

MAINE STATE LEGISLATURE

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RESOLVES

OF THE

THIRTEENTH LEGISLATURE

OF THE

STATE OF MAINE,

PASSED AT THE SESSION

WHICH COMMENCED ON THE SECOND DAY OF JANUARY, AND ENDED ON
THE FOURTH DAY OF MARCH, ONE THOUSAND EIGHT
HUNDRED AND THIRTY-THREE.

PUBLISHED AGREEABLY TO THE RESOLVE OF JUNE 28, 1820.

AUGUSTA:

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1833.

M E S S A G E
OF THE
GOVERNOR OF THE STATE OF MAINE,
TO
BOTH BRANCHES OF THE LEGISLATURE.

GENTLEMEN OF THE SENATE, AND
HOUSE OF REPRESENTATIVES,

IN assuming the discharge of the responsible duties assigned us by the suffrages of our fellow citizens, our first emotions should be thankfulness and gratitude to the Beneficent Disposer of events, for the continued peace and prosperity of our common Country. As a constituent part of the American Republic, our own State partakes of the general happiness, and from year to year we have increasing cause to be satisfied with our condition as a people; and interest and patriotism both conspire to augment our attachment to the Union of the States, and to render us more devoted in the support of that Constitution of Government, which has hitherto surmounted every difficulty, and conducted this nation to a state of freedom and prosperity unexampled in the history of the world.

As many important concerns, directly interesting to the people of this State, are placed by the federal Constitution under the control of the General Government, we cannot be indifferent to its measures and proceedings; and the sentiments of the Legislature of a State, deliberately expressed upon subjects of national concernment, are justly entitled to a respectful consideration in the national councils. With regard to those subjects upon which at present the people of the United States are divided in opinion to an extent calculated to excite a just alarm for the stability of our Union, the Legislature of this State has heretofore declared its sentiments, and passed resolutions in relation to the constitutional power of the General Government to make appropriations for internal improvements,—against the renewal of the charter of the Bank of the United States,—and

in favor of a modification of the Tariff, so that the national revenue shall not exceed the expenditures of the Government. These resolutions have been duly communicated to our Senators and Representatives in Congress. And it cannot fail to be highly satisfactory to the Legislature and People of this State, to know that these general subjects have been recommended by the President to the consideration of Congress, in a manner which justifies the hope that they will there receive such direction as shall be best calculated to promote the mutual interests and harmony of the States, and be in accordance with the just expectations of the people.

I have received from the Governor of South Carolina a copy of the proceedings of a Convention of the people of that State, which, agreeably to the request therein expressed, I herewith lay before you for your consideration. By these documents it appears that the Convention being of opinion that the Tariff Laws are unconstitutional and void, has declared the determination of the people of South Carolina to resist the execution of those laws, and if the General Government should attempt by force to carry them into effect, the Convention has further declared that the people of that State will henceforth consider themselves absolved from all obligation to maintain or preserve their political connexion with the people of the other States, and will forthwith proceed to organize a separate Government.

I consider it due to the people of South Carolina, to ourselves and to the nation, that the sentiments of the Legislature and people of this State should be fully expressed in relation to these extraordinary proceedings. It is also important that those who at present constitute a majority of the people of South Carolina should be correctly informed how far they may calculate, in their measures of nullification and disunion, upon the sympathy and support of the other sections of the Union.

Attached as the people of this State are, to the Constitution and Union of the States, which were formed by the exertions and patriotism of our fathers, and under which this favored country has attained to such unparalleled happiness and prosperity, we cannot but view with the deepest sorrow and regret, any approach towards a violation of that Constitution, or a dissolution of the bonds which have hitherto so happily connected the different members of our extensive Republic. Should the

citizens of South Carolina feel aggrieved by the operation of laws, which they believe to be unconstitutional and oppressive, there are many modes of redress to which, legally and without a violation of the Constitution, they may have recourse. They can appeal to the Supreme Judiciary of the United States, which, by the express consent of South Carolina as well as of the other States, is constituted a tribunal for the decision of questions arising under the Constitution;—or if the Constitution is found to be imperfect and not to promote the objects intended by its adoption, it contains within itself provisions of amendment, which by means of a Convention of the States, may peaceably remedy the evils complained of; or if neither of these means of redress should afford relief, they might with confidence have relied upon the justice of their country, and the progress of enlightened public sentiment which will never suffer any portion or individual of this free community to be unduly burthened, or deprived of privileges essential to their happiness and prosperity. It was therefore to have been hoped that patriotism and public duty would have induced those citizens of South Carolina to have sought in a legal manner for the repeal or amendment of the laws to which they object, without having recourse to measures, which, if not abandoned, may involve that hitherto happy and patriotic State in all the horrors of a civil war.

Though in common with our brethren of South Carolina and the rest of the United States, *we* are experiencing many of the injurious effects of the system for the protection of American manufactures, yet as citizens of a republican government, we hold it to be the first duty of patriotism to submit to the will of the majority constitutionally declared; and it is confidently believed that the citizens of this State, without distinction, will cordially respond to the just and patriotic sentiments of the recent proclamation of the President, and that those measures of resistance which bid defiance to the Constitution and laws, and have for their object a dissolution of the Government and Union of the United States, will receive the most decided disapprobation of every individual, who glories in the name of an American citizen.

In this alarming crisis of our national affairs, we cannot but rejoice that the Executive Department of the General Govern-

ment, sustained as it is by a vast majority of the American people, has announced its determination to support and carry into effect the Constitution and laws of the United States. On the prudence and moderation, as well as on the energy and decision of our patriotic Chief Magistrate, aided by the united wisdom of the national councils, our country can confidently rely for the settlement of this unhappy controversy, peaceably if it be possible, or for the adoption of those measures which may be necessary to preserve, at all events, the integrity of the Union.

It would have afforded me much satisfaction to have been enabled to inform you that the question respecting our North Eastern Boundary had been satisfactorily settled. It is still pending under the control of the General Government. The award of the Arbitrator having been considered not obligatory, the Senate of the United States have advised the President to open a new negotiation with his Britannic Majesty's Government for the ascertainment of the boundary according to the Treaty of 1783.

That the territory in dispute is within the limits of Maine, according to the boundaries as established by the Treaty of 1783, is too obvious to admit of a doubt, and in all the proceedings in relation to this subject, the position that the United States have not the power by the federal constitution to alienate any portion of the territory of a State without its consent, has never for a moment been lost sight of or abandoned by the Government of this State. This position has in effect at different times been admitted by the Executive Department of the General Government. We have reason, therefore, to expect that by the contemplated negotiation this question may be finally settled without involving the peace of the nation, and in a manner that shall be consistent with the constitutional rights of this State.

In pursuance of the Resolve of the last Legislature, Commissioners were appointed to meet and confer with those appointed by the President for the purpose of agreeing upon a preliminary arrangement towards effecting, if possible, an amicable settlement of this long pending dispute on terms that might be mutually satisfactory. A report of their proceedings has not yet been received, but I am informed that it may be expected in the course of the present Session to be communi-

cated to the Legislature, to whom by the Resolve it is required to be submitted for approval or rejection.

There is also pending before the General Government the claim of this State in common with Massachusetts for the balance of the principal and the interest due for the services of the Militia during the last war. To the payment of the interest on the amount already allowed and paid, it is believed there can be no possible objection. It will belong to our Senators and Representatives in Congress to urge upon the attention of the General Government the speedy allowance of this claim, and when separated from other subjects with which it has no connexion, it cannot be doubted that the amount of interest, (of which Maine's proportion is estimated at more than One Hundred and Fifty thousand Dollars) will be promptly paid.

By request of the last Legislature, I communicated to his Excellency the Governor of Massachusetts the Resolve claiming one third part of the amount received by that Commonwealth on account of the Militia claims, without deduction, accompanied with a request upon that Government, to pay the balance to the Treasurer of this State. The reply of the Governor, with the proceedings of the Legislature of Massachusetts in relation to this subject, will be herewith laid before you.

With regard to the ordinary internal concerns of the State, I am aware of but few subjects which at this session of the Legislature will necessarily require your attention. Among these, our Schools and Seminaries of learning are of the first importance, and I trust they will receive from you that protection and encouragement which the Constitution enjoins, and the interest of our Country, the stability of our Government, and the welfare and happiness of the rising generation imperiously require. That part of the Act of 1831 respecting the Colleges in this State, which requires more than a majority of votes to elect a President, is an anomaly in our republican institutions, and I would respectfully submit to your consideration the expediency of its repeal.

It will also be worthy of your attention to inquire if any new regulations can be established for the improvement of our primary schools. It is of incalculable importance that the liberal amount required by law to be annually raised for the support of

schools should be expended in a manner that will be productive of the most benefit, and that no instructors should be employed but those who, by their moral and literary qualifications, are fully competent to the office.

In connexion with the subject of literary and scientific instruction, it may be worthy of inquiry whether the public welfare would not be promoted by Legislative enactments for the purpose of legalizing the study of Anatomy. The many inconveniences to which medical students and practitioners were subjected have, in a degree, been remedied in some of our sister States, and while the law has protected the sepulchres of the dead from violation, in certain cases, where no injury could be done to the feelings of friends and survivors, legal protection has been afforded to those who are laudably engaged in the advancement of this most important and necessary branch of human science.

The increased attention paid by our citizens to the cultivation of the soil and the advancements which continue to be made in that most useful of all employments, must be highly gratifying to those who feel an interest in the permanent prosperity of the State. Since the Act of the last Legislature for the encouragement of Agriculture, Horticulture and Manufactures, the several incorporated Agricultural Societies in the Counties of Cumberland, Kennebec, Somerset and Waldo, have availed themselves of its provisions, and the Treasurer has paid to each a sum equal to the amount respectively received by them from subscriptions or otherwise, to be expended in promotion of the objects contemplated by these laudable associations. The Act requires that annually in January, each Society which receives this gratuity shall transmit to the Secretary of State, an official statement of the expenditures, specifying the objects for which premiums have been awarded, and to whom paid, with such general observations as may be deemed useful, which statement is to be communicated to the Legislature.

The subject of the Public lands of the State is becoming daily more interesting, and their value and the demand for them is increasing. By the Report of the Land Agent it appears that he has sold, during the past year, One Hundred Twenty Four Thousand One Hundred and Fifty Four acres of land, for the consideration of Ninety Nine Thousand One Hundred

and Ninety Nine Dollars, being an average of about Eighty Cents an acre. A great proportion of this land was sold in small lots intended for actual settlement. The Aroostook road has been opened for the distance of thirty miles by the Land Agents of this State and of Massachusetts, at the joint expense of the two States, and it is in contemplation to continue the road, which will soon become an important avenue to the interior of the State.

The importance of providing for the internal improvement of our State will undoubtedly suggest itself to your consideration. The immense benefits which other States have derived from roads and canals, constructed at the public expense, or by private enterprise, affords encouragement to us, so far as our means and situation will permit, to imitate their example, and by facilitating the intercourse and transportation between the interior and seaboard, to promote the prosperity of both, raise the value of our wild lands, and rapidly advance the improvement and settlement of the remote parts of the State.

During the past season, the amount granted by the State, and received from individuals, for the improvement of the road leading through the notch of the White Hills has been, nearly all, faithfully expended by the Agent, and the distance of eighteen and a half miles, from Ethan A. Crawford's to Littleton Village, has been made a good carriage road; and repairs have also been made in the town of Bartlett this side of the Mountains.

The amount appropriated for repairing the Canada road has been expended for that purpose, and the present condition of the road and the necessity of providing for future repairs, will appear by the Report of the Agent, herewith transmitted.—Under the Resolve of last year, the Agents who formerly contracted to complete the road westward of the Bald Mountain, have entered into a new contract for that purpose, and it is expected to be finished in the course of the ensuing season.

By means of this communication the intercourse and trade of the citizens of this State with our friendly neighbors of the Province of Canada, is increasing and it is for our mutual interests to cherish the good understanding now happily subsisting.—The facility of passing from the jurisdiction of one Government to that of the other, affords an opportunity for the escape of fugitives from justice; and the laws have given no

power to the Executive of this State to deliver them up on the request of the Provincial Government. I would respectfully suggest for your consideration the expediency of providing by law for cases of this kind, where, from the nature of the crimes committed, the public welfare would require the offenders to be surrendered to answer the demands of Justice.

The concerns of the State's Prison at Thomaston are in a favorable situation. The amount paid, during the past year, for the support of the convicts, and materials for manufacture, is about Eighteen Thousand Seven Hundred Dollars, and the receipts for manufactures sold from the prison amount to about Eighteen Thousand Dollars. The stock on hand at the close of the present year exceeds that of last year by more than Two Thousand Five Hundred Dollars, which leaves a balance of about One Thousand Eight Hundred Dollars in favor of the institution. The number of convicts in the prison for the last three years is found not to increase, and is five less at the present time than it was at the same time last year. There has been but one death during the past year, and an unusual degree of health has prevailed. Much attention is paid to the moral and religious instruction of the convicts, and the interest which most of them seem to take in the Sunday School, and the improvement which many of them have made is highly commendable.

Events are continually occurring in our Country which demonstrate the indispensable importance of a well organized and efficient Militia. As this subject is now under the consideration of Congress for the improvement of the general system, it will not perhaps be advisable to make any essential alterations in our militia laws during the present session.

It is regretted that in numerous instances no returns of the state of the Militia have been made during the past year. As the arms received from the United States are in proportion to the number of Militia in the State, and on many other accounts, it is important that these returns should be annually made by the Staff Officers, as required by law, and that no pay should be allowed them when this duty has not been faithfully performed.

By the last returns, some having been made years since, it appears that the Militia of the State amounts to Forty Thousand and Six men, not including Seven Companies, of which

no returns have been made. The actual amount at the present time will much exceed that number. The Report of the Adjutant General, specifying the returns that have been made, and those that are deficient, with other useful suggestions, will be laid before you.

A Magazine for the safe keeping of powder and fixed ammunition has been erected near the State's Arsenal at Portland, in pursuance of the Resolve for that purpose. The agent found it necessary to exceed the amount of the appropriation, and will present his claim for the balance of his expenditures for your allowance.

It will be necessary to provide for a new supply of the general laws of the State, required to be furnished to the several towns and public officers. I am informed that a new edition, improved by marginal notes and references, is in preparation, and it may be for the interest of the State to contract for the number of copies that will be necessary.

The Treasurer will furnish you with a detailed statement of the financial concerns of the State. During the past year the receipts into the Treasury have been One Hundred Forty Six Thousand Thirty Three Dollars and Twenty Six Cents, exclusive of securities received for the payment of lands sold; and the expenditures, including Twenty Five Thousand Dollars paid towards the extinguishment of the public debt, amount to the sum of One Hundred Forty Thousand, Four Hundred Two Dollars and Fifty Four Cents. The present amount of the debt of the State is Forty Three Thousand Dollars, which, it is hoped, the government will be able to discharge in the course of the present year, from the amount expected to be received from the United States on account of the Militia Claim, if the Legislature should consider an appropriation for that purpose expedient.

It will be necessary, during your present session, to elect a Senator, and provide for the choice of Representatives, to Congress. It is important that these elections should be made previous to the fourth of March next, as the new Congress may be convened before the usual season.

The Secretary of State will lay before you Resolutions of the Commonwealth of Pennsylvania, relative to the Union of the States, and the Constitution of the United States.

In conclusion, permit me to express my hopes that your present Session will not be an arduous one, and to assure you of my cordial co-operation in all measures interesting to the State, and promotive of the general welfare. Though in free Governments, differences of opinion are unavoidable, and that all should be satisfied with any possible course of measures, is not to be expected, yet may we all be ever enabled to realize, that we are brethren of the same community, embarked in a common cause, and that the great object with all is the harmony, prosperity and happiness of our beloved Country.

SAMUEL E. SMITH.

COUNCIL CHAMBER, }
Augusta, January 4, 1833. }