

# **MAINE STATE LEGISLATURE**

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# ACTS AND RESOLVES

PASSED BY THE

## FORTY-SECOND LEGISLATURE

OF THE

### STATE OF MAINE.

1863.

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Published by the Secretary of State, agreeably to Resolves of June 28, 1820,  
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## MESSAGES OF GOVERNOR COBURN.

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*Gentlemen of the Senate and House of Representatives:*

The political year which has just closed, and the one on which we have entered, will be recorded as the most important and critical in the history of this State and nation. A war of gigantic proportions has been raging for a period of twenty-one months, with varying fortune, with combatants constantly increasing in number, and with a stake at issue whose decision may affect for weal or woe, not only ourselves and the unborn generations of our people, but popular rights and free institutions throughout Christendom.

In a contest of such magnitude, involving such momentous results, our own State has participated to the full extent demanded by her patriotism and her duty. From the hour that troops were first summoned by the Federal Executive for the defence of the national life, down to the present moment, our State has been zealously engaged in filling the ranks of the Union Army. Within the entire period we have enlisted and sent to the field twenty-eight Regiments of Infantry, one Regiment of Cavalry, six Batteries of Light Artillery, and one Company of Sharpshooters, besides furnishing four Companies of Heavy Artillerists to man and guard the principal forts on our extended seaboard. These several regiments and companies, including the recruits that have been raised for them since they entered upon active service, present an aggregate of 33,137 men as Maine's direct contribution in defence of the Union. In addition to this large body of volunteers, our citizens have enlisted in the regiments of other States and in the Regular Army to the number of 2,947 men, accurately estimated from the returns made by towns in answering the demands made upon them under the late calls of the President for troops.

The total quota of troops demanded of Maine up to this time by the War Department, amounts to something less than the number we have actually furnished. The patriotism of our State has even surpassed the demands which the national exigency has made upon it. We have not only sent all the men asked of us, but we have sent good men and brave men. In a contest where all the loyal States have responded so nobly, it would be invidious and indeed positively offensive for any one to arrogate peculiar and superior merit. We only claim with others to have done our part, and we

recur with undisguised pride to the fact that on every battle field where Maine troops have been called to participate, they have acquitted themselves with valor and with honor—making a record of patriotic heroism which it will be alike the pride and duty of the State to cherish and perpetuate.

In addition to the men that Maine has furnished to the army of Volunteers, we have contributed to the Naval and Marine service more largely in proportion to our population than any other State. The habits and occupation of a considerable number of our people fit them pre-eminently for this service, and it is gratifying to know that our shipping ports and coast towns have sent forth swarms of hardy and well trained seamen to maintain the honor of our flag upon the ocean. It is greatly to be regretted that the mode of enlistment in the Navy Department does not accurately, if at all, exhibit the nativity and citizenship of those who enter its service. If it did, we should find, according to our best estimates, the names of at least 4,000 Maine men enrolled in the Regular and Volunteer Navy since the war commenced. For this large contribution the State has received no credit in any of the calls for volunteers for the army, and the result has been that in our maritime towns the call for troops has operated with peculiar hardship, though in almost every instance it has been responded to with the most patriotic readiness. Should the vicissitudes of war necessitate a farther call for troops, it is respectfully suggested that in apportioning the quotas of the various States, an allowance should be made to Maine for the number of men she has contributed to the Naval service.

Very full and satisfactory details of all that relates to our troops, the mode of their enlistment, their numbers, their condition and their achievements, will be furnished in the forthcoming report of the Adjutant General. Among the most gratifying facts exhibited is, that the immense host which has gone from Maine, amounting in the aggregate for all branches of the service, to 40,084 men, is literally an army of volunteers. The men have been raised without resorting in any appreciable degree, to the draft. Indeed it may be said with truth that every soldier from Maine is a volunteer; for in the few towns where a draft was ordered, a bounty was given to those who were selected with which to procure substitutes, if they were reluctant to enter the service. The fact that our quotas have thus been filled, is an honorable proof of the patriotism of our citizens, and will ever form one of the proudest chapters in the history of the State.

In several of our sister States provision has been made for allowing those absent as soldiers in the Union Army to vote at the general election. I think this practice is wise, expedient and just. It would seem absolutely unfair and unequal that those who are periling so

much for the common weal should be deprived in the slightest degree of the common benefits and common privileges of the citizen. We all owe an immeasurable debt of gratitude to those who are battling in the field for our civil rights and our nationality ; and it certainly becomes us to manifest our appreciation of their heroic devotion and patriotism, not by mere words of eulogy or thanks, but by substantial tokens of our sympathy and our regard. I recommend therefore, that adequate provision be made for allowing our soldiers to vote while in service ; and if the extension of this privilege should even require a change in our State Constitution, it would, I think, be wise to make it. This necessity might involve delay, but it would have a compensating advantage in the fact that the change, when made, would embody the direct will of the people and would have the stability of organic law.

The condition of the State Finances will be fully exhibited in the Report of the Treasurer, soon to be laid before you. Our expenditures have been increased in various ways by the existence of the war, but not in such a manner as to embarrass the Treasury, oppress the people, or affect our credit. Indeed, at no previous period have our State bonds commanded so high a premium in the market as they have during the past year. Let it be our constant aim, by prudence and economy in our expenditures, and by the most rigid observance of public faith, to maintain our State credit untarnished through all the mutations and trials to which we may be subjected.

At the outbreak of the rebellion, our State debt amounted to \$699,000 ; of this sum \$250,000 was on account of the Massachusetts lands, purchased in 1853, and the remainder was incurred during the Aroostook war and in the years anterior thereto. During the year 1861, war loans were negotiated to the gross amount of \$800,000, while in March last the maturing installment of the old debt, amounting to \$30,000 was paid. The precise bonded debt of the State at this time, therefore, is \$1,469,000.

The total outlay from the Treasury on account of the war, up to the close of the past year, amounts to \$1,127,767.52. It is confidently asserted that these expenditures have been characterized by the most judicious economy, and the accounts have been kept with accuracy and perspicuity, sustained throughout by the most amply authenticated vouchers. Primarily the whole sum thus expended constitutes a claim against the United States, and up to this time accounts in detail, to the amount of \$1,091,069.61, have been presented to the Federal Treasury for auditing and liquidation, leaving a balance of \$36,697.91 yet to be presented. On these accounts the Secretary of the Treasury has paid \$320,000. He has further ordered our State to be credited with the payment of its share of the direct tax under the twenty million bill of August 5, 1861. This tax, after the deduction of 15 per centum for the

State's assumption of its payment, amounted to \$357,702.10, and its credit to us, together with the \$320,000 just named, make an aggregate payment to us, from the Federal Treasury, of \$677,-702.10 on account—leaving still a balance in our favor of \$450,-065.42, to be farther increased, as just mentioned, by the sum of \$36,697.91. Of this sum it is entirely probable that the amount paid as bounties to the first ten regiments, viz., \$196,897.41, will not be allowed, and hence the amount to be expected from the General Government is \$289,865.92. This will doubtless be paid to us in cash or its equivalent, as soon as the accounts shall have been audited by the proper bureau in the Treasury Department. The latest information we have, as to the accounts, however, does not lead us to expect their payment in season to have the money used for any of the appropriations you may be called on to make at this session.

The exigencies of the past year, in enlisting additional troops, under the calls from the President, compelled the raising of large sums of money for the payment of bounties, which it seemed not only expedient, but absolutely necessary to give. The amount desired was advanced by various banks, on the request of my predecessor, in the full faith that you would legalize the transaction and assume payment of whatever is due. I take it for granted that there will be no hesitation in adopting this course. The action of my predecessor, was, doubtless, in accordance with the wishes of a very large majority of our people ; it was dictated by the highest patriotism, and it was done when the exigency was so pressing that it was deemed impracticable to assemble the Legislature for seasonable co-operation in procuring a loan. The total sum thus negotiated, with the interest accrued, amounts to some \$340,000, and the details of its expenditure will be fully exhibited in the report of the Adjutant General. I respectfully urge that you provide promptly for its payment.

A further use of the State credit will be called for, in carrying out the provisions of "an act in aid of the families of volunteers," passed by the last Legislature. The act contemplates the assumption by the State, within certain prescribed limits, of whatever expenditures towns may make, to aid the families of those who are in the ranks of the Union army. Its object is just and beneficent, and its effect has been very marked in inducing men to enlist, who would have been loth to go, had they not seen this provision made for those dependent on them for support. In this view, the act constitutes a species of contract on the part of the State, with the soldiers, and we thus stand pledged to its faithful observance. Its repeal, or any modification which would render it less beneficial to those for whose advantage it was intended, would be a breach of faith on the part of the State. The maintenance of the act in

its full spirit and effect has, therefore, passed from a question of legislative expediency, to one of public honor.

There is a change, however, which may be made in it, entirely consistent with the views just expressed. By the 4th section of the act, it is directed that the amounts found due to the several towns shall, on the first day of March, be passed to their credit by the State Treasurer "in a book kept for the purpose, and shall draw interest on and after that date. And on the said first day of March the Treasurer shall issue to such city, town or plantation, in his capacity of Treasurer, his scrip for the amount found due to each, respectively, made payable to the order of such city, town or plantation, at the State Treasurer's office, at the pleasure of the State, with annual interest."

I think this mode of paying the towns, is unsatisfactory and for many reasons, objectionable. It will prove inconvenient to the towns, to have running accounts with the State and settlements by small due bills, while it will increase the labor of the Treasurer and be derogatory to the State, to have its obligations floating about for small sums which ought at once to be liquidated by cash payment. I recommend, therefore, that the section be so amended, as to direct the Treasurer to pay the ascertained dues to these towns in cash, on the first day of March; and if the current funds in the Treasury are insufficient therefor, that he be authorized to negotiate a loan for the purpose. Not the least advantage to the State, in this arrangement, is the saving of interest on all payments made with current funds, and the gain of the premium by negotiating a regular loan, when extra funds become necessary.

The total receipts into the Treasury, from all sources, for the year 1862, amounted to \$659,812.03, and the expenditures were \$633,893.12, leaving a balance of \$94,353.54 in the Treasury, on the 1st of the present month. Full details, under these heads, will be found in the Treasurer's Report. The State Tax was increased by the last Legislature, to \$413,074.41, in view of the extraordinary expenditures entailed by the times. As compared with a large majority of the States in the Union, our tax is still a very moderate one, and indeed, of the total tax paid by our own people, it constitutes a much smaller proportion than is generally supposed. It is now at the rate of two and a half mills to the dollar, whereas the tax actually assessed for all purposes, in the various towns and cities, ranges from 9 to 13 mills; very few towns being under the first named figure. It will thus be seen that the burdens imposed by the State Government, are in no sense oppressive. Indeed, considering the duties of the State Government, its large and benificial field of usefulness, in its Executive, Judicial and Legislative functions, it may well be affirmed that no other form of

civil administration was ever maintained, at once so effective and so cheap.

I have already alluded to the fact that within the past year the sum of \$30,000 of the State debt was paid. During the present year \$50,000 more will mature, and I earnestly recommend that it be paid, instead of being renewed, as has too frequently been our custom in the past. The policy of liquidation, in my judgment, is the true, safe and wisely economical one for the State to adopt. Whatever may be the theory or the truth in regard to the advantages of a national debt, I do not think that a State debt should remain unpaid a day longer than the time when the people can discharge it without specially or unduly burdening themselves with taxation. Our debt, other than that contracted on account of the war, all falls due between this and the close of the year 1877, in annual sums varying in amount from \$30,000 to \$1,000, averaging precisely \$44,600 per year. It will be evidently the part of wisdom to pay these sums as they mature. The annual payment will be easy, and the aggregate relief will be great. The whole of the war loan thus far negotiated (\$800,000) matures in 1871. At present therefore, we cannot do anything directly towards its payment, but a wise provision may be made for meeting a large portion of it when it falls due, by making a Sinking fund of whatever sum may be reimbursed to us by the Federal Government on account of war expenditures. To this sinking fund, in itself a stimulant to economy, might be profitably added any surplus which a rigid care in the administration of our affairs may leave at the close of each year. Keeping the policy of liquidation steadily in view, and providing for it by such means as your wisdom may suggest, we shall not only decrease the State expenditures with certainty and rapidity, but shall maintain our State credit in so enviable a condition that we shall find it available whenever an unforeseen exigency may require us to use it.

In authorizing the Treasurer to negotiate such loans as may be necessary, I would suggest whether it be not expedient to fix the rate of interest at five per cent. In the present surplus of money seeking investment, State stocks of such high character as ours are regarded as specially desirable. I do not doubt that a five per cent. stock will be taken at par, and if negotiated, as will be expedient, for a long period, this rate will be more advantageous to us than a six per cent. stock at the highest premium we could hope to realize. I submit the matter to your most attentive consideration.

The appropriation for military purposes the past year was not sufficient to meet the legitimate drafts upon it, and there is hence a small deficit which it will devolve on you to supply. So long as we have troops in the field, especially in such large numbers, the

State will have duties to discharge in regard to them, on the score of humanity and of that watchful interest and solicitude which Maine will always cherish for her sons. The health and comfort of the troops can be greatly promoted by this care on the part of the State, and to enable it to be exercised with promptness and efficiency the means must be supplied by an appropriation, which I am sure you will not hesitate to make.

I cannot leave the subject of our State finances without adverting to the necessity, and enjoining upon you the duty, of rigid care in all your appropriations. Public economy, always expedient, has become now a sacred obligation upon us all. I ask you, therefore, to curtail expenditure in every practicable way; to infuse a spirit of thrift and rigid accountability in all the departments of our government, and to do everything that enlightened experience may suggest to ease the burdens of the people and advance the general prosperity. In all measures having these great objects in view, it will be no less my pleasure than my highest public duty to co-operate.

The general suspension of specie payments in the country more than a year ago, included of necessity the banking institutions in our own State, and such suspension was temporarily legalized by the act of the Legislature, approved February 10th, 1862. The operation of the act expires by express limitation on the 10th of this month, and it may be necessary for you to take some further action in order to avoid the complications and troubles that might arise from any attempt to enforce the provisions of the 47th chapter of the Revised Statutes, which impose certain penalties upon banking corporations for refusing to redeem their bills, checks and drafts in specie. The question is of course affected, if not radically changed, by the law of Congress making Treasury notes a legal tender for debts—applying, of course, to debts of banks as well as debts of individuals—but it may at the same time be prudent, so long as actual payment of specie is not practicable, to make our own statutes correspond in letter to the supreme enactment of Congress, and the equally imperious law of necessity.

The specie suspension has not been followed in our State by any of those evil results which so many feared and anticipated. Indeed our banks were rarely, if ever, in a sounder condition than they are to-day. As compared with last year, their circulation has, indeed, increased nearly two millions, but the balances to their credit at the point of redemption have increased by nearly the same sum, while their aggregate amount of specie, notwithstanding the great temptation to sell presented by the high premium, has decreased by only some \$40,000. They hold moreover nearly two millions of dollars in Government securities. The healthful and prosperous condition of the community is also seen in the fact that deposits

have increased by more than a million and a half of dollars, while individual indebtedness to the banks has decreased by a still larger sum. The Savings Banks of the State exhibit an aggregate increase in deposits of more than \$250,000, while the total amount of their deposits is well nigh \$2,000,000. These facts, together with many others, which will be presented in faithful detail in the Report of the Bank Commissioners, are highly gratifying and encouraging. They assure us that our financial institutions are conducted with prudence and honesty; and they prove that notwithstanding the many fears and predictions to the contrary, our State has rarely had a year of sounder prosperity in business affairs than the one which has just closed.

The Report of the Land Agent will present to you the condition of that Department. The proceeds in cash paid into the Treasury the past year amount to \$25,777.27.

The State owns at the present time about two million acres of land, of which only about one-fourth, at the most, can with any propriety be called timber lands. The other three-fourths pass under the name of "settling lands," though a considerable portion thereof is rocky, sterile and uninviting. The best portion of the public lands, including those sections in the counties of Penobscot and Aroostook, were with certain specified reservations, granted to aid the construction of the Aroostook Railroad, by act of the Legislature of March 8th, 1861. The grant was made, however, by the terms of the act, to "take effect and be in force after the city of Bangor shall have voted to loan the credit of said city, in conformity with the act of March 20, 1860, and not before."

On the 19th of March last, the question of loaning the city credit in aid of the enterprise was submitted to the voters of Bangor, according to the terms of the act referred to, and it was decided adversely to the loan. As the act ceased to be operative by its own terms, on the succeeding day, the lands immediately reverted to the State, and are now in the same condition as to ownership that they were before the Aroostook Railroad bill was passed.

It is greatly to be hoped that the effort to construct this important line of Railroad will not be permanently abandoned. The enterprise has not yet had a fair trial, for contemporaneous with its inception came our unhappy civil troubles, deranging most seriously our channels of business, and putting an effectual check upon all enterprises that involved time, labor and the outlay of money. But while the disturbed condition of the country has postponed the effort to construct the railroad, it has developed and demonstrated a necessity for it in a larger sense than was claimed when it secured the favorable countenance of our State Government. For it cannot be denied that the experience of the past year has shown that while the road may be highly desirable and

advantageous to Maine, as an avenue of business, it is absolutely essential to the nation as a great line of military defence. With the road finished to the eastern line of the State, tapping the valley of the St. John, our Government could easily and effectually prevent the hostile and dangerous movement of troops by the only nation that possesses any special power to menace or injure us. Distant be the day when we shall be at open war with Great Britain ! and distant it will be, if we have the safeguards which the exigencies of the times and the nature of our position admonish us so urgently to provide. I shall esteem it a privilege to coöperate with you in all measures that shall tend to bring this very important subject to the attention and appreciation of the General Government.

In the last annual address of my honorable predecessor, he presented with eloquence and force the great national advantages to be derived from the establishment of a naval and military station at Portland, on a scale proportioned to the possible requirements of the future. I can add nothing to what was so well said on that occasion, and beg only to repeat the suggestion, and to urge upon you the propriety of exerting whatever influence the State may bring to bear, morally and materially, to accomplish an object so desirable. The commanding position of Portland, the experience, and still more, the menaces of the past, to say nothing of the possible if not probable dangers of the future, conspire to urge this measure upon our State and upon our nation with the most impressive earnestness.

Whatever may have been the differing opinions among us prior to the present war, in regard to the necessity of an efficient military system, it may be safely affirmed that our late experience has produced a very general feeling in its favor.

A movement in the right direction for reorganizing our forces was made by the last Legislature, in the passage of "an act to enroll the militia of the State." How far and how perfectly the details of that act have been carried out, you will learn from the Report of the Adjutant General. How far beyond the provisions of that act it may be expedient to go at this time, I do not myself feel prepared to say, but respectfully leave the subject to your discretion. It may be worth your while, however, to consider whether, if you should complete the organization of the militia at this time, you will not lose the valuable counsel of those who are acquiring military knowledge in the best of all schools, and at the same time ignore the claims of those who have the highest title to whatever military honors the State may have the power to bestow. How far considerations of public prudence and personal justice may strengthen these suggestions, I leave to your unbiased judgment.

The Legislature of 1861 passed a resolve providing for a Scientific Survey of the State, and appropriated three thousand dollars in aid of the object. A similar amount was appropriated by the last Legislature for the continuance of the work. The practical value of what has been done can be judged by you from the Reports of those who conduct the survey, shortly to be laid before you. It is understood that another year's work will complete the undertaking as originally designed, and I respectfully recommend that the amount be granted for the purpose.

Whatever tends to develop a knowledge of the capacities of the State, is certainly worthy of our highest encouragement. With our immense area, our varied resources, our unparalleled advantages for commerce, and our boundless facilities for manufacturing of all kinds, our State should take rank for wealth and prosperity with the foremost of the Union. But we are as yet comparatively in our infancy. Of our 22,000,000 acres of land, not more than one-fifth has been brought under even nominal cultivation. Our mineral resources remain almost untouched, while our manufacturing advantages have been improved just enough to show their unrivalled excellence and unlimited capacity. Wise legislation may do much to promote these various interests, while unwise laws may fatally retard their development.

During the past year the Agricultural interest, the most important and rapidly increasing one of our State, has secured a very valuable recognition in the establishment of a Department of Agriculture by the National Government, and also in the passage by Congress of an act making donations of public lands to the several States, for the purpose of founding Agricultural colleges. The amount of land given is thirty thousand acres for each United States Senator, and the same quantity for each Representative, under the apportionment made in pursuance of the census of 1860. The aggregate grant to this State, therefore, is 210,000 acres. An authentic copy of the act is herewith transmitted, as it contains many details proper for your examination. There can be no doubt, I think, that vast benefits will flow from this act, and I have no hesitation in urging upon you the prompt acceptance of its terms and conditions. As none of the proceeds arising from a sale of the lands can be devoted to the erection of buildings, it may be expedient and indeed absolutely necessary, to allow some of our existing institutions to avail themselves of the benefit of the grant, provided satisfactory guaranties can be given that its design will be faithfully carried out. The amount to be realized in cash from the grant will of course be very considerable, though from various causes, not necessary to enumerate, it will be very far below the estimates which many have been led to indulge. It is rare that a question of more immediate or more far-reaching consequence is

submitted to the action of a Legislature. The acceptance of the act imposes very considerable responsibilities on the State, and I am justified in assuming that you will exercise the soundest discretion in any disposition you may make of the munificent gift now placed under your control.

On the eleventh day of September, 1854, our Government entered into a commercial arrangement with Great Britain, in relation to the trade of her North American Provinces, which arrangement is generally known as the Reciprocity Treaty. It was part of the agreement that it should remain in force for ten years, "and further until the expiration of twelve months after either of the high contracting parties shall have given notice to the other, of its wish to terminate the same; each of the said high contracting parties being at liberty to give such notice to the other, at the end of said term of ten years, or at any time afterwards."

The last Legislature, by joint resolution, expressed the opinion that this treaty should be terminated, with a view of securing a more just and equitable accommodation of trade with the British Provinces. I recommend that you give expression to similar views in some formal and emphatic way, with the object of bringing whatever influence we can, to bear on Congress, for the accomplishment of the desired result. We have, of course, no direct legislative power over the question, but the deliberate and repeated expressions of the Government of a State, whose people are peculiarly and largely interested in the question, cannot fail to have a marked influence in settling the issue. It is neither my purpose nor, indeed, my province, to present any lengthy detail of the injurious workings of the Treaty. Elaborate investigations, made within the past two years, under the direction of Congress, clearly establish the fact that the spirit of reciprocal trade, which was the basis of the Treaty, has not only been ignored by our Provincial neighbors, but oppressive duties, with stringent and hurtful discriminations, have been laid upon the products of our industry. Indeed, the treaty seems precisely adapted to the free admission of all the products of the Provinces which come into injurious competition with similar products of our own; while all the articles which we might profitably export, are met at the Provincial line with customs charges, which strip us of all possible advantage in their markets.

The educational interests of the State are fully and ably set forth in the Report of the Superintendent of Schools. It is one of our chief glories, that we provide, at the public expense, for the education of all the children of the State. Our fathers wisely imposed it as a constitutional duty, and we are reaping the rich advantages of their foresight and their wisdom. While we may not be in a condition to make any extraordinary expenditure for educational

purposes, it will be one of our highest duties to see that our schools are maintained in full vigor and usefulness, and that while other interests may suffer from the inevitable effects of war, the culture of the young, shall in no wise be neglected or abated.

The annual Reports concerning our public institutions, will be promptly laid before you, and will exhibit to you their condition and progress.

The Hospital for the Insane, is in all respects, answering its beneficent designs, and its affairs are managed in the most satisfactory manner, by its able Board of Trustees and its faithful and skillful Superintendent. It is not believed that any similar institution in the country, is conducted with more devoted philanthropy or with more eminent success.

The State Reform School, is undoubtedly doing a good work, in the discipline and reformation of juvenile offenders. Its annual expense has been very considerably reduced, as compared with a few years since, and its burdens on the Treasury, are certainly outweighed by its benefits. Those who have officially visited and inspected the institution during the past year, speak in the highest terms of its discipline, its general management, and its beneficent influence on those who are consigned to its care.

The affairs of the State Prison, are given in more than ordinary detail in the Reports of the Inspectors and the Warden, and I respectfully ask your most attentive consideration of the facts presented. At no time, since the Prison was founded, has it reached a condition of self-support. The annual deficit has, of course, to be made up from the Treasury, and is, to that extent, a burden upon the people. Very strenuous efforts should be made to change this condition of affairs, and so organize the industry of the convicts, as to make it pay all the expenses of the Prison. To this end, I deem it absolutely necessary that the labor of the convicts be leased to contractors, instead of the State itself attempting the business of manufacturing, as is now the case. It will be my earnest endeavor, aided by your valuable co-operation, to devise some method which shall permanently improve the financial condition of the Prison.

The term of one of the Senators in Congress from this State expires on the 3d of March next. It will be your duty to elect a successor.

While our immediate sphere of action is in the administration of the State Government, I cannot close without adverting for a moment to our condition as a nation—our hopes, our prospects, our duties. We are well advanced in the second year of a war involving issues of the gravest moment to all of us. The contest was precipitated by those, who no longer able to *rule*, were determined to *ruin*, the government of the United States. The ostensible

reason for secession was one which, if admitted to have any force, would forthwith destroy every element of Democratic Republicanism which exists in our institutions—for if a constitutional majority of the people cannot have the right to elect the President of their choice, our form of Government is at end, and its attempted perpetuation is a farce. From the day the Southern conspirators made open war on the United States by assaulting Fort Sumter, the question passed to the arbitrament of the sword, and not to have accepted the issue would have been to basely surrender the life of the nation.

Thus far we have, with patriotic unanimity, sustained the President in all his efforts to subdue the rebellion. The people of the loyal States have poured out their treasure and their blood in unstinted measure, and in their devotion to country men have forgotten the prejudices of party. Upon a continuance of this cordial co-operation of all loyal men hangs the fate of the nation, and hence with all earnestness I exhort the people of this State to maintain a patriotic unity in support of the Government.

To the most superficial observer it has been evident from the beginning of the war that the insurgent States derived great strength from the labor of their slaves. It is their work that furnishes the Rebel Army with food and clothing, and indirectly with all other supplies—leaving the white population, with trifling exceptions, free to enlist as soldiers. Any policy which can detach the slaves from the rebels and make them a source of weakness rather than of strength, will prove a vital and decisive gain to the loyal side. It is with this view, as a military measure, clearly derived from the war power of the Constitution, that the President as Commander-in-Chief of the Army and Navy, issued on the first of the present month a Proclamation, declaring all the slaves in insurgent districts to be free.

The object of the war ever has been, still is, and of right ought to be, as the President has well declared, the "*restoration of the constitutional relations between the United States and each of the States.*" It is for this that the loyal States contend, and with nothing less will they ever be satisfied. The nature or severity of the means necessary to accomplish this end must of course be determined by the extent and the character of the resistance offered by the rebels. It was hoped at the beginning of the war that the national authority might be reasserted within a brief period, and with little disturbance to the mass of society in the revolted States. The conspiracy, however, was too formidable to admit this result, and the contest has steadily waxed more desperate. It is now deemed necessary, as a means of speedily and permanently regaining the ascendancy of national authority, to detach the slaves from the service of those who use them to promote rebellion. Whoever

disputes the right of the government to do this, raises to the extent of his influence, a potent defence for the rebels. The alleged unconstitutionality of the proceeding implies the gross absurdity that the rebels in arms, trying to destroy our whole fabric of Government, are yet entitled to the most precious immunities of person and the most perfect rights of property which our constitution can guaranty. Such an assumption as this needs only to be mentioned to be refuted. The rebels are entitled at our hands during the war to nothing more and nothing less than the treatment prescribed by the laws of war, and we can, and ought and will seize every legitimate weapon to conquer their military power and reduce them to obedience to the Constitution of the United States.

It is on this ground that loyal men can rally with enthusiasm to the support of the President. And it will not abate the force of the new policy that its result is to give freedom to a race long oppressed, and to abolish an institution which has been the source of evil dissension at home, and the cause of shame and reproach to us abroad. It will be clearly within the dispensation of God's justice that a system of oppression which violates the natural rights of man, which has always stirred up strife and contention, and which was the direct cause of our present troubles, should wither and perish in the wrathful storm which in its rage it dared to provoke.

The enlistment of the negroes for armed service, in holding Southern "forts, positions and stations," will be an immeasurable relief to the population of the North, as it will remove the necessity in any contingency, of a further call for troops to serve in the malarious climate of the Gulf States. To oppose this policy, is to wantonly sacrifice the precious lives of our young men, by exposing them to an extra-hazardous service, which negroes can perform without any risk. The testimony of our revolutionary Generals, and of Jackson and Harrison in the last war with Great Britain, conclusively establishes the fact that under good discipline negroes make good soldiers. Let us give them a generous opportunity to prove themselves. The war is one which, in its incidents, is to result in their enfranchisement, and they will be far better prepared to enjoy their freedom rationally and profitably, by having participated in the contest which results in its acquirement. No other nation would have hesitated so long to use this potential weapon, and we have endangered our cause abroad, if not at home, by the inexplicable timidity which has marked our course in regard to it. Let us now give it a vigorous trial. Those among us who have no sympathy with the result which this policy brings to the slave, may at least congratulate themselves that its firm enforcement will save the lives of thousands of white men, who might otherwise be exposed to disease, destitution and death.

As a loyal man, anxious only to do my duty as a citizen and a Magistrate, I can see no line of patriotism or of safety, except in a cordial, unreserved support of the policy enunciated by the President. To resist, or combine against it, is to run all the hazards of anarchy. If, as a people, we stand firmly by that policy, we shall conquer; and the nation will come forth from the fiery ordeal through which we are passing, purified, strengthened, invincible. But if we divide into hostile factions, and spend our energies in fruitless, petty contests with each other, it needs no prophet to foretell the result of the pending issue, or to write the deep humiliation and disgrace to be forever associated with a degenerate people, who had neither the spirit nor the patriotism to maintain the nationality bequeathed to them by a heroic ancestry.

We enter upon public duty, Gentlemen, at a time of unusual responsibility, when human wisdom alone may well be distrusted. But relying upon the guidance of that Gracious Being who hath so bountifully blessed us as a nation, and who chastiseth but in mercy, let us, in humility and yet in confidence, address ourselves to the conscientious discharge of the trusts committed to us by the people of our beloved State.

ABNER COBURN.

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*To the Senate and House of Representatives:*

I herewith transmit for your consideration the report of John A. Poor, Commissioner appointed to confer with the United States Government in relation to the defences of Maine.

ABNER COBURN.

COUNCIL CHAMBER, }  
January 14, 1863. }

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*To the House of Representatives:*

In response to an order of the House passed January 22d, inst., requesting the Governor to communicate to the House what sum of money it has cost to do the State printing for the year 1862, and also to whom the same has been paid, I have to say that the printing for the year 1862 is not yet completed and the bills for the same have not been presented for settlement; no appropriation has been made for the same and no payments have been made thereon.

ABNER COBURN.

COUNCIL CHAMBER, }  
January 24, 1863. }

*To the Senate and House of Representatives:*

I herewith transmit to the Legislature an authenticated copy of an act of Congress entitled "an act donating public lands to the several States and Territories which may provide colleges for the benefit of Agriculture and the Mechanic Arts," together with a letter from Hon. William H. Seward, Secretary of State, relating thereto.

ABNER COBURN.

COUNCIL CHAMBER,  
January 26, 1863. }

*To the Senate and House of Representatives:*

In response to your order asking for information "relating to the establishment and maintenance of the Military Agency at Washington, and also the amounts of money already paid for its support," I have the honor to lay before you such information as I possess.

This agency was established by my predecessor, on or about the first day of October last, under the provisions of "an act authorizing the expenditure of moneys for war purposes," approved February 4, 1862, and by virtue of a "resolve providing for the safe transportation and delivery of hospital stores to Maine regiments," approved January 7, 1862.

There are now connected with this agency, four gentlemen and several ladies, a portion of whom are paid for their services, and the remainder have no pay, but their expenses are defrayed by the State.

There has been paid by the State on account of this agency the sum of \$201.16. There are also bills rendered and not paid amounting to the sum of \$525.25. There is due, for which bills have not been rendered, the estimated sum of \$300.

All of these amounts are for services and expenses prior to the first day of January current. The expense of the agency for the month of January is estimated at the sum of \$400. The whole expense, known and estimated, of this agency, from its establishment to this time, may be assumed to reach the sum of \$1500.

I deem it proper to add, that Maine, in association with other States, has maintained for several months agencies at New York, Philadelphia and Baltimore, sharing with the associate States her proportion of the expense. This State's proportion of such expense is estimated to range from \$50 to \$75 per month in each of the cities named.

It may be proper to add, that prior to the establishment of the agency at Washington, that portion of its duties connected with

Washington exclusively, had been performed, without expense to the State, by the "Maine Soldiers' Aid Association," composed of our own citizens resident at the capital.

I believe that an agency at Washington is indispensable, but it is my impression that the condition of the hospitals in and around Washington is so excellent that but little oversight is required there. The assistance and succor of the State is needed at the front, among the regiments in the field and in regimental hospitals, and for the transportation of hospital and other beneficial supplies from Washington to the several camps.

For such purposes, the agency at Washington should be maintained as the central point. The agencies in New York, Philadelphia and Baltimore serve valuable, and perhaps indispensable purposes toward the State, and should be maintained.

As the law at present does not seem sufficiently definite, I respectfully recommend the passage of some act or resolve, which shall give to the Governor requisite authority to maintain proper and essential agencies, and provide means for their support.

ABNER COBURN.

COUNCIL CHAMBER,  
January 29, 1863. }

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*To the Senate and House of Representatives:*

In answer to your order requesting me to communicate to the Legislature whatever facts may be within my knowledge, and to lay before the Legislature whatever papers may be under my control, relating to the non-commissioning of the officers of the ununiformed militia, I have the honor to reply.

The militia of Maine were enrolled under the orders of the respective Major Generals during the months of April and May last, in conformity with the provisions of an act of Legislature approved March 19, 1862. These enrolled men were during the months of July and August last organized into companies under existing laws by the choice of five officers to each company. These companies numbered six hundred and forty-three (643) and comprised sixty-nine thousand one hundred and seventy-two (69,172) enrolled men of whom, however, several thousand were at that time in actual service in the field.

The officers elected by these companies at the date beforementioned, numbered three thousand two hundred and fifteen (3,215.)

The organization of these companies had been hastily made without uniformity as to strength of numbers, the companies varying from one hundred and sixty (160) to as few as forty (40) enrolled men. About one half of their enrolled numbers may be assumed

to represent the number of effective men in each company at that time. After the organization had been made some twelve thousand (12,000) of the best of this militia enlisted in the service of the United States, reducing the effective strength of companies about one third part, upon an average of the whole and taking away a considerable number of their most active and competent officers.

In addition to these facts, which I submit as giving some information upon the subject of your enquiry, I have the honor to lay before you a communication from ex-Governor Washburn, dated at Orono, January 31, 1863.

ORONO, January 31, 1863.

His Excellency Governor COBURN:

*My Dear Sir:*—I think you will find the papers that Senator Wiggin asks for among the files in your room. The fact that there were such remonstrances as have been referred to in debate in the Senate, had I am sure, very little, if any influence upon the decision to which the Governor and Council of last year arrived in reference to commissioning the officers of the militia. That some disloyal men might have been elected was not regarded by me as a sufficient reason for withholding commissions from the true as well as the treasonable. But the almost certainty that important changes in the militia laws would be made the present winter either by Congress or the State Legislature, or by both, rendered it expedient, as we believed, and in this opinion the Adjutant General concurred, to postpone the issuing of commissions until after the sessions of 1863. No practical harm could possibly come from the postponement, but great inconvenience, embarrassment and expense might be occasioned if the commissions should be issued at that time, and so the Governor and Council deemed it wise and prudent to wait the action of the Legislature on this question, and I cannot help thinking that these considerations will be favorably regarded by true and loyal men who have nothing at heart but the good of the state and country.

Very truly yours,

ISRAEL WASHBURN, J.R.

I find upon the files of this department papers alluded to by ex-Governor Washburn which upon examination are found to relate to the issue of commissions to certain officers elect in each of thirty-six (36) militia companies.

As regards eighteen (18) of these companies the complaint is the want of loyalty to the government in one or more of the officers elect in each company. In ten (10) of these companies it is charged that the elections were illegal. In five (5) companies the complaint is of the unfitness for duty of one or more officers in each by reason of infirmity, bad temper or defective education.

In one (1) company it is said that the officers are not citizens. Another company is simply dissatisfied without alleging reasons. In the remaining company it is objected to one of the officers that he has been sentenced to the State Prison.

These papers which are all of every description on file touching this matter do not in my judgment present any reason why the officers elect of the militia were not generally commissioned. I presume that they are not such papers as are contemplated in your order and for that reason with other good reasons I do not lay them before the Legislature.

ABNER COBURN.

COUNCIL CHAMBER, }  
February 2, 1863. }

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*To the Senate and House of Representatives:*

In compliance with a legislative order of the Legislature of the 7th inst., I herewith transmit the annual reports of the Indian Agents for the year eighteen hundred sixty-two.

ABNER COBURN.

COUNCIL CHAMBER, }  
February 11, 1862. }

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*To the Senate and House of Representatives:*

I herewith transmit a letter which I have received from the Hon. S. Brannan of San Francisco, California, in which is presented to the State of Maine a portrait of Sir William Pepperell.

The painting, which arrived before the letter of presentation, already hangs upon the north wall of the rotunda of our capitol, and fixes the admiration of all who enter.

Sir William Pepperell is identified with the early history of this State as a citizen spotless in reputation; as a merchant, successful yet honest; as Chief Justice, pure and blameless; as a soldier, of such good conduct that he received from the sovereign the first title ever bestowed upon a native North American. He was for more than a quarter of a century the most prominent man of that territory which is now the State of Maine.

It is due to his native State, which he honored with such long and brilliant service, that she should preserve his lineaments as one of her chief ornaments, and as a token of her honest pride.

This graceful gift, coming from a native of this State, who, although he has transferred his residence to the Pacific, still proudly

turns his affectionate regard towards his early home, merits from your hands a grateful acceptance and a befitting expression of thanks.

ABNER COBURN.

COUNCIL CHAMBER, }  
Augusta, February 12, 1863. }

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*Gentlemen of the House of Representatives:*

I have the honor, in answer to the order of the House of Representatives communicated to me yesterday "requesting a delay of action upon the nomination of Hon. W. G. Barrows to fill the vacancy existing upon the Bench of the Supreme Court," to reply that it will give me great pleasure to grant the request, and that accordingly there will be a delay of action as desired.

I wish however to inform the House that a delay extending beyond Wednesday next will be inconvenient, as it will detain the Executive Council one week longer than would otherwise be necessary.

ABNER COBURN.

COUNCIL CHAMBER, }  
March 18, 1863. }