

MAINE STATE LEGISLATURE

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ACTS AND RESOLVES

PASSED BY THE

TWENTY-FIFTH LEGISLATURE

OF THE

STATE OF MAINE,

A. D. 1845.

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Published by the Secretary of State, agreeably to Resolves of June 28, 1820, February 26, 1840,  
and March 16, 1842.  
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AUGUSTA:

WM. T. JOHNSON, PRINTER TO THE STATE.

1845.

Messages of Governor Anderson.

Gentlemen of the senate and house of representatives :

The favorable circumstances under which we are assembled, are calculated to awaken emotions of gratitude and praise, to the Supreme and Beneficent Ruler, who influences the destinies, and controls the affairs, of both nations and individuals.

In entering upon the duties of our respective stations, it becomes us humbly to acknowledge His paternal goodness—to invoke upon the government and people of our state and nation, His continued favor, and on the results of our coming labors, His approbation and blessing.

To all classes of our fellow citizens, the past year has been one of moderate, but solid success: commerce has measurably revived from its languor: industry has been gradually resuming its wonted activity: and all the channels of profitable employment, have invited, and remunerated, the labor of man.

To these gratifying indications of returning prosperity, have been added, the higher and more material enjoyments of general health, and profound tranquility: a productive harvest has filled our granaries, and a pervading sentiment of confidence and security, exists among the people.

Surrounded by these multiplied tokens of the public welfare, you will enter upon the performance of your legislative duties, under circumstances peculiarly favorable. I trust we may be justified in anticipating, that these duties will be neither arduous nor embarrassing: and that, in the absence of agitating questions of public policy to disturb your counsels, the various subjects of local interest, which the wants of a growing and active population continually suggest, may receive your careful and undivided attention.

Since the date of my last annual communication to the legislature, no essential change in the condition of our finances, has taken place. The large sum which had previously been received from the general government, had then been some time in the treasury, and with the means of paying a considerable portion of the state debt, the treasurer was unable to procure, within the terms prescribed by the legislature, a surrender of the stock. By a resolve of the last session, the amount received, and to be received from the general government, was appropriated to the payment of so much of the public debt, and the treasurer authorized to anticipate the payment of state securities, upon such terms, as he might consider advantageous to the interest of the state.

Notwithstanding the enlarged powers given to the treasurer by that resolve, he has failed to obtain upon satisfactory or reasonable terms,

the necessary amount of state scrip. The low rate of interest in the principal markets, combined with the high character of our state stocks, has rendered it impossible to procure them, except by the payment of a large premium. The whole amount of state stock, which the treasurer, after diligent research has been able to obtain, since the date of his last report, is \$72,500. These stocks consisted chiefly of the six per cents., redeemable in the years 1845 and 1851, and were purchased at an average rate of premium, which would render the transaction equivalent to an investment on the part of the state, in a five per cent. stock.

There remains in the treasury, applicable to the purchase of state securities by the resolve referred to, upwards of \$296,000. There will become due in the early part of the present year \$222,000, bearing an interest of six per cent., after the payment of which, there will still remain, of money appropriated last year for the liquidation of the debt, the sum of \$74,000

It affords me great pleasure to be able also to inform you, that independently of these funds set apart for the payment of the public debt, the condition of the treasury is highly satisfactory. The receipts from ordinary sources during the year, have amounted to the sum of \$366,885, and the expenditures during the same period to \$290,558, leaving a balance of receipts over expenditures of \$76,327.

This balance, added to that appropriated last year to the payment of the debt, and still remaining in the treasury, will form an aggregate of means now on hand, and needed for no other purpose, of \$296,000.

In addition to these means, there is still a claim upon the general government, amounting to nearly \$200,000, some of which, has been already allowed, and all of which, is justly due to the state. From the agent employed in attending to the examination of these claims, before the accounting officers of the treasury in Washington, I have received no detailed report. I am advised, however, by recent communications from him, that they are progressing with the examination of the different items, and that he hopes to close his labors, in season to submit his report before the close of your present session.

It is gratifying to perceive by this exposition, that from the ordinary sources of revenue, our debt is in the process of gradual reduction, and that a few years will suffice to relieve the people from this heavy drain upon their resources. Persevering, as I trust we shall, in a system of rigid economy—avoiding unnecessary expenditures, and continuing a reasonable amount of tax, our fellow citizens will soon be able to rejoice over their deliverance from this formidable burthen, and enjoy the satisfaction of having, during the present generation, removed an incumbrance, which their own want of foresight and wisdom had principally created.

An interesting and highly satisfactory report from the land agent is herewith communicated.

It will be seen that the revenue from that department, has consider-

ably increased from the amount received during the preceding year. The agent has paid into the treasury \$107,000; expended upon roads, under resolves of the legislature, \$5,500; and paid to the commissioners who have been employed in locating grants to the settlers upon the St. John, \$3,000. These sums, with a balance reported as still on hand, make an aggregate of \$121,000; besides which, all the expenses of the department, except the salary of the agent, have been paid out of its receipts.

The appropriations made by the legislature for the repair of roads, seem to have been judiciously expended, and have greatly facilitated the business operations of our citizens, and contributed to the comfort and convenience of the public. The road from the Aroostook river to Fort Kent, a distance of forty-five miles, and which was previously impassable for carriages, has been thoroughly repaired, and the road from Masardis, connected with it, has been also essentially improved.

The Aroostook road, leading from the military road to Masardis, and of which the Fish river road is a continuation, is represented as being much out of repair, and in immediate need of aid from the state. The whole of this road, being a distance of sixty-four miles, was made at the joint expense of the two states, was finished only a few years since, and has been, until quite recently, in good condition. Its rapid deterioration is said to be caused by the unreasonably heavy loads, which, at certain seasons, are transported over it, and which, if permitted in future, will entirely destroy it. In recommending an appropriation for its repair, I would also suggest, that, as the road has been made at great expense, it would be but reasonable, that those whose interest is promoted by its use, should be restricted to loads of a moderate and ordinary weight. The same suggestion is also applicable to other roads, constructed and repaired by the state.

The expenditure of the appropriation, for opening and making the road communicating with the Madawaska settlements upon the St. John, has been, for reasons stated in the report of the agent, necessarily deferred. As the inducements for prosecuting this important work have lost nothing of their weight, an appropriation similar to that of last year, is respectfully recommended.

The small sum placed at the disposal of the land agent for the preservation of bridges, &c., upon the military road, has been found sufficient for the purpose, and the conditional appropriation, under which the governor and council were authorized to expend the sum of \$2,000, has been withheld.

I beg leave to call your attention to the highly favorable account, which is given in the report, of the operations of the agent appointed under the resolve of last session to superintend the establishment of schools among the French settlers upon the St. John. The testimony of so considerate and competent an observer, who has had personal opportunities of judging, conclusively proves the expediency of the undertaking. It fully confirms the statements of the superintendent, and

bears honorable witness to the zeal and fidelity, with which he has discharged the duties of his mission. The several reports which have been received from him during the year, give a most gratifying account of the success which has rewarded his labors, and justify the hope, that a judicious prosecution of the objects contemplated by the legislature, will produce the happiest effects.

I deem it my duty to invite the serious consideration of the legislature, to the present condition of the militia of this state.

Regarding the maintenance of a standing army in time of peace, as repugnant to the spirit of our institutions, and dangerous to the public liberty, it has hitherto been the policy of the state governments, to cherish and encourage their local militia : to keep up such an organization, as with little expense to the government, or inconvenience to the citizen, would furnish a military force, sufficient for any emergency likely to occur.

Repeated attempts have been made by the legislature of this state, to accomplish this desirable object, and to place its militia upon a respectable and efficient footing. These laudable and patriotic efforts have as yet proved unsuccessful : nor have they even been sufficient, to arrest its continued and rapid decline. By your immediate predecessors, the task was again renewed, and apparently in despair of improving its condition, a measure nearly fatal to its existence, was adopted.

The law passed at the last session, can be regarded as little less than a virtual abandonment of the whole system ; or if, under its operation, the forms of an organization are still preserved, the system will be without vitality, and of little practical use. Defective and unequal as many of the features of the pre-existing law may have been, I cannot believe, that its utter demolition, was either wise or expedient.

It is true, that the country is now in a state of profound repose, and the amicable relations generally existing with foreign nations, warrant the hope, that these peaceful and friendly appearances may be solid and durable. Neither is there reason to apprehend, that any domestic tumult will disturb our internal tranquility, nor any organized opposition to the laws, require the employment of a military force.

But, however remote the contingency may now appear, which would call for military preparation, we should be deaf to all the lessons of experience, if we failed to consider, that it might suddenly and unexpectedly force itself upon us. Is it then politic or wise, to be wholly unprepared for those attacks from without, or disturbances within, which the history of all countries teaches us, it may be impossible at all times, to prevent ?

It is not my purpose, to present any distinct or precise plan. But, in view of the considerations above adverted to, I feel bound to suggest the importance of providing for the organization of a military force, less inert and impracticable, than the enrolled militia, under the present law, must inevitably prove.

Of the operation of the act of 22d March last, to which I have referred, and of the general condition of the militia, the report of the adjutant general, herewith transmitted, will advise you.

I also communicate the annual reports of the superintendent and directors of the asylum for the insane. By the act of 22d March, 1843, the superintendence and management of this institution, were principally confined to a board of trustees, appointed by the governor and council, and holding their offices for the term of three years. Under the administration of this board, the affairs of the institution appear to have been judiciously conducted, and the humane purposes, contemplated by its establishment, satisfactorily accomplished. Selected as they are, from different sections of the state, and wholly separated from local or political influences, it is believed, that the concerns of the institution may be more properly entrusted to a board thus constituted, than to bodies, exercising at the seat of government, legislative, or executive functions. The number of patients now at the asylum is unusually large, and during the past year, the expenses of the establishment, with the exception of the salaries paid to the officers, have been discharged from its own resources.

Several of my predecessors have invited the attention of the legislature, to the subject of our common schools, and have earnestly inculcated the importance of adopting some additional means of extending their usefulness, and elevating their character.

The embarrassed condition of our finances, joined perhaps, with a too confident belief in the efficacy of our present system, may have restrained former legislatures from authorizing additional expenditures, for the advancement of these interesting institutions.

When we reflect, however, that upon these primary seminaries, the rising generation principally depend, for that measure of education, which is necessary to qualify them for usefulness in after life, whatever may be our pecuniary condition, the means required to render them worthy the high and ennobling purpose for which they were instituted, should be cheerfully granted.

But it is not merely, nor perhaps chiefly, by the additional expenditure of money, that the improvement of our common schools can be most effectually promoted. A very large sum is now annually expended, much of which, in the opinion of intelligent observers, is wasted, or misapplied. A defective organization—the absence of a watchful and efficient supervision, without which, the best contrived system will prove imperfect—the acknowledged deficiency of teachers properly qualified for a vocation so important, and the difficulty of obtaining the information, which recent experience and observation have accumulated, are impediments to the advancement of our common schools, much more formidable than the want of pecuniary means.

That the system, as now conducted, produces incalculable good, is universally admitted. That it accomplishes all of which it is capable, or all which the growing wants of the age require, the concurrent testimony of its most intelligent friends, sufficiently disproves. To seek

out and correct, whatever defects exist in its organization; to encourage and stimulate to greater usefulness its more perfect features; and to enlarge the sphere, and improve the character, of all its operations, is an employment well worthy the highest abilities, and the most devoted patriotism. In no way can the sum of human happiness be more certainly augmented, or the principles of virtue, morality and freedom, so effectually implanted in the hearts of our children.

In presenting this subject to the consideration of the legislature, I have felt the greater confidence, inasmuch as the path of improvement and success is not new, or untried. In several of our sister states, plans for the improvement of their common schools have, from time to time, been suggested and matured, and the best exertions of the highest and most gifted minds, enlisted in their service.

In the state of New York, the attention of the legislature to this subject, has been constant and unremitting. The documents, which at various periods, have been published by its authority, as well as the annual reports of its state superintendent, evince a research and ability, and devotion to the cause, which have essentially contributed to the formation of that earnest and decided public sentiment, in relation to common schools, which now prevails in that enlightened and powerful commonwealth.

Through the agency of a state superintendent, aided by local assistants, one of which is appointed in each county, and by the superintendents chosen by the several towns, a watchful and salutary supervision over all the schools is constantly maintained, and their condition and progress, particularly noted. Copious reports, containing the results of personal examination, and abounding in valuable information, are annually transmitted to the state superintendent. By the publication of these reports—by the gratuitous distribution of a highly valuable periodical, devoted to the cause of education, and by addresses and lectures from the county superintendents, the public attention is awakened—a spirit of emulation excited, and increased vigor and activity imparted to the system.

In Massachusetts also, with a system similar to our own, many improvements have been introduced, which have given new energy and efficiency to these nurseries of morality and learning. The establishment of a board of education, and the institution of Normal schools, for the instruction of teachers, are among the means adopted in our parent state, to advance the cause of popular education. The secretary of that board has devoted his time for some years, to the acquisition and dissemination of educational science, and has done much towards awakening an interest in the success of the cause, not only in his own, but in other states.

The results of these enlightened and persevering experiments, have been such as usually flow from energetic and well directed efforts. Their beneficial effects are seen and acknowledged.

A few years since, an act, embodying many of the features of the Massachusetts system, was introduced into the legislature, and if I

am not mistaken, received the sanction of one of its branches. With the advantage of a longer experience, and the benefit of more extensive and practical information upon the whole subject, it is hoped, that the attempt may be again renewed.

In commending the inquiry to the consideration of the legislature, I cannot refrain from expressing the hope, that in the views I have presented, I have but reflected the sentiments which prevail among its members; sure I am, that in nothing could we more largely contribute to the permanent welfare of our constituents, than by enlarging the capacities, and improving the character, of our primary schools.

By the act of February 23d, 1828, the proceeds of certain townships of land were set apart "for the promotion of education;" and by section 50, article 4, chapter 17 of the revised statutes, it is provided, "that the same shall constitute a permanent fund, to be reserved for the benefit of town and district schools;" and that the fund so created "shall be put out on interest, in such manner as the legislature shall from time to time determine."

This fund has been gradually accumulating, and now amounts to the sum of \$57,629. No further steps have yet been taken to execute the provisions of the act, and the money has heretofore been used for the general purposes of the treasury. I would respectfully suggest, whether the flourishing condition of our finances, will not now authorize the investment of this fund, and the application of the accruing interest to its future increase.

The quarterly reports of the inspectors of the state prison, which have been received during the year, are herewith transmitted, and, with the annual report of the warden, will advise you of the condition of that establishment.

The new prison is now nearly completed; is constructed upon the most approved plan, and is supposed by competent judges, to combine, in an eminent degree, the advantages, which modern improvements have suggested. The whole expense incurred for this purpose, will amount to about \$13,000, of which sum, \$7,000 has been paid by appropriations from the public treasury.

The erection of the new structure, besides contributing to the discipline of the prison, and the security of the convicts, will, in the opinion of the warden, considerably reduce the expense heretofore found necessary to effect these objects. The removal of the prisoners, from the damp and unhealthy dungeons in which they have been confined, to dry and comfortable apartments, will greatly conduce to their health and comfort; it will render their labor more productive, and improvement and reformation in their morals and conduct, easier and more practicable. The pecuniary affairs of the establishment are manifestly improving, and appear to have been prudently and judiciously managed; there is reason to hope, that after the ensuing year, the expense of its support may be chiefly defrayed from its own resources.

In some of the neighboring states, the legislatures have provided the means of furnishing the convicts, with some moral and religious, or

temperance periodical. Where this has been practiced, it has been found to produce a salutary influence, and it is worthy of inquiry, whether a like measure might not be attended with equally beneficial effects, in the prison of this state.

The report of the bank commissioners will be herewith laid before you. For a particular account of the present condition of these institutions, and of their operations during the past year, I refer you to that document.

In my last annual communication, I took occasion, briefly to advert to several topics of national policy, which were then agitating the public mind. Since that period, an animated and exciting political canvass has taken place among the people, and the opinions and principles which distinguish the several parties, have been fully and elaborately discussed.

If, in the progress of a contest, the issue of which was mutually regarded as of vital importance to the welfare of the country, an undue degree of warmth or asperity was occasionally manifested, it is gratifying to know, that it has since given place, to that cheerful and ready acquiescence in the will of the majority, which has hitherto formed so striking a feature in the working of our political system.

It remains for those, upon whom the result of that contest has devolved the management of public affairs, to exercise the powers entrusted to their care, in the spirit of moderation and patriotism; and while upon all occasions, they evince a scrupulous regard to the just rights of the minority, to execute promptly and fearlessly, those great measures of national policy, which a deliberate and enlightened public judgment has decreed.

Among the questions presented for the consideration of the people, none were more prominent than those relating to the annexation of Texas, and the modification of the existing tariff. In all the forms of popular discussion, these were conspicuous and standing themes, and they were everywhere debated with the spirit and ability, which their importance demanded.

The acquisition of the territory comprehended under the name of Texas, has long been an object of deep solicitude to those concerned in the administration of the general government; and by none was it more earnestly pursued than by those, under whose auspices, our first treaties were negotiated with Mexico. The singularity of its geographical position, in connection with our own conterminous territory; its broad front and commanding position upon the gulf of Mexico; its numerous harbors; its fertile soil and genial climate; all conspire to render its peaceful and honorable incorporation into the territory of our republic, in the highest degree desirable.

Regarded as a means of strengthening and protecting our southwestern frontier; as opening new and growing markets for the industry of the north; as tending greatly to extend our internal and external commerce, and above all, as foreclosing against the intrusion of foreign influence, a position so necessary for our security, the measure, it is

believed, must ultimately commend itself to the united approval of the people.

But however weighty may be the considerations, which would impel both government and people, to desire the consummation of this measure, it is not to be presumed, that they would seek it upon other than just and honorable terms. In the patriotism and wisdom of the distinguished statesman, to whom the negotiation of this delicate and important question is soon to be confided, we have a sufficient guarantee, that the interests and honor of the whole country, will be faithfully maintained.

In relation to the present tariff, it is believed, that a still more decided and unequivocal expression of the popular sentiment was then given.

Upon none of the questions involved in the recent canvass, has a more careful and searching scrutiny been bestowed. The general results and minute details of the present system—its influence upon all the interests of our extended country, and its particular bearing upon the prosperity of our own community, have been ably and eloquently expounded. The arguments of its friends have failed to convince a majority of our citizens, that the rigorous provisions of the existing law, are either just or wise; nor have they been able to perceive, that however beneficial to the interests of the protected classes, the system may have been, it has in any adequate proportion, compensated for the burthens it has imposed upon their own.

In the steady and healthy growth of domestic manufactures, all sections of the country, and all classes of our citizens, would heartily rejoice. Their success is identified with our national prosperity, and their interests should always receive a just measure of encouragement and support. Under the influence of equal laws, and with the incidental protection which a revenue tariff would afford, their progress, though gradual, would be certain and secure.

In a government like ours, where the influence of public sentiment is sensibly felt, and certain, ultimately to shape its policy, laws, to be salutary and permanent, must be just, moderate and equal. The system which extends, to a favorite pursuit, or a particular class, extravagant and unreasonable advantages, will soon awaken the jealousy of those, at whose expense they are conferred, and a reaction, equally prejudicial to public and private interests, will inevitably follow. Against these disturbing and ruinous fluctuations, the policy of the government cannot be too carefully guarded; and it is to be hoped, that under the influence of enlightened and patriotic counsels, the time is not distant, when it will be satisfactorily and permanently established.

To the government of the whole people, representing the various sections and conflicting interests of our extended country, the settlement of these controverted subjects properly belongs; the deep and absorbing interest they have recently excited in the public mind, would seem to authorize, if not to require, the notice I have given them.

Upon many of the subjects to which I have referred in this commu-

nication, I have dwelt perhaps with unnecessary minuteness; a proper estimation of their importance, will excuse the unusual prolixity in which I have indulged. Allow me, in conclusion, to express the hope, that the session upon which you have entered, will prove agreeable to yourselves, and in its results, acceptable to your constituents; that He who directs all human purposes, may guide your deliberations, and render the measures to which they may conduct you, beneficial to the people.

H. J. ANDERSON.

COUNCIL CHAMBER, }
Jan. 3, 1845. }

To the senate and house of representatives :

Since the date of my annual communication at the opening of the session, I have received from the executive of the State of New Hampshire, "resolves concerning the imprisonment of Thomas W. Dorr," "and resolves relating to the annexation of Texas to the United States," recently passed by the legislature of that state, which I herewith lay before you.

I have also received from the executive of the State of Connecticut, "resolutions relating to the assumption of state debts," "resolutions relating to the repudiation of state debts," and "resolutions relating to the annexation of Texas to the United States," which are herewith communicated.

The annual report of the inspectors of the state prison, received this morning, will be also laid before you.

H. J. ANDERSON.

COUNCIL CHAMBER, }
Jan. 13th, 1845. }

To the senate and house of representatives :

I herewith lay before you a copy of a report of the executive council, in relation to the return of votes upon the amendment of the constitution, proposed by resolve of 19th March, 1844.

I have received a copy of resolutions of the general assembly of the State of Maryland, concerning the power of congress to interfere with the domestic institutions of the states: also a copy of preamble and resolutions of the general assembly of Kentucky, relative to an amendment of the constitution of the United States, and preamble and resolutions in relation to the admission to seats in the house of representatives of congress, of persons not elected according to law: also resolves of the legislature of Massachusetts, relating to a preamble and resolutions of the general assembly of Virginia, and resolves concerning the annexation of Texas: also a copy of protest and declaration

of the general assembly of the State of Rhode Island, against any interference by congress with the internal government and constitution of said state: also a copy of resolutions of the legislature of Georgia against the repudiation of state debts: and copies of certain proceedings of the legislature of South Carolina, upon the appointment by the State of Massachusetts of a special agent for certain purposes; all of which are herewith transmitted to the legislature.

H. J. ANDERSON.

COUNCIL CHAMBER, }
Feb. 1, 1845. }

To the members of the senate, and house of representatives:

Since the date of my annual communication, I have received from Mr. James C. Madigan, who was appointed to superintend the establishment of schools in the Madawaska settlements upon the St. John, under resolve of February 16th, 1844, his third and final report, which I herewith transmit for the consideration of the legislature.

Having referred to this subject in a former communication, I deem it necessary only to add, that a perusal of the report above referred to, has confirmed the opinion I then expressed, in relation both to the utility and practicability of the undertaking; and I trust it may be deemed compatible with the interests of the state, to continue a moderate appropriation for its further prosecution.

H. J. ANDERSON.

COUNCIL CHAMBER, }
Feb. 3, 1845. }

To the speaker of the house of representatives:

In compliance with an order of the house of representatives passed on the 29th ult., requesting the "governor to lay before the house a copy of all claims made upon the United States government by this state under resolve of March 24th, 1843, specifying those which have been allowed and those which have been rejected; and also to communicate what amount, if any, has been paid by this state to citizens of New Brunswick for losses or damages sustained by them in consequence of proceedings of the state in building booms on the Aroostook, or to citizens of this state for same cause; also copies of all correspondence between the executive of Maine and Samuel L. Harris, Esq., relating to the claims of this state upon the general government." I transmit a report from the secretary of state, embracing all the information touching the subjects enumerated in the order, which the files and records of the executive department afford.

In a personal interview with Mr. Harris in the month of November last, I was advised, that unexpected objections had been interposed by

the accounting officers of the treasury, to several classes of claims under the treaty of Washington, which had been provided for by the appropriation of \$80,000 made at the last session of congress, and referred to in his report of July 1st; and that considerable delay was thereby occasioned in the final settlement of the accounts.

As the appropriation referred to was made by congress upon a full statement of the several classes of claims under the treaty, for which it was intended to provide, and upon a deliberate examination of the principles upon which they were grounded; and as claims of precisely similar character had been allowed under former appropriations, the delay in passing them at the proper accounting office was wholly unexpected both to the agent and the executive.

But a very inconsiderable amount, however, had been rejected; and with the additional testimony in support of the principal items which the agent has since been enabled to procure, it is hoped, that the necessity of an application to the appellate authorities of the treasury, will be avoided.

In an official letter under date of 24th December, 1844, in reply to a letter suggesting the propriety of an early report, the agent writes as follows:

“In order to present in a suitable manner the several points of information indicated in your letter, two or three weeks time would be required, and the statement after all, would be inaccurate and unsatisfactory. The time thus occupied could be now advantageously employed in looking after the interests of the state at the departments, where my personal attention at this stage of the business is constantly required. I cannot but hope, that you may deem it expedient and proper to concur in the views I have suggested, and make as favorable reference to my progress in prosecuting our claims against the general government, as the facts will warrant.

“Since writing you yesterday, a portion of our military accounts have been reported upon by the second auditor—and the statement and vouchers transmitted to the second comptroller for his decision.”

Being satisfied that the agent was using his best endeavors to expedite the settlement of the claims, I did not deem it proper to withdraw his attention from that important object, by insisting upon an immediate report.

H. J. ANDERSON.

COUNCIL CHAMBER, }
Feb. 4, 1845. }

To the members of the senate and house of representatives:

I have received a memorial signed by Mr. Oliver Frost of the city of Bangor, representing, that since the ratification of the treaty of Washington, he has been engaged, under permits from the states of Maine

and Massachusetts, in the manufacture of pine timber upon that part of this state which is watered by the river St. John and its tributaries.

The memorial further states, that notwithstanding the clear and explicit provision of said treaty, by which the free transit of the productions of that part of the State of Maine, through the river St. John, and to and from the seaport at its mouth, without the exaction of any tax, toll or duty was supposed to be secured, he has been compelled to pay to the provincial authorities of New Brunswick, an export duty upon said timber, amounting in the aggregate to the sum of \$1,808.80.

That believing the exaction of said duty to be in contravention of the plain and obvious meaning of the third article of said treaty, he has made application to the congress of the United States for reimbursement and relief: and he asks the intervention of the government of this state, as well in his own behalf, as that the rights and interests of the citizens of Maine engaged in similar pursuits, may be protected from further invasion.

Accompanying this memorial, and in proof of the allegations therein contained, are several documents marked from A to H inclusive, all of which, together with the memorial, are herewith transmitted.

In the early part of the last year, I was advised by letters from respectable and well informed individuals, that the law complained of by this memorialist had been passed by the provincial legislature of New Brunswick; and that under its operation, the lumber cut in the State of Maine, and destined for market or shipment at the port of St. John, would be subject to an export duty of twenty cents per ton.

Considering the imposition of this tax as in flagrant violation of an express stipulation of the treaty, I addressed a letter to the Hon. John C. Calhoun, secretary of state, under date of April 10th, 1844, apprising him of the passage of said law, and requesting the interference of the general government to procure its repeal. A copy of this letter and his reply thereto, will also accompany this communication.

It will be unnecessary to remind the legislature that among the advantages and equivalents which the treaty of Washington was supposed to provide, the free and unrestricted right to navigate the river St. John was considered by all the parties concerned in the negotiation, as of great importance to the interests of Maine. Aside from the pecuniary compensation awarded to the states of Maine and Massachusetts, it was in fact, the only indemnity provided by the treaty, for the large concession she was called upon to make, and without which, it is safe to aver, the consent of her commissioners would not have been obtained.

In consenting to the adjustment of a protracted controversy, upon terms involving so great a sacrifice of territorial rights, it was not anticipated, that the provisions of the treaty intended to secure a partial compensation, would be evaded or denied.

Should the claim now set up by the provincial legislature, sanctioned as it is by the superior authorities of Great Britain, be acquiesced in

by our government it is obvious that the use of the river for all the purposes mentioned in the treaty, can be employed by our citizens, only through the sufferance of our colonial neighbors.

If the legislature of New Brunswick can impose a duty of twenty cents per ton upon American timber shipped from the port at the mouth of the St. John, it may with equal propriety carry the imposition to any extent, which the wants of its treasury, or the cupidity of its government may demand. And if, under color of dealing with the productions of the United States as they deal with the productions of New Brunswick, they can impose a burdensome and oppressive tax, taking care to indemnify their own citizens by a drawback or a bounty, as in the present case, they have it in their power effectually to shut up, what was intended by the treaty as a common highway, which for certain purposes, should be mutually free to the citizens of both the conterminous countries.

The productions of the soil, as well as of the forest, may be subjected to similar inhibitions; and unless the encroachment be promptly and effectually resisted, a precedent will be established, by which the government of New Brunswick will not fail hereafter to profit.

What measures, if any, the general government have taken to procure a repeal of the obnoxious act, and an acknowledgment of our rights under the treaty, I have no means of knowing. A memorial, addressed to the president of the United States, containing a lucid and elaborate statement of the whole case, was forwarded to Washington in the month of April last. A copy of that paper will be found among the documents herewith communicated, marked G; and as it presents in an able and unanswerable manner, all the points involved in the case, and was drawn, as I have reason to believe, by one fully conversant with the whole negotiation, I beg leave, particularly to bespeak for it the consideration of the legislature.

The subject is one of deep interest to a numerous class of our citizens, and as the joint owners of a large portion of the territory watered by the river St. John and its tributaries, the pecuniary interests of the states of Maine and Massachusetts are seriously involved. It is generally understood in that section of the state more immediately interested, that a considerable augmentation of the present duty is now in contemplation: and it is easy to perceive, that under the interpretation given to the treaty by the government of Great Britain, a considerable portion of the value of our forests, may be annually transferred to the colonial treasury.

If upon an inspection of the documents accompanying this communication, the views I have presented shall be sustained by the legislature, I would respectfully recommend, that such an expression be given by the government of this state, as shall tend to secure from the national government, that prompt and energetic interposition which the case demands.

COUNCIL CHAMBER, }
Feb. 17, 1845. }

H. J. ANDERSON.

To the senate and house of representatives :

I have received from the governor of the State of Delaware, a copy of resolutions adopted by the legislature of that state, relating to the annexation of Texas to the United States: also, resolutions of the legislature of the State of Rhode Island, and of the legislature of Vermont, upon the same subject. I have also received a copy of a memorial addressed by the legislature of the State of Missouri to the congress of the United States, concerning the occupation of Oregon: joint resolutions of the general assembly of Alabama in relation to the tariff, the annexation of Texas, a distribution of the proceeds of sales of the public lands, and a national bank, and joint resolutions of the same state, on the repudiation of state debts: also, resolutions of the legislature of Vermont, relative to the tariff law of 1842, and a distribution of the proceeds of sales of the public lands: joint resolutions of the legislature of the State of Indiana "on the subject of repudiating state debts," and "in relation to exchanging documents with other states"—resolutions of the general assembly of the State of Arkansas, and of the legislature of Alabama, concerning an alleged interference by the State of Massachusetts with the domestic institutions of the southern states: and resolutions of the general assembly of Rhode Island, in response to resolutions of the State of New Hampshire concerning the imprisonment of Thomas W. Dorr, all of which documents are herewith laid before you.

H. J. ANDERSON.

COUNCIL CHAMBER, }
 Feb. 26, 1845. }

To the senate and house of representatives :

I have received from the commissioners to locate grants and determine the extent of possessory claims under the late treaty with Great Britain, appointed in pursuance of resolves of February 21st, 1843, a report of their doings, which is herewith laid before the legislature.

The quantity of land set off to the settlers under grants from the English government amounts to upwards of fifty thousand acres, comprising the most valuable portion of the lands in the vicinity of the river St. John, and for the distance of sixty miles, occupying nearly its entire front. By a stipulation in the treaty of Washington, the titles to these lands granted by the authorities of Great Britain, were confirmed to the settlers, and it became the duty of the states of Maine and Massachusetts to set off to the grantees and their assigns, the respective portions so held. In undertaking to transfer the ownership of this valuable territory from its rightful proprietors, the government of the United States would seem to have incurred an equitable obligation to indemnify the states of Maine and Massachusetts for the pecuniary sacrifice they were required to make, and I would respectfully suggest,

that an application to congress for adequate remuneration, be authorized by the legislature.

The annual report of the directors of the Boston and Maine rail road has been placed in my hands, which I herewith communicate.

I have also received from the governor of the State of Illinois, certain resolutions of the legislature of that state, in response to resolutions of the State of Massachusetts, concerning certain proposed amendments to the constitution of the United States, which are herewith laid before you.

H. J. ANDERSON.

COUNCIL CHAMBER, }
March 12, 1845. }

To the senate and house of representatives :

Since the adjournment of the legislature on yesterday, I have received a report from Samuel L. Harris, Esq., the agent employed to present and prosecute the claims of this state against the general government, which with the accompanying papers, I herewith lay before you.

On the 25th of February, I addressed a letter to Mr. Harris at Washington, requesting his immediate return to this place, with such papers connected with the claims in his charge, as might be required for a full explanation of the manner in which the same had been presented to the general government. A copy of this letter, with his reply thereto, is now in possession of a committee of the legislature, and Mr. Harris is now ready to make to the legislature or its committee, such explanations as may be deemed necessary.

H. J. ANDERSON.

COUNCIL CHAMBER, }
March 22, 1845. }

To the senate and house of representatives :

I have received from the executive of the Commonwealth of Massachusetts, a copy of resolves, and of a special joint committee of the legislature of that state, concerning the admission of Texas, which I herewith lay before you.

H. J. ANDERSON.

COUNCIL CHAMBER, }
March 29, 1844. }