

# 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-NINTH LEGISLATURE

OF THE

## STATE OF MAINE.

1860.

---

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

---

AUGUSTA:  
STEVENS & SAYWARD, PRINTERS TO THE STATE.  
1860.

## GOVERNOR MORRILL'S ADDRESS.

---

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

ASSEMBLED as the legislative power of the State, I recognize the usage which assigns to me the duty, in this first hour of our official relations, to give you information of the condition of the State, and to make such recommendations for your consideration as may be deemed expedient; in doing which it is gratifying to be able to give you assurance of its general advancement, under the favors of Divine Providence, in its varied industrial and social interests.

It is the first duty of a people rightly to value the character and capacity of the country they inhabit. While their interests will suggest the folly of an exaggerated estimate of it in these respects, a want of just appreciation of its resources and natural advantages, is equally unwise. A glance at the geographical position of the State, its physical structure and natural resources, will not fail to inspire confidence in its capacity for future rank in the sisterhood of prosperous States; and yet it is undoubtedly true that it has suffered much, of late, from a general and vague apprehension that it was making, comparatively, but slow advances in population and wealth; and that other quarters of our highly favored country held out larger rewards for effort and enterprise. It may be well now, at the close of another decade of years, with a provident and solicitous care for the future, to take note of its progress and present condition. It is, without doubt, true that its progress in the last ten years, increase in population being the test, has not been as rapid as in similar periods for the first thirty years of the separation from the "mother State." During the former period its advance in population was equal to that of the country at large and far beyond the other New England States. Emigrants from these latter States were drawn hither by our unequalled water power, the quality and cheapness of the soil, valuable timber lands, advantages for navigation, &c. This period in our history is characterized for progress in population, advance in agriculture, the lumber trade and the fisheries. The latter period, by comparative decrease in population, with larger increase in commerce, navigation, manufactures and mechanic arts, and in works of internal improvement.

The ratio of decennial increase of population was, from 1820 to 1830, thirty-three per cent. ; from 1830 to 1840, twenty-six per cent. ; from 1840 to 1850, sixteen per cent. ; and from 1850 to 1860, will probably be found to be about the same as for the latter period. We are not to suppose that we have failed to maintain our early progress in population because the original causes of that progress are not now equally attractive as heretofore, but because local causes have supervened to keep people from other States at home, and, to some extent, caused emigration from among us—not that the advantages afforded are really less, or supposed to be less, but that real or supposed attractions elsewhere have been stronger. Emigration has been cut off from the hitherto tributary States by a policy which has given their people immediate and active employment at home and reacting upon our population, together with the extraordinary allurements in California and “the west,” has enticed a portion of our natural increase abroad.

It will be found, for the reasons stated, that the progress of population, during this latter period, does not furnish a just estimate by which to determine the advance of the State in wealth and the industrial interests. A comparative glance at the aggregate valuation and productive industry of the State, at the several decades of years, will show a rapid advance in its wealth and various departments of labor. The valuation of real and personal estate in 1821, was taken at \$20,962,778 ; in 1830, at \$28,807,687 ; in 1840, at \$69,246,288 ; in 1850, at \$100,037,969 ; and in 1860 it will not fall short of \$175,000,000.

The tonnage of the several districts of the State in 1820 was 67,274 tuns ; in 1830, 70,585 ; in 1840, 110,000 ; in 1850, 646,600 ; and in 1856, was 782,000 tuns, an amount equal to one sixth part of the entire tonnage of the nation. There were in 1820, 14,247 tuns of vessels built in the several districts ; in 1840, there were 55,598 ; in 1850, 149,907.

The estimated value of capital invested in the various branches of manufactures in 1820, was \$1,459,450 ; in 1840, \$7,105,620 ; in 1850, \$14,700,000, and \$25,000,000 in 1859.

The annual value of manufactures of all descriptions in 1820, was \$3,058,000 ; in 1850, it was estimated at \$24,664,135 ; and at the present time cannot be less than \$35,000,000, in which estimate lumber is not included, the annual value of which is not far from \$7,000,000.

The agricultural capital in 1825, including improved lands, buildings, cattle, farming utensils, &c., was estimated at \$30,737,255, the number of acres of improved lands being 753,076. The capital invested in this pursuit in 1850, amounted to \$66,852,031, and there were 2,039,596 acres of land under improvement. The increase in the products of the soil, in quantity and quality, will be found to

be in proportion to the increase in the land cultivated. In 1820, there were 143,315 neat cattle; in 1840, 327,255; in 1850, 343,339, and for the same years respectively, the products of corn, wheat, oats and rye were 858,381, 2,813,044, and 4,230,268 bushels.

The aggregate average bank circulation from 1820 to 1825 was \$966,105, while for a similar period from 1854 to 1859 it was nearly \$5,000,000. The amount of capital invested in works of internal improvement up to 1840, was less than \$1,000,000, in 1850 it was between \$5,000,000 and \$6,000,000, and at the present time there are estimated to be \$17,800,000 invested in railroads alone.

These estimates do not embrace a large amount of capital, in the aggregate, employed in various small manufactures and mechanic pursuits, which have sprung up in the interior and along our lines of railways, and which give profitable employment to the people who conduct them on their own account.

This glance at some of the leading branches of the productive industry of the State, omitting, for want of accurate statistics, many important interests which have recently grown up among us, and others which have been greatly increased, all which contribute to the general wealth and prosperity, sufficiently indicates the rapid progress made in the various departments of agriculture, commerce, manufactures, mechanic arts, and in works of internal improvement; and that at no equal period in our history has this advance been so marked as the ten years now closing. The progress in agriculture, evidenced in a better tillage, improvements in stock, the variety, quantity and quality of crops, the products of the orchard and the dairy and the generally improved condition of farm buildings and farm implements, within the last few years, is especially noticeable, and evinces the thrift of that class of the people engaged in this pursuit. Our navigating and shipbuilding interests have greatly increased, placing the State at the head of the class of shipbuilding States. Manufactures, under a liberal policy held out to capital, have been stimulated and greatly augmented, are in a generally prosperous condition, and may be regarded as established upon a sure footing, and will, it is to be hoped, in time, stimulate other branches of industry.

Neither should the fact be overlooked here, that beside these evidences of material prosperity, this latter period has been characterized by efforts of the great body of the people for the improvement of their social and educational interests; and that these efforts have been successful is seen by an obviously elevated public standard of sobriety and intelligence.

Nor have the people of the State been remiss in a provident care for the future development of its natural resources and advantages of trade and commerce. There have been constructed, and are now in operation, something more than five hundred and fifty miles of rail-

way, at an expenditure, almost entirely by our own people, of more than \$18,000,000.

Aware of the important influence of railroad facilities in commercial affairs, and of the natural commercial advantages of our position, a State policy was early indicated by the Legislature which should make Maine in these respects independent of other communities upon the Atlantic coast; and which should eventually afford it equal advantages in securing the trade of the interior—the great producing region of the nation. It was perceived that in any plan for the accomplishment of this object, there were obviously two points of incalculable importance to the growth and development of its material interests and its true commercial independence, namely, the connection by railway, of the seaport towns with the interior of the country and the British Provinces, our neighbors, contiguous to us, whose natural intercommunication is through our territory; and to afford to the trade and travel between Europe and this country, railroad facilities to an extreme eastern port on this side the Atlantic, giving the shortest possible sea voyage between the two continents.

The first point in this system has already been secured by the completion of the Atlantic and St. Lawrence Railroad, connecting as it does, with a continuous line of railway, of surpassing excellence and capacity, which extends westward through Canada to Detroit; thus making our seaboard accessible to that vast region, the "Great West," and our principal seaport town the Atlantic terminus of a portion of the trade and travel of the great Lakes and their natural outlet.

The importance of this enterprise is already seen in the rapid growth of our chief commercial city, the facilities opened to our interior towns for direct trade westward, and the amount of transportation that already finds its way from the remote interior, without transshipment, to the Atlantic. Its prospective importance is incalculable, an approximate estimate of which can only be made in connection with the prospective and probable development of the resources, settlement and growth of the vast regions of Canada West; of the great Lakes and the Valley of the Upper Mississippi, the great producing region of the nation, and whose capacities are sufficient for the habitation and sustenance of one hundred millions of people, whose outward market must be sought at the Atlantic seaboard, and who, following the natural channels to the St. Lawrence river, would thence over this line of railway find their shortest practicable route to their ultimate destination. When it is considered that the exchanges between the cities of the Atlantic sea coast and this vast region of territory are transacted through the Lakes and the channels connected with them, the value of a direct and easy communication from their great natural outlet, the

St. Lawrence river, to a sea port open and accessible at all seasons of the year, is most apparent. A general statement of the commerce of these lakes, its rise and progress, will aid us in our estimates. Their commerce begins with this century, prior to which there was none in all this region. In 1851 the whole traffic of these lakes was stated at \$326,000,000, employing 74,000 tons of steam, and 138,000 tons of sail vessels.

The total tonnage on all the New York canals in 1836, was 1,310,807 tons, valued at \$67,643,343, and yielding a toll of \$1,614,342. In 1851 it was 3,582,783 tons, valued at \$159,981,000, and bearing a toll of \$3,329,727.

This policy also embraced the plan for a continuous line eastward through the central portion of the State, to the boundary line of New Brunswick; thence connecting with a line to be continued through this Province and Nova Scotia, to Halifax, affording an avenue through the State for transatlantic travel, and bringing it at once into intimate commercial relations with the British North American Provinces. This line is already extended to Bangor, a distance of one hundred and twenty miles. That portion beyond Bangor to the boundary line of the State, was, by order of the Legislature of 1850, explored, and a preliminary survey thereof made, in which the distance is shown to be ninety-six miles, a route of easy grades and of comparatively cheap construction, for the making of which a charter was granted the same year. The line, continuing, passes through New Brunswick, a distance of two hundred miles, by the city of St. John, and one hundred and twenty-four miles in Nova Scotia, making a total length from Bangor of four hundred and twenty miles. That portion lying in the latter Province is reported to be in favorable progress of completion towards the New Brunswick frontier. From the city of St. John to the boundary of Nova Scotia, one hundred miles of railway is nearly constructed and soon to be opened for travel, to the construction of which the Province has largely contributed. These works are supposed to secure the immediate completion of the enterprise from Halifax to the city of St. John, leaving the portion between that city and the boundary line of this State, a distance of seventy-three miles, and also that portion between the line and Bangor, of ninety six miles—in all one hundred and sixty-nine miles—to be provided for, in order to make a permanent connection through this State, between the United States and Canada and the Lower Provinces, affording a continuous line of railway from the city of New York to Halifax, a distance of nearly nine hundred miles. It is believed that the authorities and people of these Provinces are desirous of providing to fill up the space westward to the line of New Brunswick, and I deem it a subject worthy of the attention of the Legislature and people of this State, whether they will not co-operate in

efforts to bring this great enterprise to a speedy consummation. As a work of National as well as State interest, it should enlist the public regard. To the Nation it will furnish a great avenue of travel between Europe and America, while it connects the State with the British Provinces in intimate commercial and friendly relations. Its importance to the State will appear by a glance at the position and population, products and trade of those countries with which it connects it. The two Canadas have an area of 250,000 square miles, with a population of over 2,000,000; New Brunswick, 27,700 square miles, with a population of 225,000; Nova Scotia, 18,746 square miles, with a population of 300,000; Prince Edward's Island is 2,134 square miles, with a population of 62,398; and New Foundland, of 57,000 square miles, with a population of 120,000; total area of 553,446 square miles, and an aggregate population of 3,000,000.

The total exports of Canada alone in 1851, were \$13,262,376. The exports from the United States to Canada in the same year, of cotton and woolen manufactures, hardware, leather and its manufactures, &c., were \$8,936,236, while our imports in flour, wheat, wool, horses and cattle, &c., were \$3,312,250. That the ultimate accomplishment of this enterprise is only a question of time, will not be doubted by any one who gives the slightest attention to the elements of power and progress that are gathering on this continent, to the position of the countries it is designed to connect, and to the ordinary principles of commercial economy. The people of this State, it would seem, should begin now to anticipate the effort necessary to be put forth, ere long, to secure such a result, and give the public assurance that they will earnestly co-operate with those who desire to accomplish the same end.

Under the direction of the "Board of Internal improvement," a geological survey of the State was commenced by Dr. Jackson, in the year 1836, the State having appropriated for that purpose, \$5,000. Other yearly appropriations followed, in all \$15,000, and the work was prosecuted until 1839, when the State became involved in the difficulties on the Northeastern frontier, the work was interrupted, and appropriations failing, was suspended. The cost of completing the work, according to the original plan, is estimated at \$8,000; and although this plan is not as thorough as could be desired, it is probably as extended as is practicable, considering the unsettled condition of a large portion of our territory, and the difficulties of prosecuting a minute survey in the wilderness regions. The reports of Dr. Jackson and of Dr. Holmes were published, and did not fail to excite a lively interest as to the agricultural and mineral resources of the State, and have had a most beneficial effect upon the enterprise of our people in inducing the investment of capital in new fields of labor. I deem the completion of this sur-



vey demanded by every consideration of sound policy. To continue longer ignorant of our probable geological resources would imply a want of enterprise which would augur ill for the future progress of the State. The examination already made has disclosed facts, showing that our territory is rich in mineral wealth, indicating the existence of abundant ores of tin, copper and lead. This, together with the known geological resources of contiguous territory, renders it altogether probable that coal will be found in the Aroostook region.

Such survey, moreover, would tend strongly to stimulate the progress of settlements now prosperously advancing in the eastern portion of the State. I recommend, therefore, that the Legislature authorize the completion of this survey, and for that purpose, make the necessary appropriation.

Among the important interests of the State, are our public lands, not inconsiderable as a source of revenue, but of greater value for settlement. The aggregate revenue accruing therefrom to the State in the ten years ending with the year 1857, is \$893,778, after disbursing various appropriations for roads and bridges. The receipts for the last year, owing to change in the law in 1857, and the legislation of 1859, are less than \$18,000. The number of acres sold the past year to actual settlers, is 45,700, at fifty cents per acre, to be paid in labor on the roads—in the aggregate, \$22,850—which, although it brings no money into the Treasury, will relieve it to some extent at least, from the draft of annual appropriations for roads and bridges. It also marks the progress of settlement in this region of our territory. The amount of bills receivable at the Land office is \$114,875, of which under the legislation referred to, only a small portion will be realized to the Treasury, the current year. The entire estimated receipts from the Land office for this period are \$30,000.

In 1853 this State purchased from the Commonwealth of Massachusetts, its interests in the public lands, for the sum of \$362,500, of which sum \$250,000 remains unpaid, and which will be payable in yearly instalments, the last of which matures in 1872. By this purchase the State is disembarassed of the interests of a foreign jurisdiction and left free to adopt a policy in regard to its public domain, in accordance with its interests, which was the principal consideration urged for closing the joint interests in the public lands.

The lands, having regard to the State's interest therein, are :

1. Lands bargained by the State and to be conveyed upon payment of the purchase money.
2. Lands encumbered by permits to cut the timber thereon.
3. Lands to which the State's title is absolute.

4. Lands bargained by Massachusetts, to be conveyed upon condition of payment, that State retaining the fee.

Of this first class there are, in round numbers, 1,000,000 acres; of the second, 240,000 acres; of the third, 1,500,000 acres; and about 450,000 acres of the fourth class.

The contingent interest of the first class is held almost entirely by non-residents who manage the lands with reference to the amount of money to be made from them as timber lands, who exercise the rights of owners over them in taking off the timber, while they claim an exemption from taxation, and are under no contract for payment of the purchase money, the State's ultimate remedy for payment being on the lands. The second class, in like manner, is held principally by persons foreign to our jurisdiction, whose estate is in the timber alone, and whose interests are adverse to the cultivation of the soil, who claim an interest for all practical purposes, equivalent to ownership of the fee, while they hold their interests exempt from the ordinary burdens of taxation. Of the third class, 4,600 acres are held in common and undivided with individuals, under whose operations they have, in past years, been carried on, thereby subjecting the Land Department to trouble and expense in protecting the State's interest therein.

The fourth class was bargained by Massachusetts in 1853, with assurances to this State that the fee therein should be conveyed without unnecessary delay, in consideration of the provisions of the articles of separation, which secured to that State exemption from taxation of her interests in these lands while the title should remain in the State. These lands are held also by non-residents, who exercise all the rights of owners as to the exclusion of other interests, and who claim exemption from taxation on the ground that the fee still remains in Massachusetts.

The amount of purchase money now due and payable on the lands bargained by this State, is \$93,241.76 principal, and \$23,668.12 interest.

I invite your careful consideration of the situation of this portion of the lands and property of the State; whether some provision should not be made for classing these lands with the taxable property of the State in the apportionment about to be made for the next ten years; whether any and what regulations should be made in regard to operations on the lands bargained and not paid for, and for the prompt payment of interest payable on the purchase money, and for the ultimate payment of the principal; what legislation may be required to facilitate the settlement of the lands under permits to cut the timber thereon, consistent with the rights of those holding the permits; and whether the interests of the State do not require that partition be made of lands held in common with indi-

viduals. . And in this connection I renew the recommendation in my last annual message, that the policy of authorizing the Land Agent to grant permits to cut timber—which obtained until 1857—be renewed.

The department is required to keep a constant force employed to protect the land from trespassers, and to scale the timber cut on lands bargained. Operations under permits from the State would greatly facilitate these efforts and afford a revenue to pay the expenses incurred for the protection of the common property.

The receipts into the Treasury, from all sources, the past year, were \$507,890.45. The expenditures during same period, \$393,830.32, being a balance in favor of the State of \$114,060.13, as shown by the books of that department, and chiefly on deposit in sundry banks. But I regret to be obliged to inform you that this statement does not exhibit the actual condition of the funds of the State. The Treasurer is delinquent, in that he has absented himself from his office, and has neglected, when requested, to return to his post of duty and render an account of his transactions; and facts have recently come to light showing the use by him of large sums of the public money, which, in my judgment, rendered it necessary publicly to declare him a defaulter in his office, and to inhibit his checks upon the public funds. Information of this delinquency was received too near the close of the political year, to authorize steps for his removal and the appointment of a commissioner to perform the duties of the office, and to institute the proper proceedings to determine the extent of the defalcation, with a view to its adjustment with the sureties upon the official bond. It will therefore devolve upon you to require the Treasurer to render an account of his transactions, and to settle and adjust his accounts, and on failure so to do, to apprise his sureties of the extent of his delinquency, and ask their immediate attention to its adjustment.

From the best information it has been possible to gather, in the limited time, and the means at command, the peculations carried on through checks upon the banks having deposits, and which do not appear upon the books of the department, will amount to between \$80,000 and \$90,000, and which, it is believed, has, in whole, or in part, been converted so that he is not able to restore it, and that it will fall upon the sureties to make good any deficiency you may determine.

The State's indemnity against ultimate loss, is doubtless ample upon the official bond; and I am assured that the responsibilities of the sureties will be honorably met, without embarrassment to the Treasury, and with no further indulgence than may be justly allowed to dispose of the interests assigned to them for their protection. Still, I invite your careful investigation of the transac-

tions of the Treasury, as to the use of the public funds, and the practices of parties, official and unofficial, with it.

The statute of this State expressly provides that the Treasurer "shall not loan, or use in his own business, or for his own benefit any such money, or permit any other person to do it, upon pain of forfeiting a sum equal to the amount so used or loaned." The enactment is not penal, and in this case furnishes no adequate remedy. It does, however, prescribe a rule for the conduct of his office,—and a rule also for those who deal with him officially; and I submit, for your consideration, whether appropriate penalties should not be provided for any violation of the obvious intent of this law. Official speculation upon the public funds, although under the protection of an official bond, should be a penal offence; not less complicity with official speculation. The guiltiest man, in this respect, may not always be the official.

The estimated receipts to the Treasury for the current year are \$432,403, including the balance shown by the books of the department. The expenditures \$352,644.

This estimate of current demand upon the Treasury does not embrace that portion of the public debt of \$51,000 payable in February next, and which will need to be provided for by payment or renewal.

The constitution provides that "while the public expenses shall be assessed on the polls and estates, a general valuation shall be taken at least once in ten years." Such valuation has been taken, and it will become your duty to apportion and assess a State tax thereon.

Estimating the probable yearly wants of the treasury for the next period of ten years, including the payment of the public debt as it matures, after this year, the ratio of taxation based on the present valuation, will not, probably, need to be increased, but may be slightly diminished. The Commissioners appointed by authority of a resolve of the last Legislature, to prepare a valuation as a basis of taxation for State purposes for the ensuing decade, commencing with the present year, have been assiduous in their efforts, and will be able to present such perfected lists of valuation as will greatly facilitate and render comparatively easy your labors in apportioning the contemplated tax.

It is hardly necessary that I bespeak for our institutions of public charity your especial favor. For particular information as to the present condition and future wants of the Insane Hospital, I refer you to the reports of the officers of that institution for the past year, which will be laid before you.

The number of patients treated therein, the past year, has been greater than in any previous year; while the annual results of the efforts to benefit this class of our people, have been such as will

not fail to excite a lively interest in support of this refuge for the unfortunate.

There were in the Hospital, on the 30th of November last, two hundred and thirty-seven patients under treatment, the average daily number for the year being two hundred and twenty-two, while the whole number received since it was opened to the public is two thousand and ninety-seven. Of the two hundred and thirty-seven persons there in November last, one hundred and ninety-seven were a charge, in whole or in part, upon the State. The expenditures for the year were \$32,726, and the receipts from patients for board, clothing, are stated at \$32,421.29.

The wants of the institution for the current year, for the support of the classes of patients mentioned, will probably not exceed the appropriations of last year for that purpose.

I submit a table marked "A," which will show the aggregate yearly appropriations and expenditures for all purposes since the foundation of the Hospital in 1835.

The management of the Reform School is believed to be judicious and provident. The aggregate appropriations by the State for the erection and support of this school have been \$189,642, as follows:

1850, for building,	.	.	.	.	\$10,000
1851, "	.	.	.	.	20,000
1852, "	.	.	.	.	25,000
1853, "	.	.	.	.	18,000
1854, for support,	.	.	.	.	12,000
1855, "	.	.	.	.	24,000
1856, "	.	.	.	.	25,000
1857, "	.	.	.	.	25,000
1858, "	.	.	.	.	15,000
1859, "	.	.	.	.	15,000

Reports from the Trustees, Treasurer and Superintendent have been duly presented and will be communicated. The expenditures for the year, ending March 31, 1859, were \$19,452.88, of which, the sum of \$4,121.44 was received from cities and towns. The estimated expenses for the year, ending March 31, 1860, are \$18,200.00, of which \$2,000 will be received of cities and towns, and \$2,845.89 from other sources, leaving the sum of \$13,354.11 to be provided for by the Legislature.

There were in the school during the last year 281 boys; the number remaining November 30, last, was 182. The numbers received into the school have gradually decreased for the last year and a half, and will, under present circumstances, probably, continue, to some extent, at least. This diminution is supposed to be attributable to the operation of an act approved March 28, 1858, by the provisions of which cities and towns are required to defray the expenses of boys committed for certain offences.

Less delinquent boys reach the institution now that the charges, for a class of them, are directly upon the towns, than when the expenses were drawn directly from the State Treasury. What is the just inference from so important a fact may, or may not, be quite clear. Is it that a sense of the burden has induced more thought upon the subject, and upon reflection it is becoming to be the public judgment that it is unwise to commit boys to this institution for this class of misdemeanors? Or is it, as suggested elsewhere, "to avoid all possible expense?"

In either view some consideration of the fact may be required. If the former is the correct view, then the provision for commitments for what are denominated "trifling offences," should be modified, or repealed; if the latter, then some additional provision may be required imposing an imperative duty to make commitments for this class of offences.

While it is plain that the original idea, that of providing some means by which "juvenile offenders" should be kept from the companionship of those hardened in crime, and where they should be trained and disciplined with reference to their reformation, is wise and beneficent, it may be a matter of grave consideration as to what should be denominated an offence and a cause for committing a child of tender years to imprisonment as a public offender. The hope of the State is not in its prisons and specific schools of reform for discipline of its youth, outside of society, but in its domestic, educational and religious institutions, the family, the common school, the church, in society.

You may learn the condition of the Common Schools of the several towns and cities in the State, and the efforts in their behalf the past year, from the report of the Superintendent. I need not urge the continued fostering of a system which has been productive of such beneficial results to society, in the past, and which is essentially the hope of the future. The efforts made in behalf of this system in the last few years have been attended with gratifying results, as shown in a greatly increased general interest in the subject, in the improvement and number of school houses, the character of the schools, the number of children seeking instruction therein, the increasing number and higher qualifications of teachers, and the voluntary assessments of the people; and which, if perseveringly persisted in, will ere long present the gratifying spectacle of a State practically bestowing upon the whole body of the youth within its limits, the blessings of education.

The number of scholars in the State is 242,000, the number attending summer schools is 134,329, the number attending winter schools is 153,063, and the aggregate amount expended in support of schools, the past year, is \$617,889.48, being an increase of expenditures for school purposes over the year 1854 of \$126,829.19.

There are 3,862 school houses in the State, of the estimated value of \$1,116,766.

The Superintendent renewedly urges the establishment of a State Normal School, as a method of promoting the interests of common schools by furnishing them with more efficient teachers; and suggests that the eminent success which has attended these schools in the States where they have been established, fully justifies their trial here, and that they should no longer be regarded as a doubtful experiment.

This subject, together with that of the establishment of an agricultural school, has often been before the Legislature and their necessity urged upon the people of the State, and there is, doubtless, a growing conviction of their importance.

There is a conceded need of teachers who are better fitted for their employment by a thorough training in the elementary branches of learning under an approved system which shall make them skillful in imparting knowledge to others; as there is need of a better knowledge of the science of agriculture to fit the farmer for his employment in all its varied departments.

I deem these subjects of public importance and commend them to your careful consideration.

I renew the recommendations of a former message in regard to the militia of the State. The duty of providing for a "well regulated militia" is imposed by the constitution and laws of the United States and the constitution of this State. This duty is but indifferently performed in the regulations in reference thereto. The militia is divided into "ununiformed and uniformed or active." It is made the duty of the Assessors of the several cities, towns and plantations to enroll the citizens within their territory, of the ages of eighteen and under forty-five years, annually, and to make return of a list of their names to the office of the Adjutant General. These constitute the "ununiformed militia," the number of which, as returned, is 59,559, while eighty-nine towns and seventy plantations wholly neglect to make returns. The number of "active militia," is 1,439. I communicate the report of the Adjutant General showing the condition of this branch of the public service, and invite your attention to the subject.

I lay before you the report of the Bank Commissioners, from which you may learn the condition and operation of the banks the past year. The number in the State is sixty-nine, with a capital stock of \$7,576,790—\$267,845 of which has been added the last year. They are reported to be safely conducted, and, in most respects, with strict regard to the requirements of their charters.

Of the stockholders in the several banks, eight hundred and twenty live without our jurisdiction, holding one million three hundred twenty-three thousand nine hundred and forty dollars of

the bank capital of the State, a large portion of which is supposed to be actually owned by our own citizens.

Regarding this sum as foreign capital enjoying the privileges of our banking regulations, it is difficult to see why it should not be subjected to the ordinary burdens of taxation; as domestic capital upon which has been conferred these privileges, it is still more difficult to comprehend the justice of a policy which tolerates the shift to avoid the equal burden of unprivileged capital. As foreign capital, it does not add to the material resources of the State; and if it did, there is no such demand for it, as such, as to justify the bonus of exemption from taxation; as domestic capital, equal justice to all capital requires it should be subjected to ordinary taxation. Besides, the State has not, it is suggested, the statute remedies for the payment of the bills, notes, checks and drafts of the banks against the stockholders without our jurisdiction, that are applicable to the resident stockholders.

The legal rate of interest in this State is six per cent., applicable as well to banks as to individuals. Upon banks, however, is conferred the privilege of charging, in addition thereto, the difference in value between funds paid at their own counters and at the place designated for payment. All exactions beyond this established rate are palpable transgressions of the law and usurious extortions. The Commissioners state in their report: "The almost universal practice of exacting illegal interest, under the name of exchange, continues to be just cause of complaint and dissatisfaction in the management of banks." I commend to your consideration whether further legislation be not required in regard to the capital holden by stockholders foreign to our jurisdiction, and also with reference to the practice of the banks referred to by the Commissioners.

For the condition and wants of the State Prison at Thomaston, I refer you to the reports of the Warden and Inspectors, and of the Commissioners appointed in compliance with a resolve of the last Legislature, "to examine into the internal economy of the prison, and to consider the expediency of enlarging and reconstructing the prison, or building a prison in some other locality," which will be transmitted.

The number of convicts in the prison on the 30th of November, 1859, was one hundred and twenty-four. The expenditures from December 31, 1858, to the 30th of November last were \$17,785.10. The receipts during the same period were \$6,420.66, leaving a balance against the State of \$11,366.44. The Commissioners report a contract for the support of the convicts for the next three years for their labor, from which they estimate an annual expense of the prison to the State, for salaries of officers and incidental expenses, &c., of about \$6,000, which will be a saving to the State of from \$8,000 to \$10,000 annually.



Upon the questions "of enlarging and reconstructing the prison, or of building a new prison in some other locality," the Commissioners, it will be seen, are not fully agreed, although they concur in the facts reported, upon which their conclusions are based. These facts collected and stated as well by this as a former Commission, touching the condition, situation, the comparative advantages and disadvantages of the location of the prison, the present and future necessities and interests of the State involved in the reconstruction of the old and construction of a new prison in another locality have been so faithfully gathered and so fully stated that they will present, it is believed, reliable data upon which the Legislature may base its action in determining what the public interest requires. All will doubtless agree, upon slight examination into the facts presented, that there exists a present necessity for better prison shops and accommodations, and that they are demanded upon the simplest principles of economy. Having heretofore expressed my views to the Legislature upon this subject, I refrain from any further statement of them at the present time. I invite your early attention and careful consideration to this subject.

The Attorney General is required to make report annually of the business of his department, including that of the several County Attorneys. It is undoubtedly contemplated that this report should give accurate and full statistics of the criminal prosecutions in the State, their nature, termination and costs attending them. From the imperfect character of the returns from the several counties, this officer has been unable to present satisfactory reports. Efforts have been made in the last two years to induce greater promptitude, uniformity and completeness in these returns, and with unfavorable results, but some further provisions are deemed necessary by way of specifying the duties of the several officers required to furnish these returns.

The importance of accurate and full returns from these sources, is apparent. The increase in the criminal expenses in the last four years has been very great, and it is believed disproportionate to the number of prosecutions. The legislation of 1858 is understood to have afforded a check upon this tendency, by inviting inspection of these expenses by the localities where they originated. There is still need of more system and greater uniformity of practice in the several counties, which seems to be contemplated by the authorized supervision of the Attorney General. I transmit the report of that officer, in which will be found suggestions as to what further provisions are deemed necessary, and recommend your consideration of them.

The agitation of the subject of slavery still continues to disturb the harmony which ought to exist between the States.

In the formation and early administration of the government a

general sentiment favorable to liberty, and unfavorable to slavery, prevailed. Liberty was the principle of government organism and administrative policy ; slavery the exception ; its existence *de facto* in the States recognized, but not comprehended within the idea of American government. Accordingly, slavery was a matter of State concern, existing by force of the local law only, and having no rights outside of the local jurisdiction, except those expressly provided for in the constitution. Beyond this, nothing was claimed for it, and with this obvious and distinct view of its nature, rights and relations, it was left to the States respectively, the general government having no power to interfere with it therein. The National government had been administered upon these views and principles, the Congress, the Federal Executives, the Federal Judiciary, uniformly recognizing and confirming them, treating slavery in all respects as a State affair, disclaiming all right of interfering with it therein, and denying to it all rights beyond their limits. It will not be denied that this was the general judgment of the nation, in the beginning, and that it stood as the general judgment of the nation for sixty years and more ; and thus it would seem, attained the legal force and moral power of a solemn adjudication of the whole subject, the States themselves being parties to it. Now an attempt is made to annul this adjudication, to reverse this general judgment, as founded upon mistaken notions of the constitution, unsound, irrational and unphilosophical views of the nature of slavery. It is urged that the whole action of the nation upon this subject has been impolitic and unwise, that slavery is of itself right, that the abolition of the slave trade was illiberal and arbitrary, that Congress has no power to inhibit slavery in the Federal territories, that under the Federal constitution slaves are property, that by force of it slavery exists in the territories, and that under it the master may carry his slave into these territories, and there hold him as property, and that it is the duty of the government to protect it. Upon this whole subject public sentiment and opinion in the South have undergone a thorough revulsion, until every other political consideration is merged in the advocacy and defence of slavery.

The experiment of giving force to these new sentiments and opinions in the policy of the government was first made in the attempt to force slavery into territory where it had been inhibited by the nation. The conflict that has since convulsed the country, and the present disorder, come naturally and necessarily of this most extraordinary measure. It was a signal for the violation of compacts between the sections ; for the reversal of the settled policy of the country, and an unprovoked assault upon the sentiments and opinions of the great body of the people of the free States. The extraordinary character of the act was calculated to irritate the

nation, and subsequent events connected with it and in illustration of it, have not been of a character to allay the tumult of the passions naturally excited. It precipitated and provoked a slavery controversy under circumstances wherein the free States must feel the indignation of an assailed party, and in which the moving party had no right to expect a triumph but by force of numbers. Although Kansas, upon assumption, "is as much a slave State as South Carolina," it is in fact as free as Maine.

The policy now demanded is non-intervention by Congress to prevent the spread of slavery, intervention by Congress for its protection; non-intervention to place slavery and freedom in a condition of equality in the federal territories, intervention to give slavery special protection and guaranty therein. Against this policy the moral sentiment of the North revolts; in contemplation of it, its social and industrial interests are shocked. Freedom, in this age, is the dominating idea among the civilized nations of the earth—serfdom, vassalage and slavery everywhere giving way before it. The idea of Universal Liberty underlaid the movement of the American Revolution, presided at the formation of the Constitution and organization of the government, has been the central force of all government in this nation, stronger than all forms of monopoly or exclusion. The institution of slavery necessarily arms against itself the natural instincts of mankind; its doom is certain and inevitable whenever it foolishly and wickedly confronts, in open field, the honest and reverent convictions of the nation. It can show no title to national supremacy, and nothing so absurd and irrational as its attempts to force a recognition of its legitimacy by the nation.

It is not denied that it has a dominion; and its supremacy within the limits of its jurisdiction is not in question. The right to invade it there is not pretended. Within all the vast area of its extended limits it is secure from invasion or molestation from State or nation; nor does apprehension of insecurity therein constitute an element in the present strife. The people of this State unitedly condemn all attempts to interfere with slavery in the States. They deplore the criminal attack of a band of fanatical men at Harper's Ferry, to incite a servile insurrection in a sovereign State. Servile insurrection for an individual or State is not a remedy under any conceivable circumstances, but a crime under any and all. Misapprehension of the purposes of the free States is needless. They are naturally opposed to slavery. They venerate free labor, traditionally, religiously, and claim the right, on their own ground, to maintain their sentiments and opinions of it, as an evil, and of free labor as a boon; and they as emphatically disclaim the right or wish, purpose or intent, to interfere with it in the States where it exists. Whatever legal or constitutional rights belong to it the people of Maine will fully accord. But it should not attempt to carry the public

citadel by assault ; nor take the popular heart by violence. It were better, in a great contest for the supremacy of opinions, that the terrible energies of civil strife should not be invoked by menace. The only terms that the case admits of, are a full, free, unrestricted enjoyment of all its rights and immunities within its locality, with certain opposition to all attempts to extend to free communities. The slave States know full well that what is now demanded, through novel constructions of the constitution, is wholly inconsistent with the interests, and at variance with the settled opinions of the nation. It requires no small share of intrepidity to press such claims upon a reluctant people. It is needless to say that the free States can never yield to such demands ; tradition, religion, education, industrial interests, forbid it. Opposition under such circumstances is not to be constructed into hostility to States and communities ; it is but the expression of a natural aversion known to exist between the white and black races and between free and slave labor. While the people of this State unitedly deplore the invasion of a sovereign State to incite servile insurrection therein, not less threatening do they regard the assumed attitude of assault upon the Union, upon a contingency which may properly arise under the constitution. The loyalty of this State to the constitution and union depends upon no contingency. Her people contemplate the present condition and future prospects of the nation, in the spirit of a devotion which will make her faithful even if her opinions should be overruled by the American people.

Now in this hour of disorder in the national councils, what public pledge is demanded of the people of Maine for pacification ? Is it required that they should ignore altogether, the portentous fact of the existence, in a section of this Republic, of four millions of bondmen ; and shut their eyes to what all history teaches, that the relation of master and slave tends to the certain degradation of the dominant, while it rarely benefits the servile race ? that the mixture of these races is evil, and that amalgamation is the sure result of servitude ? Is it expected that they will stifle their honest sentiments and convictions of the character of slavery as an element of power in our civilization ? that they will put on and put off their opinions to suit the shifting temper of the times ? that they will give their assent to the assumption "of the final settlement by the Supreme Court of the United States, of the question of slavery in the territories," and thus consent to place a question between the government and people of this country, "in the hands of an individual tribunal ?" that they will not object to the re-opening of the slave trade, will recognize the right of property in slaves under the constitution, and agree to protect and guarantee it in the Federal territories ? The unmeasured denunciations of slavery as an evil, and as calamitous in its effects upon society, by a long line of the

most distinguished statesmen of the South, and the wide contrast between their recorded opinions and those now put forth, warrant the belief that no such demand is made, and no such concessions are expected.

To prevent all misunderstanding, if it be needful, let it go forth everywhere, that our whole population are patriotic, conservative, attached to all portions of our common country, ardently devoted to the Union, and ready to fulfill all their constitutional duties and obligations.

The patient waiting, and firm resolve of their representatives in the National Congress, reflects the quality of their patriotism and loyalty, and may be taken as a pledge for their deportment in any public emergency.

I cannot close this, my last annual communication to the Legislature, without an expression of the grateful emotions which spring from the generous confidence repeatedly reposed in me by the people of this State. I shall be most happy to co-operate with you in efforts to promote their common interests.

LOT M. MORRILL.

A.—TABLE showing the aggregate yearly appropriations and expenditures for all purposes since the foundation of the Hospital in 1835.

Years.	Land.	Building.	Furnish- ing.	Drainage & heating.	Aqueduct, engine, &c.	Repairs & addition.
1835,	3,000 00	(plans), 75 00	-	-	-	-
1836,	-	8,000 00	-	-	-	-
1837,	1,004 17	24,975 00	-	-	-	-
1838,	-	29,500 00	-	-	-	-
1839,	-	15,000 00	-	-	-	-
1840,	-	12,813 43	4,000 00	-	-	-
1841,	-	-	-	-	-	-
1842,	-	-	-	-	-	-
1843,	-	-	-	-	-	-
1844,	-	-	-	-	-	-
1845,	-	-	-	-	-	-
1846,	1,050 00	11,500 00	-	-	-	-
1847,	-	22,400 00	3,000 00	-	-	-
1848,	-	10,000 00	-	-	-	-
1849,	-	-	-	1,000 00	-	-
1850,	-	-	-	-	-	-
1851,	-	25,000 00	-	-	-	-
1852,	-	15,000 00	-	-	-	-
1853,	-	24,000 00	-	-	-	-
1854,	-	18,000 00	-	-	-	-
1855,	-	25,000 00	-	-	-	-
1856,	-	-	-	-	5,000 00	-
1857,	-	-	-	-	-	5,000 00
1858,	-	-	-	-	-	1,000 00
1859,	-	-	-	-	-	-
	\$5,054 17	\$241,263 43	\$7,000 00	\$1,000 00	\$5,000 00	\$6,000 00

TABLE A, (Continued.)

Years.	Steward, for general expenditure.	Trustees.	Salaries.	Investi- gations.	State pau- pers at Hospital.	Towns and cities for support of paupers.	Aggregate expenditure of each year.
1835,	-	-	-	-	-	-	3,075 00
1836,	-	-	-	-	-	-	8,000 00
1837,	-	-	-	-	-	-	25,979 17
1838,	-	-	-	-	-	-	29,500 00
1839,	-	-	-	-	-	-	15,000 00
1840,	-	-	392 61	-	-	-	17,206 04
1841,	{ 4,052 52	52 20	1,596 00	-	-	-	5,700 72
1842,	{ 2,981 00	11 00	1,600 00	†133 00	-	-	4,725 00
1843,	* 1,735 45	270 65	1,600 00	-	-	-	4,606 10
1844,	{ 550 00	447 40	1,600 00	-	-	-	2,597 40
1845,	{ .300 00	204 00	1,675 18	-	-	-	2,179 18
1846,	-	} 366 00	1,712 50	-	600 00	-	14,862 50
1847,	-	} 366 00	1,900 00	-	-	-	27,666 00
1848,	-	453 00	2,050 00	-	-	-	12,503 00
1849,	-	519 50	2,200 00	-	-	-	3,719 50
1850,	-	602 00	2,200 00	-	-	-	2,802 00
1851,	-	} 1,200 00	1,200 00	-	-	-	26,200 00
1852,	-	} 1,012 40	1,900 00	-	-	-	17,912 40
1853,	-	814 40	1,800 00	-	6,357 00	-	32,971 40
1854,	-	597 00	1,775 00	-	3,633 00	-	24,005 00
1855,	-	623 00	2,100 00	-	4,207 26	-	31,930 26
1856,	-	607 00	2,150 00	-	4,500 00	-	12,257 00
1857,	-	651 00	2,200 00	-	12,912 22	482 49	21,245 71
1858,	-	541 00	2,250 00	-	15,387 45	770 14	19,948 59
1859,	-	-	2,200 00	-	14,998 13	133 07	17,331 22
	\$9,618 97	\$7,771 55	\$36,101 29	\$133 00	\$62,595 08	\$1,385 70	\$382,923 19

\* These items include support of paupers with general expenditure of Hospital for these years. † Special.