

MAINE STATE LEGISLATURE

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RESOLVES

OF THE

FOURTH LEGISLATURE

OF THE

STATE OF MAINE,

PASSED AT THE SESSION

WHICH COMMENCED ON THE SEVENTH DAY OF JANUARY, AND ENDED ON THE
TWENTY-FIFTH DAY OF FEBRUARY, ONE THOUSAND EIGHT
HUNDRED AND TWENTY-FOUR.

PUBLISHED AGREEABLY TO THE RESOLVE OF THE 28th OF JUNE, 1820.

PORTLAND :

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1824.

MESSAGE
OF THE
GOVERNOR OF THE STATE OF MAINE,
TO
BOTH BRANCHES OF THE LEGISLATURE.

GENTLEMEN OF THE SENATE,
AND OF THE HOUSE OF REPRESENTATIVES,

THE circumstances under which we assemble call for grateful acknowledgments to our Supreme Benefactor. Enjoying, as we do, all the blessings of a free Government, where the sovereign power remains with the people and is exercised only by agents of their choice, we can hardly realize the condition of other nations, under Governments less free, in which the rights of the people are either abridged or altogether disregarded.

To excite love of country, and an attachment to the institutions under which, as a people, we have prospered, and, as individuals, are protected; to allay that spirit of restlessness, whenever it exists, which is sometimes felt under the most favorable circumstances in life, we may profitably compare our situation with that of other communities. And, when making the comparison, may we always bear in mind that a continuance of our common and public blessings depends, under Providence, upon the intelligence and the virtue of the people.

In accepting the situations, which we now occupy, as members of that branch of the Government empowered to enact laws for the common welfare, we assume responsibilities that can be discharged only by a faithful and industrious attention to the public interests, by a due regard to the situation of our fellow-citizens and by exerting all our official influence on the side of morality and good order. In thus performing our respective duties, we may expect for ourselves the confidence of our constituents, and, for our State, the blessings of a kind and superintending Providence.

Whatever difference in opinion there may be relative to measures of minor importance, all will unquestionably agree in those which promote the public tranquility and guard the public morals.

As a community we have reason to hope, that the moral and relative obligations of our citizens are not more frequently violated; that the evils of vice are not more extensively felt here than in other parts of our land, and, that with us the influence of the example and correct habits of our ancestors, aided by the restraints of law, but more especially by our system of general education, has had a salutary effect. Let it be our care to strengthen the barriers which our predecessors erected.

Under the law to provide for the erection and government of a State Prison, passed by the last Legislature, a Committee of three discreet persons was appointed to purchase a suitable lot of land in the town of Thomaston, on which to erect said Prison, and other buildings necessary for the employment of convicts. The Committee, in pursuance of their authority, proceeded to contract for a lot comprising about ten acres, including an inexhaustible quarry of limestone, lying on St. Georges' river, and affording room for a commodious wharf, at which large vessels may lie at any state of the tide. The Committee report, that whether the convicts be employed in quarrying the lime rock or other branches of business, the situation purchased possesses advantages superior to any other place in the town for a State Prison. A copy of their report will be laid before you, accompanied by a plan of the land purchased. A deed, conveying the premises to the State, having been duly executed and recorded, the Executive proceeded to the appointment of a suitable person to superintend the erection of said Prison and other buildings, taking from the person thus appointed, a bond, with sufficient sureties, for the faithful appropriation of all such sums of money as should from time to time be entrusted to him. From the report of the superintendent, it appears that a keeper's house, of stone, forty feet long, thirty feet wide, and two stories high, has been erected; a hospital, forty-eight feet long, and twenty-three feet wide; has likewise been erected, of stone, with stone flooring and covering; and that a strong and substantial prison of stone, containing fifty cells for the confinement of convicts, has been entirely completed. The range of cells is so constructed that additions may be conveniently made to any desirable extent, as they shall become necessary. A yard enclosing the whole, of sufficient height and convenient size, is nearly completed. It has been deemed advisable to delay finishing the interior of the second story of the prison, which will probably be occupied as a workshop, or for pur-

poses connected with the support of the convicts, until the Legislature shall have decided in what manner they are to be employed. The building of workshops separate from the prison, has also been omitted, as the use for them would depend entirely upon the same decision. The cells not having been completed until the last of November, it is not probable that they will be sufficiently dried and in a suitable situation to be occupied with safety to health until the ensuing spring. The whole expense of the prison, keeper's house, hospital and yard, in its present situation, including the sum paid for the land, is short of twenty-six thousand dollars; and the superintendant estimates that fifteen hundred dollars more will be fully sufficient to meet all the additional necessary expenditures. A full report of the proceedings of the superintendant, exhibiting the several items of expense, accompanied by proper vouchers, will be laid before you, agreeably to the provisions of the law under which he was appointed.

In the month of July last, I received official information that Massachusetts, under the fifth article of the first section of the act relating to the separation of the two States, did elect to pay to this State the sum of thirty thousand dollars, in lieu of the lands set off by the Commissioners, under the act aforesaid, as an indemnification to Maine for having assumed to perform certain obligations towards the Penobscot tribe of Indians. This sum has since been paid by Massachusetts into the Treasury of this State.

I lay before the Legislature a copy of an agreement entered into by the Commissioners aforesaid, by which they have completed the distribution and assignment that remained to be made in the division of the personal property belonging to the two States. The small balance of money assigned to the share of this State has been paid into the Treasury. It will be perceived that the notes, bonds, and other securities, at the time of the assignment were, as they still are, principally in the possession of the Agents by whom they were originally taken. I also lay before you a copy of another instrument, executed by said Commissioners, by which a further division is made of the public lands. This State now owns in severalty a number of valuable townships lying on the Penobscot and Schoodic waters, and a number more lying north of Bingham's Kennebec Purchase, and between said Purchase and the line of New-Hampshire. It also owns several Islands on the coast, and a large number of reserved lots and tracts in many of the settled towns and plantations in different parts of the State. Some of these last mentioned tracts, it is apprehended, are rather deteriorating than advancing in value, in consequence of depredations upon the timber. It

will, no doubt, be deemed expedient to put our lands into the market, in such quantities as will meet the demand, for purposes of actual settlement. As this demand is already considerable, and will probably be annually increasing, it may be for the public interest to adopt such a system for the management of these lands generally, as will more effectually ensure a correct knowledge and estimate of their value and facilitate their sale and settlement.

There will probably be no further division of the lands belonging in common to Massachusetts and this State until the settlement, by the Governments of the United States and Great Britain, of the line which forms our north eastern boundary. Although this adjustment, of deep interest to us, both as it regards property and jurisdiction, has been protracted far beyond our expectations, yet it will be satisfactory to the people of this State to learn that the delay is attributable to circumstances in no wise controllable by our own Government.

In consequence of the disagreement of the Commissioners appointed under the fifth article of the treaty of Ghent, a proposition has been made by the Government of the United States, and accepted by the British Government, to endeavor to establish this boundary by amicable negotiation, rather than by submission to the decision of a foreign power, as provided by the Treaty. This arrangement is believed to be satisfactory to Maine, and we have reason to feel a confidence that the negotiation will be so conducted as to secure to this State its just rights.

I lay before you the annual return of the Militia of this State, by which it appears that our effective force consists of upwards of thirty-five thousand Infantry, and three thousand Cavalry and Artillery, generally well armed and properly organized. Congress possess the power to provide for organizing, arming and disciplining the Militia; and, as the subject in all its branches, has been specially recommended by the President to the attention of the National Legislature, at its present session, we have reason to expect that it will now receive the consideration which its importance demands. From information communicated by the commanding officers of Artillery, in different parts of the State, it appears that many of the buildings erected for the preservation of the ordnance attached to their respective companies, are in such a state of decay as not to answer the purpose for which they were provided. In some of the most urgent cases, I have directed such repairs to be made as were necessary to secure and preserve the public property, and, for which, the accounts will be presented the present session. In other cases less urgent, the commanding officers have been directed to furnish statements

of the necessary repairs, accompanied by estimates of the probable expense. It is believed also, that in many instances, the apparatus connected with the field ordnance, will be unfit for use another season, without very considerable repairs. As the property entrusted to the care of the several Artillery companies is of no inconsiderable value, it may be expedient to adopt such further measures as will more effectually ensure its preservation, and a proper accountability for its condition and safe keeping.

Under the Act of Congress, "for arming and equipping the whole body of the militia of the United States," I have received from the War Department fifteen hundred and nine stands of arms, being the quota apportioned to Maine from January 1, 1820, to December 31, 1822. The arms due this State for the four years prior to January 1820, are included in the apportionment made to Massachusetts, and will, no doubt, be delivered over by that State whenever we shall make application therefor.

On the twelfth day of May last, the office of Treasurer of the State became vacant by the death of the Treasurer. Two discreet persons were immediately appointed to take an inventory of all monies and other property belonging to the State, which were in the possession of the Treasurer at the time of his death. The public property of every description, found in the office, was thereupon delivered over to Elias Thomas, Esq. who was duly appointed and qualified as Commissioner, to transact the duties of said office during the remainder of the year. As there is no law fixing the salary of Commissioner, he cannot receive compensation for his services until provision is made therefor by the Legislature.

In the course of the season I have had an opportunity of examining such of our principal Literary Institutions, as during the last year received assistance from the State. Their appearance was such as to afford evidence of increasing usefulness, and of the proper application of the public bounty. The Institution at Gardiner, although recently established, bids fair fully to answer the expectations of its patrons, and by supplying a course of instruction of a higher grade than is usually taught in our common Academies, and of a more practical character, and better suited to the immediate business of life, than is afforded in our Colleges, to commend itself to the public favor. It is probable that a better acquaintance with those sciences which may be beneficially applied to Agriculture and the mechanic arts, may be acquired at this Institution than at any other in our country.

Previous to the meeting of the next Legislature, the people will be again called to the exercise of their sovereign power in the election of the first Magistrate of the country. As the Nation-

al Constitution has secured to each State the right of appointing Electors of President and Vice-President, in such manner as its Legislature may direct, and as we have no existing law providing for such appointment, it will be necessary at the present session to take this subject into consideration. In deciding upon the best manner of choosing the Electors, our own experience will no doubt direct to that course most satisfactory to our constituents, as well as most congenial to the principles of our Government.

It is desirable in all elections, as far as practicable, to close every avenue to corrupt or improper influence. This can be done most effectually by bringing home the decision to the sound, unbiassed judgment of an enlightened people, in such a manner as to enable every citizen to participate. Each individual then conscious of the high duty he is about to discharge, inquires for himself, and assisted by the light and the testimony of the press, forms an opinion uninfluenced by any consideration other than the good of his country. I trust, that mode will be adopted which is best calculated to ensure a fair expression of the public will.

An exhibit of the present situation of the Treasury, together with a statement, in detail, of the receipts and expenditures during the last year, will be laid before you by the Commissioner of that Department. On the first day of the present month there remained in the Treasury an unexpended balance of nineteen thousand thirty-five dollars and ninety-two cents; in addition to which, there was on that day due to the Treasury, of the Tax of 1823, the sum of thirty-five thousand eight hundred and thirty-nine dollars and two cents. It has not been found necessary to resort to any part of the loan authorized by the Resolve of the 11th of February last, and as the expenses incurred in erecting the State Prison have all been paid, and as a balance of the appropriation will remain unexpended after defraying every charge incident to the entire completion of that establishment, it is not expected that there will be any considerable demands on the Treasury the ensuing year, except such as may arise from the ordinary operations of the Government. This will, however, depend upon the Legislature. If additional grants be made they will require a corresponding attention to the ways and means. In any event, I trust, we shall not have recourse to loans. It cannot be good policy for a government to expend beyond its revenue, or to pledge its future means for the discharge of its present necessities.

A proper attention to economy is expected from those who hold the public purse. While the people contribute willingly to

meet all the necessary exigencies of the Government, they require a judicious application of the revenue for useful and proper purposes, and a strict accountability in all who are entrusted with its disbursements.

The resources of this State are considerable in its lands, but greater, incomparably greater, in the enterprize, industry and frugal habits of its population. That this resource may never fail, how vastly important it is that the rising generation should be trained to similar habits; above all, that they should be guarded from those vices which strike at the foundation of man's usefulness in this life and his hopes of the future, and over which, when once rooted, neither example, nor law, nor public opinion seem to have even a perceptible influence.

I shall communicate with you, by special message, upon several other subjects that may require Legislative consideration; and, at all times, afford every assistance in my power to expedite the public business; and so far as the reputation of the State, the happiness of our fellow-citizens, and the interest and welfare of the rising generation depend upon us, may we, by our united exertion, contribute to their promotion; and may all the various duties of our respective stations be performed in a manner beneficial to our country and acceptable to our God.

ALBION K. PARRIS.

COUNCIL CHAMBER, }
JANUARY 10, 1824. }

MESSAGE OF THE GOVERNOR.

To the Senate and House of Representatives :

I have received from the Governor of the State of Georgia, a "Copy of a Resolution of the Legislature of that State, expressing their opinion upon the subject of confining the General Government in establishing Banks or other monied institutions within the District of Columbia," and refusing to concur in the amendment of the Constitution of the United States, proposed by the State of Pennsylvania.

I have also received from the Governor of the State of Illinois a copy of sundry Resolutions of the Legislature of that State "on the subject of the claim, originated by the State of Maryland, to grants of land from the United States for the purposes of education."

I have likewise received from the Governor of the State of Tennessee a copy of a "Preamble and Resolutions" adopted by the Legislature of that State on the subject of nominating candidates for the office of President and Vice President of the United States, instructing their Senators, and requesting their Represent-

tatives in Congress, to "use their best exertions to prevent such nomination being made by Members thereof, in caucus during the present session."

In compliance with the request contained in each of the above mentioned communications, I have directed that they be laid before you by the Secretary for your consideration.

ALBION K. PARRIS.

COUNCIL CHAMBER, }
JANUARY 10, 1824. }

MESSAGE OF THE GOVERNOR.

To the Senate and House of Representatives,

I have received from the Administrator on the estate of Joseph C. Boyd, Esq. late Treasurer of Maine, a statement of the receipts and expenditures at the Treasury, from the commencement of the year 1823, until his decease, which I lay before the Legislature for examination.

ALBION K. PARRIS.

COUNCIL CHAMBER, }
JANUARY 12, 1824. }

MESSAGE OF THE GOVERNOR.

To the Senate and House of Representatives,

I have received from a "Committee of the inhabitants of the town of Augusta," a Deed conveying to the State a lot of Land in said town, for the purposes therein expressed, which I lay before the two branches of the Legislature for their consideration.

ALBION K. PARRIS.

COUNCIL CHAMBER, }
JANUARY 15, 1824. }

MESSAGE OF THE GOVERNOR.

To the Senate and House of Representatives :

I lay before the Legislature all the information in my possession relative to the present situation of the claim upon the United States for expenses incurred by Massachusetts during the late war. I omitted noticing this subject in my general communication of the 10th inst. not having at that time received any report from the Agent appointed on the part of this State under the Resolve of the 10th of February last. His report has since been received, and I deem it proper that a copy thereof, and of the whole correspondence be communicated to the Legislature.

ALBION K. PARRIS.

COUNCIL CHAMBER, }
JANUARY 20, 1824. }