

# MAINE STATE LEGISLATURE

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ACTS AND RESOLVES

PASSED BY THE

THIRTY-FOURTH LEGISLATURE

OF THE

STATE OF MAINE,

1855.

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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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1855.

## GOVERNOR MORRILL'S MESSAGES.

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*Gentlemen of the Senate and of the House of Representatives :*

IN entering upon the important duties assigned us by the people of this Commonwealth, may we humbly ask wisdom of Him, who is the source of all light and knowledge, that we may be enabled to discharge those duties in a way best to promote the happiness and prosperity of our constituents ; and that when we shall have closed the labors of the session, we may, in returning to our homes, carry with us an abiding assurance that we have been faithful to the performance of all delegated trusts, and labored assiduously for the public good.

Representing, as we do, a people habitually and necessarily industrious and economical, they have a right to expect a close application to the business that may come before us, and that no unnecessary delay will prolong the present session.

There is a deep conviction in the public mind, that we have too much legislation, and that much money and time are thrown away enacting laws of doubtful utility, which are amended or repealed by the next succeeding legislature ; thereby encumbering our statute books with a mass of unnecessary, if not useless legislation, and making it very difficult for any but an experienced lawyer to understand what the law is, in cases where it should be so plain and simple that the humblest citizen need not err in relation to its provisions. All will acknowledge the correctness of this sentiment : it is with legislators to correct the evil. Another cause of protracted sessions and expense, is undoubtedly found in the too ardent attachment which members have cherished for political parties ; often showing a greater willingness to extend to an unreasonable length, the proper time for organization and legislation, than to yield the slightest advantage to a political opponent. Such, in an extraordinary degree, is the history of the legislature of last year, and in a most decided manner have the people pronounced judgment against such a waste of time and abuse of trust.

The present is a time auspicious for improvement and reform. The people, disregarding old political organizations, have seen fit to elect, of the members of the present legislature, a greater number who think alike on the great questions which most deeply interest our state

and nation, than has usually constituted a legislative majority, and it is reasonable to anticipate such harmonious action, and devotedness to the legitimate business for which we are assembled, as will insure a prudent and economical session, and an early recess.

In giving you information of the condition of the state, as enjoined by the constitution, I regret to be unable to present some of her great interests in so prosperous a light as it would be desirable to do.

The early spring of the past season opened with unusual promise to the husbandman, but a premature and almost unprecedented drouth blasted the prospect of an abundant harvest, and caused the products of the farm generally to be light. The same cause has operated injuriously upon the lumbering interests of the state, preventing an immense amount of lumber from going to market, where a ready sale and high prices awaited it. The shipping interest, in which our people are so largely engaged, has received a severe check by the sudden fall and depression of tonnage and freights. These casualties have operated severely upon persons engaged in those important pursuits, and necessarily involved a scarcity of money which has been felt by all branches of industry throughout the state; still I am happy to believe that the resources of the business community are such that these difficulties, which have been unexpectedly encountered, will cause only a temporary embarrassment, and will wholly disappear with the opening of the approaching season. Notwithstanding these serious misfortunes to which I have alluded, our state is enjoying a goodly measure of prosperity.

The facilities afforded by our railways are being felt, giving life and energy to business, opening new avenues of trade, bringing interior portions of the state into proximity with the coast, giving value to property and location which had been valueless for want of a proper channel through which to reach a market. Maine has about 400 miles of railway in successful operation, with a constantly increasing business, which must at an early day, make them good paying roads. Every interest of the state is favorably affected by these great improvements, and we cannot easily over-estimate the benefit and substantial wealth they are destined to afford the community.

For want of opportunity to examine the reports from the treasury and other departments, I must refer you to those reports, which will be laid before you, for the information you will desire.

As the resources of our state are being developed, calling forth and employing mechanical skill in the various departments of trade, it is highly important that a deeper interest should be felt for the advancement of agriculture. Maine, with a soil sufficiently rich and fertile, under a proper husbandry, to produce the necessary or staple articles of consumption for her population, in any abundance, should not pay such large sums of money to other states for corn, flour, pork, and other

products, as she is paying from year to year. There should be no necessity for this outlay. We should produce our own supply of these important articles of food, besides many others for which we go abroad. The lumbermen, whose extensive operations are rapidly hurrying our vast forest timber into market, draw their supplies very largely from other states. The men who fill our ship-yards to an extent that makes Maine the first state in the Union in point of ship-building, are not supplied with the products of our own soil—their tables are not furnished by our farmers. So with all branches of manufactures, and extensive railway improvements carried on in this state; the operators and laborers, to a very great extent, are fed on foreign products.

The very large amount of money thus sent out of the state, should be distributed among our farming community—until this is done the agricultural interests of the state will flourish but poorly. Unless that interest becomes prosperous, although our state be rich in resources, and manufactures and commerce increase, the masses of the people will be poor and dependent. The cities and towns may grow in wealth, but the rural districts will lack those elements of affluence and independence, which should ever distinguish the yeomanry of a republic. All branches of industry and classes of citizens are directly interested in the prosperity of agricultural pursuits, and whatever can properly be done, permanently to benefit that interest, I shall be happy to unite with you in doing.

For the purpose of awakening a deeper interest in farming—of connecting science with practical economy—introducing the most improved breeds of cattle and other domestic animals—procuring the choicest kinds of grains, and valuable and rare seeds—testing their qualities and adaptation to our soil and climate, and bringing them to the notice and within the reach of every farmer in the state;—for these and other valuable purposes, it is believed that an experimental farm, under the care and patronage of the state, would be of essential service. The outlay would be but trifling compared with the amount of good that might reasonably be anticipated by the movement, and the people would cheerfully sustain such an establishment, if economically and properly conducted.

The subject of agricultural chemistry is attracting much attention, and there appears to be a very strong desire with our most intelligent agriculturists, to have the elements of agriculture taught in our common schools, and as a science, constitute a prominent feature in the educational system of the state. This subject has been urged upon the legislature by the board of agriculture for the last two years, but has not received that attention which I think its importance demands. Believing it unnecessary for me to elaborate a subject, the utility of which must be so apparent to all who give it reflection, I earnestly

invite you to give it that consideration, which that great interest of our state demands.

The main pillars of our free institutions rest upon the intelligence of the people. The only true ground of hope that this republic will survive the lapse of ages, and be perpetuated from generation to generation, following not in the downward course of those republics which have disappeared from the governments of the earth, is, that knowledge, in this country, is more universally diffused among the people, and that they know their political rights, and knowing, will insist on having those rights as intelligent freemen. Of what avail will it be, ere another century shall have elapsed, that we boast of a constitution surpassing in its provisions and principles, any other law written by man, if the people are not imbued with the spirit of liberty, and enjoy such means of education as shall qualify them to assert their political rights at the polls and in the halls of legislation?

No subject can be urged upon your attention, more important to the vital interests of your constituents and country, than that of education. Educate the people and they become really, what without education they are but nominally, sovereign. I am aware that there is a sentiment pervading the community to some extent, that the state has already been very liberal in donations to the different institutions of learning, and that it is time to narrow or suspend farther appropriations. True, the state has been measurably liberal in aiding our colleges and seminaries, and it is equally true that for no purposes could the money thus expended, have been appropriated with results more honorable or beneficial to the state.

Our common schools have also, from time to time, received the munificence of the state, and an enlightened policy dictates that they be assiduously fostered, as the indispensable nurseries of education. Their improvement cannot be too earnestly urged upon your attention.

The purchase of lands of Massachusetts made by this state, has added more than a million of acres to our domain, for which a large debt has been created, for the payment of which, in due time, provision must be made. However that purchase may be considered as a commercial transaction, involving the question of immediate loss or gain, it was certainly very desirable to divest Massachusetts of the title to those lands, even if it be found advisable to sell them again, as fair prices can be had, and the wants of the treasury may demand.

By extinguishing her title, we dissolved connection with a co-tenant who had interests not felt to be in common with ours, and therefore would bear none of the burdens of building roads and bridges in the territory owned in common; and by the act of separation, Maine could tax no lands owned by Massachusetts, for any purposes whatever. It was an object then of considerable importance to have the fee pass

from that state, that those lands might ultimately be held liable to taxation for the usual purposes for which other lands are assessed in this state.

I have no doubt it is for the interest of the state to continue to sell her timber lands, as fair prices can be obtained for them, especially those lying on the upper waters of the St. John, Allegash, and Penobscot rivers. These lands are not so situated as to make it desirable that they be kept for settling purposes. They are exposed to trespass, and must be protected at considerable expense annually, and the treasury will need the proceeds to pay the indebtedness created by the purchase of Massachusetts. I would not however recommend the sale of any lands belonging to the state, for the present, or until money shall have become very much easier with the community generally.

The lands of the state in the valley of the Aroostook, and on the St. John, included mostly in the six eastern ranges of townships, are generally good settling lands—many of them superior—but still much good timber may be found on nearly all of these townships; and if the state desires to keep the greater portion of this territory in order to promote the settlement of the country, it would be well, and I think it important, for the interest of the state, to authorize permits to be granted to cut timber annually, in a prudent manner, on those tracts, until they are occupied by actual settlers. If permits be not granted, the timber will be cut by trespass; and under a judicious system of permitting, much may be realized to the treasury, and the lands not be so far stripped but that an abundance of suitable timber will remain for all purposes of building by settlers.

The law for the suppression of drinking houses and tippling shops has been fully discussed by the people of this state, and become a question of prominence and deep interest in our elections. The result proves conclusively that the people are by a very large majority in favor of sustaining that law—a happy verdict for the cause of humanity throughout the land. Had Maine declared against the law, her decision would have been felt most disastrously by other communities, where strong efforts are being made to obtain similar legislation. That any law which human wisdom can devise, will at once rid the public of an evil so vast and deep-rooted as intemperance, should not be expected; but that the traffic which produces it, can be circumscribed and controlled by penal enactments, as surely and as legitimately as other crimes, there can be no reasonable doubt. And it is equally clear that the people are determined to pursue the effort faithfully, and give the law a fair trial. They see and feel the terrible ravages the traffic in intoxicating drinks has made on society and its best interests. They feel deeply the loss of many valued citizens, who are constantly being hurried to the inebriate's grave. They fully realize

that the sale and use of alcoholic liquors as a beverage, are in direct conflict with the health, morals, industry, peace and happiness of society, and that this fact is so apparent, that those individuals who insist on selling in violation of the law should be made to feel its consequences.

It is too late to plead that making men inebriates, or giving them the facilities to become such, is no crime; none but the more depraved or reckless will support a doctrine so pernicious and absurd; and it is believed that few are now engaged in the traffic, in this state, except those persons who are alike indifferent to public sentiment, the demands of humanity, and their own best interests. Persuasive efforts having been exhausted on this class of men, the law should be enforced in protection of society and in mercy to the offender. This important statute has not had a fair trial. Executive officers have been culpably negligent in seeing it enforced. Too often has the officer, whose duty it was to honor and execute it as the law of the commonwealth, been found more willing to exculpate the offender than to bring him to justice. Such official dereliction of duty emboldened violators of the law to repeated offenses, which they would not have committed, with the full assurance that the law was to be faithfully administered. This error must be corrected, the law must be faithfully enforced. The people demand that grogshops be closed, whether found in spacious saloons and popular hotels, where the temptation is presented in the most alluring form, or in the filthy cellar or den, where poor, degraded humanity is made loathsome to the last degree.

No man sells ardent spirits in violation of this law through the promptings of patriotism or humanity; he has no higher motive than a reckless or sordid love of gain; he should be held strictly accountable for the mischief his traffic produces. Let this be done, and none will continue in the business, except such as are madly bent on suicide.

I would suggest the importance of so amending the law as to impose imprisonment for the first offense. The penalty for the first conviction is trifling, and the schemes devised to avoid detection are so numerous that many sellers, undoubtedly, realize large amounts from the business before a conviction is had.

Let the prison be opened for their reception and reformation, as it is for offenders of less magnitude, even the unhappy victims of their traffic, and be assured its prospective, chastening influences will be felt more restrainingly, than merely taking by fine, from the pockets of the delinquents, a trifling part of the money the business had given them.

The willingness of rumsellers in other states to supply those in the same business, and the facilities afforded by steamboats and other common carriers to bring liquors into this state for unlawful purposes, call for such improvement in the law as shall meet this prolific source



of evil, and cut off a great artery which is pouring the poisonous liquid into this state. Other amendments may be desirable to give efficiency to the law and meet the modes of evasion which the ingenuity and cupidity of determined violators have invented.

I would direct your attention to the subject of extending the elective franchise to certain offices that are now filled by executive appointment or legislative election. If a reform of this kind be desirable, it will be necessary to submit the question to the people for an amendment of the constitution.

From various portions of the state much dissatisfaction is expressed with our present judiciary system. Under its operation it is contended that justice is not, and cannot be promptly and economically administered. If these serious charges be well founded, a change is undoubtedly demanded. The subject is one of very great importance, and the present system having been so recently established, wisdom dictates that no new system be substituted without mature deliberation.

A people possessing a democratic form of government cannot too highly regard the sacredness and importance of the right of suffrage. There can be no doubt that in the later history of the country this right has been often slightly estimated and debased to mercenary and immoral purposes. The abuse of this inestimable privilege of freemen by many of our population but recently emigrated from the old world, has given occasion for a strong movement, calling for the amendment or radical change of our naturalization laws. While the genius of our institutions and the policy of our fathers, lead us to give the hand of welcome to persons from other countries, who come to secure freedom and homes in our midst, we are bound to be vigilant against all evils that may assail our political system through the influence of such emigration. It will hardly be questioned that men but recently arrived on our shores, and wholly unacquainted with the principles and operation of our government, degraded more or less by the vices of monarchical institutions, are unprepared to wield the potent agency of the ballot. The founders of our government wisely instituted laws by which a residence of five years at least, in the country, is a requisite of citizenship, and to certain important offices no citizen of foreign birth can be eligible. That the letter and spirit of the law conferring citizenship has been often and grossly violated, is a matter of the fullest publicity. Whether new legislative provisions are necessary to preserve the sacredness of the elective franchise, and guard the purity of our institutions, may be worthy of your investigation.

As one of the sovereign states constituting this great confederacy, we have a deep interest in every important act of the federal government. We can but look to its policy, foreign and domestic, with the deepest solicitude. Millions are being added to our population, almost annually, and state after state, in rapid succession, is coming into the

Union. Annexation having extended our borders until states are springing into existence on the shores of the Pacific, the islands of that ocean are asking that annexation may bring them under the protection of our government, and to the enjoyment of our institutions.

Progress is stamped on every feature of our country; and where the extended boundaries of the republic shall finally be fixed, Infinite Wisdom can alone determine. With this increase of population, enlargement of territory and addition of states, must come a corresponding responsibility on those who administer the government; thereby increasing the responsibility of the millions whose free suffrages must determine on whom shall rest the honors and weight of official power. And while we are called upon, as men true to our country and the Union, to sustain the honest efforts of those entrusted with that power, to promote the best interests of the entire confederacy, we are under the strongest obligations to oppose any and all action of public men, which has the remotest tendency to undermine the free institutions of this republic, by giving such construction to the constitution as shall permit the institution of slavery, with its withering and increasing evils, to spread over our territories, and to extend such controlling influence over this government, as shall finally install it over freedom throughout the Union. However desirous a large portion of the people of the north have been to forbear to discuss or agitate the question of slavery, lest such agitation might impair the permanency of the Union, to which they have ever shown a most devoted attachment, it is evident that the time has arrived, when that question must be met and discussed, in our national and state councils, and in primary meetings of the people, with the same freedom with which other grave questions are wont to be considered.

This question is one of too much importance to the whole country, to the north as well as the south, to suppress discussion only when it is moved by friends of slavery, in order to extend its jurisdiction, or obtain for the institution some new advantage over freedom.

That the north has been too willingly hushed into silence on this great question by the menaces of the south, cannot be denied, and the unanimity with which the two great political parties acquiesced in the extraordinary compromises of 1850, shows anything but a disposition on the part of the free states to continue agitation of which the south so loudly complained.

Notwithstanding that most exceptionable and as is believed unconstitutional law for the rendition of fugitive slaves, *forced* upon the north, compelling freemen to aid, at their peril, in seizing and returning to captivity persons who are guilty of no crime known to the constitution of the United States—and struggling only for the right of "life, liberty, and the pursuit of happiness," the free states were still disposed to resist a renewal of that agitation, which as was contended

threatened a dismemberment of the Union—while this feeling pervaded the north, the bill for organizing the territories of Nebraska and Kansas was brought before congress connected with a scheme to extend slavery over that vast region of country north of 36° 30', which had been solemnly dedicated to freedom by the compact of 1820. This aggressive movement, carried through congress by the south, aided by a few northern politicians, who have been foremost in denouncing agitation and the loudest advocates of compromises, has again *forced* upon the country the consideration of the question of negro slavery.

To attempt now to smother the sentiment of the north, or to put down free speaking and independent action, would not only be an unavailing effort, but any attempt to turn the public mind away from the fullest contemplation of the subject, and the most searching investigation into it, in its largest national aspect, its relation to the whole country, socially, morally, and politically, would be an affront to the intelligence of the people.

The universal sentiment of the nation in its early history was hostile to the existence of slavery; regarding it as incompatible with justice and dangerous to the spirit of freedom. The policy of the country was to inhibit slavery directly and absolutely in the territories; the express and declared object being to prevent the extension of that institution. This common abhorrence of slavery distinctly shows itself in the early legislation of the country, and the distinguished men of the nation of all parties, looked forward to the time when the system itself should become extinct. This national sentiment, pervading the slave, as it did the free states, has come to be reversed by the south, and in its place has sprung up an attachment and devotion to slavery, which is made paramount to the provisions of the federal constitution; and a dismemberment of the Union even, is treated as a matter to be invoked rather than its perpetuity should present a barrier to the spread of that *local* institution, for which its friends *claim* the right, under the constitution, beyond the power of congress, to plant it in any and all the territories of the government. This new and startling doctrine is sought to be established as the judgment of the people of this country. It cannot be doubted that congress in its recent action on the bill referred to, for the organization of Nebraska and Kansas, favored such extraordinary assumption. And what renders this aggressive movement the more alarming, is the evident complicity of the chief magistrate of the country, in open disregard and direct violation of a voluntary assurance, given the people who had elevated him to that high position, that no movement of that character should "shock the repose of the country, if in his power to avert it, during his official term."

From this alarming action of congress and subserviency of men high in official power, we turn with unusual satisfaction to the action

of the people of the several states where popular elections have recently taken place, and witness the strong condemnation by the honest and intelligent masses, of that bold attempt to change the original policy of the government, and give nationality to an institution wholly local in its character, and existing only by force of municipal law.

I would recommend no action, nor would I participate in any movement, that should have the semblance of encroachment on the constitutional rights of the south. But we are unworthy of being freemen, if we do not resist the unconstitutional advances of slavery; and as we love the Union, as we wish to perpetuate the blessings of civil liberty, as we desire the prosperity of the whole country, we are urged to meet this crisis with a manly firmness, that shall say, in the most friendly yet decided manner, we ask nothing but what is right, and shall submit to nothing wrong.

The constitution of the United States is of itself an absolute law of impartial liberty, to the full extent of federal jurisdiction. It authorizes no crime, it permits no oppression, but, outside of state limits, solemnly guaranties the security of freedom to all human beings under its exclusive authority. Had this principle always been maintained, our country would have escaped the threatening evils which its surrender has brought upon us. The compromise policy having been repudiated by the slave states, every consideration of honor, humanity and patriotism, demands an immediate return to the constitution.

Let men who think and feel alike on this paramount political question, be no longer alienated by obsolete issues and antagonistic organizations, but unite under the same banner, and insist that the policy of the government shall be in the future, what it was in the beginning, when administered by Washington and those illustrious men who were with him in the field and in the cabinet.

ANSON P. MORRILL.

JANUARY 6, 1855.

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*To the Senate and House of Representatives:*

I herewith transmit for the action of the legislature, a communication and accompanying papers from the secretary of the treasury of the United States, relative to ceding certain lands for public uses, situated in the towns of Belfast and Ellsworth, in this state.

ANSON P. MORRILL.

COUNCIL CHAMBER, }  
Augusta, February 1, 1855. }

*To the Senate and House of Representatives :*

I herewith lay before the legislature the report of Seth W. Smith, Esq., Passamaquoddy Indian Agent, made in compliance with a resolve of the legislature of 1854.

ANSON P. MORRILL.

COUNCIL CHAMBER, }  
Augusta, February 9, 1855. }

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*To the Senate and House of Representatives :*

A vacancy exists in the office of major general of the second division of the militia of Maine, occasioned by the resignation of major general Amos McLaughlin. The duty of filling the vacancy devolves upon you.

ANSON P. MORRILL.

COUNCIL CHAMBER, }  
Augusta, February 17, 1855. }

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*To the Senate and House of Representatives :*

In obedience to an order of the legislature of the 13th instant, asking to be informed what action has been taken under the provisions of a resolve approved August 24, 1850, setting apart certain lands for a common school fund, I have to inform the legislature that no action has been taken under said resolve.

ANSON P. MORRILL.

COUNCIL CHAMBER, }  
Augusta, February 17, 1855. }

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*To the Senate and House of Representatives :*

I herewith lay before you a copy of resolutions passed by the general assembly of Rhode Island, at its late session.

ANSON P. MORRILL.

COUNCIL CHAMBER, }  
Augusta, March 5, 1855. }

*To the Senate and House of Representatives:*

A vacancy exists in the office of major general of the eighth division of the militia of Maine, occasioned by the decease of major general Enoch C. Belcher. The duty of filling the vacancy devolves upon you.

ANSON P. MORRILL.

COUNCIL CHAMBER, }  
March 7, 1855. }