

# MAINE STATE LEGISLATURE

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



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

# ACTS AND RESOLVES

PASSED BY THE

## THIRTY-SIXTH LEGISLATURE

OF THE

STATE OF MAINE,

1857.

---

Published by the Secretary of State, agreeably to Resolves of June 23, 1820, February 26, 1840,  
and March 16, 1842.

---

AUGUSTA:  
STEVENS & BLAINE, PRINTERS TO THE STATE.  
1857.

## GOVERNOR HAMLIN'S ADDRESS.

---

*Gentlemen of the senate and house of representatives :*

You have assembled to discharge the legislative duties devolved upon you by the people of the state. It becomes my duty, under the provisions of the constitution, to communicate to you such information as I may possess, upon the condition of the state, and to recommend such measures for your consideration as I may deem expedient. With a just reliance upon Divine Providence to sustain and direct us all in our deliberations—with a sincere desire to maintain and advance the best interests of our state, and to act in unison with the prosperity and harmony of our whole country—with thankful hearts that the husbandman has been rewarded for his toil, by an abundant harvest—that peace and health have prevailed within our borders, and that the industrial pursuits of the state are in a prosperous condition,—let us enter upon the duties severally committed to our charge.

Whatever relates to the whole country, interests and affects the people of Maine, as they constitute a part thereof. The country has just emerged from an important and exciting presidential election; more important perhaps than any which has preceded it. In the issues involved in that contest, Maine, as one of the states of the Union, had, in common with all the others, a deep and direct interest. The general result was different from what was desired and hoped by a large majority of the people of the state, and from what they believed to be for the welfare of the whole country, and what they earnestly sought to accomplish. Still, it furnishes the highest hope for the future, and foretells, with unerring certainty, the ultimate triumph of that great principle for which we have struggled. Ten other states have concurred with Maine in the effort to restore the government of the United States to what its wise and patriotic founders designed and intended it should be. New England stood in the contest substantially where she was in the struggle of the revolution. That was an effort to establish a free government, and she was pre-eminent in her sacrifices and devotion to accomplish that object, as she is now to preserve and perpetuate what was then accomplished. The true question involved in the late election was substantially, whether the advancement of human freedom should continue to be a fundamental principle and a pre-eminent object of our national government, within the line

marked out by the constitution, or whether its powers should be perverted to the extension of slavery. This it was that underlaid all other issues, however others may have mingled with it, or whatever may be the results that shall come out of it. It was an effort on one side to make the government of the United States, either by its direct acts, or its acquiescence, or its complicity, aid in spreading the evils of slavery over territories where it did not exist, but from which it had been excluded by positive law.

The history of the government shows conclusively, that the wise and good men who instituted and laid its foundation, and those who framed our constitution, designed and expected that it should be one of freedom, and not of slavery. It was upon this idea that the revolutionary war was successfully prosecuted, and the constitution adopted.

Slavery, it is true, existed in most of the states, as it had been forced upon the colonies by Great Britain, against their earnest and eloquent remonstrances. The fact was set forth in the original draft of the Declaration of Independence, as one of the causes of the revolution, when it came from the hand and pen of Jefferson. After our independence had been finally achieved, the institution was regarded as one of temporary character, and is not even named in the constitution. The acts of the men of that day show the sincerity of their intention. They did not desire to found a government upon moral, social and political wrong. The history of all the past warned them it could not be done. Their recorded acts prove indisputably what they did mean. Before the constitution was framed or adopted, and in a congress acting under the articles of confederation, Mr. Jefferson reported, in a bill for the government of the territories, the following clause, viz: "That after the year 1800 of the Christian era, there shall be neither slavery nor involuntary servitude in any of said states, otherwise than in punishment of crimes whereof the parties shall have been convicted to have been personally guilty."

This provision applied to all the territory belonging to the United States at that time, and out of which the states referred to were to be formed. That provision failed to become a law, for the want of a single vote, and by the absence of a single member. In 1787 an ordinance for the government of the territories was adopted, and in that was included an article forever excluding slavery from all the territories of the United States, with the addition, that persons held to service in any state, *under the laws thereof*, and escaping into the territories, should be delivered up—the same provision having been incorporated into the constitution by the convention then in session.

In 1789, after the adoption of the constitution by the states, the question necessarily arose whether that did not abrogate or annul the ordinance of '87. To remove all doubt, or to make all certain, congress, at its first session under the constitution, in 1789, affirmed and

made valid that ordinance, and the law was approved by George Washington. Such, briefly, is the early history of this government; and it proves beyond all doubt, that the men of that day designed and expected that the extension of slavery should be prevented by the government. Such is just what is now proposed—to follow the lights of their counsel, and by excluding slavery from the territories of the United States, make them the homes of free men.

Such are the prominent acts of the men who laid the foundations of our government, and who may be justly supposed to know what they intended. Could any doubt exist, as there cannot, an examination of the debates and the history of the times render it more certain and clear as to what were their purposes. The opinions of that day were concurred in by the prominent men of the south. They were eloquent in depicting the wrongs and injuries which slavery inflicted upon both the colored and the white man. The sad evils connected with it, in all their relations, were portrayed by them in vivid colors. They saw, felt, and acknowledged its withering effect. But now all this is changed. In the southern states it has been boldly and fearlessly avowed, that they must have the right to people the territories with their slaves, who are made such, (in the language of the constitution, referring to the states where slavery existed,) "*under the laws thereof*,"—thus seeking to control and regulate the territories by virtue of state laws. It has also been asserted that slavery is right—that it is the normal condition of the laboring man, and not confined to race or color. Principles and objects like these strike at the very foundation of our government. To preserve that government, and to have it administered as designed by our fathers, should ever remain the purpose of all who cherish our free institutions.

In 1820, when Missouri, as a part of the Louisiana purchase, sought admission as a state into the union, and just preceding that time, the question of restricting slavery in the territories again arose, and agitated the country. After much controversy, a proposition was submitted and supported almost unanimously by the south, and approved by president Monroe and his cabinet, prohibiting slavery in all the territory north of the parallel of  $36^{\circ} 30'$  north latitude, but south of that line leaving it unprohibited by law. The proposition was at the time resisted by the north, for the reason that it did not exclude slavery from all the territory. As a compromise it was however adopted, and good faith required that it should not be disturbed or violated.

It so remained for more than a third of a century; and after all of the territory south of that line had been admitted as slave states into the Union, except a small portion reserved as Indian possessions, then, in utter violation of good faith, and at a time when quiet and peace had been restored to the country, it was ruthlessly violated and repealed. From that repeal has arisen the angry discussions in the country.

The object of the repeal, as frankly admitted and affirmed by some, and as could well be seen by all, was solely to extend slavery.

The acts of men are matters of just criticism, and we have a right to suppose and believe that men intend what is the fair and necessary result of their acts. If such were not the object, the repeal was useless. The facts that slavery was prohibited—that it has since been forced into the territory—that disgraceful and odious laws, repugnant to humanity and the age in which we live, have been enacted in Kansas by a legislature elected by persons who invaded the territory from a neighboring state—and all the scenes of anarchy and bloodshed which have there transpired with the complicity, if not the direct aid, of the general government, it would seem, can leave no room for doubt or controversy as to the object intended to be accomplished. Those who did that act are justly chargeable with all the discussion and excitement with which the public mind has been agitated—an agitation which cannot and will not cease until slavery is confined to the states where it belongs. Despotism is always aggressive, but freemen cannot submit to the aggressions of slavery, and will not be excluded from our territories. Quietly to submit to its despotic aggression, and its supremacy, would make slaves of our posterity, while we should deserve no better fate ourselves.

With slavery in the states we have nothing to do. For its extension or continuance, there, we are not responsible. It there depends upon state laws. But outside of the states, and in the territories belonging to the United States and subject to their jurisdiction, and of which states we constitute a part, we have both an interest and responsibility. An interest to preserve them for the homes of free men, from the blight and mildew of slavery, where men may be advanced socially, morally and intellectually in the scale of human existence. Responsible, because if such an evil is there allowed to spread and exist, it must be by the aid or acquiescence of the general government, of which we are a part. I can see no difference, morally, between doing a wrong directly, and in allowing it to be done when we have the power, and it is our duty to prevent it. There can be no distinction. We are alike responsible in each. A cheerful acquiescence by all the states in the exercise of all the rights that belong to each is our constitutional duty. A prompt demand of the rights that belong to us, and a fearless assertion of them, is also equally our duty.

While Maine, as one of the states of the Union, should at all times remain loyal to the constitution and the Union, and be ready to maintain all the rights secured by them to all the other states, and while her citizens should manifest a fraternal regard for the citizens of each of the states, she should also be true to that freedom and those principles which the constitution was formed to preserve and perpetuate.

This is the object which has so cordially united our people to an

extent before unknown, but upon a principle on which they have always had a uniformity of opinion. To accomplish so great and desirable a good, and of such vital importance, prudence will dictate that our counsels should not be disturbed by matters of less moment. The great question which underlies all others should be kept steadily in view by all, and success will be the sure and final reward. What we purpose is neither sectional nor fanatical; has the greatest good of the whole country for its basis; is in accordance with the practice of the government for more than sixty years, and is worthy of the sincere and patriotic efforts of all. The time now is, and will continue, when all who agree in the great importance of restoring the country to what it was under Washington and Jefferson, must cordially unite in undivided ranks for that purpose. What will be the line of policy adopted by the incoming administration of the general government, and how far it will be affected, under all the circumstances which surround it, by the recent demonstration of public opinion in the free states, are questions to be solved in the future. To that future, also, must its own exigencies be left, and what those exigencies may demand. You cannot, however, have failed to notice a somewhat ominous foreshadowing in the claim of constitutional doctrine recently put forth, viz: That as the institution of slavery is, by virtue of certain constitutional provisions, made an element of political power, it is therefore entitled to an expansion and increase, outside of the states where it exists.

Whether the incoming administration will adopt and sanction a doctrine so utterly untenable, as a part of its policy, remains to be seen. Our duty is plain, in any event. It is to maintain the rights of freedom, by opposing, in every legal mode, the extension of slavery over the territory of the United States, and by persevering in that effort, firmly and consistently to the end.

The state of affairs which has existed in the territory of Kansas, growing out of the repeal of the Missouri Compromise line of 1820, furnishes only a true exhibition of what results from attempts to establish and extend slavery. It presents a deplorable spectacle, and one which makes what is called a free government, a miserable mockery. The free navigation of a great public river has been impeded, or prevented. A legislature has been elected by armed mobs from an adjoining state. The rights guaranteed by the constitution to the citizens of each state have been disregarded. Laws have been passed by a legislature thus fraudulently elected, which are unequalled in their atrocity in any civilized country in the world; which virtually deny the right of trial by jury, abolish the freedom of the press and of speech, and which do not allow a citizen to participate in the government without first taking an oath repugnant to and in violation of the constitution. All these wrongs have been sustained by the government and a judiciary in the territory which has added to the oppression

otherwise existing. Honest citizens have been murdered, and dwellings burned, and the laborer interrupted in, or driven from his pursuits, instead of receiving that protection in his rights and person to which he was justly as well as constitutionally entitled. From this sad state of things produced, it would seem to be the duty of our state to furnish the citizens of Maine, who have gone into that territory, with such aid and assistance as may be in its power. When the government of the United States shall become remiss in, or shall neglect its plain duty, it becomes the state to act. There can be no doubt that there is actual and severe suffering in that territory by those who have been prevented from pursuing their ordinary industrial avocations. I would therefore suggest, should the existing state of things continue in that territory, by the remissness or neglect of the general government, a liberal appropriation for the relief, in food and clothing, of the citizens of Maine in the territory of Kansas, under such limitations as you may deem necessary. It is due as an act of humanity, and if the government of the United States shall fail in its duty to them, and has neglected its plain constitutional obligations, they should know and feel that they are still cared for in the state from which they went to establish new homes, and extend liberty and civilization in the west.

I have been unable to examine the report of the treasurer of state. It will be submitted to the legislature, and will exhibit the finances of the state, as I learn from the treasurer, in a very prosperous condition.

The whole amount of the funded debt of the state, Dec. 31, 1856, was \$699,000; of that sum, thirty thousand dollars will become due March 1, 1857, which will be paid at that time, and the current expenses of the year will be discharged without resorting to other means than the usual state tax imposed by the legislature. No legislation will be required to provide for the payment of that sum.

The receipts and disbursements for the year ending Dec. 31, 1856, have been as follows:

| RECEIPTS.                |              |
|--------------------------|--------------|
| Balance from year 1855,  | \$ 39,130 37 |
| From all other sources,  | 593,312 04   |
| Total,                   | \$632,442 41 |
| DISBURSEMENTS,           |              |
| Balance in the treasury, | \$486,165 00 |
|                          | \$146,277 41 |

A detailed account of the receipts and expenditures will be presented in the report of the treasurer.

The amount of capital invested in the state under corporate charters, and especially for the construction of railroads, is of a magnitude to call for specific and certain laws, which shall protect not only the rights of the corporations, but the public and individual's. Bodies of



this corporate character may become embarrassed and may be levied on by an execution creditor, or be transferred by assignment, and thus become the property of a single individual, while the charter requires an organized administration, consisting of several officers. What may be the rights of the respective parties in such a case under existing laws, is at least very doubtful. While no evils are known to have resulted from such a state of things, they may be easily foreseen, and against which it is prudent the legislature should guard as far as practicable.

The evils of intemperance are seen and acknowledged by all, even by its unfortunate victims. The crime, pauperism, and consequent misery produced by it, present a melancholy spectacle. Its prevention is earnestly desired by all right thinking men, but unfortunately, upon the best method of suppressing or preventing it there is a difference of opinion in our community. Laws for the suppression of drinking houses and tippling shops have been passed, designed to prohibit the sale of intoxicating drinks, except for mechanical and medicinal purposes. These laws have been repealed, and another enacted instead, licensing and permitting the sale of intoxicating liquors for all purposes, under the limitations and penalties therein contained. This law was passed under the alleged belief that it would better promote and secure the cause of temperance, than one of a prohibitory character. This is the state of the question as it is now presented. What should be done? What is wisest and best?

The public mind has been much and deeply agitated upon the matter, and it would seem to be most wise, under existing circumstances, not to disturb the present law until the whole subject can be more dispassionately discussed and determined. Such, undoubtedly, is the desire and expectation of the people of the state; such the implied, if not the actual pledge given in our recent election. Political bodies, like individuals, should always maintain good faith—and good faith requires that the question should not be disturbed during the present session. It is far better to wait patiently until all angry feeling shall have subsided, and when the whole subject can be more appropriately acted on. Then let a well matured and carefully prepared bill be submitted directly to the people, for their approval or rejection, at meetings held expressly for that purpose. The question would then be wrested from the vortex of party politics, connected with which any such measure must always, inevitably, be exposed to a constantly recurring opposition, and fail to secure that general acquiescence which alone can give it permanence. Under a government like ours, no law can stand the test of time which does not meet the support of a deliberate and enlightened public judgment. No judicious friend of either a license or prohibitory system, can desire to see either become a law, again to be repealed. That law, and that only, which shall

receive the approbation of the community, by and for which it is enacted, can be permanent and useful.

An independent judiciary is of the utmost importance. A destruction of that independence is one step towards its corruption. Independent, honest and able, it is one of the strongest ramparts of defence for the liberty of the country, and the protection of its citizens. So far as may be possible, those who exercise the power should be removed from all influence of fear or hope, upon its judicial action. It exercises its power over life, liberty and property, and therefore interests all in the highest degree. That it should not depend, for the exercise of its power, on the fluctuation, caprice or whim of party success, is most obvious. A judiciary thus dependent would soon lose all respect of the community, if it did not become corrupt.

At the last session of the legislature, one of the justices of the supreme judicial court was arbitrarily, if not unconstitutionally, removed by address. In the opinion of many of the best legal minds of the state the act was entirely unconstitutional. Whether so or not, it was at least confessedly predicated upon an error of judgment, honestly exercised in the discharge of official duty, upon a matter of indisputable jurisdiction. Such error, if error it was, involved no want of adequate judicial ability, or integrity of purpose. If for such a cause, a judicial officer may be removed, in the malice or madness of party organization, where is the independence of the judiciary, and what can it become but the mere instrument of party? Does our constitution in truth contemplate a right of removal by address in such a case? I would suggest the propriety of ascertaining definitely, how far the power of the legislature, under Article IX, Section 5, of the constitution, extends. If it shall be determined that a judicial officer can be removed, in the mode there pointed out, for any opinion which may seem to the legislature erroneous, without other cause, then I would recommend such an amendment of the constitution as will meet the necessity of the case. Clearly, if such power does exist, it may prostrate the judicial at the feet of the legislative and executive branches of the government. The bad example set by one legislature may be followed by another. Such a power, in my judgment, cannot co-exist with an independent judiciary. At least, let the matter, if necessary, be submitted to the tribunal of the people, whose whole interests are so intimately and directly involved.

It may also become the duty of the legislature to ascertain whether the public exigencies require the aid of additional justices to discharge the duties that devolve upon the supreme judicial court.

In a state like ours, where the industrial pursuits are so varied, with a large population upon the frontier still progressing into, and subduing the forests, there is undoubtedly a greater necessity for legislation, than in a community where its industry has become settled and sys-

tematized. But still, one of the evils under which we suffer is excessive and useless legislation. Continual changes in our laws are productive of evil. Legislation, as far as practicable, should be general, and designed to produce system and order. Our people soon adapt themselves to laws so framed. Frequent amendments soon leave us in doubt as to what the law is. He who shall devote himself to prevent unnecessary changes and useless laws, will acquire the reputation of a conservative and wise legislator.

These frequent changes have led to the necessity of a revision of our statutes, made under the provisions of the resolves of March 12, 1855, and April 1, 1856. The code will be submitted to you for your action. Such ordinary legislation as shall be necessary at this session may form a part of the revised code. It is, I think, fairly to be presumed, that the principal object of the legislation referred to was to condense existing laws, on the same subject, into one, with such alterations and amendments as the commissioners shall recommend, and be approved by the legislature. The enacting of this code will be an important labor for you to discharge. When a statute has received a judicial construction it would seem most wise to retain its language, so far as possible, so as not to render it necessary again to submit it to the judiciary for adjudication. The revision of the laws will necessarily be a labor which will require a longer session of the legislature than would be otherwise necessary. Still, with that degree of industry which will be given to its consideration, and with a wise effort to prevent useless amendments, it is sincerely hoped our labors may not be as extended, and that an example may be set of more limited sessions of the legislature.

It has grown into a proverb, that he who makes two blades of grass grow where one grew before, is a public benefactor. The agriculture of every state, is one of the most important and necessary branches of industry. No state can be prosperous without it. It is as old as man, and we must depend upon it for most of the necessaries of life. That policy which, therefore, shall in the greatest degree develop the resources and capabilities of the soil, and which shall teach the best method of producing the greatest crop at the least expense, is surely worthy of the attention of every state. There can be no doubt that we have a soil capable of producing, not only all the substantial articles consumed by the people of the state, but of sustaining a population much greater than we now have. Sound economy demands that we should produce more and purchase less, as we may easily do. The art of husbandry ought, as it may, to be reduced to a science. All may not be accomplished at once, but may we not make a commencement in what shall produce, in the end, that result? The state has done something for the purpose of increasing its productions, and developing its agricultural resources. It has given a direct bounty to

stimulate the production of certain crops. As a system, however, this, though seeming partially to accomplish its purpose, was found objectionable, and was abandoned. Agricultural societies have been formed for the same object, and it is confidently believed with far greater success, even if they have failed to accomplish all that is desirable. Sums of money are granted to these societies, which are awarded to those who produce the largest crops, raise the best stock, and manufacture the most finished articles. All this has its good effect, and, under that provision of the law of last year which requires an account of the mode of culture, and to some extent the kind of soil on which the crop is produced, we may fairly suppose will be productive of much practical good. An improved state of agriculture may be seen in other countries, resulting from similar associations. Each learns from the experience and practice of the other, and each is also stimulated to excel the other. A State Board of Agriculture has also been created by the legislature, to promote that science. It is composed of one member from each county in the state, and a secretary chosen by the board, whose duties under the laws are prescribed by the board. The duties of the secretary are responsible and arduous, as will be seen on examination. If his duties are faithfully and efficiently discharged, they must result in much good. His first annual report will be submitted to you for your consideration. From an examination of it, I am led to believe it will be most useful to the agricultural interest of the state, for the valuable information it contains. These are now existing institutions under the care of the state; and it is hardly necessary to enlarge on their importance. While, however, they remain, I would suggest the propriety of having the board consist of one member from each society, instead of one from each county, as is now the case. I would also recommend that the selectmen of towns, aldermen of cities, and assessors of plantations be required to make an annual return to the Board of Agriculture, of all agricultural products of each city, town and plantation. Such statistics would soon furnish us a correct account of our productions, and as continued from year to year, would show the progress made. The compensation of the secretary seems entirely inadequate for his services, after deducting his necessary expenses.

But does not the true and best policy of the state require that we should go one step further? Knowledge is the only sound basis of all pursuits. Practice, I know, is indispensable, but a knowledge of that which lies at the foundation, is necessary to guide and direct practice. Agricultural chemistry is the foundation of enlightened agriculture. A knowledge of what composes the soil, of what it contains, of what it is deficient, what should be added or subtracted, to make it productive, and what are the plants or roots best adapted to each, is most obviously necessary to an improved and enlightened cultivation. The relation

between agriculture and chemistry is truly important, and when that relation shall be fully understood and applied, agriculture will really become a science; and production will, it is believed, be so much increased, that our present crops will be regarded almost insignificant. I have not the time, nor is this the occasion to go into details of experiments which test the truth of what I have said. We all understand the high necessity of the knowledge to which I have alluded. The question for us is, shall we make an attempt to acquire information so necessary to advance the best interests of the state? To me it would seem most wise. Next to a knowledge of our own language, I would hold in importance a knowledge of the soil we cultivate. All are interested, and more are employed in that pursuit than in any other, if not more than in all others. How necessary then is a full knowledge and understanding of it, to advance the prosperity of the state. It is confidently believed that a wise system which shall develop our agricultural resources, will tend to check the great emigration of our citizens to other sections. It is highly desirable that such an object should be accomplished, and I have full confidence that much can be done to effect it. I would therefore recommend, for the consideration of the legislature, that some provision be made by law for teaching agricultural chemistry in our schools, and for analyzing soils at some place in each county; or to endow some of the existing literary institutions in the state, at which agricultural chemistry and the analysis of soils shall be taught.

It can hardly be denied that some of the past legislation of the state has tended to lessen the efficiency, if not to bring into disrepute, one of our institutions created by the constitution of the United States, and adopted by our own state. Its importance has been conclusively demonstrated in the history of the past. The prevalence of any sentiment in the community, which has a tendency to lessen our regard and respect for an efficient military system, must necessarily occasion the advancement of a policy which will lead to an increase of the standing army of the United States. Such a result was feared by the fathers of the republic, and is to be deprecated by all true friends of constitutional liberty.

The constitution of the United States declares "that a well regulated militia is necessary to the security of a free state," and requires congress to provide for organizing, arming and disciplining the militia of the several states, reserving to the states the appointment of the officers, and training the troops according to the discipline prescribed by congress. The constitution of Maine provides "that no person of the age of eighteen years and under the age of forty-five years, (excepting certain specified classes,) shall be exempt from military duty, unless he shall pay an equivalent to be fixed by law." It will be within your province to inquire whether our present militia laws are in conformity

with these constitutional requirements, and to provide, by legislative enactment, for any important defects that shall be found to exist. It cannot be doubted that sufficient numbers of our citizens can at all times be relied upon, whose zeal and patriotism will induce them to engage in voluntary military organizations suitable for present, and which shall form a sufficient nucleus for all prospective purposes. They should understand that they may confidently rely upon all proper aid, and be protected in the enjoyment of their rights. The small amount which would be found sufficient to lighten the military labors of our citizen soldiers would bear no comparison to what we would be obliged, as a state, to contribute for the support of a standing army. The entire abolition of the militia would tend to that result. It is presumed that such a system may be enacted as will impose upon the soldier only a contribution of his time, and the cost of the uniform of his corps. The whole subject is one of great importance, and is commended to your careful consideration.

The State Reform School was, it is believed, most wisely instituted, and promises to accomplish all the good results that were anticipated. It will, undoubtedly, be the means of reclaiming, by its system of discipline and education, many of the youths who become its inmates from habits of vice, and make them useful members of society. Its true value cannot well be over estimated. It is wise even in an economical view, without regard to the more important aspect of it in a moral sense. It is cordially commended to the fostering care of the legislature.

The reports of the trustees and of the superintendent present a very satisfactory account of the condition of the school, its management and importance. These reports will be submitted to you, for your examination, and will furnish you with information of the school in detail. It will be noticed that there is a deficiency in the current expenses for the year ending March 31, 1857, of five thousand dollars. This deficiency, it will be seen, has mostly arisen from an under estimate of the number of inmates for the preceding year. Unless that deficiency shall be supplied at an early day, the usefulness of the school will be impeded very much by the embarrassment it must necessarily occasion.

It is believed that all the affairs of the school have been managed with rigid economy, perhaps with more economy than its best interests and the interest of the state will justify. A rigid economy, in all the departments of the school, is not only desirable, but is demanded. But it may be a want of economy to withhold necessary appropriations, when demanded for public objects. The attention of the legislature is invited to early action on this subject.

I have not been able to examine, as I have not seen, the report of the superintendent of the Insane Hospital of the state. For information of its condition and its necessities, I must refer the legislature to that

report. And I commend the institution to your liberal and generous care. It was founded by the state for a most humane and noble purpose, and is entitled to receive its support. Its unfortunate inmates appeal to the humanity and benevolence of the state, and are entitled to it, from every consideration that should govern an enlightened community.

Intelligence is the sure basis of a free government. A well informed people is the only security upon which we can rely for the perpetuity of our liberties. The common school is one of our most cherished institutions, and marks the wisdom of its founders. There is no duty more important than in providing, by just and wise laws, for the general advancement of education. In a revision of the laws, our school system, in all its departments, should, as I am sure it will, receive your careful attention. Our schools have always received the fostering care of the legislature; and it cannot be doubted or justly questioned that our common schools have much improved within the past few years. Much more may, however, be accomplished, and they may be more useful and efficient in educating the children of the state. Wise laws and such means as the legislature may impart, will still advance their usefulness.

Schools and institutions of a higher grade become necessary for instructing those who engage in teaching, and for other and important pursuits. Their importance is as obvious as the common schools, though of a different character. So important have they been regarded, that the constitution of the state requires that the legislature shall suitably endow them. The whole matter is one of deep interest to the welfare of the state, and as such is submitted to your care and attention.

The report of the land agent will be submitted to you, and you will learn from it the transactions of the past year, and the conditions of the public lands, and of all that relates to that department. I have not had an opportunity to examine the same.

The present system of managing our lands, on the whole, so far as I am able to judge, is wise and proper. The best interests of all require that the timber lands should not be put into the market in quantities beyond the actual wants of the community. It is believed the laws now regulating the sale of the public lands answer all present necessities. If, however, any measure can be devised which shall induce the settlement of the lands suitable for agricultural purposes, it will commend itself to, and should receive your cordial action. We have vast tracts of land of unsurpassed fertility, and when made productive by the husbandman, will add much to the wealth and power of the state. If that can be effected by any reasonable system of legislation, it is surely desirable.

It will be seen, on examination of the law, that the charters of all the banks in the state will expire on the first day of October, 1857.

The subject of their re-charter will invite your early attention. The system of banking in Maine, as a whole, has proved a safe one for the public. No losses to the public have taken place, it is believed, which cannot be traced to a violation of the spirit or letter of the law. Such additional safeguards as time and experience shall have proved to be necessary for the safety of the community should be added. It may be deemed expedient to designate some officer, by law, who shall deliver to each bank blank bills, duly countersigned and registered, which shall constitute the circulation of the bank; and also to determine by law the amount of bills to be thus delivered.

Having resigned the office of senator from this state in the United States senate, to take effect on the seventh instant, it will become necessary for the legislature to make an appointment to supply the vacancy thus created. The duty will also devolve upon you to make an appointment of senator for six years, from and after the fourth of March next, when the present term will expire by constitutional limitation.

It will become my duty, and I shall with great pleasure co-operate with the legislature, in all measures to secure and advance the prosperity of the state. If any facts shall come to my knowledge, demanding your consideration, the same will be duly and promptly communicated.