

MAINE STATE LEGISLATURE

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ACTS AND RESOLVES

PASSED BY THE

THIRTY-SEVENTH LEGISLATURE

OF THE

STATE OF MAINE,

1858.

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

AUGUSTA:
STEVENS & SAYWARD, PRINTERS TO THE STATE.

1858.

GOVERNOR MORRILL'S ADDRESS.

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

We have assembled, in obedience to the will of the people, intrusted with high responsibilities and duties. Acknowledging our moral accountability to the Supreme Ruler of the universe, and conscious that in His hands are the destinies of nations, may we fervently hope to be guided by His wisdom, that we may perform our duties aright, and thereby promote the general welfare.

The state is necessarily involved in the general financial embarrassment under which the nation is suffering. Although happily free from any great national calamity, and blessed with all the elements of prosperity, a general and wide spread derangement prevails, producing a revolution in all the departments of business and enterprise throughout the country—a revolution which not only prostrates the most accredited houses and moneyed institutions, but, in its comprehensive sweep, has touched the springs of labor, paralyzed the activities of ordinary pursuits, and leaving thousands of our fellow men dependent upon their labor, without employment and the means of support, and presenting the anomalous spectacle of want and distress in a nation blessed with unexampled general prosperity, and wholly free from any great public calamity.

With no desire to exaggerate the public distress, and with no purpose of an extended discussion of the causes which have been productive of the present condition of affairs, it is important that these causes should be rightly apprehended and noted, to enable us to draw from them the practical duties of the present and the future.

The crisis in which the country is involved is not altogether unlooked for or unnatural. Panics and revulsions have occurred in the commercial world, with nearly each successive generation, during the last two hundred years. There have been repeated days of adversity, and men have not considered. The law of compensation seems not to apply here, as elsewhere. The oft recurring disasters in commerce, embarrassments in trade, distress in business, have not served to inculcate that measure of wisdom essential to a renovation of the pernicious business systems which prevail, and necessary to prevent a recurrence of similar periods of panic and revulsion.

A variety of causes have undoubtedly contributed to the present embarrassed condition in the monetary and business affairs of the country. A general statement, embracing many of them, is that which attributes it, in a great measure, to over action in all the departments of business and enterprise, and extravagance of expenditure, in both public and private affairs. The incentives to this public and private excess are numerous and strong, general and special.

The American mind acts perpetually under an intense sentiment of nationality. If our example may be said to inspire the democracy of other nations with the loftiest ideas in respect to the mission of "the model republic," it is equally true that our own people share in the inspiration. Its physical nature and position, and its advancement in all the elements of natural power and greatness, are equally inspiring; its territory already embracing one-tenth of the habitable globe; from thirteen feeble colonies having increased to thirty-one independent state sovereignties, and still forming in rapid succession; its agriculture rewarding the husbandman with marvellous abundance; its commerce having already placed it in the first rank of commercial nations; its railroads intersecting the country at all points, and involving the outlay of hundreds of millions of dollars; its manufactures and mechanic arts having reached the point of successful competition with the oldest nations; these serve perpetually to stimulate the people, and to beget in them a spirit of restless enterprise and of extreme activity.

This overpowering national impulse finds its gratification, also, in corresponding private and social *displays*—in elegant mansions, costly furniture, splendid equipage, and, divested of high aims, takes on the more questionable character of indulgence in mere trappings; and thus the habits of domestic and social life become changed from those of simplicity to those of extravagance. Considering the general tendency to excess, the absence of all positive restraints or checks, the wonder is, not that derangement and embarrassment happen to the individual and the community, but that they do not come with greater frequency. The nation needs the restraints of the check, not the incentives of the spur, to its aspirations and endeavors.

To what extent the currency of the country has contributed to the present condition of affairs, there is every variety and shade of opinion. The banks, practically, under our system, furnish the almost exclusive currency for the people.

Not to discuss the merits of a system which so universally prevails, and with which this state is connected through its own banking institutions, and which renders any attempt at radical change at once difficult, if not impracticable—this much at least should be considered, whether there are not defects in it which the public security demand should be provided for.

One important objection to a paper currency is supposed to exist in its liability to sudden expansions and contractions, to the prejudice of

the business of the community, and affecting the value of the property and productions of the country, by affecting the measure of value, by the enlargement of it to-day, and the diminution of it to-morrow. Perfect uniformity in any currency is unattainable, yet that which approaches nearest a specie currency is most likely to be uniform. As the circulation of the banks throughout the country is now small, and the influx of specie large, the present may be regarded as a favorable opportunity for some prospective measure designed to retain specie in more general circulation. This object might be obtained, and the circulation of the precious metals among the people in ordinary business provided for, by prohibiting the circulation of small bills. Whether this method is not practicable, especially in concert with other states in New England, I submit to your careful consideration.

The belief is general, that the banking system in this country is not as perfect as it ought to be, and as the interests of the people require. The generally conceded fact that these institutions, by their alternate expansions and contractions, have contributed to the present financial derangement, together with their inability to meet their own promises to pay, when the crisis came on, is conclusive evidence both of radical defect in the system, and of its injurious character. Bank notes are a mere contrivance to effect some of the purposes of money; their value consists in their promises to pay a certain amount of money, and that the persons among whom they circulate, believe these promises will be kept. The character of the bank, like that of the merchant, will depend upon its positive ability to perform its promises. It does not necessarily follow that no issue ought to be made beyond the reserve of specie retained in hand. The very purpose of the bank is to make other descriptions of property serve, to a certain extent, the purpose of specie. But what should be demanded of the banks, and they should be put upon such footing as to require it, is, that while the banker may be permitted so to manage as to have the least practicable amount of specie lying idle, with largest practicable circulation, he should be held, upon his peril, to keep within his capacity of turning his effects into specie so rapidly as to meet any possible demands from the bills. Any system which does not absolutely require this much, and any practice of the banks which puts it beyond their power to perform this much, is deemed to be wholly wrong and unsafe. There should be no contingency where this rule should be relaxed. As much is implied in the duties of the bank to the public, and as much is demanded by the safety of the public. A suspension of specie payments by the banks, is either a violent implication upon the system, or upon its management.

The multiplicity of banks in the state is an evil, and a spirit of rivalry among banks is promotive of evil. The legitimate purpose of banking is to facilitate the business of the community. Banks should be located with strict reference to actual business wants. Where such

wants are fully met by one bank another should not be created. Experience has shown that competition between small banks leads to the encouragement of a class of paper not contemplated by the laws.

It is not understood that the temporary inability of our banks to make specie payments, results from any want of ultimate ability to discharge all their liabilities. Nor is there just apprehension of their soundness and the security of the public as connected with them. On the contrary, they have maintained their credit with commendable promptitude during the prevalence of severest revulsion.

Your judgment is invited to the consideration of the question whether any measures are necessary to prevent a recurrence of bank suspensions, and to provide against the effects upon the country consequent thereon.

Whatever checks or restraints you may think proper to throw around the system to protect the community against injurious influences, from that quarter, for the future, if it be true that, to a great extent, the present prostrate condition of the business of the country, and the apparent scarcity of money, is attributable to extravagance of investment and individual extravagance—investment which has made no adequate return, and extravagance beyond the income—then it is obvious that the remedy the case admits of and requires, for permanent relief, is retrenchment and economy of investment and economy of expenditure, in all departments, public and private, individual and personal—an economy which shall criticise the fitness of the smallest item of outlay, and force within the narrowest limits both public and private disbursements. Embarrassment has not come because the sources of wealth are not abundant, both in the bounties of nature and the creative art of our people, but simply because we have not accumulated by frugality.

It is not too much to add, that the economy of living, a real virtue, is too little understood and practiced by all classes among us; and that we are not, in our habits and tastes, sufficiently American, but in these defer to foreign customs, and unwisely and unpatriotically prefer the imported fabric and production to those of American skill and labor.

The public laws having undergone a thorough consolidation under the observation of the last legislature, and thereby superseding any supposed necessity for general legislation at present, and the probability of small demand for special legislation from general prostration of business, would seem to authorize the hope that, with a determination formed at the outset and acted upon persistently, the needful business of the session may be transacted in less time than is usual. Over-legislation is an evil; frequent changes and amendments of the laws are impolitic and unwise; next to certainty, the stability of the laws is of the utmost importance. It is only when so regarded that a presumptive knowledge of the laws is not an absurdity.

In the furtherance of these views, and in the practice of that stato

economy which is especially due, at this time, towards the people we represent, let us carefully refrain from all measures not clearly demanded, and let whatever is required be dispatched with that promptitude which shall exhibit a spirit of generous devotion to the public weal.

With states, as with individuals, uninterrupted prosperity is not to be expected; yet it is believed that the retrospect of the brief history of our state, affords most gratifying evidence of public prosperity, and holds out to the future cheering prospects of coming advancement in all the essential elements of a great commonwealth.

With the increase of our population and the progress of settlements, under the encouragement of a liberal policy adopted by the legislature, manufactures have sprung up in the state, and have become a successful and permanent branch of the business of our people.

The enterprise of our people, keeping pace with the general movements which have prevailed throughout the country for improvements in the means of intercommunication, has led to the construction of lines of railway, which, while they afford facilities for the frequent intercourse of our people, and serve to develop the natural resources of the state, and stimulate to increased activity its enterprise and industry, have put us in direct and easy communication with the most remote parts of the country, and afford also facilities for the most extended internal and external commerce of the state by their extension into Canada, and connection with the railways of that country.

Incited by the natural advantages of our extended sea coast, affording safe and commodious harbors, our citizens have, with characteristic energy, engaged in commerce, navigation and the fisheries. Maine furnishes annually more of the tonnage which constitutes the splendid fleet of the merchant marine of the nation, than any one of her sister states—is second to one only of these states in the amount of her tonnage employed in the coastwise trade, and to one only in the extent of her fisheries. While her agriculture and mechanic interests have greatly increased, and the moral, social and intellectual condition of the people have received corresponding attention.

It is believed the natural capabilities of the state are favorable to the highest advancement in all the elements of a prosperous commonwealth. Its advantages for commerce, through its extended sea coast, capacious and safe harbors, are unrivalled. Its inexhaustible water falls, afford a cheap and constant power sufficient for all the needful machinery of the nation. Its forests afford lucrative employment for a numerous class of her citizens, and furnish a large item for exportation, and will continue to be an unfailing source of wealth not easily over-estimated in its importance to the labor and enterprise of the state.

It has also vast agricultural resources. If its soil is not equal in fertility to the valley of the Mississippi, it is, in great part, superior to most

of the New England states in this respect, and it is believed that the faithful husbandman has here never failed of his due reward.

Upon an intelligent review of its physical position, capabilities and natural advantages, there is no reason for repining that it has not blander skies and more fertile soil.

Its unrivalled advantages for commerce and navigation, manufactures and mechanic arts, more than counterbalance any supposed disparity in these respects. If in the future, the state loiters in the rear of her sister states, in that grand march of progress and advancement, which the nation is making to the highest achievement, physical and moral, rest assured the fault is our own.

A state regarded as a permanent habitation for man, and as a theatre also for the development of his moral and intellectual powers, is not to be determined wholly, or in chief, by the fertility of the soil. The advantages of commerce, manufactures and the mechanic arts are of vast importance to the general prosperity and elevation of a people. These remarks are suggested by the apprehension of a growing disposition among our people to undervalue their privileges and advantages, and to abandon them for what are regarded fairer prospects elsewhere. Not to institute invidious comparisons between any portions of our widely extended and greatly diversified country, the assertion may be ventured, that amid the rush and agitation of elements, harmonious and inharmonious, the infinite commingling of alien and native, and the countervailing forces under and by which American society is driven forward, particularly at those points where the ceaseless tide of foreign emigration flows, nowhere can a home be found where the blessings of health, comfort and competence, and privileges, social, moral and intellectual, abound more than here. Above all, our people should cherish a sentiment for "New England homes," based upon an intelligent appreciation of the privileges and peculiarities in which we differ, as well as the great privileges of citizenship possessed in common with the nation.

The importance and necessity of agriculture to a state, is universally conceded. It is, and must ever continue to be, the great leading interest of our people. While manufactures, commerce and the mechanic arts have their importance as branches of public industry, agriculture lies at the foundation of all. Unlike those countries where the land is held by a few proprietors, and is principally occupied in large tracts by tenants, who cultivate it by labor, having no interest in the soil, here the land is owned by those who till it on their own account, in comparatively small farms, and who, drawing their support from sources independent of the fluctuations of trade, and the favors of government, constitute at once a reliable and important portion of the community.

The progress of agriculture in this state has not kept pace with the skill and improvements displayed in other departments of industry ; a

variety of causes have contributed to the general apathy upon the subject not necessary here to notice. A more hopeful sentiment is beginning to prevail. Societies under the patronage of the state, have been formed for the promotion of general agriculture, and its bounty has been granted to these societies, and it is believed that they are exerting a salutary influence. A state board of agriculture has also been organized under the act of 1856. Its existence is too brief, and its field of operations and observation too limited, to determine what may be the extent of its future usefulness.

Much good may be anticipated from its annual investigation of subjects of agriculture, horticulture and kindred subjects, and from the publication of the results of these investigations for the general information of the agriculturists of the state. Much useful and important information may be furnished through the report of the secretary of the board, whose duty it is to publish a detailed report "of the doings of the board, together with a digest of the several agricultural and horticultural societies, and of such statistics as he may be able to collect, with such recommendations and suggestions as the interests of agriculture may require." This report will be laid before you.

Intimately connected with this subject having the most important bearing upon the growth and prosperity of the state, is the settlement of our territory with intelligent and industrious citizens. The Aroostook county, by far the most fertile of our lands, makes slow and imperfect progress in settlements for want of facilities for transportation and intercommunication. If any method can be devised by which an object so desirable can be promoted, it would be for the highest interest of the state, at once, to embrace it. It has ever been regarded an object of the deepest solicitude, and the legislature has from time to time appropriated means for the construction of roads for this purpose. These are necessarily imperfect, and compared with modern modes of transportation, unsatisfactory.

I invite your careful consideration of this whole subject, in a spirit of enlightened liberality, and cannot too urgently press it upon your attention.

The constitution declares that "a general diffusion of the advantages of education is essential to the preservation of the rights and liberties of the people;" and it enjoins upon the legislature the duty of requiring of the several towns and cities suitable provision for the support of public schools, and also requires the endowment of colleges and academies. Herein is the recognition of the maxim that a republican government must rest on the intelligence of the people.

Education, intellectual and moral culture for all, was ordained as the means for the establishment and support of civil and religious liberty. Coeval with our political forms of government, was the establishment of a system of common schools. Sedulously provided for as the first care of the state, watched over with paternal solicitude and sustained

by an unbounded munificence, it has come down to us. It lies at the basis of the state's deepest concerns, as common to all, and as the broad foundation of all other institutions of learning; and while it may claim your first attention, it should not be forgotten that the genius of our government is equally the fostering parent of the college and the academy, into which, from the common school, those who are prompted by an innate ambition to excel in the higher walks of education, may go, and there qualify themselves for successful competition for the highest prizes of the state.

The times will not admit of reduction in the general standard of intelligence among the people. We are indebted to the intelligence, high culture and strong virtue of the original settlers, for our institutions. To maintain the splendid superstructure of civil and religious liberty, which has been built upon the foundations laid by those who originally came here with motives of the highest social, political and moral character, against the sinister influences which have succeeded, as well as the general demoralization of the nation, popular education should be amply provided for, and a high standard of intelligence secured. Notwithstanding the severity of the times and the necessity of the practice of a rigid economy in public and private expenditures, I deem it worthy your consideration whether the interests of the common schools do not demand the establishment of a school for the qualification of teachers. It is quite apparent, from the legislation of the past few years, that the people of the state, in the bestowal of its bounties, have a partiality for those schools.

If this sentiment should continue, it will be found necessary to provide for a supply of teachers, which heretofore has been sent out from the academies. For information as to the actual condition and wants of the system of common schools, you are referred to the report of the superintendent, which will be laid before you.

Of the operation of the land office, a detailed statement will be found in the report of the land agent; and I am not aware that any new legislation for material changes in the present system will be called for.

Your early attention is invited to the affairs of the prison at Thomaston. Its crowded condition renders some alteration or extension in its internal arrangement necessary to accommodate the present inmates, not to anticipate further commitments. The main prison has one hundred and eight cells. There are now one hundred and thirteen inmates, a portion of whom occupy apartments designed and required for the sick. Some alteration of the work shops is required also, to enable the warden to employ the men to advantage. To meet these necessities, an appropriation will be required.

The reports from the trustees and superintendent of the insane asylum and reform school, will inform you as to their condition, management, and necessities. They exist upon the bounties of the

state, and make constant appeals to its enlightened liberality for support. Too high an estimate cannot be placed upon our charitable and reformatory institutions. I commend them to the especial care of the legislature.

The state has still unsettled claims upon the general government, for balance of interest upon advances made on the protection of the north eastern territory; for expenses of commissioner to ascertain the rights of settlers in the late disputed territory entitled to indemnity under the treaty of Washington, for value of land set off to settlers under that treaty. You may learn the nature and extent of these claims from the report of the agent at Washington, engaged in presenting the same, which will be laid before you. Any special action on this subject is referred to your judgment.

The constitution of the United States contemplates an organized, armed and disciplined militia, in the several states, to be officered and trained by their authority, according to the discipline prescribed by congress.

The state constitution declares that "no person of the age of eighteen, and under the age of forty-five, excepting quakers and shakers, justices of the supreme judicial court, ministers of the gospel, and officers of the militia, who have been honorably discharged, shall be exempt from the performance of military duty, unless he shall pay an equivalent to be fixed by law."

The duty providing for "a well regulated militia," is imposed upon the state by the constitution and laws of the United States; recognizing this obligation, the state constitution exacts military service, or an equivalent, of a certain description of its citizens.

It does not seem to be contemplated that the whole class of persons upon whom military service is thus imposed, will, in time of peace, be required to perform active duty, but may be exempt therefrom by payment of an equivalent. Such are the habits of our people and the position of the state, that a small force only seems required to be organized for active duty. The militia should rest upon the constitutional basis, and not depend upon the bounty of the state.

That description of persons upon whom military service is imposed by the constitution, would cheerfully pay such slight equivalent, to be exempted from active duty, as the legislature should deem necessary to defray the expenses of such volunteer soldiery as would be required for active service. With this view, I recommend that all persons contemplated by the constitution as subjects of military service, be enrolled in the manner now provided for by law, but subjected to no active duty; and that the uniform militia now authorized for active duty, be reduced to at least three thousand men, with suitable provisions for rations while on duty.

The frequent complaints of the system of attachment on *mesne pro-*

cess, and the sentiment more or less prevalent for some provision for the equitable distribution of estates of insolvent debtors, would seem to call for some consideration of the subject by the legislature. The matter is submitted to your judgment.

For a statement of the financial condition of the state, you are referred to the report of the treasurer. It is not understood to be at all flattering. An approximate estimate of expenditures and receipts for the current year, will show the annual income of the state to be insufficient to meet its current expenditures, and will leave a deficit at the end of the year of some sixty thousand dollars.

An increase of state tax upon the present valuation would not seem to be desirable or equitable. How then shall the treasury be relieved? It may be found practicable in one of two ways, or in both, namely, by transferring a portion of the demands upon it to other quarters, or by reducing the expenditures. The costs of criminal prosecutions are an annual drain upon the treasury of between thirty-five thousand and forty thousand dollars, and it may be worthy of consideration whether these expenses might not, with propriety and economy, be defrayed by the several counties in which they originated, both as a present relief and as a permanent requirement. With a view to further relief, I commend to your close examination the items of anticipated disbursements, and the enforcement of a rigid economy in every department of expenditure, suggesting especially that the item of legislative expenses may, and ought to be greatly diminished; and herein may your session have the special merit of being an industrious and short one, and thus alleviate the public burdens.

The people of the state view with deep solicitude the subject of the traffic in intoxicating drinks. The prevalence of intemperance consequent upon the nearly unrestricted traffic, is just cause for public alarm. The sentiment is nearly universal as to the common danger from this source, and the demand for some adequate remedy is equally universal. The sentiment as to the best methods of relief is not equally concordant, and from this want of harmony there is reason to apprehend that the cause of temperance, which all right minded citizens desire to promote, may suffer harm.

It is contended that in this great reform, reliance must be placed in efforts strictly moral, and that all legislative penalties are unwise and injurious—that men cannot be reformed of their habits by penal enactments. There may be more or less truth in this position; its fallacy, however, consists in assigning to the legislature a province essentially foreign to it. The legislature assumes to deal with the *traffic*, as it is supposed to effect injuriously the well being of the state, and does not address itself to the moral sense of the individual as to what is right or wrong in moral conduct merely. The legislator takes cognizance of the prevalence of a traffic which afflicts the state with crime, pauper-

ism and disorder, and according to his observation is injurious to the public morals, health and general prosperity, and for these reasons we seek to suppress it.

Upon this, as upon other subjects, there may be intemperate legislation, which will react against the salutary objects sought to be promoted; but upon this, as upon all other important subjects, there may be found, it is to be hoped, a common principle or basis upon which intelligent and well disposed men may unite for the promotion of the common object.

With the lights of experience and a sense of the magnitude of the evil, and with a general feeling among the people that this whole subject is pre-eminently a moral question, the times, it is believed, are favorable to calm deliberation and united effort, with the common purpose of enacting the most efficient and expedient law possible—the most efficient because the most expedient.

That the evil falls within the power of the legislature, and that the exercise of its power is expedient, is sustained by the legislation of this country from its earliest settlement. The right of this exercise of the legislative power over the subject conceded, it only remains, as a practical question, to determine the extent of the power, and how far it is expedient to exercise it. All will agree that it is expedient to exercise exercise so much conceded, or ascertained, power as may be required to accomplish the object.

Happily the extent of the conservative power of the state, on this and kindred subjects, has been clearly defined and settled by the judiciary in this country, both federal and state.

The present chief justice of the supreme court of the United States, in pronouncing the opinion of the court in a case involving this right of the state, says: "Every state may regulate its internal traffic according to its judgment and upon its views of the interests and well being of its citizens. If any state deems the retail and traffic in ardent spirits injurious to its citizens, and calculated to produce idleness, vice and debauchery, I see nothing in the constitution of the United States to prevent it from regulating and restraining the traffic, and prohibiting it altogether, if it think proper. The acknowledged police power of the state extends often to the destruction of property. Every thing prejudicial to the health and morals of the community may be removed. If the foreign article be injurious to the health and morals of the country, a state may, in the exercise of that great and conservative police power, which lies at the foundation of its prosperity, prohibit the sale of it."

The decisions of our own state court are equally comprehensive and explicit. The late chief justice employs this language: "The state, by its legislative enactments, acting prospectively, may determine that articles injurious to public health and morals, shall not constitute property within its jurisdiction. It may come to the conclusion that spirituous liquors, when used as a beverage, are productive of a great variety of

ills and evils to the people, both in their individual and in their associate relations ; and the least use of them for such a purpose is injurious, and suited to produce, by a greater use, serious injury to the comfort, morals and health ; that the common use of them for such a purpose operates to diminish the productiveness of labor, to injure the health, to impose upon the people additional and unnecessary burdens, to produce waste of time and of property, to introduce disorder and disobedience to law, to disturb the peace, and to multiply crimes of every grade. *Such conclusion would be justified by the experience and history of man.* If a legislature should declare that no person should acquire any property in them, for such a purpose, there would be no occasion for complaint that it had violated any provision of the constitution."

The same doctrine prevails in Massachusetts : "The legislature may declare the possession of certain articles of property, *either absolutely*, or in particular places and under particular circumstances, to be unlawful, *because* they would be injurious, dangerous or obnoxious, and may provide for the seizure and confiscation, or destruction thereof, by due process of law."

The state, then, it will be perceived, has plenary power over the traffic in intoxicating drinks, and "may regulate, restrain, or prohibit it altogether"—"may declare that the least use of intoxicating drinks, as a beverage, is injurious," that "such conclusions would be justified by the experience and history of man," that "no person should acquire any property in them for a beverage," and that "it may provide for their confiscation and destruction."

Thus, with great perspicuity, has the judicial mind of the country, federal and state, determined the province and the prerogatives of the legislature, in relation to this important subject ; and our own state court has, in the language above quoted, with equal clearness indicated a formula, within the scope of which it may be expedient to exercise the power "to prohibit the traffic in ardent spirits as a beverage," and "to provide for the confiscation and destruction thereof by due process of law."

The expediency of this exercise of power is, in my judgment, equally clear upon principle. If it be assumed that the traffic in intoxicating drinks for a beverage be injurious, then it necessarily follows that such traffic cannot, with propriety, be permitted—cannot be licensed or tolerated—but the enacting power must forbid it altogether. And this rule is as imperative in legislation as is morals—prohibition is the only intelligent action in the case of a conceded wrong.

The annals of legislation in this country upon this subject may also be appealed to, in proof of the correctness of this position, as a practical question. The license system has proved wholly inadequate every where. Under it, the sale and consumption of intoxicating liquors have greatly increased. Our type of intemperance, both as to quantity and quality of liquors used, is severer than is known elsewhere. Experi-

ence proves how futile are all attempts to subject to authority, and wisely control, a practice which claims to act by permission. The utmost vigilance over licensed houses has always been in vain—all efforts to prevent abuse of authority to no purpose.

Under the present law, the traffic in intoxicating drinks for a beverage, is becoming quite general in all the cities and towns. It is fraught with ills innumerable to the state—with beggary and crime. It may well be considered whether, for such use, it should not be declared contraband.

While experience and history clearly indicate the duty of the state to prohibit the traffic for a beverage, it is not equally clear that those liquors have not important uses in medicine and the arts—if, indeed, the converse be not true, and therefore it would seem their sale for such purposes should be provided for to such extent, and under such restrictions and regulations as the public interests and safety require. I commend the whole subject to your especial attention.

In a popular form of government, where the efficiency of the laws will depend upon the unanimity of the people in their support, particularly in that class of enactments which intimately effect the social habits of the community, it is highly important they should have the popular sanction. With the hope, also, that some common ground may be found upon which all well wishers to public sobriety may unite, and thus place the question, by a decided expression of the people in their primary assemblies, above the reach of mere partizan aims, I commend to your consideration, whether it be not wise to submit to them, for approval, in such manner as shall most likely elicit a general expression, any law you may enact upon the subject.

Such is our plan of government that each state has a deep stake in whatever affects the general welfare. By it the several states are made to move around the general government as a common centre, and to receive from it their national character, while each moves within its own sphere, and is left perfectly free to the pursuits and policy peculiar to its interests; and hence the people of the several states must ever view, with deepest solicitude, the acts of the national government bearing upon this two-fold relation.

While it is conceded that no more general power can be exercised than has been expressly delegated, experience proves that the most important results depend upon the interpretation of this power, and that out of this interpretation have sprung diverse policies, giving rise to, and keeping alive, political parties, in the several states and nation.

It is in this manner, also, that constitutional governments, by false interpretation, become distorted, perverted, and at length revolutionized, the constitution itself remaining unchanged.

The nation has entered upon an epoch of such interpretation of its constitution and theory of government. Its immediate effect is seen in the dissolution and re-construction of political parties, while the remote

consequences are shadowed forth in the new government policy, new sentiments and opinions which are inculcated upon the subject of negro slavery.

At the period of the formation of the government, the character of negro slavery and the traffic in slaves had been accurately estimated and determined by the civilized nations of the earth, in regard to which there was no difference of sentiment or opinion among the mass of the people of this country, its statesmen, philosophers and philanthropists.

It was held to exist in derogation of the natural rights of the slave—that it was an unmitigated evil—that it was the duty and interest of the nation to discountenance and inhibit the traffic, and restrict slavery to the localities where it existed by force of the local law. The colonies had denounced the mother country for its participation in its establishment, and for neglect of duty in its refusal to co-operate with them for its abolition. At the period of the revolution, and during the confederation of the states, the detestation in which slavery was held by the people is expressed in their literature, laws, jurisprudence, resolutions of their legislatures and primary assemblies, and the acts of the congress. When the constitution was formed, as a nation, the American people had adopted and published to the world, as the fundamental principles of that liberty they sought to establish through the forms of government, political maxims wholly opposed to all forms of slavery. They had proclaimed their hostility to the slave trade and slavery itself—they had provided against its spread into any portion of the territories, and contemplated its final extinction. The nation began its career by the recognition of the inalienable rights of man as self-evident political truths, as forming the basis of all just governments, and as containing the principles of political morality and immutable rectitude.

The constitution of the United States was based upon and recognized the same principles and theory of government which had been before asserted; and the constitution and the declaration of independence are parts of one consistent whole—and that work was consummated by the former which had been begun by the latter.

The government, under the constitution, was conducted upon these principles, and the sentiments and policy theretofore existing, still prevailed—slavery in the territories was prohibited—the slave trade was denounced as piracy and interdicted, and the congress, in repeated instances, interposed to prevent the extension of slavery into free territory.

The judiciary of the country, both federal and state, was in harmony with the legislation and policy of the nation, and uniformly held that slavery was against national right, and existed only by force of positive law, was necessarily local in its character, and that the master lost all right of control over, or interest in, the slave, when once voluntarily carried beyond the local jurisdiction.

By the force of these sentiments and opinions, acting upon the public judgment and conscience, slavery receded from seven of the thirteen original states, and struggled for a precarious existence in a portion of the remaining states. A new government policy is now demanded, founded upon new interpretations of the constitution in regard to negro slavery. The paternal policy of the nation is denounced as unjust and illiberal, unconstitutional and illegal.

The statesmanship of the early days of the republic took cognizance of the fact that two races of men were here, the subjects of government and civilization—that one was the dominant race, whose was the duty of governing and guiding ; and it did not hesitate to declare those principles of personal freedom which are equally the rights of all, and sought wisely to guide the destinies of both in the light of these principles.

The statesmanship of to-day ignores these self-evident truths—sees the two races confront each other upon the same soil, but holds that one has no rights that the other is bound to respect—asserts a principle which gives him no right to govern but the accident of present power, and thus seeks to bind up the destinies of both with the degradation of the black race.

The difference in the two systems is radical and infinite. The latter, it is needless to say, is repugnant to our theory of government. It is too absurd for argument and too offensive for discussion.

The first systematic attempt to reduce the new dogmas to practice, through the administration of the government and federal legislation, was made in the repeal of the Missouri restriction.

The object of this repeal is now declared by one of its supporters to have been “to put the slavery question upon some common ground where a party could be rallied strong enough to administer the government justly upon other than purely sectional ideas—to remove the ban under which the domestic institutions of the south had been placed by federal legislation”—and “although not all the south was entitled to, it was a great advance upon the old order of things, because it removed an unjust and odious discrimination against her domestic institutions from the statute book, a moral triumph which was of vast importance to the south and to the institution of slavery itself.”

The object and import of that measure, thus declared, have, by subsequent events, become obvious to all. It was the beginning of attempts to revolutionize the federal legislation and policy of the country upon the subject of slavery—to remove the interdiction under which slavery had been placed by that legislation, and by positive negation of power in congress, remove all obstacles to expansion and open the way for the novel idea, recently set up, that “the compromises of the constitution” include the recognition of slavery as an institution of the states, entitled to protection, and guarantee of property in slaves as an eminent trait of nationality.

“Squatter sovereignty,” the pretext for repeal, is illustrated by civil war and disorder—the will of the people set at defiance by armed bands of men alien to the territory—national strife, contest to determine whether liberty or slavery shall possess the country once pledged to free labor, and fashion the institutions which are about to spring up there, in which slavery and the national administration rule the hour against freedom and free men—slavery established in Kansas, the people struggling and in arms to resist it, and at last the fundamental principles of self-government, popular sovereignty itself, denied, and the national administration engaged in efforts to force upon the state a constitution against the known will of the people.

A portion of the federal judges, in harmony with the general design, utter the dicta that “the constitution of the United States recognizes property in slaves, and pledges the federal government to protect it, and that congress has no right to prohibit the slaveholder from taking his slaves into the territories.”

The president of the United States unofficially declares and assumes that slavery exists in Kansas under the constitution—that this point has at last been settled by the highest tribunal known to our laws, and that it “is mysterious that it ever could have been seriously doubted.”

Thus, in quick and rapid succession, a revolution is attempted in the legislative, judicial and executive departments of the government, and would now be complete and thorough, but for the extra judicial and extra official quality of the acts. It remains for the people of the free states to determine whether this important change in the constitution and theory of the government shall be consummated—whether by novel and forced constructions the constitution shall be made to guarantee property in slaves in the states and territories, the character of slavery changed from a local to a national institution, and thus brought in contact with free labor and free men.

No patriot in the land is without his regrets at the sectional strife stirred up by these aggressions, and no patriot but must feel that great evils are struggling for perpetuity in the nation, and that their influences, unchecked, will determine the character of the coming ages of the republic; and no patriot but that must feel a stern purpose within him to resist them.

The nation had witnessed the expansion of slavery in the south with comparative composure, as it was maintained that the impulse which pervaded the slave states for new fields for slave labor, would vent itself in the low latitudes; that slavery would recede from the northern slave states, and leave the free states to quiet self-development, in the free states and territories, their system of free labor relieved from the contamination of slave labor. Not so. With each new accession they become more arrogant and exacting—instead of obedience to the laws of climate, within which it was thought to move, and subject to which it was asserted it must hold its empire on this continent, experience

proves that the law of its life is violence—that it forges its fetters with equal facility in Kansas or the Carolinas—mocks free labor as illegitimate in a republican government, and asserts itself the normal condition of labor—pushes its aggressions over broken compromises into territories pledged to free labor, amid civil war—demanding not only the right of expansion into all the territories, but the constitutional recognition and guarantee as property in the nation.

The free states can never yield to these demands; they are incompatible with the essential element of their prosperity, free labor. They are repugnant to their settled opinions and sentiments. The free states hold to the right of every one of its laborers to his wages, of every innocent man to his person; and they will suffer no contamination from contact with slavery forced upon them by distorted views of the constitution. They are not at issue with the slave states, because slavery is one of their institutions, but because they seek to make it an institution of the nation. When by offensive repeal, by forced interpretation, by violence, they attempt to force upon the free states, what they know to be regarded as an enormous wrong, and fatal to their industry, it should excite no surprise that all such attempts are met with stern and solemn remonstrance and determined resistance.

Slavery agitation rages not from the north, but from the south. The repose of the country was not disturbed by attempts from the north to subvert slavery in the slave states or invade its rights. If there be antagonism of opinion between the free and slave states, it has been produced by no movement of the former. It has been brought about by an obvious and conceded change of sentiments and opinions, purposes and designs, by the latter; by which they force themselves into collision with the well known and long cherished sentiments and opinions of the free states, their interests and prosperity. If there be peril to our common country, it springs not now from any movements, nor from any want of appreciation of the value of the Union, from this quarter. Whoever has regrets that a sense of the sacredness of the Union and of the greatness of its blessings is faintly apprehended, will need to revert to events that are taking place in other quarters, and sentiments entertained elsewhere.

While the people of Maine will cultivate a spirit of kindness and forbearance towards every section of the common country, and will ever cherish sentiments of devotion to the Union, they will not fail to utter their solemn and earnest protest against the assumptions of the constitutional guarantee of property in slaves, and the indefeasible rights of slavery in the territories; and will remonstrate against the subversion of the powers of the national government to purposes of slavery extension and slavery perpetuation, and will resist, to the full extent of their constitutional powers, all attempts to force the domestic institution of the slave states into contact with free labor and free communities.

In conclusion, I pledge you my best efforts in the performance of the duties devolved upon me. I have entire confidence that your labors will be characterized by harmony, prudence and wisdom, and hope that the business of the session will result in the promotion of the interest and welfare of our beloved state.

LOT M. MORRILL.