

MAINE STATE LEGISLATURE

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ACTS AND RESOLVES

PASSED BY THE

FORTY-THIRD LEGISLATURE

OF THE

STATE OF MAINE.

1864.

Published by the Secretary of State, agreeably to Resolves of June 28, 1820,
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1864.

GOVERNOR CONY'S ADDRESS.

Gentlemen of the Senate and House of Representatives :

At no period in the history of Maine, have her appointed law-givers entered on the discharge of their constitutional duties, under circumstances of graver responsibility, than those by which you are surrounded.

Approaching the termination of the third year of the war, waged in vindication of the authority and integrity of the nation, in the prosecution of which, has been employed a vastness of resources, as amazing to ourselves as incredible to the rest of mankind, the national exigencies continue to demand further contributions from the States and the people.

The fierce enthusiasm kindled by the first outrages upon the flag of our country, has been chastened and sobered by the protraction and vicissitudes of the conflict, but to that have succeeded the settled conviction, that for us there is no national future but in the triumph of the national arms, and a stern resolve that that consummation shall be accomplished. You, gentlemen, stand here to-day proofs of the truth of this declaration. As Maine has, in the past of this struggle, cheerfully responded to every invocation of patriotism and duty, in sending you here her people have renewed the pledge of their fidelity to republican institutions and the cause of civil liberty.

The year just closed has been signalized to the people of Maine by the bounteous benefactions which flow only from the Giver of all good. No desolating pestilence has scourged us, but health has reigned through our borders. Generous harvests have rewarded the labor of the husbandman; industry in all its departments has received its fitting recompense; no hand willing to toil has been obliged to remain idle for want of remunerative employment.

The toils, the sacrifices and the achievements of the soldiers of Maine, composing a portion of the national army, during the year 1863, have been such as to cause the hearts of her citizens to swell with grateful pride. Upon the fields of Pennsylvania, Virginia, Tennessee, Carolina, Louisiana, Florida and Texas, they have participated in all the perils of march and battle; and whatever of

advantage has been gained to the national cause, they can proudly claim their share of the glory. The price of military glory is mourning upon many a hearthstone, and among us there are many Rachels refusing to be comforted. If this war were one of mad ambition, glory would afford no compensation for its manifold woes.

Deploring as does Maine, the loss of so many of her gallant sons slain on the field of battle, or perishing in hospitals, of wounds, or of disease induced by the hardships and exposures of military life, far away from home and kindred, it may be in prison, with no voice of affection near to speak a word of cheer, or farewell to the soul approaching the dark river, all equally the victims of the strife, and martyrs to the holiest of causes, their memories will be enshrined in the hearts of her people as the richest of her treasures, so long as patriotism shall be esteemed honorable among mankind; and the mention of their names, "in song and in story," shall inspire a heroism kindred to that which led them to the sacrifice.

On that spot at Gettysburg, made immortal by the successful valor of the national arms, and classic by the matchless eloquence of Everett, has been consecrated a cemetery where slumber the mortal remains of warriors, representatives from the land of the "laughing water," from every free State born of the immortal Ordinance of '87, from Maryland, Delaware and Western Virginia, from Pennsylvania, New Jersey and New York, and from New England, every sister there, not one left out. There, on Cemetery Hill, where the roar of artillery in vain assailed the ear of the peaceful dead, then reposing beneath its surface, these gallant heroes, having sealed with their lives their devotion to the unity of that country they had sworn to defend, now sleep, and "no sound shall awake them to glory again."

Upon the invitation of the distinguished chief magistrate of Pennsylvania, whose happy conception of the idea and active agency in the affair, entitle him to our thanks, my predecessor, coöperating with the Governors of the other States represented in those terrible battles, engaged in behalf of Maine, to contribute her share of whatever expense might be incurred in making this city of the dead worthy of its illustrious occupants. Moved as our people are by their sensibilities to do homage to the memories of our fallen soldiers on that spot, there will cluster around it in the regards of the citizens of Maine, an added interest arising from the fact that it was chosen and occupied by Howard, their own modest and intrepid soldier, as the ground on which the final fortunes of the battles of those memorable days were to be staked, and which, with his heroic troops, he held to the end of the bloody fight. The correspondence of Gov. Curtin and the report of our Commissioner, will be duly communicated to you, and I

shall unhesitatingly ask, what you will with alacrity grant, such an appropriation as shall meet, to the fullest extent, all claims upon our State for this holy purpose. And in this connection I would recommend that provision be made for the erection of monuments commemorative of the patriotism and valor of all of Maine's fallen worthies, and that it be so ample that the name of the humblest private shall not be neglected.

DISCHARGES AND ENLISTMENTS.

During the past year, ten regiments of Maine Volunteers have been mustered out of the service of the United States, the terms of their enlistment having expired.

Of these the Second Regiment was the first to leave the State on the call of the President, in April, 1861, and has borne its part in the battles of the Army of the Potomac, while in the service, with distinguished gallantry under its various commanders. The Tenth Regiment, largely composed of the First Regiment of three months men, entered the field in the autumn of 1861, and on numerous occasions acquitted itself with credit. A portion of the officers of this regiment, since their discharge, have been engaged in recruiting a regiment of veteran soldiers, which is now nearly ready to leave for the field. The other eight regiments were made up of enlistments for nine months only, which expired the last summer. The service of these was various. Some were not called on to meet the foe in battle; others participated in the severe struggles at Port Hudson and below, which eventuated in the opening of the Mississippi. All did their duty well.

There now remain in the service of the United States, and in the field, sixteen regiments and one battalion of infantry, one regiment and one company of cavalry, one regiment of heavy and six batteries of light artillery, and one company of sharpshooters, distributed from the Potomac to the Rio Grande. The limits of this address forbid an extended notice of the gallantry of these various corps, and anything less would do them injustice. I can only say that their conduct has been creditable to themselves, honorable to their state, and some of their achievements of unsurpassed brilliancy, mournfully attested by their thinned ranks. For a recital of the history of these gallant men, I refer you to the elaborate report of that able and indefatigable officer, the adjutant general of this state.

So many enlistments expiring in 1863, compelled the president of the United States to order a draft of 300,000 men, under the conscription act. Owing to the commutation clause, and the unprecedented list of exemptions, this produced but a comparatively small number of soldiers—in this state it secured about two thousand. Since then another levy of an equal number has been directed,

allowing until the fifth of January, instant, for the states to fill their quotas with volunteers.

Under the orders of my predecessor, a system of recruiting was put in operation in this state, the quotas of the various cities and towns being duly apportioned. As in 1862, these municipalities—having indeed no legal authority therefor at the time—paid liberal bounties to volunteers called for by the president, which action was subsequently ratified and confirmed by the legislature, so at this time, under like circumstances, they have adopted the same course to provide for the pending call, generally paying larger bounties than before.

Under the rule prescribed by the first orders of the governor, allowing men to enlist in the quota of any city or town, without regard to the fact that the quota of the place of the volunteer's residence had or had not been filled, a sharp competition sprung up among cities and towns, and much discontent was excited. That order was subsequently modified in consequence of these complaints. Upon the whole, the attempt at securing the quota of this state has been eminently successful, reflecting great credit upon the energetic and assiduous efforts of my predecessor. The inducements held out in the form of bounties, national, state and municipal, coupled with the aid furnished to the families of soldiers, have operated most favorably, and I have great confidence that the quota of Maine will be obtained in this mode, if a brief suspension of the draft is allowed, and the general government will continue its liberal bounties long enough to enable us to canvass the regiments in the field for the renewal of their enlistments.

Already two veteran regiments of infantry, the Twenty-ninth, commanded by Col. Beal, formerly of the Tenth, and the Thirtieth, by Col. Fessenden, formerly of the Twenty-fifth, a second regiment of cavalry, commanded by Col. Woodman, late of the Twenty-eighth, an additional company of cavalry (already in the field,) commanded by Capt. Cloudman, and a battery of light artillery, under Capt. Twitchell, are about full, and nearly ready to go forward. In addition to these corps, a considerable number have gone forward to the regiments now in the field, making between four and five thousand enlisted under the last call of the President.

I respectfully recommend that you supply the needed legislation to confirm the patriotic action of the cities and towns of the State, in the matter of bounties, to stimulate the enlistment of soldiers for the service of their country; and that you devise, if practicable, some more uniform system of bounties for the future which shall prevent so much collision and contention as has been witnessed under the existing call.

There is one point in which Maine is made peculiarly to suffer by these calls for men. A maritime state, large numbers of her

citizens find their vocation upon the sea, and very many of them have already entered the service of the United States in its navy, for whose enlistments she has no credit upon her quotas, and the names of these men, still on the rolls which constitute the basis of the requisitions for soldiers, enlarge the quotas of both the State and towns. This is unjust and should be rectified. Sailors drafted into the military service of the Government, enter it reluctantly from want of congeniality in the employment with their former habits of life; if, when drafted, they could be allowed to enter the navy, or if inducements such as are held out for soldiers, were offered by the national, state and municipal governments, to sailors, the navy department would not be obliged to complain that that branch of the service is suffering for lack of men.

FINANCES.

The financial condition of the State influenced by the necessities of the country, while it is not such as would be viewed with complacency in the peaceful times of old, yet, measuring the public debt by the ability of her citizens, and considering the causes which have created it, can excite neither apprehension nor regret. Dependent for revenue as is the treasury of Maine almost exclusively upon taxation, when large calls of an extraordinary character are made upon it, the resort for supply must be either to increased taxation, or loans obtained upon the credit of the state.

The Constitution of Maine so limits the power of the Legislature to create a State debt, that except for war purposes, the entire extent of indebtedness which could be legally authorized, would not reach an amount so large as to be an oppressive burden for our citizens to pay by taxation in a single year. For war purposes there is no limit on the authority to hire.

The demands of the present conflict have largely swelled the expenditures of the State, and consequently its debt, but these have been met by the people without grudging or complaint. On the first day of January, 1863, the funded debt of the state was \$1,472,000, increased on the 1st of January, 1864, to \$2,422,000. This increase was caused by payment of bounties to soldiers, and the aid advanced in 1862 to their families. During that year the Executive, upon the calls of the President of the United States for more volunteers, no legal provision having been made for the contingency, offered certain bounties to facilitate enlistments. The banks of the State, at the request of the Governor, readily engaged to furnish the necessary funds, relying solely on the good faith of the Legislature to repay. On the first day of March last, these advances with the interest amounted to \$343,224.86. In the same year (1862) the amount disbursed by the municipal authorities as aid to the families of soldiers, and under the law chargeable

to the State in 1863, reached \$231,898.80 ; making for these two items \$575,223.66, for the payment of which and other war purposes, a loan of \$600,000 was authorized.

On the first of March last, the Treasurer under that authority negotiated the bonds of the State for \$525,000, which produced \$599,928.88, being a premium of \$74,928.88 on the bonds sold ; a valuable and substantial tribute to the integrity, prudence and skill with which the finances of Maine have been managed. To furnish means for payment of the bounties ordered by the Legislature of 1863 to soldiers drafted under the Conscription Act, another loan of \$500,000 was authorized. On the fifteenth day of August last, the Treasurer, to meet the calls on that account, negotiated bonds to the amount of \$475,000, which yielded \$503,-131.25, being a premium of \$28,131.25. At the date of this last sale, the United States 5-20 bonds, the interest payable in gold, and selling at par, had become a very popular investment, yet your own stocks even by the side of these commanded the very handsome premium named.

This is the explanation of the increase of the State debt the past year, being \$100,000 less than the amount authorized by law, and \$50,000 less than the loans, in consequence of the payment of that sum on that portion of the former public debt which matured during the year.

To provide for the payment of the interest of the public debt, and in some part for the other extraordinary charges of the government, the Legislature of 1863 increased the State tax of that year by the addition of a mill on the dollar of valuation to the tax of the previous one. In consequence of this enlargement, and by the aid of the payments from the Land Office, there will probably remain, after deducting the sums needful to carry on the government of the State for the year 1864, meeting the ordinary expenses and the interest of the debt as it stands to-day, the sum of \$100,000, to be applied to the liquidation of the liability of the State to the cities and towns for aid furnished the families of soldiers in 1863, leaving, however, a large balance still due them to be otherwise provided. What that balance will be, cannot be precisely known until the returns are made from all the municipalities, which will be at an early day.

Of the half-million loan of the 15th of August last, for the payment of bounties, there remain unexpended two hundred and twenty-two thousand four hundred and thirty-five dollars (\$222,-435.00) ; and whatever sum may be demanded beyond that, to meet the calls of existing laws for that purpose, or such further laws as may be made, it will be necessary to resort to the credit of the State.

While both justice and necessity compel us to impose upon

those who are to succeed us in the advancing generations, a portion of the burdens of the conflict in which we are engaged, sharing as they will the benefits of free government, for the maintenance of which upon the face of the earth we are now struggling, not only for our own posterity, but for the human race, exempted as they, we trust, will be from the bloody sacrifices of these days, I conceive it still to be our duty to assume such portion of the great expenditure as we may be able, without oppressing our people. The apprehensions of an entire stagnation of business, excited at the outbreak of the rebellion, have been dissipated, and the loyal States, not the theatre of actual war, have enjoyed an activity in almost all the pursuits of life, generating a prosperity as marvellous as the tales of the Arabian Nights. It is true that the debts of the nation and States as such have been enormously increased, but probably at no time in the history of the United States have the debts of the citizens individually been so small, or the business of the people conducted so nearly on a cash basis, as at the present time. Though the prices of what our people consume have largely advanced, the price of what they have to sell, whether it be the product of field, forest, ocean, mine, or mechanic art, enjoys an equal enhancement and ready demand, and the same is true of the most unskilled labor. As the result of this state of things, there never was a time when money was more universally in the possession of, or within the reach of all. In view of which I submit, whether at least for the ensuing year it is not expedient to make some addition to the State tax, saving to that extent the necessity of a loan.

For the details of the financial condition of the State and the operations of the Treasury, which you will find interesting and instructive, I refer you to the report of the Treasurer of State.

BANKS, ETC.

In 1862, the Government of the United States, and the banks of the entire country, having by the exigencies of the times been compelled to suspend specie payments, the Legislature of this State, passed an act to expire in a year, exempting the banks thereof, from the severe penalty imposed by their charters, for failure in this respect, not however relieving them from the duty of a faithful performance of their obligations. This act was renewed in 1863, the Government of the United States having, in the meantime, issued its own circulating notes, and sanctioned the same as a legal tender. As the reason originally existing for this legislation, still abides, enforced by the consideration, that the legal tender notes of the United States, will discharge all the pecuniary obligations as well of banks as individuals, I recommend the further extension of the same.

In consequence of the imposition by Congress, of a tax upon the circulation and deposits of the local banks, the Legislature of 1863 conditionally remitted one-half of the State tax, imposed upon our banks by their charters. This was clearly and only an act of justice, inasmuch as national legislation, by the tax, and the creation of banks, infringed largely upon the special, and heretofore exclusive privileges of the State institutions, for the concession of which the State tax was the consideration.

It is now proposed to add still further to the national burden, upon the circulation and deposit of these institutions. Such additional duty is recommended by the comptroller of the currency, and has the sanction of the Secretary of the Treasury of the United States. Under the weight of such additional tax, it is clear, that the State banks at an early day, must retire from business; the remission of the remaining half of the State tax, will be insufficient to enable them to continue in operation. The national tax on circulation and deposits, exceeding two per cent., our domestic taxes, at least two more, the three per cent. deducted from dividends for internal revenue, to all which adding the expenses of managing the institutions, leave so small a residuum for the use of the capital, that it will be withdrawn for some more profitable employment.

That an increase of taxes under the internal revenue act, is demanded, to realize from that source supplies equal to the necessities of the government, is not to be doubted; but without further impositions, no class of securities is subjected to so heavy a burden as bank stocks. I assume, however, that the object of this proposed additional levy, on the circulation and deposits of the local banks, is in conformity with its probable effect, viz., to cause them to give place to the new national banks, based on the securities of the United States. The design of these banks is first to provide a uniform currency through the United States; and secondly, by their absorption of the bonds of the government for the basis of their circulation, to furnish supplies to its treasury.

The circulating notes of the banks in New England have enjoyed such a credit, as to leave little to be desired in that particular. The banks of Maine have well answered the objects of their creation, the per centage of loss by failure has been insignificant, the community understand their character and confide in the integrity of their managers. With one or two exceptions, the banks now in operation in this State, have been doing business from ten to fifty years, in which time they have earned the reputation they enjoy. But if the occasion demands the surrender of the charter of the local banks, to the end that the government may obtain its needful supplies, their stockholders will avail themselves of the right conferred by the Legislature of 1863, to close their several institutions.

That the creation and general employment of these national banks, will tend decidedly to strengthen the national credit, and, by consequence, the national government, by interesting pecuniarily every citizen in its stability, is unquestionable. The diffusion of the national stocks has largely produced that effect, while the circulation of bills, reposing thereon for security, by the inevitable law of self-interest, will command the aid of every man who holds a five dollar note, in upholding the government.

The finances of the United States have been managed by the Secretary of the Treasury with surpassing ability, during a period more trying, than it was, perhaps, ever the lot of any other people to pass through. The credit of our country stands peerless, commanding its daily millions for the national supply, and the genius which devised the system by which this result has been wrought, commands universal homage. But there is still another element, towering above all financial genius or wisdom, which, coöperating with the illustrious financier, has placed the national credit on a rock. It is the uncalculating patriotism of the American people, pouring into the national coffers their garnered wealth, which they had stored beyond the computations of the statistician, with a profusion which amazes mankind, trusting their country as a child its father, with a confidence which will not be shaken, while that country needs a dollar for its defence, and they have the dollar to contribute.

MILITIA.

At the foundation of our National Government, a deep-seated hostility to standing armies existed among our people, and that sentiment was truly represented by the men who framed the Federal Constitution. British regulars had been employed for their oppression, and our fathers took good care that no such effectual instrument of tyranny should exist under the government they created. That sentiment descended to their children, and the standing army of the United States was never large enough to picket the shortest boundary line of the Nation.

But with all this feeling, these wise men were not blind to the necessity in every well ordered government, of a competent military establishment for national defence, and to arm the magistrate with the power of enforcing the laws. Accordingly the Constitution of the United States authorizes Congress to "provide for organizing, arming and disciplining the militia," "reserving to the States, respectively, the appointment of the officers, and the authority of training the militia, according to the discipline prescribed by Congress." Article two of the amendments to the Constitution declares, "that a well regulated militia being necessary to the security of a free state, the right of the people to keep and bear

arms shall not be infringed." This declaration contains not only a substantial guaranty of a right of the people, but an axiom of practical wisdom, the disregard of which has brought heavy penalties on the nation.

Complying with these constitutional requirements, immediately on the establishment of the government of the United States, Congress and the States made provision for organizing, arming, equipping and training the militia. For many years a lively interest was felt in this branch of the military establishment. Commissions in its service were regarded as objects of an honorable ambition, and its titles, for a long time, as evidences of consideration and worth. European wars, commencing almost immediately after the birth of our nation, and raging so many years, coupled with threatening complications in our own affairs, first with one belligerent and then the other, and finally ending in 1812 in war with Great Britain, kept alive, in the bosoms of the people, a sense of the necessity of a well-regulated militia.

After the pacification of Christendom in 1815, no war upon an extended scale occurred for many years. So large a portion of mankind returning from the pursuits of war to the arts of peaceful life, and continuing therein so long, it seemed as if the world was about to realize the vision of the prophet, and that the ploughshare and pruning hook were destined to supplant the spear and sword. In our own happy country, blessed as was never a nation blessed before, a conviction seized the minds of the people that the iron hoof of war was never again to press her soil. Comparatively secure from foreign attack, by reason of the remoteness of our national position from any power which could menace us with real danger, as well as in our conscious and conceded strength, a sentiment obtained that military preparation on our part was unnecessary and idle, and that the military duty exacted of the citizen was a burden, attended by no corresponding public benefit. At length military service became so distasteful, that modifications of the law requiring it commenced, and finally the whole system of active militia was abandoned. This is its history in Maine.

The doctrine of the fathers was, that every able-bodied citizen, during the period of full, manly strength, owed military service to his country. Recognizing this principle, article seven, section five, of the Constitution of Maine, has the following provision: "Persons of the denominations of Quakers and Shakers, Justices of the Supreme Judicial Court, and Ministers of the Gospel, may be exempted from military duty; but no other person of the age of eighteen, and under the age of forty-five years, excepting officers of the militia who have been honorably discharged, shall be so exempted, unless he shall pay an equivalent fixed by law." Language cannot be found more clearly to assert the universality of

the obligation of military service upon the citizen than is contained in this article. The exemptions therein specified are not mandatory, but simply permissive, out of tenderness to conscience, regard for the public necessities, and the acknowledged incompatibility of the clerical profession with military pursuits.

During the last summer, when the surges of hostile invasion were heard like the distant note of the ocean, rolling towards the borders of the loyal States, your Chief Magistrate was interrogated by the Secretary of War as to the number of regiments of militia Maine could furnish to aid in repelling the impending attack. It is unnecessary for me to say to you what his reply was,—what it only could have been. Thus appealed to for help, the people of Maine could only fold their arms, bow their heads in sorrow, if not shame, and await the inevitable shock; they had no power to help their brothers, who had gone out from among them, in the time of their exigent need so near at hand. This too, gentlemen, when there were at home thousands of stalwart arms and willing hearts utterly unavailable, by reason of an almost criminal neglect of an obvious constitutional duty. Thanks be to God, and the valor of the army of the Potomac, after weary and bloody days, the foe at Gettysburg was baffled and beaten back. The thought of a different result drives the blood to the heart.

Well had it been for our nation had the teachings and practices of the founders of our government been heeded. Had we enjoyed the blessing of a well regulated militia, the loyal States would not have been so illy prepared to meet the rebellious hosts who sought the nation's destruction.

Admonished by the experience of the past, I have felt compelled to urge upon you the necessity and duty of making legal provision for supplying this deficiency and omission. In all States, necessities far short of actual war, may call for the employment of military force—all States are liable to be plunged into war almost without notice or time for preparation. It is a wise sentiment, that the preparation for war is the best security against it. Situate as Maine is, a frontier State, contiguous to the territories of a power with whom the shadows of a collision have flitted athwart the horizon more than once since the commencement of our civil war, growing out of circumstances keenly wounding the national sensibilities, but which under the influence of wise and forbearing councils we may hope have passed away, it is nevertheless a duty we owe to ourselves and our State to see to it that this matter of a well-regulated militia shall be no longer neglected.

EDUCATION.

The subject of education is one which in Maine never falls on an inattentive ear. The duty of making adequate provision for the

education of youth is enjoined upon the Legislature by the Constitution. This duty is one which continually abides. Pressing as are the calls on the Treasury, the present is no time to indulge in lavish expenditure upon any object, but education is one of the last to be neglected.

A grant of four half townships of land was made by the State the last year for the endowment of two normal schools, to be established, one in the eastern and the other in the western part of the State. Farmington and Castine have been selected by the commission appointed to make the location, as points combining more of the desired advantages than any other of the villages which were competitors therefor—each enjoying a delightful situation, a salubrious climate, and easily accessible, one by rail, and the other, under arrangements made, to become so by steamboat, they fairly fulfil the conditions of the law. There is no reason why youth seeking the advantages of these institutions, removed from the bustle and temptations of larger towns, may not vindicate the wisdom of those who so long have urged their establishment. I refer you to the elaborate report of the Superintendent of Common Schools for further details in relation to these, as well as for information in regard to the educational interests of the State, committed to the charge of that officer.

By act of Congress, July, 1862, was granted to the several States, which should accept the same, and comply with the conditions, an endowment of thirty thousand acres of land for each federal senator and representative, being to this State two hundred and ten thousand acres. The purpose of this grant is declared to be, for "the endowment, support and maintenance of at least one college," (in a State,) "where the leading object shall be, without excluding other scientific and classical studies, and including military tactics, to teach such branches of learning as are related to agriculture and the mechanic arts, in such manner as the legislatures of the States may respectively prescribe, in order to promote the liberal and practical education of the industrial classes, in the several pursuits and professions of life. Among the conditions it is required "that the State shall keep the principal of the fund good forever," except that "not more than ten per cent. of it may be applied to the purchase of lands, for sites or experimental farms, by authority of the legislature," "but no portion of the fund, or its interest, to be applied for the erection, preservation or repair of buildings." "The annual interest of the fund shall be regularly applied to the declared object of the grant." Five years from the date of the grant are allowed, within which to establish the institution. The Legislature of this State by resolve, March 25th, 1863, accepted the grant, and directed the Governor to notify the President of the United States thereof, and he was also authorized

to receive the scrip for the land. A board of thirteen regents was likewise created to take an assignment of the scrip issued to the State, to locate the same in their own names, for the use and benefit of the State, and for the object proposed by the act of Congress. The Governor was authorized to assign the scrip to the regents, but not before another session of the Legislature. The regents were likewise authorized to solicit subscriptions and proposals for the location of the college, to deliberate upon and consider the advantages of various locations, and examine similar institutions in other States. The regents are to be chosen by the Legislature, on joint ballot, and to receive no compensation for their services.

This is a summary of the leading points of the legislation on this subject. No election of regents having been made, there has been no progress in the advancement of the object, and the whole matter is open, without any embarrassment, for you to adopt such measures as you may believe best adapted to fulfil the purpose of the grant. It is evident that while the endowment was intended to be liberal on the part of the National Government, it was also expected that the States, each for itself, were to become the patrons of these institutions. While among the sciences to be taught, it is declared that the leading object is to teach those relating to agriculture and the mechanic arts, the language of the act making the grant, declaring specifically that it is not its purpose to exclude other sciences, is pregnant with the conclusion that the design was to establish institutions of learning of the highest order, for its scope is as comprehensive as its whole spirit is liberal.

Anxious as are the people to secure the benefits of this grant, at the present time, the pressure of taxation weighing heavily, and the calls for money for the necessities of the war are so imperative, it is for you seriously to consider and determine in what way this may best be accomplished. I am aware of the emulous rivalries likely to arise among existing institutions, upon the proposition to connect the agricultural college with some of them. The movement last year in that direction met with very slight favor from the Legislature, and it was indeed premature, for the subject was new to the people, and had been very little considered.

If Maine is to have the institution which this grant designs, the Legislature will find it necessary, either to endow a new one, with a very liberal amount of funds to start it, to be followed by annual appropriations for its support to the end of time, or avail itself of some one of those already existing, which has been heretofore the recipient of the bounty of the State, securing thereby edifices, library and laboratory—the gathered results of large expenditure and patient effort, indispensable to the proposed institution, demanded by the purposes of the grant, and the first and most expensive to be provided by the State. Without the slightest preference

on my own part, as to what institution shall be selected with which to connect the agricultural college, my convictions are very decided that it is expedient to adopt some one of them, should the Legislature decide to act definitely on this subject at the present session. The unsettled state of the country, combining with the operation of the national homestead law, to depress the value of the public domain, forbids any undue haste in committing the State beyond recall to either course of procedure.

PUBLIC INSTITUTIONS.

For a detail of the condition of the various public institutions, depending in whole or in part on the public treasury, you are referred to the reports of the several officers having the same in charge.

The asylum for the insane, during the past year, has been occupied to the full extent of its capacity. Its history and experience fully vindicate the wisdom of the public favor and private benevolence which founded and has sustained it. As a refuge for those afflicted by the most fearful calamity which waylays a human being, it is worthy of all the aid it may require from the Treasury.

The institution for the reformation of juvenile offenders, however much public opinion may have been divided at the outset as to its utility, has grown in favor under the management of its present head, and I recommend the necessary appropriations to sustain it.

The reports of the Warden and Inspectors of the State Prison, detailing the operations at that institution for the six months ending December 1, 1863, indicate a more prosperous state of affairs. This has been an exceedingly expensive establishment, and while in other States the labor of convicts has been made largely to contribute to defray the expenses of their subsistence and custody, ours has been a constant drain on the Treasury. I commend this institution to your special attention, with the hope that under apparently improving circumstances, a system of management may be adopted, which shall result in placing the State Prison of Maine on a footing with those of other States which have been to a degree self-sustaining.

For the other charities of the State, for the deaf, dumb and blind, you will of course make the usual appropriations.

The report of the Secretary of the Board of Agriculture, bearing the impress of the peculiar ability of that officer, contains much valuable information relating to that predominant interest of our people, and will, I trust, receive a wide dissemination.

PUBLIC LANDS.

In regard to the public lands, I am not aware that any change in the laws regulating their management is at this time demanded.

The policy of the State is exceedingly liberal, so far as the promotion of the occupancy of its settling lands is concerned. The conditions to be performed which secure a title to a homestead being the payment of fifty cents per acre in labor on the highways, and the performance of settling duties ; or, in substance, that the settler shall make himself a home on his lot and a road to or across it.

There have been some sales of timber lands the past season, the first for ten years, and at very satisfactory prices. I think that there exists in the public mind a very vague and indefinite idea of the quality and value of these lands. The purchase of Massachusetts nominally large in its number of acres, added but little to this class. The lands which that Commonwealth had held in severalty, and which Maine acquired by the purchase, came to us for the most part, burdened by permits or licenses to take off the timber, for which Massachusetts had been previously paid. These licenses are, the most of them, determinable when the land shall be needed for settlement, but that time is indefinite, and may be remote, and is not unlikely to give rise to controversies between the State and the parties permitted.

I think it very desirable that the public domain should be classified according to its various qualities, as timber, settling and waste lands, and that a report thereof be made, with the quantities of each, and the location, and incumbrances, if any, upon every tract, to the end that the Legislature and the public may obtain a more definite idea of the description, value and quantity of those lands, than now prevails. This may be done by a Commission, of which the Land Agent should be one, or perhaps by him alone. The lands all having been surveyed at least into townships, the greater part of the information necessary to make the classifications may be found in the Land Office.

A practice has prevailed within a few years past in making grants of land, of doing it by parcels, giving thereby a wider range of selection. If the grant is for an equivalent of a township, instead of a township in terms to be located "in solido," it is made a grant of two half townships, which may be located remotely from each other, and absorb the entire value of two townships. The effect of this course of procedure is to leave the State only the poorest of its lands. Regarding the practice as objectionable, and injurious to the interests of the State, it is for you to treat the suggestion with whatever consideration you may regard it entitled to, in the event that you shall be called on to make any grants of land.

For an account of the operations of the Land Office, you are referred to the report of the Land Agent.

CAPITAL PUNISHMENT.

There is another topic which I would gladly avoid, but a sense of public duty forbids silence. I allude to the punishment of capital offences, and the condition of things, which has grown up, in consequence of the omission to execute the laws of the land, in that regard.

In 1837, as the result of a protracted agitation of the proposition to abolish capital punishments, the public sentiment of the State having rejected it, there was added to the laws prescribing the punishment of capital offences, a provision that persons convicted thereof should be sentenced to solitary confinement and hard labor, in the State Prison, until the punishment of death should be inflicted, which is forbidden to be executed, within a year after sentence or judgment. From that time to the present, no criminal has been executed in Maine under the laws of the State.

To exempt a magistrate from the necessity of participating in the enforcement of a law which deprives a human being of life, must be grateful to his humane sensibilities. It is not, however, a question of what is agreeable or painful, in official duty, with which we are called upon to deal in this matter, but it is a question of what that duty is. By none of the ordinary rules of interpretation applicable to statutes, can any other conclusion be arrived at, than that the purpose of the modification of the law was to afford the capitally condemned criminal a year of grace, after conviction and sentence, as a period for repentance and preparation for the doom awaiting him, and likewise an opportunity for procuring proofs, if such should exist, that the conviction had been effected by falsehood or mistake.

The duty imposed upon the Chief Magistrate by the terms of the law, after the expiration of the year of grace, remains prescribed in the same language as it was before the introduction of that modification. Prior to the change, the Governor was required to fix the day and issue the warrant for the execution; the same duty is still imposed upon him in precisely the same terms, except that he shall not do so till the expiration of a year after sentence. If anything more were needed to strengthen this conclusion, it is to be found in the legislation of 1840, prescribing by whom execution shall be done upon criminals condemned to death, who shall be present as witnesses, and other details, all of which legislation was reiterated and confirmed in the revision of the public laws in 1857. The embarrassment in this matter, arises not so much from any difficulties in the law, as from the fact of its non-enforcement for twenty years.

During this period the number of felons convicted of capital offences, has most disproportionately increased over the two previous

decades, there being at this time in the State Prison, under sentence of death, no less than twelve convicted murderers. One of these has been imprisoned about twenty years, and others for shorter terms. In all these cases, the omission to commute their punishment, leaves the criminals subject to the extreme penalty of the law. Deserving, as they doubtless were, of its infliction, at this late day, to require the Chief Magistrate of the State to issue the warrants for their execution, would be regarded as little short of cold-blooded, vindictive murder. What then shall be done?

The argument most relied on by the advocates of the abolition of capital punishment, that the safety of society would be as well assured by the imprisonment as by the death of the criminal, in consequence of the increased certainty of conviction and punishment, resulting from its abolition, has been signally negatived by the statistics of crime in this State.

The following is an extract from a communication made to me by the Attorney General of the State :

" Murder is alarmingly on the increase. During the past year there have been three death sentences ; two verdicts of guilty of murder in the first degree in addition, which have not come to sentence ; one indicted for murder, died before trial ; one indicted for murder in the second degree, admitted to bail ; one found guilty of manslaughter on an indictment for murder ; one other trial for murder (which it was admitted *some one* had committed), but the jury disagreed ; and two are in jail for murder, not indicted ! "

One of these convictions furnishes melancholy evidence that those to whose custody is committed the criminals condemned to death, are not safe from homicidal assault. A warden of the State Prison has fallen a victim to brutal violence, and though his life was not taken by a criminal at the time condemned to death, it equally illustrates the fact, that were imprisonment the extreme penalty, the lives of the officers would have no protection in the law, for it has already inflicted its utmost vengeance. I submit, gentlemen, that this is a fearful record. It is time that the complications which perplex this subject should be unravelled, and that the measure of the punishment for the crime of murder, should be made certain.

With regard to those who have been convicted in former years, and are now in prison, their year of grace having expired, commutation of their punishment to imprisonment for life, would dispose of the embarrassment growing out of their numbers, and the delay to execute the law upon them when the knowledge of their crime was fresh in the public mind, and the justice of the punishment would have been fully recognized. This much would devolve upon the Executive. For other cases, let the Legislature fix a day

certain, after the expiration of the year of grace, on which execution shall be done upon the criminal capitally convicted, leaving no discretion in the Chief Magistrate but to issue the warrant for execution, unless circumstances should demand his interference as an act of justice and mercy.

SOLDIERS' VOTING.

The justice of extending to our citizen soldiers in the field an opportunity for exercising the right of suffrage in our elections has been considerably discussed and generally conceded. The experience of other States goes fully to establish the fact that the votes of the soldiers may be so taken as to preclude either fraud or abuse upon the elective franchise. Because a man for the time being becomes a soldier in defence of all that is dear to the citizen, his interest in the welfare of the state and nation is neither changed nor diminished but rather augmented and intensified by his consecration of himself at the peril of his life to their service. Why, then, should he not be permitted, wherever he may be, upon the happening of an election at his home, to enjoy the consideration of a citizen, and cast his ballot? And why should he be denied the privilege of helping to shape the policy of the government in which his interest is certainly not less than that of those remaining securely at their firesides? On the return of the soldier to his home he finds himself in possession of all the political rights he ever enjoyed. These do not become changed even by a three-years' absence.

To secure to him during this absence the exercise of the highest of these rights was the subject of favorable recommendation in the annual message of my predecessor. It did not come up for action in the Legislature until a late day, when it failed not for want of friends to the object, but because of objection to the particular form in which it was presented; and in the great hurry incident to the closing days of the session, there was not time to mature the requisite bill and resolutions to accomplish it.

As to the precise mode by which the end is to be attained, the large amount of legal learning which your several bodies comprise will doubtless enable you to frame and adopt such resolutions and bill as will extend fully the right of suffrage to the soldier in the field, as will guard well the elective franchise from abuse, and at the same time meet all constitutional requirements. So many thousands of our fellow-citizens volunteering to leave home and friends and the comforts of peaceful life to defend our common rights, I cannot doubt will be enabled by you, sanctioned by the coöperation of the people, to cast their votes for President of the United States in the election which is to take place in November next.

RECIPROCITY TREATY.

In the course of the present year expires the term after which the so called Reciprocity Treaty between the governments of the United States and Great Britain may be rescinded, at the pleasure of either party, on giving a year's notice. This treaty from the outset has been regarded as unfavorable to various leading industrial interests of the people of Maine, and the Legislature in 1862 adopted the following resolve :

“ Resolved, as the sentiment of this Legislature that it is the duty of the National Government of the United States to give notice to the British Government that the Reciprocity Treaty so called will be rescinded on the part of the United States at the expiration of the time to which its operation is limited by its terms, to the end that, if any, a new arrangement may be made with the British Government, which shall be more just and equal and properly guard and protect the great interests of this State, which are injuriously affected by the present treaty.”

In 1854, at the date of the treaty, the lumbering business, a leading branch of the industry of our citizens, enjoyed a great degree of prosperity, but from that time, when the markets of the United States were opened to the free importation of Canadian and other provincial woods, that prosperity was smitten as with a frost bite. Many parties employed in that business were utterly ruined, and for years it did not enjoy a single season of fair success. The value of timber lands in Maine, owned as well by the State as by individuals, was greatly diminished. The vast milling property employed in the manufacture of lumber also suffered. It is doubtful if any act of the Government, operating so injuriously upon private interests, was ever so uncomplainingly borne.

Of the lands purchased by this State of the Commonwealth of Massachusetts in 1853, and to which it was influenced among other causes by the prosperity of our lumbermen at that period, until the present year, only the most insignificant quantities have been sold, the stagnation in the demand forbidding the offering of public lands for sale. It is true that at the present moment, under the influence of a disturbed currency, and probably the closing of the lumber ports of the South, our citizens engaged in bringing the forests to market are enjoying a good degree of prosperity ; but with the subsidence of the cause, which peace will bring, must return the former depression.

What is true of the lumberman is likewise true, to a large extent, of the agricultural interests of our country. There is no article produced from our farms, that is not met in our own markets by similar articles from Canada, New Brunswick, Nova Scotia and other British provinces, reaching those markets under advantages

superior to those enjoyed by citizens of the United States. The schedule of articles made reciprocally free by this treaty contains very many which can be produced and are produced by our own citizens equal to any possible demand, of the best quality, and at most reasonable prices. The soil and climate of the United States and of the provinces with which this trade is established, are precisely similar, and their productions homogeneous. This treaty in terms gives us another market, but in point of fact it is an utter delusion. The whole advantage of the treaty is with our provincial neighbors. It grants to them that ever consuming demand of British commercial policy, a market—a market for their surplus products of field and forest, giving us in return access to their markets, which our people can never seek, for the reason that they are at all times gorged to repletion by the provincials themselves. It is not necessary in this connection to enter into any discussion upon the merits of free trade or to complain of colonial legislation impairing some of the anticipated advantages of the treaty. For us as a nation the dream of free trade is ended. Engaged as we are in the prosecution of a war upon a scale of unparalleled magnitude, our financiers and statesmen are perplexed to provide means of supplying the national treasury, and sustaining the national credit. The tax-gatherer is met at every door, but there is not a loyal man to whom he is an unwelcome visitor, for loyalty greets it not only as a duty but a pleasure to contribute of its substance to the nation's need in its time of trial. The range of dutiable articles has been so enlarged as to embrace some coming almost within the category of the necessities of life, consumed alike upon the tables of the rich and poor, and upon which for a generation the tax-gatherer had not laid his finger. While our own people are so taxed, and bearing this all so cheerfully, without a whisper of complaint, because demanded by the necessities of the country, is it not unjust that citizens of foreign states, who contribute not a penny to the support of our government, should be admitted to an equal participation of commercial privileges with our own citizens, and to their serious injury?

The terms of the treaty, providing for its abrogation after ten years, clearly indicates that it was regarded as an experiment. As such, it has been so sufficiently tested by the people of Maine, that a large majority desire neither its continuance nor repetition. In one point it has most signally failed, and that is in winning for the United States the good will of our territorial neighbors; and the government, in terminating this treaty, is relieved of all embarrassment on that account.

I commend this subject to your consideration, and that you take such action in the premises as, upon an examination of the same, you may believe the interests of your constituents demand.

COAST AND FRONTIER DEFENCES.

Upon the call of this State by the resolves of the Legislature, touching the defenceless condition of her coast and north-eastern frontier, and the urgent solicitation of my predecessor, the United States, in addition to large expenditures upon the permanent fortifications in the harbor of Portland, at the mouth of the Kennebec river, and the narrows of the Penobscot, has constructed earthworks at Rockland, Belfast and Eastport, at each of which places two batteries of five guns each have been mounted, while both at Castine and Machiasport a single battery of five guns has been supplied. These earthworks are, indeed, but temporary defences, though it is believed that properly manned they would afford sufficient protection against any mere piratical cruisers, for when sufficiently enlarged, they have proved very formidable, as a means of defence, against imposing squadrons.

There are still other points on the coast calling for defensive precautions, which the government of the United States will doubtless provide, having already indicated its purpose to do whatever may be needed to render the towns on the seaboard secure from surprise by attacks from the ocean.

In relation to the north-eastern frontier, the only means suggested for its defence, is the construction of a railroad, connecting it with our interior lines of communication, by which an army, with its munitions and supplies, can be rapidly concentrated on its line, or at its terminus. As yet nothing has been accomplished towards securing the national aid for this great object. Thus far the railways of Maine have been the results of private enterprise, aided, in some instances, by the credit of certain municipalities. They have received no aid whatever from the National Government, by land grants, nor even by the refunding or remission of duties upon railroad iron, (except, perhaps, in a single instance,) both of which have been largely enjoyed by other States.

In happier days, and as a means of development, the State, forbidden to use its credit for the purpose, made, on certain conditions, a grant of the public lands to the Aroostook Railroad Company. The conditions not having been complied with, the grant lapsed. It was then, and is now apparent, that the construction of a railroad, whether for defence or development, to the eastern or north-eastern frontier of the State, within a reasonable time, can only be accomplished by a combination of private enterprise and government aid, State or National. That, under the circumstances, Maine is fairly entitled to call on the Government of the United States to aid in so important a work of defence, the defence itself being a national obligation, is very clear.

The towns upon the St. Croix are liable to isolation and capture,

by land attack, in the event of a rupture with Great Britain, for lack of speedy communication with the more densely populated portions of the State. While the Government of the United States has been erecting its defences at Eastport, the citizens of that section have interested themselves in endeavoring to secure a connection between the railroads on that river and on the Penobscot; and although it is but a common turnpike that is proposed by them, it will reduce very much the time, which is now the measure of distance, from the one point to the other. As a purely defensive measure, in the absence of a better, our fellow-citizens in that portion of the State are justly entitled to your favorable consideration.

The very recent alarm on our eastern border, excited by rumors that a raid was being organized in the neighboring Province of New Brunswick, under rebel auspices, for the purpose of devastating our cities and towns, is an imputation of inefficiency in the police of that province, so gross as to be incompatible with good faith. As such, I should profoundly regret its verification. The incident, however, emphasizes the propriety of establishing, at an early day, some more speedy means of communication, than is at present enjoyed with that frontier.

PRIVATE RELIEF TO SOLDIERS.

This war, fruitful as it has been in stimulating the inventive genius of our countrymen to devise new methods of defence and destruction, has also developed a spirit of humanity strangely in contrast with the inevitable barbarities of war. The charities of our people, like everything else connected with the war, have been gigantic in their proportions. The cry that our soldiers are suffering, is the "open sesame" that unlocks all hearts, and at its call, no matter how oft repeated, affluence pours forth its abundance, and penury contributes its mite for their relief. The women of the country, in this, as in every labor of beneficence, the first to enter and the last to retire from the field,—from city, village, and hamlet have sent forth a continuous stream of the fruits of their industry, to make comfortable the frame of the suffering soldier, and to cheer his heart by these reminders, that, though far away, he is still the object of their kind regards.

The self-appointed Commissions, almoners of the people's benevolence, have nobly done their duty. The opening volley that announces a battle commenced, is a signal for their agents to rally, and the echo of the last gun dies not away, before they, like angels of mercy, have gathered on the field of strife, to administer relief to the wounded and consolation to the dying—to friend and foe alike. They deserve the thanks of every man and woman in the

country, for these labors of love, and, I doubt not, will be enabled to continue them, by the unflagging liberality of the people.

PRESIDENT'S PROCLAMATION.

In the scale of recent national events, the fact which most prominently challenges the attention and sympathy of Christendom, is the Proclamation of the President of the United States, declaring the emancipation of the slaves in the States in revolt. Having given timely warning to the rebels to lay down their arms and return to their allegiance and duty, under the penalty of this assault upon their right to hold their fellow men in bondage, the madness which precedes destruction made them deaf to the warning, and this bolt, which but for the rebellion could not have been forged, was hurled at their cherished institution.

No measure of the government has called forth such fierce invective, or evoked more constitutional criticism. Those who at the outset of the rebellion, and before any act of war, denied the right or power of the nation to maintain its authority, or, in their own stereotyped phrase, "to coerce a State," and who at no time since have yielded any moral support to the government in its fierce struggle and extreme need, but for a time were awed to apparent acquiescence by the earnestness of the people, on the issuing of this Magna Charta of freedom to an oppressed and despised race, instantly raised their voices in denunciation of the Administration, for waging a war for the abolition of slavery, and not for the restoration of the Union. The want of constitutional power, that objection which always commands a respectful consideration, is urged against it.

That in time of peace, either the President, or Congress, separately or in conjunction, had any authority whatever over slavery in the States where it existed, was never pretended; no attempt to interfere therewith was ever made by either, prior to the outbreak of the rebellion, and that no party in the country desiring such interference in the States ever commanded the support of any respectable number of persons, is as well known as any other fact in American history. The rights of the States in this regard, were under the protection of the solemn guarantees of the Federal Constitution, which the nation never violated. But a portion of the slaveholding States, not satisfied with the religious observance of these obligations and guarantees, and spurning still others which were proffered in good faith and friendship, trampling upon that Constitution, sought to place the institution of slavery upon a more steadfast foundation, by destroying the government which had been its shield and buckler, and to give it a wider expansion in the national Territories, which they confidently expected to clutch in the rapine of empire.

Thus and for this the war began. At its commencement, it was the hope and expectation that it would be of short duration; that the citizens of the States in revolt would become convinced that no invasion of their rights was intended, and that upon sober second thought, they would return beneath the folds of the flag which was the symbol of our common glory. Beyond the punishment of some of the more prominent and flagitious criminals who incited the rebellion, no other thought entered the mind or the heart of the loyal people of the country, than to welcome back those who were regarded as erring brethren, to the protection of that government which had blessed them so greatly, which they had enjoyed so long, and to the possession of their ancient rights. These expectations have been disappointed, and the progress of the war, while its objects have not been changed, has developed the necessity of a change of instrumentalities, by which it is to be prosecuted to a successful conclusion.

Measures which in the beginning would have been rejected, and from which a large proportion of the loyal people of the country would have shrunk, have at length become inevitable. The national necessities have demanded that all the national resources should be marshaled for the conflict. The decimated ranks of the army demanded fresh recruits; men were needed to work on fortifications; laborers were required to cultivate abandoned plantations; the traitor enemy had these men; and just so far as we could strengthen ourselves by winning them to our side, in that proportion we should weaken our foe. Hence the emancipation proclamation of the President, and the cognate legislation of Congress. A people involved in such a war, who should fail to avail themselves of such a resource, would be set down as stricken with judicial blindness; to omit to do so would be traitorously to strengthen the foe.

That in addition to these for us vast accessions of strength, and corresponding depletion of the rebels, there comes the other fact that a race whose inheritance, for centuries, has been ignominy and oppression, to whom God's word has been a sealed book, hedged in by penal enactments, who are denied all means of enlightenment, and all recompense for their toil; among whom marital obligations are not permitted; whose affections are treated with the same tenderness as that accorded the lowing herds; for whom there has been no refuge but in the grave, where "the servant is free from the master," "and the weary be at rest:" that such a race should be summoned to the rights of a common humanity, can excite no emotions but those of satisfaction and thanksgiving in the bosoms of all not dead to a sense of the value of civil liberty.

"Man proposes but God disposes." Opinions, policies, and in-

stitutions are compelled to give way to the inexorable logic of events, for these are the processes of the Almighty. Invoking for the discharge of our official duties the inspiration of His wisdom and the blessing of His goodness, when the period of our retirement from public station arrives, may we enjoy the consciousness of having endeavored "to do the State some service;" and may the banner which floats over our heads this day then cover with its folds a free, peaceful and united nation.

SAMUEL CONY.