

# MAINE STATE LEGISLATURE

The following document is provided by the  
**LAW AND LEGISLATIVE DIGITAL LIBRARY**  
at the Maine State Law and Legislative Reference Library  
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied  
(searchable text may contain some errors and/or omissions)

ACTS AND RESOLVES,

PASSED BY THE

TWENTY-FIRST LEGISLATURE

OF THE

STATE OF MAINE,

JANUARY SESSION, 1841.

---

Published by the Secretary of State, agreeably to Resolves  
of June 28, 1820, and February 26, 1840.

---

AUGUSTA:  
SEVERANCE AND DORR, PRINTERS TO THE STATE.

---

1841.

ADDRESS OF GOVERNOR KENT,  
T O  
BOTH BRANCHES OF THE LEGISLATURE.

---

*Gentlemen of the Senate  
and House of Representatives :*

In entering upon the discharge of the duties of the respective offices, to which we have been called, under the provisions of the Constitution, it becomes us all to reflect, seriously and deeply, upon the extent and limitation of the powers conferred, and the just expectations of the people; and to form the fixed determination to act with a single eye to the general good, and with the sole desire to advance the best interests of our constituents and our State. The administration of the powers of government is a great and serious trust, not lightly to be undertaken, or indifferently performed; but calling, at all times, for the watchful care and faithful exertions of all those to whom it is committed. Those views of the true end of government, which would confine the object and operation of our institutions to the mere purposes of defence against foreign or domestic violence or wrong, and the collection of revenue to meet the fiscal wants of an administration, have not commended themselves to the sober judgment of the American people. The framers of our Constitutions had higher objects. They regarded it among the first duties of government, to foster and protect all the great interests of the country; to see that the Republic suffers no detriment by the neglect of its officers; that the laws are framed with special reference to the wants, employments and necessities of the people; and to aid (as far as the powers delegated will justify,) the enterprise, industry, and interests of the community. Such views of government

were early imbibed, and have been steadily maintained, by the advocates of republicanism ; and a reasonable and intelligent people have a right to demand the full and faithful development of them, in the administration of its powers. Such a people do not ask for hearts to will or hands to labor, for enterprise to plan or industry to execute. They only ask the co-operation of government, and for those things which they cannot individually or collectively create or secure for themselves, and which can only be the result of legislative action. No combination or action of individuals can give us a safe, sure and well regulated currency, equal to the wants of the people, based upon solid capital, uniform in value and adequate in amount to meet the demand of the natural and healthy business of the country. Experience has fully demonstrated that a separation between the Government and the people, in the vital matter of currency, is equally unjust and impracticable ; that the sovereign power is not justified in demanding its own exactions in the precious metals, and in abandoning all care or thought for the great interests of the people—leaving them to struggle with a depreciated, unsafe and unregulated currency. The idea of separate, and even opposite interests, between a republican government and the people, who created and sustain it, has been so often repudiated and rejected, that we confidently believe that juster views and more liberal principles will hereafter be the basis of political action. There is, and there ought to be, an intimate connection and an indissoluble bond of union between the people and the representative ; and the first great duty of a legislator is to take broad and comprehensive views of all the wants and wishes of the people, the capacities of the State, and the best constitutional mode of developing its resources, strengthening its physical and moral power, and protecting its great and paramount interest—the labor of its citizens. Some of the subjects which will thus be suggested belong exclusively to the General Government, but many properly fall within the limits of State legislation.

The great doctrine of equality, which lies at the foundation of our Republic, and which is cherished with so much ardor

by the American people, will, faithfully observed, lead to the enactment of laws universal in their nature and general in their requisitions, and to the rejection of all local, temporary, partial, or exclusive legislation, uncalled for by the exigency of the country or the true interests of the whole people. The best security of individuals, under a representative government, is to be found in the practical principles, that the representative and his constituents and friends, must be bound by the laws to which he assents, and that no one can be so low or obnoxious as to be disregarded or oppressed, and no one so high or so favored as to escape from the requirements of the general laws. No man, or body of men, have any right to a monopoly of privileges, or exclusive laws, framed for their benefit; but all men who demean themselves as good citizens, are equally entitled to protection and the enjoyment of civil rights.

These general remarks may bear upon the two great subjects which will come before you at the present session—the apportionment of Representatives and Senators, and the new valuation as the basis of future taxation. The people expect, and have a right to require, that in apportioning privileges, they should be given to every section, according to the provisions of the Constitution, irrespective of every consideration, except equality and convenience; and that, in the imposition of burdens and the taxes demanded by law, the same general principle of equality, upon the basis of the fair value of property, should be solely regarded. By a firm and steadfast adherence to the law of right and justice, the wishes of fair-minded constituents will be answered, and their confident hopes realized in both these important measures, to which your particular attention will doubtless be early directed.

The manifest intention of the constitutional provision, that the powers of government shall be divided between different departments, and that no person belonging to one, shall exercise any of the powers belonging to another, would restrain me from attempting to dictate or direct the subjects or course of legislation. But that instrument makes it the duty of the Governor to give to the Legislature information of the condition of the

State, and to recommend to their consideration such measures as he may judge expedient, and in fulfilling this direction, I wish to be regarded as performing a duty strictly enjoined upon me by my guide and directory in the discharge of my duties ; and I ask and desire for my views no other weight or influence than such as they may be entitled to, upon full and sober consideration. In my opinion, the great characteristic feature of our Government, upon which, perhaps, more than upon any other, the perpetuity of our institutions and the security for regulated liberty depend, is to be found in this careful and jealous distribution of power, and this solemn and decisive admonition to each department, to keep strictly within its own limits, and to beware of infringing upon, or assuming the powers rightfully belonging to another. With an undoubting assurance, that the rights, powers and responsibilities conferred upon the Executive, for the exercise of which he is responsible, will not, on your part, be interfered with or assailed, I can assure you, it will be my pleasure as it is my duty, to leave the Legislature, and all other departments, to the free, full and uninterrupted performance of the duties enjoined upon them. We are all servants of one master, engaged in performing assigned duties for a limited time ; answerable only for our own acts and responsible, on earth, only to the power that placed us here.

The fear that many of our wisest and best men expressed in the early days of our independent existence under the General Government, before experience had tested the truth of theory, that the Executive power would prove in practice too weak to withstand the assaults that might be made upon it, has given place to a growing conviction, that the power, patronage and influence of that department is fast placing it in a position greatly to influence, if not absolutely to control, all other departments ; that powers little less than absolute were in danger of being claimed and exercised, directly and indirectly, by the National Executive, and that a Republican President may thus become invested, not indeed with the robes, but with the powers and prerogatives of royalty. It is doubtless true that in order to enjoy an adequate government, extensive powers

must be granted to the Executive, but these powers should be strictly limited, both in the grant and the use, to the single object of executing the laws. The enactment of laws, the determination of the great questions which give shape and direction to the policy of the country, the care and oversight of the public expenditures, the establishment of the rules and restrictions which form the statutes of the State and the guide for individual action, constitute the appropriate and exclusive duties of the Legislative department. You are the direct and immediate representatives of the people, and through you they speak their will, as to the course of policy to be pursued, the privileges to be granted and the restraints to be imposed.

If I am accused, as I may be, of being either unnecessarily suspicious or actuated by partizan feelings, in these remarks upon Executive power, I would refer every thinking and candid man to the political history of our country, and to the striking and startling fact, that the contest for the Presidency has become, not the question which the framers of the Constitution intended should once in four years be submitted to the American people, viz. the choice of the chief Executive officer, whose duty it is to see that the laws are faithfully executed—but a struggle for a change of the whole policy of government; and the choice of a President is hailed or deplored, as if he were sole dictator and his opinion or wishes supreme, not merely in his own proper station, but in the halls of legislation, if not in the seats of justice. It seems to me time, that a rigorous and determined effort should be made by men of all parties, who love their country and revere its Constitution, to bring back the practical operation of our system, to the original intention of those who framed it—especially that the Legislative power may be exercised by the representatives of the people, without fear of Executive power, or hope of Executive reward; and that the hall of legislation, and not the mansion of the Chief Magistrate, may hereafter be looked to as the fountain and source of the policy and laws of the country. The immense and increasing patronage of the National Executive, by the exercise of the power of appointment to office,

gives, necessarily, the opportunity, if the incumbent is so disposed, of creating an influence which may be felt in every village of the country, and in every department of government. The limitation, in practice at least, of the Presidential office to one term, thus diminishing, if not destroying the temptation to use power for selfish or mere party purposes ; transferring the power of appointment, where it can safely and conveniently be done, from the Executive to the Legislature or the people ; and a watchful, and even jealous oversight, on the part of the electors, of every official act of those in power ; are some of the remedies for the growing evil, which suggest themselves to my mind. But, after all, much must be trusted to the integrity, patriotism and disinterestedness of those who administer the Government, and the best safeguard is accountability to an intelligent and observing people.

I have made these remarks, as applicable particularly to the General Government, as I am not aware that, under the operation of the State Constitution, these evils or dangers exist to the same degree. But when the sole power of nomination or appointment, even in a State, is lodged in an individual officer, that single fact gives an undue importance to the election of that officer, and there is, on a more limited scale, similar danger of the abuse or perversion of power. By the laws of this State, several County and State officers, the mode of whose appointment is not provided for in the Constitution, are now appointed by the Executive. No one, I presume, would wish to alter or disturb the constitutional provision. But as to the offices not thus provided for, it is a fair and legitimate subject for your consideration, whether, and in what instances, the public good may be promoted by submitting them to the disposal of the people, by elections. Experience has, I think, proved that such power, instead of being any longer delegated to the Executive, may be safely reclaimed and exercised by the people themselves ; as they have, in other States where such power is retained, and in the choice of County Treasurers and Registers of Deeds in our own, shown that their direct exercise of this power results in good and judicious



selections, which, by the very mode of making them, are rendered generally acceptable. If it is conceded that the people are capable of choosing a part, there seems to be no good reason for withholding the power of selection from them in those cases not provided for in the Constitution, where the performance of the duties of the office by the incumbent, and the necessary qualifications, are open to their knowledge, and within their means of making an intelligent decision. We may be well assured that power is no where exercised from purer motives, or with more patriotic intentions or singleness of purpose, than by the mass of the people, assembled in that near approach to a pure democracy, a New England town meeting. While, therefore, I would not shrink from or avoid any duty or responsibility which, by the laws or Constitution, devolves upon me, I submit to your better judgment the entire question of expediency, with the single expression of my individual willingness to yield up any power of nomination or appointment, not given by the Constitution, and which, in your opinion, under all the circumstances of the case, may, with more benefit to the people, be exercised by themselves or their representatives.

A careful and candid observer, who looks at the extent of territory, fertility of soil, salubrity of climate, commercial advantages and natural resources of our State, must be convinced that MAINE has been undervalued and underrated, both at home and abroad. I have no desire to depreciate any other State, or to say any thing to create or stimulate any other than the most friendly feelings of respect and mutual good will between the glorious brotherhood of this Union. But our first duty is at home; and before we can willingly yield up our young men and the bone and muscle of our State, to swell the mighty tide of Western emigration, we are bound to ask for satisfactory evidence, that that field opens a fairer prospect for health, competence, comfort, and all those things which go to make up the great sum of human happiness, than our own New England hearths, our fertile hills and vallies, our flowing rivers and ever open sea. The value of a spot of earth, as a perma-

ment residence for man, is not to be measured merely by the natural fertility of the soil he cultivates and the relative production of each acre of land. Other elements of calculation, of at least equal importance, should enter into the determination of this interesting question. The advantages of good neighborhood, of health-giving atmosphere, of social, moral, intellectual and religious privileges, the price of productions, the nearness of markets and the facilities of transportation, are each and all entitled to the gravest consideration. Maine may not, perhaps, boast of a soil equal in fertility to the virgin prairies of the great West, but we have the assurance of competent judges, in our own, and from other States, that a great part of our territory is superior, in this respect, to any other New England State; and experience has fully demonstrated, that, by judicious cultivation and scientific application of well known principles in the adaptation of crops to the length of our seasons and the nature of our soil, the earth here yields her abundant increase to the well directed labor of man. I am confident in the opinion, that Maine may become one of the first among the agricultural States, and that she can and ought to raise, not merely what her own population consumes, but a large surplus for exportation. Why, then, we may well ask, should any part of our population seek for better fortune in untried scenes and unknown regions, and forsake the land of their birth and the established customs and comfortable homes of their fathers in the too often illusory hope of bettering their condition in the unsettled and remote regions, where, if ever the same institutions and stability are acquired or established, long years of toil, struggle and disappointment may precede such a consummation of their wishes. Upon a review of our situation and capacities, it seems to me that Providence has given us all, that, as reasonable men, we can ask, and if our State does not increase in population, wealth and resources, and advance in physical and moral power, the fault is in ourselves and not in our location or natural capacities. A glance at the statistics of some of the leading interests of our State will, I think, justify the claim on the part of Maine, to consideration and

attention. In the list of States, Maine ranks first in the amount of tonnage built yearly in the Union, and in fact builds one quarter part of the whole. She ranks second only to New York in the amount of tonnage employed in the coasting trade, and second only to Massachusetts in the cod and mackerel fisheries, and next to these two States in the whole amount of tonnage owned. Following the indentations of the shore, we have more than six hundred miles of sea coast, with many excellent and safe harbors and numerous rivers, giving cheap and navigable highways into the interior and from thence to the sea. The geological survey (which, I trust, will yet be resumed and finished,) has already brought to light facts which prove that our earth is rich in mineral treasures, beyond our most sanguine hopes. I have no means of ascertaining the amount or extent of the lumber business of our State, but, it is well known that this, in far advance of all others, is the leading article of export and our chief reliance for means to pay our heavy liabilities for articles imported. In the yet unfelled forests of our interior we have a source of wealth, which, although it may have once been overrated, as the means of acquiring sudden riches and realizing extravagant profits, is, in the judgment of sober and reasonable calculation, of immense value, and destined to yield abundant returns for the labor and enterprise of those who may engage in the manufacture and sale of this staple. The facility of driving lumber to market is of the first importance in estimating the value of standing timber.

In this connection, I may allude to the various improvements suggested in the navigation of the streams and waters through which it must float. The interest which the State has, as owner of land, and also in the policy of bringing all its resources into successful operation, will, I confidently believe, induce you to examine all such projected schemes, and to consider well all the rights which may be involved, and the expediency of aiding such enterprises as may commend themselves to your judgment as practicable, expedient and just, or perhaps performing all the labor by the State, rather than grant monopolies to individuals, to tax, for an indefinite time, the lumber

which may pass. If such labor can be obtained by the State, without taxing the Treasury, by paying for it by the conveyance of a part of the land to be benefited, the most objectionable feature in the scheme may be modified, if not removed. But I submit the whole matter to you, who are the proper judges of the expediency of granting such aid or such privileges as are prayed for in relation to the interior waters of the State.

One of the most important circumstances, connected with our prospect for future growth and prosperity, is the extent of unsettled territory within our limits. A large portion of this territory is fit for settlement, and much of its soil is very excellent and productive, equal, if not superior, to any other part of this or our neighboring States. At the risk of repeating ideas, submitted at a former period, I cannot but call your attention to the importance of the settlement of that section, to the strength, the wealth and the general prosperity of the State. We have good farming land enough to give constant and profitable employment to at least double our present number of agriculturalists, without diminishing in any degree, the number or success of those engaged in this and other kinds of useful labor. We have some manifest and substantial advantages over the purely agricultural States, which cannot fail to be appreciated by prudent calculators. The commercial advantages and facilities of Maine, offer ready and cheap means of transportation for our surplus produce; and we offer within our own limits, a market for most of the surplus produce of our farmers. The lumbering interest, the fishing interest, those engaged in the building and navigation of vessels, the manufacturers, mechanics and traders, are all, to a greater or less extent, the consumers of the produce of the land, and to an amount which would surprise a superficial observer. Notwithstanding the apparent predominance of the agricultural interest in our State, we annually import from abroad a large amount of flour, pork, beef, fruit and other supplies; all of which we must pay for from our other means. The large total of our exports of lumber, fish and a few of the productions of our soil, and the

profits of our navigation and commerce, is thus much diminished, if not overbalanced; and with all our advantages we do not increase in population, wealth and strength as we might, if the earth was tilled and cultivated, and our articles of consumption raised or manufactured at home. To these sources we must look to sustain, to supply and enrich the State. Individuals may succeed in particular branches under the old system, but the State, that year after year consumes all it produces from the earth, and imports as much as it can pay for, by the productions of its own industry, in every department of labor, cannot grow rich. I would not be deemed the enemy of commerce or an exchange of commodities, but I cannot doubt that the State, that is able to raise and sell much and buy little, is in a better condition, than one entirely isolated or one dependent on a mere exchange of articles of consumption. Our interior can sustain our sea-board, while the inhabitants of the latter are engaged in their employments upon the ocean. The same remark will apply to the lumbermen, mechanics and traders. Thus, without rivalry, contention or jealousy, but with one heart and mind, the different occupations of our citizens may tend to remunerate individuals, and enrich and strengthen the State.

The great leading point, in our policy, then, is to encourage the settlement of our territory by intelligent, industrious and enterprising men, who, with the hardihood of pioneers, and the perseverance of reasonable anticipation, will march into the wilderness, subdue and cultivate it. The situation and condition of such men call for the watchful, paternal and fostering care and protection of government. Scattered over a large extent of territory, they cannot combine their influence or move in masses; living remote from the advantages of communication or consultation, they must, more than others, rely upon the foresight and unsought aid of those in power. They expect and are willing to meet, many difficulties, privations and discouragements. They feel them none the less that they do not or cannot complain; but if to all these are added neglect and coldness on the part of the authorities of the State,

they must feel disheartened, and either abandon in despair their arduous enterprises, or lose at least the hope and ambition, which, in time, would render them prosperous and useful citizens. The most pressing necessity, or the one that is first felt in a new country, is the want of roads. No natural superiority of situation or soil can compensate for this deprivation; and it is evident that the first settlers of a tract of country are not able to make, in due season, the great and leading thoroughfares from the settled portions of the State. The attention of the constituted authorities has heretofore been turned to this subject. The Aroostook road has been completed to within about thirteen miles of that river, and opens a communication into a fertile and inviting region, and its completion even to the waters of the St. John, is an object of primary importance in every aspect of our relations with that interesting portion of our State. Other commenced or contemplated roads of a similar character, will probably claim your consideration, and I have no doubt you will give to each claim a full, patient and liberal examination. Good roads are the very arteries of the commonwealth.

The policy, upon which the law of 1838, relating to the settlement of the State lands was based, is, I think, just and liberal, and commends itself to your attention as a basis for the fixed and permanent policy of this government on that subject. A course of policy by the Legislature and the land officer of the State, towards such settlers, which shall be just and yet generous, exacting honest and faithful performance on one side, and extending a liberal confidence and indulgence, and necessary aid on the other, seems to me to be called for by every motive of expediency and justice. No local jealousy should be allowed to operate, for nothing can be clearer than that the growth and increase of any one section adds to the wealth of the whole, and is felt in its beneficial effects in every portion of the State.

There is a large tract of territory, comprising nearly one eighth of our whole State, lying in the northwesterly part, above Lake Chesuncook, which has never been explored and scarcely

visited, and we are without any authentic account of the growth, character and capacity of the soil or the features of the country. This want can only be supplied by an examination of this region by an experienced and competent man, and it seems to me that such an exploration should not long be delayed.

The returns from the several towns, which will be laid before you, will exhibit the condition of the State in regard to another important interest, viz: the manufactures carried on within our limits. If those returns could also show the total amount paid annually, by the people of Maine, for all manufactured articles, I am persuaded it would exhibit a very large excess over the amount of our own productions in this department of labor.

I speak not now of articles imported from foreign countries, which are not or cannot be manufactured in the United States. The costly silks of France, with which our country is filled, are tempting our people to indulge in unnecessary expense, by discarding the substantial, the comfortable and simple clothing adapted to our climate, and adopting the dear bought productions and manufactures of other nations. But however much we may regret the taste which leads to such indulgence, or the omnipotence of fashion, no one desires the enactment of sumptuary laws or any attempt to control and interfere with the freedom of individual will in this respect. But we pay a very large sum for articles for our own use and consumption, manufactured or produced in other States of the Union. We manufacture but a small part of our hats, our boots and shoes and our furniture. I might extend the list much further, but it is not my object to be minute. We furnish the raw material for many of the articles, which are brought to us in a finished state. We send away a large quantity of wool, leather and lumber, which is returned in the form of boots, shoes, hats, cloths and the various manufactures of wood. A question naturally arises, why should we send abroad for these articles? We find that our mother State, almost side by side with us, sustains a large population, engaged in domestic manufactures,

and has increased in population, notwithstanding her age and prior density, during the last ten years, more than Maine has, and almost at as great a per cent. and in wealth the disparity is doubtless still greater against us. Are there any sufficient reasons why this state of things should continue? We certainly have every facility for carrying on these manufactures. The raw materials may be obtained or brought here from abroad at as cheap a rate as elsewhere in New England. We can support men, erect buildings, and keep such establishments in operation, with as little expense here as in any other section. We have many towns and villages well situated, and with ample accommodations for a population, which shall be engaged in manufactures. We have abundant and most excellent water power upon or near navigable streams, and it seems unnecessary, that we should pay such heavy sums for articles for our own use and consumption, which might be made at home. The addition of such new branches of business, and of the population, which would perform the labor, would create a home market for the farmer, and save to the State much that is now sent abroad. In every aspect of the matter, it seems to me, that prudence and true policy urge our people to encourage and build up our home manufactures, and that the attention of our capitalists and men of industry and enterprise being turned to the subject, they will, with their characteristic promptness and energy, enter upon this inviting field, remunerate themselves by fair profits, and add a new and most important source of wealth and prosperity to the State.

Many thinking and prudent men have seen, with regret and apprehension, the extent to which the practice of wagering upon the results of pending elections has been carried, in every section of our country, and I certainly participate in those feelings. If, to the common and inevitable excitement, growing out of a heated political canvass, the insatiable spirit of avarice is to be superadded, as an evil confessedly unavoidable, our elections, which should be the choice between men or political principles, may degenerate into the determination of wagers and decision upon the risks of gamblers. The amount staked



upon recent elections is immense, and the effect upon the morals and habits of the people, in regard to the elective franchise, must be decidedly bad, and if the practice is persisted in, must introduce a new motive for corruption and new temptations to the unscrupulous use of means to effect political purposes for mercenary objects. Such wagers are now by law illegal and void, but honorary obligation is stronger, in many minds, than the requirements of positive statutes. I fear nothing short of a provision, which shall affect the right of suffrage of those who wager, will effectually reach the evil. I should much regret the necessity for such an interference, but if men will persist in this pernicious practice, the time may soon come, when imperative duty may force the Legislature to adopt strong and effectual measures, corrective of the evil. The practice is common in all parties, and may well equally unite us in an effort to check and if possible put an end to it.

The strong and explicit provision of the Constitution, which requires the Legislature to encourage and suitably endow colleges and seminaries of learning, and to provide by law that towns shall make provision for the support of common schools, is alike honorable to those who framed it and obligatory upon all, who, from time to time, may be called to legislate under its authority. We are justly proud of our system of common schools, and New England can point to no higher evidence of the wisdom, patriotism and foresight of the fathers of our land. The principle of universal education, upon which the system is based, lies at the very foundation of our republican institutions. The very nature of such a government presupposes an educated people, and it is a received maxim, that it cannot long exist without a general diffusion of knowledge. I will not at this time enter into a general discussion of this most important and interesting subject, but I invite your attention to it, as a constitutional duty and a most interesting investigation. I cannot however pass it by without a few suggestions of a definite and practical nature. The idea which is too prevalent, that education consists in learning to read and write, has led to the error of mistaking the means for the end, and substituting mere

mechanical effort for the discipline and advancement of the moral and intellectual powers. But the ability to read is of little value if it is not exercised, and the power to acquire knowledge is barren of utility if the pupil or the man wants the opportunity or the desire to use it. The cultivation of the moral and intellectual powers, and the creation of a taste for reading and a habit of thought and reflection, seem to me of the first importance in a system of general education. To aid in this great work of renovation, we need a higher standard of qualifications for teachers, institutions particularly adapted to instruct and prepare them for the great work before them, school houses of better and more suitable construction, and a more general interest on the part of the people in the researches and suggestions of those who have investigated the whole subject with patience, ability and minuteness, a dissemination of the able treatises which have been published and a determination to adopt and carry out in practice, judicious reforms and unquestionable improvements. In aid of these views, I would suggest the expediency of authorizing school districts to raise money for the purchase of district libraries, of standard works, under the direction of a committee, or otherwise. The benefits of such libraries would not be confined to the schools, but would extend to the whole community. A system of exchanges might be agreed upon between contiguous districts, to the accommodation and advantage of both.

I am not prepared to recommend, at this time, the establishment of a Board of Education, but I have no doubt that the employment of one or more intelligent, active, judicious commissioners, whose duty it shall be to devote their time and talents to this subject, visit different parts of the State, and disseminate information, awaken attention and interest among the citizens, and carry into practical operation well established improvements, and gather and arrange statistics, would be highly advantageous to the cause of popular education, and amply repay, in substantial benefits, the cost of the experiment. We want light, information, improvement, a more general attendance of children and a better system of teaching, before our

common schools can become what they ought to be and may be, the adequate seminaries for the education of the future republican citizens of our State.

I cannot but regard the course adopted in most of our compact and populous towns and villages, by which the public and common schools are made of secondary importance by the pre-eminence given to private instruction, as injurious to the cause of general education, and as fostering a spirit which leads to invidious distinctions in society, and serves to degrade the public seminaries, in many minds, to a point little short of absolute contempt. In *such* communities, the public schools may very easily be made adequate to the wants of the people, and may present the truly democratic spectacle of a community, where the children of every parent equally participate in the high privilege of moral and intellectual culture. Existing facts prove that such a state of things may exist, and I trust I shall be pardoned the satisfaction and pride with which I state, that in the city of Bangor, the sum of six thousand dollars is annually raised by tax for the support of public schools, and such is their high character and the satisfactory mode of conducting them, that there is not a single private school in its limits, above the grade of primary instruction, and very few of this description; and that this is not the result of indifference, but of awakened interest and faithful effort on the part of those who have charge of the public schools.

These remarks will not, I am sure, be construed into an expression of dislike or jealousy of those established institutions, of a higher grade than common schools, for the benefit particularly of those who reside in sparsely settled districts. Such institutions are needed and will always, doubtless, be held justly in high estimation, and with our colleges are entitled to the highest regard of every friend of sound learning, general intelligence and civil liberty.

The Insane Hospital has, during the last year, been opened for the reception of inmates, and it is a source of great gratification to every humane mind, that an asylum, so spacious and so convenient, has been provided for the unfortunate victims

of mental disease, by the union of public and private munificence. I have no doubt it will be your anxious desire to aid the institution and its officers, by a careful examination into its affairs and wants, and by the enactment of such laws as may be necessary to carry out the benevolent design of its founders. There are, probably, several insane prisoners remaining in our county jails, who ought to be at once removed to the Hospital; and more of that class of insane paupers, who are not deemed "so furiously mad as to be dangerous," and who yet are fit subjects for the comforts and discipline of the Asylum. Humanity demands that they should receive the support, which the towns to which they belong are now compelled to afford, at this Institution, at the actual cost of their maintenance. The experience of other similar retreats for the insane has proved that a very large proportion of all recent cases may, by timely aid, be radically cured; and now that this opportunity is offered in our own State, it would be most unkind, on the part of relatives who are able, and overseers who have charge of the destitute, to suffer any mere considerations of trifling additional charges to deter them from sending those who are suffering to this refuge, where they will certainly be comfortable, and may be restored to reason.

The general laws of the State having been recently consolidated, and re-enacted by the Legislature, after a careful and thorough revision by able and faithful Commissioners, we may indulge the hope and the belief that few alterations or additions will be demanded, by the public interests, for many years. The frequent changes, which have been made in our public statutes have been the source of much uncertainty, obscurity and litigation. It is certainly very desirable that, as far as possible, our laws should be plain and distinct; and having been once established, after full and fair consideration, they should not be changed or repealed for trifling causes or imaginary defects. The sound discretion and political wisdom of legislators is, perhaps, as often exhibited in enacting few laws from the many proposed, as in incorporating new projects and untried schemes into the civil code of the State.

The relation of debtor and creditor is one that demands, at all times, the attention of the Legislature. The constant progress of legislation, in diminishing the power of the creditor over the personal liberty of his debtor, and increasing his power to compel a disclosure and surrender of his property, is but an indication of the public sentiment in favor of the final abolition of imprisonment for mere debt. The hope and expectation now so generally indulged, that Congress will soon pass a general Bankrupt Law, will perhaps be deemed a sufficient reason for postponing the consideration of State legislation on the subject of insolvency. The State of the country, and the condition of a large number of our men of enterprize, intelligence and ability, who are pressed down by hopeless embarrassments, unable to exert their powers for the benefit of themselves, their families, or their creditors—call loudly for the relief which can only be afforded by the benign and just provisions of a general statute.

The Militia is an institution dependent upon the provisions of the statutes for its existence and organization. I have but a single suggestion to make in relation to this arm of defence, in addition to those heretofore submitted. It seems to me well worthy your consideration, whether some alteration, in relation to the pay and emoluments of officers and soldiers, when called into actual service, is not demanded by justice and expediency. The present rate of compensation, as I understand it, is based upon the rules of the United States service. The disparity in pay between officers and soldiers, is very great, and considering the civil and social equality of our citizen soldiers and officers, the rule applied to voluntary enlistments, which makes so very broad a distinction between different ranks, may not be the proper one to adopt in the Militia. A reduction in the pay of some or all officers, and a corresponding increase of the pay of the soldiers, when on active duty, would seem to be more in accordance with the actual relations existing in the Militia as organized.

The character, condition, and mode of operation of the several banks in the State will demand investigation. I believe

that, in most instances, the directors of those institutions have maintained the credit of their banks, and the public confidence in their solvency and correct management. But if there are any instances where it shall be manifest that sound and correct banking principles have been departed from, or the institutions made subservient to other purposes than those contemplated by the law creating them, and there is evidence to convince you that there is real danger of final loss and fraud upon the community, I am sure you will need no urging from me, to induce you to take prompt, decided and efficient measures to prevent the evils threatened or endured.

I regret that it is not in my power to congratulate you and the State upon the final settlement of the long vexed question, relating to our North-Eastern Boundary. On a former occasion I expressed my views fully upon the justice of our claim, and the obligations of the federal government to afford us aid and protection in enforcing it. I have seen no reason to alter the views then expressed. Our claim to the whole territory is perfect and unanswerable, and no sophistry or evasion can avoid or annul it. But it is needless to waste words upon this point, as it is universally conceded by every American, that the treaty of 1783, fairly interpreted and honestly executed, would sustain all our claim. This unanimity of sentiment is well calculated to inspire us with confidence, that although diplomacy may interpose its delays, there is an abiding conviction pervading our whole country, which may be relied upon for final support in the assertion of our just rights. It was indeed confidently believed that after the solemn expression of Congress in 1838, and the events which occurred on the frontier in 1839, the English government would be satisfied that delay in the settlement of this question was dangerous to the peace of the two countries. The promptness and energy with which the government and the people of Maine, with one heart and voice, met the threat to expel us from the Aroostook; the ready obedience with which our chosen soldiery responded to the call of their commander, and the unshaken zeal with which they marched from their comfortable homes in the depth of

winter into the interior forests, and the firm determination which was manifested by every man to sustain the assertion of our rights, must have satisfied all, that although Maine, for the sake of the peace and quiet of the country, and in her anxious desire to avoid collision with a foreign power, might forbear to enforce her extreme rights pending negotiations, there was yet a point beyond which she would not submit to encroachments, and there was a spirit in her people which would not shrink before threats of military expulsion. And whatever arrangements have been assented to, in regard to the jurisdiction of different portions of the territory, pending negotiations, must be regarded merely as temporary in their nature, and under a protest always that we relinquish no claim and no right to the absolute and undisputed ownership and jurisdiction of every inch of our State. Maine has certainly deserved the sympathy and support of her sister States, by her long continued forbearance and patience, under circumstances so well calculated to awaken indignation and incite to hostilities. A mere request for a grant has ripened into an absolute claim, and year after year, our State has witnessed her hopes blasted and her reasonable expectations unfulfilled, and this question of vital importance, undetermined and unadjusted. The arrangement assented to on the part of Maine in 1839, by which, on condition that Maine should remain in undisturbed possession of part of the territory, it was stipulated that we should not "attempt to disturb by arms the Province of New Brunswick in the possession of the Madawaska settlements," was acquiesced in by the people only on the ground and the belief, that immediate and determined efforts were to be, in good faith, adopted by both General Governments, to bring the matter to a speedy, just and final determination. Indulging such hopes, Maine has certainly yielded much in the matter of temporary arrangements influenced by the wish to preserve the peace of the country and to remove all obstacles to the progress of negotiation. But she has a right to ask, when she yields so much, that her motives should be appreciated and her cause become the cause of the whole country and pressed with vigor and energy to a

final settlement. In the mean time it is our duty to keep our eyes and our thoughts upon the starting point of the treaty—the north-west angle of Nova Scotia, and the highlands from thence, so plainly specified in the treaty; and not suffer ourselves to be drawn away into discussions, whether the monument at the source of the St. Croix, which was located by both Governments more than forty years since and fully established, is at the true point, or whether it is not possible that antediluvian mountains existed, which, by some geological process have become “abraded” and worn down, and have now become the beds of large rivers. The face of the earth, as it existed in the year of our Lord one thousand seven hundred and eighty-three, is to determine the location of the highlands of the treaty, and the mere speculations of self-styled geologists concerning imaginary or theoretical highlands, which probably never had existence except in the fancies of speculative theorists, cannot fairly and legitimately have the slightest influence upon the pending question, more especially when, if it could be demonstrated that the assumed line *now* exists, it would not answer any of the requirements of the treaty. To mystify what is plain, and draw attention from the main subject to collateral issues, is sometimes a diplomatic mode of procrastinating a final decision, and of making up a plausible case from the mere duration of the controversy.

The statement of the progress and present state of the negotiations between the two governments, communicated by the President of the United States in his late annual message, would lead us to indulge the hope of “a prompt and satisfactory termination of the negotiation,” and a “certain and final adjustment of the limits in dispute.” The delays and obstacles which have heretofore been interposed, and which have appeared to us unreasonable and unnecessary, cannot but still influence our feelings and lead us to moderate our hopes by our experience. If, however, the President has cause to say that there is an undoubted disposition of both parties, to bring the matter to an early conclusion, we may, without the charge of being too sanguine in our anticipations, confidently trust that a fair,



equal, and honorable proposition for a commission, with final powers to end the dispute, will be readily and fully assented to by the English government, unless there is a fixed determination on its part to bring the matter to the last resort of nations. The time cannot be far distant, when the question must assume a more definite shape, either peaceable or warlike ; and much as we may deprecate the awful evils and miseries of war, we ought to be prepared to meet the issue, if such, after all, is the determination of our opponents, with the firmness of men, who feel that they have the right, and who will not yield to threats or force, the inheritance of our fathers and the rightful territory of our State. The unanimity which has characterized our State on this question, in the midst of all our political excitements, is a sure guaranty that the people are ready to sustain their rulers in all judicious, temperate, yet firm and decided measures ; and that it is regarded by them as too sacred and too solemn a subject to be made the instrument of any mere party schemes or movements.

Let us, in the spirit of lofty patriotism, continue to regard the controversy as one eminently national in its character, involving both our immediate interests as a State, and our duty to the whole Union, placed, as we are, in the front line of the disputed ground. Cherishing such sentiments, Maine, in this, her great question, will stand on high and honorable ground, and command the respect and attention to which she is entitled, and secure the aid and protection guarantied by the Constitution.

The survey and scientific examination of the line, claimed by us, which was commenced by the State, in 1838, but which has since been suspended, has, at last, been undertaken by the General Government ; and from the high character of the gentlemen engaged, we are fully justified in indulging the confident belief, that we shall soon have the evidence of competent witnesses, based upon actual examination, and embodied in a formal report, to the existence of those facts which a knowledge of the laws of nature and the physical necessities of the case have long since satisfied every reasoning man must exist

upon the face of the earth. It is, in my apprehension, a source of regret, that this examination has been so long delayed, especially since the singular positions and remarkable assertions and assumptions, in the report of Messrs. Featherstonhaugh and Mudge, to the British Government. That report ought not to have had two years priority of public attention over a counter examination and report on our part.

The correspondence which has recently been communicated to you, by my predecessor, discloses another movement on the part of the British authorities, well calculated to arrest attention, and call forth indignant remonstrance on the part of Maine and the Union. If I am correctly informed, in a very short time after the conclusion of the agreement, by which it was in effect stipulated that the British authorities should not attempt to take military possession of what is termed by them "the disputed territory," during the existence of that arrangement, a detachment of Her Majesty's troops was stationed at Temiscouata lake, within that territory, and has been continued there ever since. And we are now informed that another detachment has been moved to, and stationed at, the Madawaska settlement, for the purpose of sustaining the jurisdiction and supporting the exercise of authority, on the part of the British magistrates. This movement has been made by the Governor General of the British Provinces, without any prior notification or correspondence, seeking information or explanation from the authorities of this State or the United States; and assuming, as the ground of action, the report of acts and threats of individuals, without inquiring whether those assumed facts, if in any part true, were in pursuance of orders, or justified by the government of Maine. I cannot but view this proceeding, as my predecessor does, in his reply to Sir John Harvey, as "a direct and palpable infringement of the subsisting arrangements," and as taking military possession of that portion of the contested territory. And if the suggestion of Lieutenant Governor Harvey, who seems not to have been consulted in relation to this new act of jurisdiction, and who evidently regards it with regret, if not as an infringement of subsisting arrangements, is

disregarded, and the British troops are permanently located at Madawaska, I shall feel it my duty to reiterate the request already made to the General Government, and to urge upon that Government the justice and expediency of taking military possession, on the part of the United States, of the territory in dispute. The General Government owes it to Maine, to move forward in this matter, with promptness and energy, with a sincere and even anxious desire to preserve peace, but with an equally firm determination to maintain subsisting engagements on our part, and to insist upon a full performance from the other party. But I will not permit myself to doubt, that prudent and wise councils will prevail, and that the promised termination of pending negotiations will not be retarded or prevented, by hasty and unjustifiable movements, in relation to military occupation, during the progress of the surveys and negotiations, intended for a final determination of the long vexed question.

I would again call attention to our defenceless seaboard and frontier. I need not enlarge upon the topic, for the naked facts are the strongest arguments on the subject. As guardians of Maine, it is your right and duty to set forth our situation and our claims upon the Government, that alone has the power to place us in a proper state of defence against foreign enemies, and I have no doubt you will discharge your duty.

The state and condition of the treasury appears in the report of the Treasurer, which has been laid before you. By this document it appears that the whole debt of the State, exclusive of about eleven thousand dollars of immediate claims upon the treasury, is one million six hundred and seventy-eight thousand three hundred and sixty-seven dollars and forty-four cents; and the annual interest is one hundred and two thousand and sixty-one dollars. The funded debt of the State is payable in three, five, eight, twelve, fifteen and twenty years. I concur in the suggestion of the Treasurer, that it is important that immediate measures should be taken to create a sinking fund, for the payment of the debt as it may become due. The claim of the State on the United States, for recent

expenses in the Aroostook territory, is based upon expenditures which were made from the money borrowed, and justice to our successors seems to require, that the amount, when received, should be at once appropriated to meet that debt, and not be expended in defraying the current expenses of government. The suggestion, also, that a portion of the annual State tax may be thus appropriated, derives additional force from the consideration, that the present small amount of immediate liabilities, and the large amount of cash on hand and immediately receivable, is owing in part at least, to the fact, that a considerable portion of the ordinary expenses of the last year and interest on the public debt, have been paid out of the money received from the loans obtained. This course was undoubtedly judicious, as it places the treasury in a state to meet all demands promptly. The other claim of this State, in conjunction with Massachusetts, on the General Government—the proceeds of the sale of public lands, and the collections of the Land Office, or a part of the same, and perhaps the bank stock owned by the State, are other sources which you may see fit to apply to this purpose. We may now perhaps indulge the hope, that the rights of the several States of this Union, in the lands which are held by the United States, in trust for them, will soon be recognized and allowed, and the proceeds of the sale be distributed, after liberal allowances to the new States, among the several States. If this act of tardy justice is performed, the share of Maine will aid us much in meeting our heavy responsibilities. But strict and unflinching economy in the expenditures is demanded at all times, and more especially at the present, when taxes bear so heavily upon us, and the people are straitened in their means to meet them. I trust I shall not be deemed as interfering with your proper duties, if I call your attention to the heavy item of expense incurred by the payment of the travel and attendance of the members of the two Houses of the Legislature. I am aware that many subjects of great importance are before you, which will require careful and deliberate examination, but as short a session as is consistent with a full performance of public duty, I am confi-

## GOVERNOR'S ADDRESS.

dent would gratify the people, and will certainly be favorably felt in the sum total of our yearly expenses.

A vacancy will occur on the fourth of March next, in the representation of this State in the Senate of the United States, which it will be your duty to fill by election.

The destinies of a noble State are temporarily entrusted to us. The time is propitious for a calm, deliberate, and liberal administration of affairs. After the heat and excitement of a long and vigorously contested election, the people seek repose, and are disposed to extend to those in power, a candid examination and impartial judgment. Relying upon that good Providence, which has ever been over us as a people, may we perform our public duties with the fearlessness of conscious rectitude and the firmness of unwavering principle.

EDWARD KENT.

COUNCIL CHAMBER, }  
January 15, 1841. }