

# MAINE STATE LEGISLATURE

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ACTS AND RESOLVES

PASSED BY THE

TWENTY-SIXTH LEGISLATURE

OF THE

STATE OF MAINE,

A. D. 1846.

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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:

WILLIAM T. JOHNSON,.....PRINTER TO THE STATE.

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1846.

## MESSAGES OF GOVERNOR ANDERSON.

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*Gentlemen of the senate and house of representatives :*

Since the adjournment of the last legislature, a period has elapsed, considerably longer than that which has usually intervened between consecutive sessions ; and in conformity to the constitution of the state, as it has been amended by the people, we have assembled for the first time, upon the day designated by the recent provision.

It brings you together at a season more conducive to personal comfort, and better adapted, as I trust it will be found, to an expeditious and economical transaction of the public business.

During the recess of the legislature, but little has occurred to interrupt the prosecution of the various pursuits, upon which the enterprise and activity of our citizens lead them to engage.

The orderly habits which prevail among the people, have protected us from the disturbances which have occasionally occurred in some of our sister states ; and the invigorating influence of a healthful climate, has exempted us from those enfeebling diseases, which have visited other sections of the country.

In addition to the vigorous prosecution of their ordinary avocations, the enterprise of our citizens is also leading them to other branches of profitable labor ; under the liberal policy adopted by the legislature, numerous acts of incorporation for manufacturing purposes have been granted, and there is reason to believe, that with the increase of our population, and the accumulation of unemployed capital, our natural advantages for this species of productive industry will be gradually developed.

Nor have the benefits which result from the opening of new avenues of intercommunication between distant and important points, been overlooked or neglected. Various projects to cheapen transportation, and facilitate the public travel, have been suggested and examined, one of which, as the result wholly of private enterprise and capital, deserves to be ranked among the most magnificent and useful conceptions of the time.

Designed to connect by a continuous line of rail road, the principal depot upon the St. Lawrence, with so convenient and excellent a seaport as Portland, the facilities this work would afford to both the internal and external commerce of the state, can scarcely be overrated : and though the well settled policy of the state government precludes it from any active co-operation in its construction, its successful prosecution will be regarded with the highest satisfaction in every section of the state.

In the retrospect of a period distinguished by so many evidences of public prosperity, it would be strange, if there should be found no admixture of disappointment.

The partial failure of an important crop has been seriously and extensively felt, and the extraordinary floods which have prevailed during the present spring, have been productive of great inconvenience and loss: for the one however, considerable indemnity was found in the great abundance of more valuable productions; and it is hoped, that the perseverance and energy so strikingly characteristic of the community most deeply affected, will speedily overcome the disasters occasioned by the other.

In assembling, to enter upon the duties assigned us by the people, it is gratifying, that with the exceptions I have mentioned, we are enabled to indulge in mutual congratulations, upon the continued and growing prosperity with which we have been favored. With abundant cause to be satisfied with the past, we may also hope, that with the blessing of Him, who has so signally favored us hitherto, our progress, in all that essentially conduces to the welfare of our state, will be sufficiently rapid in the future.

The annual reports of the treasurer and land agent, the latter of which is herewith communicated, will advise you of the condition of the two most important branches of the public service.

Under the care of the able and vigilant officers who have charge of those departments, the financial concerns of the state exhibit the most satisfactory aspect.

The balance in the treasury at the date of the last report of the treasurer, amounted to the sum of three hundred and ninety-two thousand four hundred and twenty-two dollars.

There has been received into the treasury from all sources, and for all purposes, during the financial year, ending upon the 30th of April last, the sum of six hundred and ten thousand seven hundred and seventy-two dollars.

Of this sum, there was received from the avails of the state tax for 1844 and 1845, the sum of two hundred and fifteen thousand four hundred and thirty-three dollars; from the land agent, one hundred and fifty-five thousand and forty-eight dollars; and for claims against the general government, adjusted and paid during the year, the sum of one hundred and sixty-two thousand three hundred and ninety-eight dollars.

There has been paid from the treasury, during the same period, the sum of six hundred and thirty-four thousand two hundred and ten dollars; of which four hundred and fifty-four thousand dollars was for payment of principal and interest of the public debt, the greater part of which became due during the year. The balance in the treasury is now three hundred and seventy thousand dollars; and it is estimated, that the receipts for the ensuing political year, would fully justify the immediate application of the whole of this sum, in the payment of the principal of our state debt; and it is also estimated, that with the small amount now required to defray the ordinary expenses of the state, the

receipts which may be expected from the land office, together with other sources of income, and the tax for 1846, will increase the sum which may be appropriated to the same purpose during the year.

The whole amount of the funded debt of the state is now one million two hundred and seventy-four thousand two hundred and eighty-five dollars; if the holders of its stock certificates would consent to receive, in anticipation of their maturity, the money now on hand, it would be reduced to the sum of nine hundred and five thousand dollars.

Three years ago, our debt amounted to one million seven hundred thousand dollars; the means are now in the treasury, and needed for no other purpose, to reduce it to little more than half that sum.

It is but seldom, that largely indebted governments or individuals, are seriously incommoded with surplus funds. Such, however, has been our condition for two years past, and such will probably be our condition for some time to come. With the means of paying nearly a third of our whole debt, it is impossible to find, among the creditors of the state, those who will receive at any reasonable advance, the amount of principal that will be due them; certificates of stock are but rarely offered in any of the markets, and it has been with considerable difficulty, that the treasurer has been able to obtain the amount redeemed during the past year; and there seems but little probability, especially while it is known that the state itself is constantly in the market as a purchaser of its own scrip, that it will be offered for sale, upon terms which would justify its purchase. In the year 1848, there will be due the sum of one hundred and sixty-nine thousand dollars; with that exception, there will be little which can be paid until the year 1851, and in the meantime, the large sum I have named, with the accumulation of the coming year, must remain wholly unproductive in the treasury, or be loaned to banks at such low rate of interest as they are disposed to allow.

In this unexpected condition of our finances, what course ought the state government to adopt?

Desirable as it is to extinguish our state debt as speedily as possible, it would seem consistent with neither justice nor economy, to make a further call upon the resources of the people, without a better prospect of effecting that object, than now exists.

Under these circumstances, it would seem to me, that, unless you should deem it practicable and expedient, to repeal or modify the act of the last session, by which the sum of two hundred thousand dollars was required to be raised for the use of the treasury, the state tax for the ensuing year, might be either wholly dispensed with, or so much reduced in amount, as to prevent a further accumulation of unnecessary funds.

It is somewhat unfortunate, that by the postponement of your annual session to so late a period, it became necessary to anticipate legislation, in regard to the state tax, for so long a time; and I apprehend it will be found inconvenient in future. It is now more than a year, since the tax act for the current year was passed; and it was not then foreseen,

either that so large a sum would be received into the treasury from other sources, or that it would be difficult for the treasurer, under the authority with which he was clothed, to apply its redundant means to the payment of the state debt.

The purchases of stock which have been made during the year, have been of that class first becoming due.

With the exception of the sum I have named, as payable in 1848, it is not probable, that without some extraordinary and long continued pressure upon the money market, the stock payable on and after 1851, could be purchased under a premium of eight or ten per cent.; and sales have been made within the year, at prices considerably above that rate.

It will be perceived, that there has been received during the year, for the claims of the state against the general government, the sum of one hundred and sixty-two thousand three hundred and ninety-eight dollars.

Of these claims, fifty-six thousand seven hundred and fifty-four dollars were for claims arising under the treaty of Washington, comprehending a variety of items, not allowable under the first appropriations; the sum of eighty-five thousand nine hundred and twenty-eight dollars for military expenditures, which were adjusted at the war department; and nineteen thousand seven hundred and sixteen dollars being the distributive share of the land money belonging to this state. The treaty claims due the state, have been allowed and paid in full; of the military claims, a balance is still unpaid.

Full and particular accounts of the final adjudication upon these claims, at the several departments to which they were referred, with a statement of the specified differences in the settlement of our military accounts, have been furnished me.

These papers, with a particular statement of the items allowed, as also a detailed statement of the "disputed territory fund," which I have also received, will be shortly laid before you.

Of the operations of the land office, a detailed statement will be found in the report of the agent.

That they have been uncommonly active and successful, will sufficiently appear by the large sums they have contributed to the resources of the treasury, the receipts for the year having exceeded the estimate of the agent, nearly one hundred thousand dollars.

It is not believed, that any new legislation in regard to our public lands is now called for; in a faithful administration of the laws already provided, the state is receiving a constantly increasing revenue, and it may reasonably be hoped, that with an adherence to the same prudent policy, the time is not distant when it will afford an income sufficiently large to defray the expense of our state government.

The appropriations which have been made for the construction or repair of roads in the vicinity of the state lands, have increased the facilities of travel and transportation, and rendered to those whose enterprise and labor have been so profitable to the state, as well as to

the public generally, a very essential service. The expenditure of the sums which have heretofore been granted for those purposes, have been generally contingent upon the expenditure of like sums by the state of Massachusetts, whose pecuniary interest is greatly promoted by the opening of these important avenues of communication. It is to be regretted, that the expenditure of these grants has been frequently limited for want of the required co-operation.

Several of these roads are in want of immediate repair, and considerable sums will be needed to render those now opened, tolerably passable. I trust an appropriation sufficiently large to make the necessary improvements will be made, and that the proper steps to induce the co-operation of Massachusetts will also be adopted.

The report of the bank commissioners, which was made in December last, has been printed, and copies will be herewith laid before you.

The highly important functions which are performed by our banking institutions, in all that pertains to the business affairs of the community, will always render an accurate knowledge of their condition and management, a matter of peculiar interest, both to the legislature and the people.

Intrusted with almost unlimited control over our local currency, and extending their agency into every department of trade, it is the imperative duty of the state government, not only to see that they are subjected to wise and wholesome legislation, but to maintain over them such a supervision, as will insure a strict compliance with the legal enactments by which they should be governed.

The attention of former legislatures has been anxiously directed to the accomplishment of these objects, and such guards and restrictions have been imposed, as without impairing their usefulness or efficiency, have been considered sufficient to protect the community from the irregularities and abuses, to which experience has shown they are liable.

The charters of all the banks in the state will expire by limitation, in October of next year; and although the subject will not necessarily require your action at the present session, it may be proper in the meantime, to inquire, how far the operation of existing laws may have shown the necessity of further legislation.

In anticipation of such an inquiry, several suggestions are offered by the commissioners, which from the experience and observation upon which they are founded, are entitled to respectful consideration. They do not, however, contemplate any considerable innovation upon the present system; nor, with the exception of a narrower limit in the extent of their loans, do they recommend that any material restrictions should be added to those now provided. And they express their conviction, that the several acts for regulating banks and banking now in force, "though not entirely faultless, are as perfect as those of any state in the union."

It will be perceived, that the commissioners again invoke the attention of the legislature to the continued infraction, by some of the banks,

of that provision of the law, which limits the amount of their circulation. Neither this, nor any other habitual violation of the law, should be countenanced or permitted; if the restriction be unwise or impracticable, the law which imposes it should be repealed or amended; if it be salutary and proper, it should be rigidly enforced.

If one institution is allowed to transcend its legal limits, on the ground either of local necessity or of the undoubted ability of the bank, it is difficult to conceive how another, no more culpable, but in which the violation may be attended with real danger, can be rebuked or punished. The same privileges should be extended to all, or all required scrupulously to conform to the prescribed limit.

The adoption of some provision, better calculated than any now in force, to remedy this continued irregularity, and which shall be also applicable to a similar excess in the amount of loans, and the liability of directors, is strongly recommended by the commissioners, and should receive your careful attention.

It has been frequently urged, that in the annual exhibits of the condition of our banks, there uniformly appears a much greater disproportion between their paper circulation, and the amount of specie it is intended to represent, than was either contemplated by the law, or is consistent with a sound and prudent policy; and that while this disproportion is suffered to continue, there will be a greater liability to those sudden expansions and contractions in the currency, which have heretofore produced such injurious effects upon the operations of business and created such frequent changes in the value of property.

However this may be, an inspection of the returns for some years past, has impressed me with the apprehension that our paper circulation is becoming less and less dependent upon a metallic basis; and that the increasing disparity which these returns exhibit, may well call for legislative consideration.

It will be seen by referring to these returns, that while our banking capital was but little more than half its present amount, and the paper circulation in the same proportion, the specie means in possession of the banks, exceeded by more than two to one, the sum now in their vaults; and even since 1843, while the paper circulation has increased more than six hundred thousand dollars, the returns show an actual diminution of the coin it represents; and in the report of the present year, there will be found a circulation by a single bank, of eighty thousand dollars, against eight hundred in specie.

It is not to be presumed, that while the present arrangement for the redemption of their bills is adhered to by the banks, it would be regarded as necessary, that an amount of specie, bearing any near approximation to their paper circulation, would be required; that the establishment of some moderate limit, beyond which the disproportion referred to, should not extend, would seem to me but the dictate of prudent foresight; and in view of the policy, which it is probable will be adopted by the general government, may be absolutely required.

That all the banks are abundantly able to fulfil their obligations,



cannot be doubted ; in the opinion of the commissioners, they are not only solvent, but remarkably prosperous, and are represented as doing a safe and profitable business.

The reports of the trustees and superintendent of the Insane Hospital will be herewith laid before you.

Since the date of the last reports from that institution, its late able and accomplished superintendent has retired from its service, and his place has been supplied by a gentleman, whose high professional and personal character is a sufficient guarantee, that its arduous and responsible duties will be adequately performed. Under his superintendence, the affairs of the institution have been judiciously managed ; and notwithstanding a considerable reduction which was made in June last, in the charges which had previously been made for the board and attendance of patients, its pecuniary condition is quite as satisfactory as at any former period.

There will be required a small appropriation for the payment of expenses properly chargeable to the state ; and in the opinion of the trustees, the sum of six hundred dollars should be granted, to meet an anticipated deficiency for the coming year, which may grow out of the reduction in the charges before referred to, both of which, I trust, will be made.

It will be observed, by reference to the report of the trustees, that a very considerable increase in the number of patients has taken place within the year ; and that the number of males is now as large as the present capacity of the building will enable it to accommodate ; and that unless some of the present occupants should be dismissed, no new male patients could be received.

It is estimated, that there are in the state, above six hundred persons, upon whom the dreadful visitation of insanity has fallen ; and it may be presumed, that this number will increase in a like proportion with the increase of our population ; it may therefore be reasonably anticipated, that a much larger number than have heretofore enjoyed the benefit of this asylum, will seek to participate in its privileges. In order that they may do so, it is indispensably necessary that the building should be enlarged, and that one wing, for the accommodation of male patients, should be added. It is not anticipated, that a very large sum will be required for this purpose ; and in view of the facts above suggested, I entirely concur in the recommendation of the trustees, that the necessary amount should be granted.

It is desirable, also, that the grounds belonging to the asylum should be somewhat enlarged ; more land for pasturage, is greatly needed ; and I am advised, since the printing of the report, that an adjacent lot, containing about twenty-six acres, lying between the river and the road, and which has always been regarded as a necessary acquisition to the lands of the institution, is now offered at a moderate price. The sum required for this purchase will be one thousand and fifty dollars, and I recommend an appropriation for that purpose.

While this most excellent institution has been contributing to the

relief and comfort of the insane, the humane and liberal provision, which the bounty of the legislature has extended to another unfortunate class of our fellow beings, has been silently diffusing its beneficent and salutary influence.

The appropriations for the support and education of the indigent blind, and deaf and dumb, have been sufficient to place at the asylums at South Boston and Hartford, all the youth of suitable age and capacity, whose parents or friends have applied for the aid of the state. Twenty-four deaf and dumb pupils are now at the asylum at Hartford, and thirteen blind children are at the institution at South Boston, all of whom are receiving such an education, as will not only rescue them from mental darkness, and open multiplied sources of occupation and happiness, but which will qualify them to provide for their future support.

In a continued provision for these interesting recipients of the public bounty, you will find the indulgence of a kindly sympathy, entirely consistent with an enlightened and economical public policy.

The quarterly reports of the inspectors of the state prison, give a satisfactory account of the condition of that establishment. A more particular statement of its affairs will be furnished by the report of the warden, which will be made directly to the legislature.

The number of convicts in the prison is much below the general average, there being but sixty-six now in confinement; and with the exception of the salaries paid to the officers, the establishment is wholly supported from the avails of their labor. It was anticipated by the warden, that this aid might be dispensed with; but a series of disappointments beyond his control, have rendered it necessary that the appropriations for this purpose should be used. The reports of the inspectors are herewith transmitted.

In the annual communication I had the honor to make to the last legislature, I expressed at considerable length, the views I entertained upon the subject of our common schools.

Lamenting the defects in the practical operation of the present system, which the slightest examination will demonstrate to exist, the attention of the legislature was earnestly invited to the consideration of measures, which might tend to elevate these primary institutions, to that high degree of usefulness and efficiency they are entitled to possess.

That no plan, having in view this desirable object, was finally perfected, cannot have arisen from neglect or indifference to this legitimate and important subject of legislative action. Everywhere regarded as the proper objects of governmental care, the encouragement of our public schools, should be with us, a controlling and paramount obligation; and it would be matter of just and lasting reproach, if, through the apathy or neglect, either of the government or people, they should fail to accomplish the beneficent and patriotic purposes for which they were established.

That they have failed to participate in the general spirit of improve-

ment and reform, which is characteristic of the time, is too obvious to be questioned; nor are there wanting those, who entertain the belief, that a careful examination of their actual condition, will show in some respects, a positive deterioration. It is one of the deficiencies of the present system, that no authentic means of affirming or disproving so startling an allegation, are anywhere to be found. The returns annually made to the secretary of state, contain but meagre and scanty materials upon which to form a reliable opinion; of the abstracts which were formerly made from these returns, the publication has been for some time discontinued; and they are permitted to slumber, undisturbed and unregarded, among the obsolete files which encumber the office.

The observation and enquiries of public spirited individuals, and the evidence of remarkable proficiency in particular localities, occasionally brought to the notice of the community through the public press, are the chief sources of information, as to the condition of our public schools, which now exist; and I respectfully submit, whether it is proper, that these imperfect and casual communications, upon a subject of such incalculable importance, should longer constitute the sum of information within our reach.

Is it not but too probable, that a diligent investigation into the operation of the existing system, will to a lamentable extent, verify the apprehensions to which I have alluded; that it will disclose the same melancholy array of incompetent teachers—dilapidated or inconvenient buildings—the same waste or perversion of the public funds—and the absence of intelligent and active supervision, which have been generally exhibited by similar inquiries in other states?

However this might be, it cannot be doubted, that such an investigation would demonstrate the necessity of additional legislation; that it would show in what particular parts of our present system, reformation and improvement were most needed, and how far the public mind was prepared to countenance and sustain, the innovations proposed; and if conducted by intelligent and competent individuals, would powerfully contribute to awaken the public attention, and to strengthen the hands, and encourage the hopes, of those private individuals, whose commendable exertions have already done so much to advance the cause of popular education.

Various modes to attain this object, with but little inconvenience and expense, could be readily suggested; but none would seem more entirely unobjectionable, than that proposed by the committee on education of the last legislature.

By the establishment of a board of commissioners, selected for their peculiar qualifications, either by the legislature or the executive, the requisite information could be easily and economically obtained; existing defects would be pointed out and exposed, and the improvements which have been introduced by the liberality and spirit of particular communities, commended to the notice and imitation of all.

And availing themselves of the experience of other states, which

have preceded us in this laudable undertaking, the operation of those auxiliary establishments, which have been recently engrafted upon their respective systems, and their adaptation to the wants and capacities of our own, might form a subject of profitable inquiry.

With the information which could be thus obtained, the legislature would be enabled to adapt its action to the condition and wants of the existing system; and be better qualified to enter upon the consideration of a more permanent and comprehensive plan of educational improvement.

In the amount of money annually devoted to the support of our common schools, it is not believed, that we should suffer by a comparison with other states; nor that the improvements required would add, in any formidable degree, to the pecuniary means we are accustomed to allow them.

In the belief, that by introducing into our system higher elements of order, economy and uniformity, the expenditure of these means may be productive of a greater amount of good, I respectfully commend the inquiry I have suggested, to the consideration of the legislature.

Under the resolve passed by the last legislature, for the promotion of education in the Madawaska settlements upon the St. John, the agent who had superintended the expenditures of the preceding year, was again appointed to perform the duty.

Having afterwards engaged in other business, which rendered it inconvenient to discharge the duties of the office, he resigned the appointment, and in October last, another agent was appointed, under whose superintendence, a portion of the appropriation has been expended.

There remained an unexpended balance of seven hundred dollars, which as the legislature was to convene before it would be needed, it was not deemed advisable to draw from the treasury.

Unless, therefore, you shall consider it proper to re-appropriate that sum, there will be no means to continue the schools, and the agency of the superintendent will be terminated.

The report of the agent is herewith communicated.

In communicating the report of the adjutant general, I would bespeak your attention to several suggestions connected with the care of the property of the state, at the several arsenals and gun-houses. Much of this property is rapidly falling into decay, and some small appropriations are required to preserve it from entire ruin.

Having upon former occasions expressed the regret with which I had witnessed the subversion of our military system, it is not now my intention, to reiterate to the legislature, views, which however weighty they have appeared to me, have found so little favor with those to whom they were addressed.

I am aware also, that the increasing aversion which has been manifested by our citizens to the performance of military duty, may have rendered the preservation of an efficient militia, not only difficult, but perhaps impracticable; and that, unless under circumstances of imminent public danger, an attempt to revive it would probably prove unavailing.

It will appear from the report communicated, that under the present law the militia may be considered as entirely disbanded; the returns which should be made to the adjutant general, are either wholly omitted, or so imperfect as to be of little value; and in making the annual requisition for our quota of arms from the general government, it is necessary to resort to returns which have been made in former years.

In the annual communications I have made to former legislatures, I have taken occasion briefly to refer to the several topics of public interest, which were then occupying the public mind.

I have done so with no view, unnecessarily to introduce into their deliberations, the irritation and excitement incident to the discussion of national politics; nor do I now desire to mingle with the local interests which require the care of the present legislature, the disturbing questions which are properly committed to other hands.

Upon the questions to which I have referred, the public judgment has been deliberately pronounced, and the administration of the general government has passed into hands, charged with the consummation of those measures of public policy, which have constituted the leading topics of popular discussion, and upon which, the opinions of the people have been clearly expressed. My own convictions are unchanged, that in a steady adherence to the line of policy indicated by that expression, the stability of our institutions, and the solid and enduring prosperity of the whole country, will be most effectually promoted.

But whatever importance may be attached to the adjustment by the general government, of these disputed questions of domestic policy, the unsettled and threatening aspect of our relations with foreign governments, will at this juncture, more strongly arrest the public attention.

The information which has recently reached us, renders it highly probable that with the republic of Mexico, hostilities have actually commenced. It is sincerely to be lamented, that the repeated efforts which have been made to avoid an alternative so much to be deprecated, should have proved unavailing; and that the misguided government of that unhappy country, should have compelled the adoption of measures which must inflict the most serious evils upon its people.

The long pending controversy between the governments of the United States and Great Britain, in relation to their respective rights in the territory of Oregon, seems also to be rapidly approaching its crisis; it is most devoutly to be hoped, that it will result in a pacific and honorable settlement.

In the spirit of liberal and honorable compromise, and with a moderation which evinces the strongest desire to bring this agitating question to a speedy termination, the president of the United States has offered a nearly equal division of the territory in dispute.

That a proposition so clearly within our just rights, and which may be regarded as the limit, beyond which, in the united judgment of the country, it would be improper to go, should have been declined by the government of Great Britain, is deeply to be regretted. In the hope

which is entertained, that negotiations between the two countries will be resumed, and the controversy settled upon just, and mutually satisfactory terms, I strongly participate.

As it is my purpose to retire from the office, to which the suffrages of my fellow citizens have called me, at the close of the present political year, I avail myself of this occasion, to express my grateful acknowledgments for the repeated marks of their confidence and regard, with which I have been honored; and to tender to the legislature, in the meantime, my ready co-operation in every measure which may be calculated to promote the public good.

COUNCIL CHAMBER,  
Augusta, May 15, 1846. }

H. J. ANDERSON.

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

I herewith lay before the legislature a copy of a communication addressed to me by the secretary of war, dated upon the 19th ult., requesting "upon the part of the president of the United States, that I would cause to be enrolled and held in readiness for muster into the service of the United States, a volunteer corps consisting of one regiment of infantry." A copy of the act of congress providing for the prosecution of the existing war between the United States and the republic of Mexico, passed upon the 13th ult., together with a "memorandum of the organization of volunteer corps" under said act accompanying the same, are also herewith transmitted.

In pursuance of this requisition from the president, I have issued a proclamation inviting the services of volunteers for the purpose therein specified; and promulgated by a general order, the regulations which will be observed in the organization of said corps.

Sufficient time has not yet elapsed since the publication of these documents, to enable me to determine with entire certainty, whether with the inducements which are now held out, the number of men necessary to constitute the regiment required, can be enlisted with the promptitude and dispatch, with which it is desirable the requisition of the general government should be met. The officers and privates composing the company of Bangor City Greys, have promptly tendered their services: and applications have been received from several individuals, asking for authority to recruit, in different sections of the state. With these exceptions, the indications have not been as favorable as could be desired, and considering the remoteness of our position from the theatre of active operations, and that the call is made at a season of the year when all classes of our fellow citizens are actively engaged in their various avocations, it may be doubted, whether some additional inducements will not be needed, to command the immediate services of

those, whose patriotic feelings would otherwise impel them, at this juncture, to engage in the military services of the country.

Without authority from the legislature, I have not deemed it within my province to offer any pecuniary compensation, either for the services of persons engaged in recruiting, or any emolument either to officers or privates, other than that provided in the act of congress herewith communicated.

As that act makes no provision for the payment of any expenses preliminary to the acceptance of their services by the president of the United States, and as the process of enlistment and organization must necessarily precede such acceptance, it would seem to be indispensable, that some means should be provided by which these unavoidable expenses should be defrayed.

In order to secure the services of suitable individuals who may be disposed to exert themselves in forming companies, it will probably be necessary to make some pecuniary allowance for the time and expense necessarily incurred: when formed into companies, some time will be required for meetings for the choice of officers, and still more for the subsequent meeting of company officers, at some central point, for the election of regimental officers in the manner required by law.

In addition to these expenses, it is possible that some further inducement in the form of pay or bounty may be required to facilitate the progress of enlistments, and to enable the executive promptly to comply with the requisition of the president. I have been thus particular in enumerating the expenses which will probably arise, in order, if it be the pleasure of the legislature to authorize the employment of the necessary means, as I doubt not it will, the mode and manner of their expenditure may be pointed out with as much particularity as the nature of the case will permit.

Although it is not probable that any immediate call will be made for the quota of troops required from this state, every consideration of patriotism and duty should impel us to have them in readiness when the necessities of the national government may require their services: and as I am sure the legislature fully participates in this sentiment, I cannot doubt that such measures as may be deemed best calculated to secure that object, will be readily considered.

I beg leave also to call your attention to that provision of the act of congress accompanying this communication, which provides for the employment of the state militia. In the present condition of our militia, if a call were made under the provision of the act of congress, it would be impossible to comply with it.

There is reason to believe, that even the slight duty required by the present law is almost wholly neglected; and as I stated in my communication at the opening of the session, both the enrolment and returns are generally omitted.

In the present attitude of our foreign relations, we are liable at any moment to a call for the services of this arm of our national security and defence: and I cannot but hope, that some measure, calculated to

remedy this obvious defect in the operation of the existing law, will commend itself to the judgment of the legislature.

H. J. ANDERSON.

COUNCIL CHAMBER, }  
Augusta, June 11, 1846. }

*To the speaker of the house of representatives :*

In answer to an order of the house of representatives passed upon the 11th inst., but which did not reach me until the 13th, "requesting the governor to inform the house what expenses are necessary to be incurred by this state in raising and organizing the regiment of volunteers called for by the executive proclamation, and general order dated May 29th, 1846, and to furnish such detailed estimates of such expenditures as may enable the legislature to make a suitable appropriation therefor," I transmit, herewith, a report from the adjutant general, accompanied by such detailed estimates as the means of information now in the possession of that officer have enabled him to form.

In a communication transmitted to the legislature upon the 11th inst., I referred to the several items of expenditure which might probably become necessary to ensure a compliance with the requisition of the president; but I was not then able, nor is it now in my power to state, with any degree of precision, what sums may ultimately be required to effect that object.

The estimates furnished by the adjutant general are predicated upon the assumption, in which I fully coincide, that the regiment called for by the president, should be promptly furnished; and they are deemed sufficiently ample to guard against the possibility of failure.

For the first six named items of expenditure enumerated in the schedule annexed to the report, disbursements to some extent will unquestionably be needed; whether any expenditure under the last and largest item named in the schedule, will be required, cannot be satisfactorily determined until further information in regard to the progress of enlistments now going on shall be received.

COUNCIL CHAMBER, }  
June, 15 1846. }

H. J. ANDERSON.

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

The report of the directors of the Boston and Maine Railroad required by the act of 22d March, 1843, has been placed in my hands, and in pursuance of a provision in said act, is herewith laid before the legislature.

I also transmit copies of a resolve and declaration of the legislature



of Massachusetts relative to the controversy between that commonwealth and the state of South Carolina; resolutions of the legislature of Connecticut "relative to the state of Rhode Island"; and copies of a report and resolutions of the same legislature relating to the differences between the states of Massachusetts and South Carolina; report and resolutions of the legislature of the state of New Hampshire, in relation to the treatment by the state of Rhode Island of Thomas W. Dorr; resolutions of the same legislature concerning the territory of Oregon; and "proceedings of the state of Rhode Island" upon sundry resolutions of the legislature of this state, all of which have been received from the governors of the respective states since the adjournment of the last legislature.

COUNCIL CHAMBER, }  
June 17, 1846. }

H. J. ANDERSON.

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

I have received a communication from the secretary of war, under date of June 30th, accompanied by a representation from the chief of the corps of engineers, stating that the purchase of a tract of land for the extension of the site of Fort McClary, in the town of Kittery in this state, is in contemplation by the government of the United States; and that by the terms of a joint resolution of congress passed upon the 11th September, 1841, the consent of the legislature to such purchase, and the cession of jurisdiction over the same to the authorities of the general government, are previously required.

The existing provisions of law, which authorizes the governor, with the advice and consent of the council, to cede to the United States jurisdiction over lands required for forts, magazines, &c., contains a reservation which limits the quantity of land to ten acres. The quantity now intended to be purchased considerably exceeds that limit, and a special authority from the legislature will therefore be necessary.

As it is desirable that every facility should be afforded to the progress of the work, to which the authority requested is preliminary, I commend the subject to your early attention.

The papers above referred to are herewith communicated.

COUNCIL CHAMBER, }  
Augusta, July 6, 1846. }

H. J. ANDERSON.

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

Since the adjournment of the last legislature, I have received from the secretary of state of the United States, a copy of what purports to be "a detailed statement of the receipts and disbursements of the dis-

puted territory fund", furnished to that department by the lieutenant governor of the province of New Brunswick, and in the communication accompanying that document, notice was given me that the authorities of New Brunswick were ready to pay over to the government of the United States, the amount stated to be due from that fund, under the provisions of the fifth article of the treaty of Washington.

It will be recollected, that a statement of the balance due to the United States, belonging to the states of Maine and Massachusetts, was furnished by the government of New Brunswick in the year 1843, and transmitted to the legislature by my immediate predecessor.

The exhibit there made, was in the opinion of the executive, entirely unsatisfactory, and in no way conformable to the provisions of the treaty; and an earnest remonstrance against its acceptance was addressed to the general government.

The account as now stated, though professing to give a full and detailed exposition of the receipts and expenditures, is believed to be still imperfect, and to show a balance in favor of the fund very much below the amount, which upon a fair and just adjudication, would be found due to us.

No credit is given for receipts prior to the year 1829, though it is confidently believed, that from 1824 up to that period, considerable sums were paid into the provincial treasury from the avails of timber, cut upon the disputed territory; the bonds remaining uncollected at the period of the ratification of the treaty, have neither been given up, nor cancelled; and from the peculiar character of the lien upon the property of the obligors created by them, are regarded with uneasiness and apprehension.

A large portion of the receipts credited since the year 1829 is absorbed by expenses, alleged to have been incident to their collection. And a still larger portion by expenses, said to have been incurred in protecting the disputed territory, erecting a boom, &c., most of which is believed to have been improperly charged against the fund.

The whole amount stated to have been received on account of that fund is thirty-four thousand and eight hundred dollars: the amount of expenditure is charged at nineteen thousand nine hundred and twenty-four dollars, leaving a balance due and payable from the provincial treasury of fourteen thousand eight hundred and ninety-two dollars.

Not considering it for the interest of the state to consent to a settlement which bears upon its face such conclusive evidence of erroneous statement, I have joined with the executive of Massachusetts in requesting the secretary of state of the United States to decline the reception of the amount offered, until some measures should be adopted for obtaining a closer scrutiny, not only into the receipts which should have been credited to the fund, but into the particular items of which the large sums retained for expenses are composed.

I have been furnished by the land agent with a copy of a memorial addressed by the land agent of Massachusetts to the secretary of state, which is also signed by the Hon. Hannibal Hamlin on the part of this

state, pointing out many supposed errors in the statement of the account; and a copy of a correspondence between the latter gentleman and the secretary of state, from which it would appear, that all proper facilities will be afforded by the government of New Brunswick, for such an investigation as may be desired.

An agent has been appointed by the governor of Massachusetts to make such investigation, and unless otherwise directed by the legislature, I shall join in prosecuting the enquiry, by the appointment of an agent on the part of Maine.

Copies of the account, as stated by the auditor of the province of New Brunswick, and of the correspondence connected therewith, are herewith transmitted.

I also lay before you a communication I have received from the office of the third auditor, containing "a statement of the difference arising on settlement of a portion of the account of the state of Maine, for disbursements of her militia in the year 1839, called into service by the governor of said state, to be reimbursed under act of congress, passed June 13, 1842."

By this statement, it appears that the sum allowed at that office is less than the amount claimed by Maine, by the sum of forty-nine thousand five hundred and seventy-one dollars. Upon an examination of the very voluminous documents which accompany this statement, it appears that more than half of this sum consists of various stores belonging to the subsistence and other departments, charged to the United States, but remaining on hand at the close of the expedition, and sold for the benefit of Maine; the amount realized from these sales, was therefore very properly deducted from the aggregate claimed from the general government.

Of the balance, amounting to about twenty-four thousand dollars, a small portion has been suspended for want of the necessary vouchers, a more considerable sum referred to other bureaus, and the residue, being about thirteen thousand dollars, disallowed.

The examination of these accounts having been nearly completed when the late agent of the state, Samuel L. Harris, Esq., resigned the agency, in July of last year, I did not consider it necessary to continue the agency by the appointment of another person; such assistance as was required from that time to the following September, when the settlement was finally made, was rendered by Mr. Harris, it being understood that no considerable expense would be thereby occasioned.

These sums to which I have referred, as suspended or referred to other bureaus, now constitute the whole amount of our claim against the general government, on account of expenditures growing out of the operations upon our northeastern frontier; and without a report from the agent who has had them in charge, I am at present unable to determine whether their further prosecution will require the services of a special agent, or the probability of obtaining them, justify the expense to which it would subject the state.

Of the claims preferred against the general government, under the

appropriation of eighty thousand dollars, made by congress in 1844, usually denominated the treaty claims, the settlement has been equally satisfactory and favorable to the state.

The whole amount of these claims, including the claims of individuals audited by the governor and council, under the resolve of March 23, 1843, was seventy-eight thousand five hundred and ninety-three dollars; and of this sum, there was allowed by the auditor to whom they were originally referred for adjudication, but two small items; the residue, amounting to the sum of sixty-seven thousand one hundred and forty-nine dollars, being, for reasons stated in the report of that officer, disallowed. From this decision of the auditor, an appeal was taken by the agent, and an argument presented to the first comptroller, clearly showing that great injustice had been done the state, in rejecting so large a portion of the expenses it had necessarily incurred in protecting its territory from foreign invasion.

Such being the condition of these claims at the close of your last session, I requested the secretary of state, to whose care, in view of the expected termination of the special agency, they had been confided, to proceed to Washington, in the hope that his personal attention at the department there, would facilitate the settlement of the account then under consideration by the comptroller.

And as some misunderstanding had arisen as to the presentation of the individual claims included in the account, number three, I instructed him particularly and minutely to explain to the accounting officers of the treasury, the circumstances connected with their allowance and presentation. A written statement fully detailing their origin and character was subsequently prepared by that officer, and with copies of the official documents connected therewith, placed in the hands of the first comptroller of the treasury. Failing through the agency of the treasurer to obtain any decisive action upon the appeal taken from the decision of the auditor, the subject remained undisposed of until February of the present year. At that time, apprehending that the appropriation, being for a specific purpose, might shortly revert to the treasury of the United States, and believing that my personal attention might be useful in expediting a settlement in which the state was so largely interested, I proceeded to Washington, and in several personal conferences with the comptroller, succeed in placing the whole matter in a train of speedy adjustment.

Upon a full and careful investigation by that officer, he came to the conclusion, that the decision of the auditor, so far as it was averse to our claims, should be reversed; and upon a re-examination of the whole account, it appeared to him, that by an equitable construction of the treaty stipulation and the act of appropriation, the amount claimed should be allowed.

In pursuance of this decision, the sum of fifty-six thousand seven hundred and fifty-four dollars and sixty-three cents has been transmitted to the treasurer. This allowance comprehends all the items of expenditure, not allowable under former appropriations, to which the

state has been subjected in prosecuting the controversy growing out of its disputed boundary. The expense of commissioners, of agencies, surveys, &c.; the preliminary expenses incurred by towns for drafting, subsisting and transporting troops; the extra pay of two and a half dollars per month allowed to the militia, and all pensions, either actually paid, or granted by the legislature and not paid, have been finally adjusted and paid to the state.

The sums due to individuals, as audited by the governor and council, and presented in the name of the state, under the authority of the resolve before referred to, were also allowed by the comptroller; the payment to be conditional upon the previous payment or security by the state to the persons interested, of the sums respectively allowed them.

Since receiving the statement of the comptroller, which was forwarded to me in March last, I have had no communication with the officers of the treasury; but I have been apprised, through a letter addressed to one of the claimants, that the condition has been withdrawn, and the sum allowed, ready to be paid over for their use.

Of these sums allowed to individuals, that belonging to Thomas E. Perley, amounting to three thousand and thirty-seven dollars, had been previously assigned to the states of Maine and Massachusetts, and a lien upon a considerable portion of that due to Edwin Plummer, is also held by this state.

The sheets containing the statement of the auditor, with the restatement and allowance of the comptroller annexed, which were forwarded to me by the latter officer, are herewith transmitted.

A copy of the resolve of the last legislature, directing application to be made to the general government for reimbursement in money, for the value of lands, which the treaty of Washington required should be set off to the settlers upon the St. John, was duly forwarded to the president of the United States. No appropriation has yet been made by congress to satisfy that claim; but I am advised that an effort will be made by the representatives of both states to accomplish that object before the close of the present session.

This claim, together with the small balance to which I have before referred, and the interest we have in the claim of Massachusetts, are now the only demands against the general government remaining unsatisfied.

Since the year 1843, claims upon the general government to the amount of nearly six hundred thousand dollars have been allowed and paid into the treasury of the state. They are believed to have been more expeditiously, more economically, and more fully adjudicated, than any similar claims of an equal amount heretofore allowed to any of the states.

The whole expenses attending their liquidation, have not exceeded the sum of six thousand dollars, and it is not believed, that any considerable expense will be needed to bring the small amount now remaining, to a final close.

As I shall not have another opportunity of communicating with the legislature, I have deemed it proper to make, prior to your adjournment, this detailed exposition.

COUNCIL CHAMBER, }  
August 3, 1846. }

H. J. ANDERSON.

*To the speaker of the house of representatives :*

In compliance with an order of the house of representatives passed upon the first instant, requesting the governor "to furnish the house with such official documents as may be in his possession, received from the general government, tending to show of what items the sum of fifty-six thousand seven hundred and fifty-four dollars and sixty cents, paid into the treasury in March last, by the general government, is composed; and whether the amount of abstract K, specified in account number three, of claims under the treaty of Washington, being three hundred and twenty dollars and thirty-one cents in favor of James L. Child, agent of said state in making purchases of supplies, in Boston, for the troops called out in 1839 for the protection of the northeastern frontier, is included in said sum of fifty-six thousand seven hundred and fifty-four dollars and sixty-three cents; and also whether any payment has been made at any time to said Child on account of the services for which said claim of three hundred and twenty dollars and thirty-one cents was made—to what amount, and whether in full for the services rendered; and to communicate all vouchers in the executive department, showing any settlement with said Child, in whole or in part, for said services."

I would respectfully state, that I have this day transmitted, in connexion with another communication, such documents as have been furnished me by the general government, tending to show of what items the said sum of fifty-six thousand seven hundred and fifty-four dollars and sixty cents is composed; and that by reference to the statement of the first comptroller of the treasury, it will appear, that abstract K, specified in the account number three, of claims under the treaty of Washington, is included in said sum. By reference to senate document, of the last session, number thirty-four, page one hundred and nine, it will also appear that abstract K is the account charged by James L. Child, esquire.

And in further answer to the order of the house, I transmit a report made to me by the secretary of state, to whom the latter clause thereof was referred.

COUNCIL CHAMBER, }  
August 4, 1846. }

H. J. ANDERSON.

*To the members of the senate :*

I have recently received from the directors of the Maine state prison their quarterly report made up to the close of the last month.

From representations contained in that report, I am induced to doubt, whether the resolve authorizing the payment to James Gould, of the sum of two hundred eighty-eight dollars and fifty-five cents, which passed the legislature upon the seventh instant, should receive my approval.

The action against Gould, for whose costs as defendant, the resolve referred to is intended to provide, was decided against the state upon grounds wholly independent of its merits; and he is still, in the opinion of the directors, a large debtor to the state; and except so far as his counsel may have a legal lien upon these costs for their charges against him, they should not be paid by the state.

I am also advised, that no notice or demand has been made upon the warden, nor has he received any communication from the gentleman employed by him as counsel for the state; and that whatever sum may be properly due, can be paid from the funds belonging to the prison. I have concluded, therefore, to retain the resolve until the next session of the legislature.

COUNCIL CHAMBER, }  
August 10, 1846. }

H. J. ANDERSON.