary with a view of conforming it to the equitable provisions of the Constitution. Other improvements also will no doubt suggest themselves. The peculiar situation of this State renders the most particular attention to the Militia necessary. Our future safety as well as the honor of the country requires it. And now that the service is to be performed equally by all, all will no doubt unite in rendering it highly honorable.

The arms received by the Commonwealth of Massachusetts from the United States, are to be divided between the two States in proportion to the returns of the Militia, according to which the arms were received. As an early application will be made for this State's proportion, your attention to the subject, as well as to the necessary provision for their deposit and security at some convenient place, is rendered necessary.

According to the terms of the act relating to the Separation, one third of all such sums, as may be received from the United States on account of the claim of Massachusetts for expenses incurred for the defence of the State during the late war, is when received to be paid over to the State of Maine. Whatever difference of opinion may have existed in relation to the mode, there could be none as to the necessity of the expenditure incurred within this portion of the Commonwealth, as the most valuable part of this District was defended in consequence of it. My situation during the late war gave me an opportunity to be acquainted with the details of the service of most of the Militia within this section of the Commonwealth. They were ordered out only on necessary and proper occasions ; they were discharged immediately on the enemy's retiring. To the allowance of this claim the United States have interposed certain objections ; but although the subject has been repeatedly presented to the consideration of Congress, no definite decision has been passed upon its merits. It is believed to be interesting to the United States, as well as to Massachusetts and Maine, that you should adopt such measures in relation to it, as are best calculated to bring this claim to a speedy and equitable decision.

Having adverted to the defence of this part of the country during the late war, it would be a neglect of duty on my part not to remind you, that, as there is no State in this Union, whose inland frontier is more exposed, so there is none, which has so extensive and so exposed a maritime frontier, as Maine. Yet, while military roads are making to aid the defence of some portions of our country, and bays, rivers and towns, are fortifying for the defence of others, most of the garrisons and other works within this State erected at considerable expense by the National Government, are now without a single soldier to guard them, and for want of necessary attention rapidly falling into decay. It only requires that our situation should be properly represented and understood that the procedure should be corrected and the desired effect produced.

The Commonwealth of Massachusetts has stipulated to pay to the State of Maine, thirty thousand dollars for performing certain duties and obligations to the Indians within this State, provided the assent of the Indians and a release of that Commonwealth from all her engagements to them are first obtained. In recommending this subject to your consideration, I indulge the hope that such measures will be adopted, as, while they are least expensive to the State,

shall be best calculated to protect the rights and secure to this, the last remnant of the natives, residing among us, all that comfort, which they are capable of enjoying.

The amount for travel and attendance of the members of the late convention, and for incidental expenses, was twenty one thousand one hundred and thirty one dollars. The sum received from the Treasury of Massachusetts, as provided by the act relating to the Separation, was seven thousand seven hundred and forty two dollars, leaving a balance of thirteen thousand three hundred and eighty nine dollars. To discharge this balance and other accruing expenses, the sum of fourteen thousand dollars were borrowed from the Banks of the State; for the repayment of which it will be necessary for the Legislature to make provision.

The receipts into the Treasury agreeably to our present system of revenue will be from the State tax twenty eight thousand seven hundred and eighty six dollars; from the Bank tax seventeen thousand and seven hundred dollars; from Licenses probably six thousand dollars—to which add for the present year eight thousand dollars to be received from the Treasury of Massachusetts, amounting in the whole to sixty thousand four hundred and eighty six dollars. What is to be the amount of the expenditure of the State is by the people confided to you. It is very desirable that the receipts into the Treasury should exceed by a considerable amount the estimated expenditure, in order that you may be enabled to endow our literary institutions, encourage agriculture and lay the foundation for such public roads, canals and other improvements, as the general interest of the State may require.

The existing embarrassments in our circulating medium cannot it is believed affect our revenues. The alarm in relation to the country banks, which originated in the capital of Massachusetts, and unfortunately extended itself into this State is fast subsiding; not however without having first reduced three of our fifteen banks to the necessity of suspending specie payments. This course it is presumed was intended by these banks only as a temporary measure adopted to prevent improper sacrifices on their part, as well as to secure the holders of their paper against any eventual loss. The present situation of our monied concerns cannot be of long duration, in a section of country possessing so many advantages. A return to prudent economical pursuits and habits of life for several years past on the part of our farmers has placed them in the most eligible situation. It is only necessary that the trading and mechanic portions of the community should imitate the example to derive equal benefits. The effect of such a course upon the prosperity, the morals, and the happiness of the people would soon become visible; confidence would be restored, and specie would resume its place in the vaults of the banks.

Admitted into the Union as a constituent member of the American family, I need not remind you that the selection of two of our most distinguished citizens to represent this State in the Senate of the

United States has become necessary. In making this important selection I feel confident that the Legislature will look with a single eye to the character, the honor, and the best interests of the State.

The Constitution under which you are assembled points out generally those duties which it is necessary should be performed by the first Legislature. Having in conformity with the provisions of that instrument suggested for your consideration such subjects as I consider deserving your attention, I request you Gentlemen, to be assured that nothing would afford me so much pleasure as concurring with you in all measures calculated to promote the general prosperity, so that our fellow-citizens may view the present with satisfaction, and look forward with confidence to the future ; and that under the blessing of a wise and gracious Providence the Union of the States and the freedom and happiness of the people may be perpetual.

WILLIAM KING.

COUNCIL CHAMBER, }
June 2d, 1820. }