

MAINE STATE LEGISLATURE

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ACTS AND RESOLVES

PASSED BY THE

FORTY-SIXTH LEGISLATURE

OF THE

STATE OF MAINE.

1867.

Published by the Secretary of State, agreeably to Resolves of June 28, 1820,
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1867.

GOVERNOR CHAMBERLAIN'S ADDRESS.

Gentlemen of the Senate and House of Representatives:

The period at which we meet is marked by peculiar favors; and it is befitting that we should acknowledge the beneficence of Him in whose hands we are, and gratefully recognize our increased obligation of obedience and love. The clouds under which at some former times you have assembled here have rolled away. Many anxieties with which this year began have been dispelled in its course. The hand of pestilence has been stayed beyond our borders. The last surges of the civil war, whose fearful undertow sucked away our youth and strength, have now subsided. We have welcomed home the last of our soldiers and sailors who shall ever return from the country's defence, and sought the precious dust of those who are left as hostages for her peace. We have cheered as we could the fainting hearts of widows, and filled as best we might the empty hands of the fatherless. We have looked our sorrows fairly in the face and found that we could bear them. And though devastating fires have swept through some of our fairest towns, yet they have been the occasion of bringing out latent activities and fraternal sympathy, which are of no less value to society than more perishable goods. The season has been kindly, the land has smiled with harvests, and everywhere energy and enterprise are striving to make good such losses as can be repaired.

FEDERAL RELATIONS.

Especially should we congratulate ourselves upon the moral and political aspect of affairs. The result of the war has been the vindication of the country's cause, as against that of section; of manhood over the system of master and slave; of the liberty which means law, right, humanity, over that which is lawless, barbarous, and insolent. The people have carried out the pledge inherited from the fathers, to defend the foundations of this Government with life and fortune and sacred honor. And since the contest of arms has ceased, we have seen the people rally with a majesty and might even more sublime, to reaffirm at the ballot-box the vital points of the issue which baseness or cunning sought to elude. Thus the country, fresh from the field of her blood, with banner unspilled, and legend unobscured, proclaims to the world anew

her declaration of great truths, and her own attested, unconquerable devotion.

In this great verdict the people of Maine have borne a leading and a brilliant part. Under circumstances which rekindled all slumbering opposition, they have spoken with a majority unparalleled and overwhelming. This was not merely the calm expression of opinion, but the impassioned declaration of a will, the awful oath of eternal enmity to wrong.

At the close of the war, the secession element was completely disorganized and broken. The South as a faction was disintegrated. The war for secession had revealed the selfish motives and reckless means of its instigators, and had bred bitter dissensions. The Confederacy was held together only by military force. And when vanquished with its own weapons, it laid down its arms, its people were ready, looking at their necessities and their interests, to accept such terms as they knew they could expect from a victor whose magnanimity was proverbial to a fault. And it is not hazarding too much to assert that had no particular policy of reconstruction been interposed, and nothing been attempted but to provide against suffering and protect personal rights in the South until the assembling of Congress—the rightful authority in the matter—the whole country to-day would be in relations far more satisfactory both to North and South. Now, however, the distracted elements have been united; the spirit of the rebellion has been revived to hopes it had abandoned, and with its diverse passions harmonized and excited to the key note of a battle-cry, the South stands to-day in solid and bristling phalanx.

The terms which have been proposed were neither hard nor humiliating. We did not place ourselves on the extreme boundary of our rights, nor plead the precedents of conquerors. But with a magnanimity without parallel, the people of the United States in the proudest moment of their victory, had been willing to forget the sorrows and burdens precipitated upon them by the rebellion, and restore the seceding States to the fellowship of the Union upon the simple condition that the pretensions of secession be repudiated, and that the providential and inevitable results of the war as affecting the rights of American citizenship should be recognized in good faith, and practically embodied in enactment and institution. The lenient measures proposed by Congress were designed to enable the South to take the first step towards return with as little humiliation, and as good a grace as possible. But these good intentions were thwarted, and so it happens that to-day the duty is still before us of securing the great results which Providence, and not our own foresight, has placed in our hands, and of which the same great Power will hold us to strict account.

As affecting the rights and relations of States the decision is

not obscure. There are those indeed who raise the cry that we would destroy State rights and centre all power in the National Government. They press history into service, and condemn us by an argument from analogy, and by a mere illustration. They claim that the tendency of all Republics has been to centralization of power, until the spirit and even form of liberty was lost. But history does not tell of liberty won and lost. Men and nations have striven for it indeed, and failed because they were unworthy. There has been no perfect liberty yet. The goal is still before us, not behind us. We move onward, not in perpetual rounds. We have a higher part to act than to imitate the examples of former greatness, or take warning by the fate of lost Republics. We work by deeper principles, by better comprehension, by wiser faith in manhood; and we have other destiny than to be slaughtered by the old syllogism—centralization, corruption, ruin. The theory we have established is not that the nation is all and the States nothing; it is rather this, that on all questions involving the rights and interests of all the States, we owe a paramount allegiance to the Union, in short that the ultimate authority of the Government is not the will of each State as such, but in the people of the United States. The great safeguard in this principle of the majority is not in the barbarous maxim that might makes right, but in this, that in a country like ours the capacity and opportunity for forming just opinions is so universal that it is more likely that each individual should be right than that he should be wrong.

And the people have now made themselves the "Great Expounders of the Constitution." They have settled forever the meaning of its provisions and the extent of its limitations. They have shown what they mean by the declaration that all men are created equal. They have decided that this is a Republic of the People, and not a Republic of Municipalities, like those which in ancient Greece and medieval Italy gave token how unstable is even Liberty when it does not represent the broad and deep ideas of humanity. They have not, however, abridged the rights of States. If they have insisted on the duties of States as well, it is because they are parts of a concentrated system, where there are centripetal as well as centrifugal laws. One without the other would ensure ruin. Balanced and preserved they ensure that union which is better than unity. The rights of States, therefore, every lover of his country will jealously and vigorously defend. This being the case, it cannot but be desirable that the States of the Rebellion should return to their relations of perfect equality with the other States as soon as will be consistent with the public welfare, and the proper securing of the objects for which the country was founded and defended. And for this no doubt the people of the North are willing and anxious to do everything in

their power. But we are struck with amazement, and thrown upon our guard when we see those who with scorn and contumely spurned the Constitution, and defied the Government, and sought with violence and cruelty to destroy the Union, now demanding, with equal effrontery and the same spirit of violence, without an apology for the past, without a guaranty for the future, the unconditional restoration of their rights under the Constitution, their place in the Union and their prestige in the Government. This is so little in the spirit of surrender as to seem like mockery of triumph. It is Catiline, who instead of being banished for his treason, comes into the Senate and shares in the public counsels.

Gentlemen, an appeal to arms is a desperate resort. It involves the suspension of certain privileges, the abandonment of certain rights, the forfeiture of certain claims. The old relations cannot be restored without a new treaty. They who resort to this highest arbitrament known to nations, must take upon themselves, whether willingly or not, its legitimate and inevitable consequences. War is not a game where there is everything to win and nothing to lose. Those who appeal to the law of force should not complain if its decision is held as final. When men stake their cause on their strongest arguments and fail, it is poor logic to urge weaker ones. And when men make arms their arbiter and are defeated, they can neither expect to dictate terms to the victor, nor to plead with effect the original rights and privileges which they abandoned for a more decisive trial. What they may claim are the terms which honor may ask of valor or mercy of power.

As I understand it, we accepted this gage of battle not simply to restore certain States to their former prestige—to force them back to the exercise of the high privileges which they held of so little worth—but to preserve the integrity of the Union as a necessity of our National existence, to keep faith with our fathers, to vindicate the ideas on which the Nation was founded, and which we believe are yet to work out for it a high destiny. And in this view we are disposed to be neither vindictive nor exacting. But we do demand that the States lately in rebellion shall concede to the loyal spirit of the land the guaranties essential to our future safety as a Union. Less than that we cannot ask without danger and dishonor. Whether we ask more or not depends on the spirit in which we are met. The Constitutional Amendment submitted to the people at the last session of Congress has been received at the Executive Department, and it will become my duty to lay it before you. Imperfect as this was, as hazarding one of the very fruits of our victory by placing it in the power of the South to introduce into the Constitution a disability founded on race and color, still as it was the best wisdom of our Representatives in Con-

gress, and at least a step in the right direction, at the same time that it smoothed the way for the returning South, and especially as it was the declared issue in the recent elections, good faith doubtless requires us to support it. If we are willing to ratify this and abide by it, it will surely testify our conciliatory disposition. The amendment, however, seems to be received with marked disfavor by a majority of the Southern States, and as a measure of policy towards those States, may yet fail. Be it so. If our magnanimity was too great or premature, the South will have saved us the trouble of receding. By their rejection of it the question will again become an open one. Our next proposal will not be less regardful of the rights of humanity.

Nor need we be greatly distressed if all the fruits of this struggle be not speedily gathered. If the complete settlement of these questions is long delayed, it will doubtless be for some deep reason, as were our checks and reverses in the early stages of the war. We shall thus be forced to make thorough work of our reconstruction, and establish ourselves on foundations that will stand. Let not the South grow desperate that they are held for a time in that abnormal position in which they placed themselves, nor let us be too greedy to grasp for untimely fruits, and thus fail of the riper ones. The settlement of such momentous issues may well demand the kindly influences of time.

Loyalty in this State will take no backward step. It can wait but will not yield. It will assure itself of victory so that it may be safe to show magnanimity. So far as you have power, you will not permit the issues practically settled by the war to slip back into a state of doubt or question, nor that in this delivered country manhood shall ever again be denied to man.

It is to be regretted that the usage of the State does not require an address of the retiring executive, fraught as such a document would be with the lessons of experience and the suggestions of wisdom. It will only be expected of me entering a field so different from those in which I have hitherto been engaged, and with little opportunity in an official capacity to acquaint myself with the working of many of our institutions, to present such general considerations upon the condition of the State as a knowledge of her resources, a pride in her high record, a deep faith in her future, together with the opportunity of judging her from a distance in comparison with others, may suggest as suitable to the occasion.

MILITARY HISTORY.

For a full statement of our Military affairs I have the pleasure of referring you to the admirable Report now in preparation by the Adjutant General, to whose fidelity and untiring labors the State and the country is greatly indebted. This work will be in itself one of the most worthy Monuments to the soldiers of the State.

The organizations from this State remaining in the service at the beginning of the last year, have all been mustered out, viz: the 8th, 11th, 12th, 15th, 29th Regiments, and the 1st and 12th Battalions of Infantry. The services of these troops were required for a longer or shorter time after the armies were generally disbanded, but we can now look back on our military history in the war of the rebellion as complete. I may be allowed to say that this record is one of which Maine has reason to be proud. Other States may have given to history more brilliant names, but for the substantial, effective duties of the war on land and sea, she may challenge comparison with any. It is not for me, here at least, to recount her deeds or unroll the record of her fame. The merest statistics will tell with what spirit the State responded to the Country's call. The tables of casualties will show that the men reached the post of danger. But no written history can tell of the fortitude, the courage, the heroic devotion which marked their career.

The whole number of men Maine was called upon to furnish for the war was, according to the last statements from the War Department, 72,365. The number furnished, as appears by the Adjutant General's records, was 72,945, showing an excess of 580 over the requirements of the calls. The discrepancy is probably to be accounted for by the varying figures of the War Department in the matter of calls and credits. These were distributed as follows: In land service, whites 66,076, colored 115; in the navy 6,754. Of these the re-enlistments were 3,400, and the number who paid commutation were 2,000; leaving 67,545 as the number of men who actually bore arms and went forth to meet their country's foes. Of the lives thus offered 3,200 met their fate on the field, and 5,592 were swept or worn away by the hardships and exposures of campaigns. A total of 8,792.

As for the number of wounded it is impossible at present to give an accurate estimate. The ratio of computation is usually five wounded to one killed in action. This would give 16,000 as the number whose wounds were not mortal. A tolerably correct estimate of the number of disabled by wounds or sickness may be made by the report of those discharged, dropped from the rolls, or transferred to the Invalid Corps. The number of Maine troops embraced in this class is 11,309, which added to the sum of the dead, makes a loss of 20,101 of the flower of our youth either killed or seriously disabled.

These statements, striking as they must be, do not yet comprehend all the loss and disability we have incurred in the country's defence. It was found to be one of the most difficult things in the service to obtain accurate returns of the condition and circumstances of the men. From the nature of the case, and sometimes from inexcusable negligence, the officers charged with that duty

failed in many instances to give correct returns. Thus it has happened that men who were reported on the muster-out rolls and discharges as in good health, have reached their homes only to die of wounds or diseases contracted in the service. And how many more who manfully resist as yet the sharp encroachments of disease will be forced to yield to them at last, and how many will live lives of pain and bitterness, with the strength of their youth broken forever, no one can say. So it is evident that our actual loss is not, and cannot be, shown by any and all records. It is a moderate estimate, however, to say that for our share of sacrifice for the overthrow of the rebellion ten thousand lives have already been given, and twenty-five thousand of our young men are more or less disabled.

It is for others to speak of the story written in blood, and to say what honors shall be paid the dead and what recognition be shown the living. The disposition of our people in this matter is manifest. We greet to-day in every department of your government gentlemen who are witnesses of the public appreciation of those services which put manhood to the test. The returned soldiers and sailors of this State do not set themselves up as a political party. They stand as before, with those who stand by their country. Nor do they claim any exclusive or undue share of public honors or rewards. They only wish not to be forced into a class by the jealousy of a few who have personal aims to accomplish. These 50,000 young men hold the balance of power in this State, and they can be trusted. The doubts of their loyalty which some pretend to entertain need not greatly distress the patriots who were so glad to trust them a few years ago. To bear arms in the country's cause is the highest duty of citizenship, and they who have rendered that service have come home no less citizens and no worse than before. They wish to be citizens, and they only ask that no invidious discrimination should be made against them because they have done their duty.

It has been proposed to erect a monument to commemorate the virtues of the dead, which shall testify to coming generations our gratitude to heroism. But when so many widows and orphans are crying for bread, and so many wounded and over-worn are lying patiently by, hopeless of any active part in the country's rejoicings, I for one feel that our first duty is to these. Our perished brave will be content, I am sure, if we show our gratitude by completing the salvation of a country rescued at so dear a price, and cherish their memory by living monuments of active charities—institutions which in the name and through the virtues of the departed, shall be a daily blessing to the bereaved whose sufferings are also a part of the offering made for the great cause.

The aid granted by the last Legislature to the establishment of

a home for the orphans of soldiers was a worthy beginning. The haste in which of necessity the case was acted on, left it but imperfectly provided for. Other States have taken great interest in this matter, and it is one which I respectfully commend as deserving your consideration.

The distinguishing act of this State towards her bereaved and disabled citizens is the Pension Law, passed by the Legislature of 1866, for the benefit of such Maine Volunteers in the war of the rebellion as were credited upon the quota of the State, their widows during widowhood, and in case of their remarriage or disease, their orphan children under twelve years of age. This act also contains the important proviso that none of these persons shall be entitled to its benefits in the event of their being able with their own labor and resources and the pension received from the United States, to obtain a livelihood for themselves and those dependent upon them.

This statute devolved upon the Governor and Council the duty of prescribing rules for carrying its provisions into effect, and of determining the question of the eligibility of applicants with a view to afford the most equitable, prompt and inexpensive administration of the law. The Executive required the several municipal authorities of the State to prepare and present the application of such of their citizens claiming this pension as might be supposed to be entitled thereto, with such an exhibit under oath of the situation and circumstances of the applicant as would best enable the Governor and Council to pass judiciously upon the merits of the claim. Since the enactment of this law a Congressional statute has increased the allowance of United States pensions to certain persons of each class entitled to pensions under the State law, and such persons, therefore, have been generally subjected to a reduction of their State pensions to the extent of the increase of the United States pensions beyond the amount for which they were previously entitled. This reduction is understood not to have been invariably enforced, there being some instances in which the health and circumstances of applicants would not warrant it by a fair construction of the State law.

No appropriation whatever was made by the Legislature for the reimbursement to cities, towns and plantations of the advances from their respective treasuries for State pensions to their citizens as provided by the law, and some localities have hence been occasioned inconvenience and embarrassment. None, however, are believed to have refused to continue such advances, and official assurances have been given that the aggregate amounts shall be deducted from the State tax of 1866.

The proper administration of this law—except the final adjudication in each case, which was made by the Governor—was found

indispensably necessary to be devolved upon the Adjutant General, as upon his records alone depended the admissibility of every application; and upon that officer and his clerks has been imposed thereby a vast amount of labor. If this law is continued, suitable appropriations should be made for the prompt reimbursement to municipalities of the pensions advanced by them, and for the requisite clerk-hire in the Department charged with the necessary details and services for carrying into effect the provisions of the act.

The total number of certificates for State pensions under this act, issued up to the commencement of the present year, is 1697, of which to soldiers and seamen are 597, to widows of soldiers and seamen 957, to orphan children under twelve years of age of soldiers and seamen, 143.

The total amount allowed for the year ending February 23, 1867, is—

To soldiers and seamen,	\$33,110 70
To widows of soldiers and seamen,	59,075 87
To orphans of soldiers and seamen,	8,715 80
	<hr/>
Total,	\$100,902 37

This Pension Act expired by limitation February 23, 1867. It will be seen that under the judicious administration of my predecessor it has not laid a heavy burden on the State. I beg leave to suggest that it be continued for another period, and somewhat enlarged in favor of aged and destitute parents of deceased soldiers and seamen.

It had been my intention to suggest the propriety of memorializing Congress in behalf of deceased soldiers' families who cannot receive the benefit of the United States pension laws for want of positive proof of death in the case. It seems unfair to throw the burden of proof on the applicant in such cases as are last reported "missing in action" or "sick in rebel prison." The widow should not be obliged to account to the Government for her husband, but the government to the widow. I observe, however, that a resolution has within a few days been introduced into Congress to meet the case, and I refer to it to call the attention of the Legislature to this important measure, that you may if necessary lend it your coöperation.

While these things are done in recognition of our obligations to the country's defenders, there is another side of the picture which it were well not wholly to overlook. There were among the true men who served in the war some nineteen hundred deserters—a very small per centage, but still too many. There were also some, of whom it is disagreeable to speak, who fled from the call of duty and took refuge within foreign borders to escape the draft. In our recent State election large numbers of these two classes ap-

peared at the polls and cast their votes. Whether it is just to the soldier who offered his life for his imperilled country that his voice should be silenced by the equal vote of one who denounced and defied his country, whether it is sound policy to permit acts so unworthy of a citizen to go unrebuked, and treason so overt to escape odium, is for you and the people to say. Doubtless we can out-vote such an element, but still it is a grave question whether the traitor and deserter deserve an equal share with the loyal defender in the privileges and protection of the restored country.

MILITIA.

The duty and advantage of an efficient Militia organization is already recognized in this State. What is desired is a system neither so cumbersome and expensive in its operation as to be an embarrassment and burden, nor so feeble as neither to render service nor command respect. The very elaborate and complete law passed in 1865, with what is provided and what is left discretionary, allows, if judiciously administered, a partial organization which may meet our demands, with a small force held ready for instant duty, but capable of being filled up or even expanded, upon an emergency, without delay or embarrassment. The third section of that law, relating to lists of men liable to duty to be furnished the Adjutant General by the clerks of cities, towns and plantations, has been complied with. Up to the present period no organization of the Militia as provided by law has been ordered, and in view of the anticipated action of Congress with regard to the adoption of a uniform Militia system for all the States, and, what is of no small importance, at the expense of the General Government, wholly or in part, it may be questionable whether the complete organization of our Militia at the present time is advisable. If it be proceeded with, a liberal appropriation from the Treasury will be found necessary for its effective operation. I beg leave to suggest, however, that in view of the importance of having a small force of well disciplined State troops at command, the volunteer companies provided for in the existing law be encouraged, and that such formations be effected in localities where it may be convenient, or perhaps in a manner to renew the companionships and preserve the proud memories of the old service.

FINANCES.

Upon the subject of the State finances you will not expect from me an elaborate exhibition. I am, however, happy to inform you that the credit of Maine, always high, has never more completely nor deservedly enjoyed the confidence of capitalists than now. This is due to the judicious manner in which previous Legislatures have met and provided for the financial necessities of the State. In 1865 three important measures were adopted: the policy of

taxation to meet the current expenses, the check to a further increase of the funded debt, and the institution of a sinking fund for its final extinguishment. These measures have been followed by the best results.

The debt incurred during the war was very heavy. No less than \$15,000,000 probably were contributed in one way and another to the national cause. For this we still owe, taking the State and the several towns together, nearly \$12,000,000. But while the public debt was never so great, the amount of private debts was probably never so small. The high pay which various services have commanded has enabled a large number of our citizens to clear their estates of mortgages and cancel their outstanding obligations. The permanent loans represented by State bonds at the commencement of the present year amount to \$5,127,500, they having been reduced the past year by the payment of \$37,000 which had matured. The temporary loan of 1865 made under the authority of law in anticipation of the collection of the State tax for that year, to enable the Treasurer to reimburse cities, towns and plantations for aid furnished in previous years to families of soldiers, amounting to the sum of \$944,141.50, has been paid during the past year. Added to this in the same period there have been invested in the bonds of the State \$123,000 for the sinking fund, which now amounts to \$246,000. The amount of scrip for soldiers' bounties issued under resolve of February 18, 1865, amounting to \$355,000 is payable at the Treasurer's office, with interest, February 1st of the current year. Provision has been made for this by the State tax of the past year. This is a creditable exhibit for the State.

To this account moreover there is to be added our claim against the United States for our expenses in raising troops for the national defence in the early part of the war. These advances we cheerfully made at a time the General Government found itself in a fearful emergency without preparation and almost without credit, and it is but reasonable to expect that they will be liberally met. The whole amount of this claim is \$1,144,310.90. Of this there has been already allowed \$441,470.08, leaving at present disallowed and suspended \$702,849.82. Meantime the direct tax laid on the State by the Government amounted to \$421,000 of which about \$121,000 has been paid, leaving a balance against us in that item of about \$300,000. The general balance in our favor of upwards of \$400,000 we have a right to insist on as justly our due. The administration of the State pension law made such demands upon the time of the Executive during the past year that he was not able to give this claim the attention he desired. The matter is now however in a fair way of adjustment, and every effort will be made to ensure a speedy settlement.

It is needless for me to commend to you the policy of continuing the annual tax of three-fourths of a mill on the dollar of the valuation of 1860 as a means of gradually paying off the public debt. This small tax yields \$123,000 a year, and we may thereby without a serious burden upon any year maintain a sinking fund which will nearly extinguish our debt at maturity. Unfortunately our chief resource for the Treasury is taxation of the people. Other sources of revenue to the State have been cut off, or turned into the channels of the National Treasury. The means of meeting our liabilities are therefore much diminished. But the burden of taxation has been cheerfully borne because of its manifest necessity, and because of the well-grounded belief that at no distant day it will be materially lessened. I am happy to state that, according to the Treasurer's estimates for the coming year, our tax may be considerably reduced as compared with last year. There is also reason to hope that the war debt of the States including that of the several towns, incurred as it was to preserve the national existence at a time when its own means were insufficient, will be assumed by the Government of the United States.

Upon this important subject of the Finances I do not undertake to advise. You, the chosen representatives of the people, fully understand their wants and their abilities. For details of the transactions of the Treasury, the estimates of future expenses and the means of meeting them, you are referred to the careful report of the Treasurer of State.

The suggestions made in the report of the Bank Commissioners will also claim your attention.

EDUCATION.

The foundation of our distinctive New England character is Education. Our churches and our schools are the source and sustenance of our social prosperity. The union of Church and State is not consistent with the spirit of our institutions; nor is our system of education, as in some countries, so monopolized by the Government as to make it a despotism, injurious to intellectual growth as it is to spiritual advancement. At the same time it becomes us not only as a personal obligation but as a duty we owe society, to cherish the institutions and practices of religion. Next to this it is the duty of the guardians of the public welfare to provide the best means in their power for the intellectual culture of their youth. Our State is by no means backward in the interest she takes in the matter of public instruction. Upwards of four thousand school-houses, in a population of some six hundred thousand, and an annual direct taxation of half a million dollars in support of schools—not to speak of nearly as much more often contributed in other ways—show an intention creditable to the intelligence, wis-

dom and generosity of our people. It is manifest, however, that this outlay has not hitherto reached the best results of which it would seem capable. The interesting report of the Superintendent of Common Schools shows that there is much to be done before our schools can be regarded as best subserving their ends. It is not that we need to remodel our system, but to bring to efficient operation the present one. Our common and primary schools deserve our first and best care. We must begin at the bottom and build up, rather than begin at the top and build down. Institutions of learning of high grade doubtless have an important influence on the community, but the hundreds of modest little schools in every nook and corner of the State are the real fountains of knowledge and power.

What these schools most need is competent teachers, those who know and can impart. There is probably no means by which we can more benefit our schools, and excite a more intelligent interest in them than by encouraging an institution you have already founded for this purpose—the Normal School. The Report of the Principal shows this to be in a very flourishing condition. As it is, however, regarded by many as still an experiment, there is naturally much wanting to enable it to fulfil perfectly the important ends for which it was established. It would be well, it seems to me, if we have undertaken this experiment, to make the trial a fair and thorough one. The liberal proposition of the Trustees of Farmington Academy in regard to relinquishing to the State their buildings, ground and apparatus, upon the payment of a claim by mortgage on the property amounting to \$4,200, cannot but commend itself to the friends of the Normal School. This appropriation, together with the sums estimated by the Principal as necessary for the completion and current expenses of the institution, would, without doubt, be a judicious investment, the benefits of which would be felt in every portion of the State. It will be a happy thing if this school shall be found so adapted to its ends, its usefulness and necessity so clearly demonstrated, or the patronage and demand so much beyond its accommodations, that we are forced to an early opening of the other Normal School at Castine, as now provided by law.

The income of the School Fund from the bank tax is now seriously reduced, amounting this year to \$7,626.33. The sum raised by taxation however has been on the increase. For the last year this is \$477,131.66, making an average of upwards of \$2.00 per scholar. The amount of the Permanent School Fund, derived from setting apart a certain portion of the receipts from the sale of public lands, amounts at the beginning of the present year to \$220,735.79—the sum of \$6,000 having been added within a few days.

Since your last session the Agricultural College has been located

in Orono, and during the past season some operations have been made upon the farm. For the perfect organization of the Institution, everything remains to be done. Its complete establishment and successful working still depend upon your wisdom. The college being now located, the policy of requiring the Board of Trustees to be made up of one from each county, though perhaps desirable, is no longer imperative. It appears that it has been difficult during the past year to obtain a quorum at the meetings of the Board, and the importance of the case suggests the inquiry whether it might not be possible to have this Board so composed, either with a view to convenience of locality or to personal interest in the Institution, that this serious drawback to its success may not be encountered at the outset. There are surely men in this State, in every section and of every party, eminently fit for that position, incapable of being influenced by sectional jealousy or political partisanship, who with such a trust in their hands would join with single and steadfast purpose to build up an Institution worthy of the State and adequate to the demands of the times.

This enterprise is worthy of the most judicious care of the State, and of the life-time devotion of the best men among us. It is easy to conceive of such an institution made a College of the Industrial Arts as the original act contemplates, located in a place affording specimens of the various soils in the State, near enough to the sea for the practical study of marine dressings and marine architecture, (matters of importance in a State like ours,) and in the vicinity of a water-power capable of moving some machinery and allowing experiments in irrigation, embracing a full course of practical science and the mechanic arts, becoming a means of incalculable benefit to the internal prosperity of the State and the glory of her name. Profiting by the experience of the past but unfettered by its traditions, cramped by no servile imitation of foreign institutions shaped by dissimilar demands, comprehending the best results of the latest scholarship, in full harmony with the living interests of the times, such an institution would afford an education far more valuable than could be obtained by running through the "curriculum" of our colleges. It would be a chief means of increasing intelligence and enterprise within our own borders, and with the growing demand for skilled labor in connection with our anticipated public improvements, would open a thousand opportunities to attract our young men from golden dreams of fortune or fame abroad. We need something in this State which will educate our young men not out of their proper sphere, but into it; so that when they are educated they will not disdain to work. Something which instead of making a boy feel that he is bound to follow a learned profession though it leads him to failure and despair, will rather give dignity and honor to those stations in life which by far the greater part of us must fill. Such an institution

I believe can be made of our College of Industrial Arts; and hence, while I am not prepared to suggest any details of its organization, except to express the hope that from the beginning, everything that is done look to the execution of a plan, and the ultimate realization of a complete idea, instead of adopting temporary expedients to become waste and cumbrance, I cannot but urge upon you the most earnest and generous interest in this important Institution.

REFORM SCHOOL.

The subject of the Reform School deserves your especial attention. Though its inmates are those who are gathered up from evil ways, and are detained there under sentence of a magistrate, yet we must regard this school as a part of our educational, rather than our penal system. A recent visit to this school, in company with my predecessor and the Council, satisfied me of the discretion and fidelity with which its internal affairs are administered. The appearance of the boys was certainly such as to excite a deep interest in their behalf, and to create the earnest hope that this institution may be the means of saving many such wanderers to society. I am impressed, however, with the desirableness of separating, if possible, those of tender years and of scarcely an idea of crime, from others of riper wickedness, whose contact cannot but be contaminating. The impression seems to prevail that this establishment should be self-supporting. But when we consider the youthful years of most of the inmates, it is not easy to see how this can be reasonably expected. The whole subject is full of difficulties, which will be duly brought to your notice. The general affairs of this institution will be laid before you in the Report of the Board of Trustees, which comprises some of our most eminent and philanthropic citizens.

INSANE HOSPITAL.

For the condition of the Insane Hospital you are referred to the Report of the Superintendent. It will be seen that still further enlargements are required to provide for the greatly increasing number who apply for the privileges of this Asylum. A wing corresponding to the one recently constructed for female patients is required for the immediate welfare of the inmates. It may seem soon to suggest another appropriation for this Institution, but the need is one which should be met without unnecessary delay. When this proposed addition is made, the building will be architecturally complete, and as large as can with profit be used for this purpose. It has been one of the problems of philanthropists and political economists how we can best provide for that unfortunate class of citizens which seems to increase with the advance of civilization. The great experiment abroad has been, as a measure of humanity as well as of practical wisdom, the separation of

chronic and quiet cases from those of more acute and disturbed type, and to afford the former an opportunity for agreeable, salutary and useful occupation. "The Clermont Asylum and Colony" in France embodies the best results of these investigations, and besides great success in the treatment of patients, is a source of immense profits arising from the productive labor of the inmates. Our own State has not neglected this humane and necessary care. And it may be found that in our future provisions the erection of farm cottages in the vicinity of the Institution, and under the same supervision, will be a better plan than the erection of another distinct and expensive establishment.

STATE PRISON.

The affairs of our State Prison have for several years been a subject of congratulation. The Prison has become a source of profit instead of a burden to the State. It appears from the Report of the Warden and Inspectors that the management of that Institution for the past year has been even more successful than before. The earnings of the prisoners besides paying the current expenses for the year past leave a balance to the credit of the Institution of \$288.57. While according to the Warden full praise for the results of his administration, it is obvious that the task of making the prison self-sustaining is by no means so difficult as it is in the case of the Reform School. It may be unusual, but it certainly is not surprising, that upwards of a hundred convicts, mostly able-bodied men, some of them skilled workmen, should be able, under anything like judicious management, to make their earnings yield an income equal to the expenses of the Institution. With the present number of inmates the average earnings of \$150 would more than meet the estimated expenses of the prison for the coming year. We may reasonably expect therefore that the financial prosperity of the State Prison will not only continue, but increase.

There are other interests of the Institution which deserve attention. You will observe the emphasis with which the Inspectors recommend the appointment of a permanent chaplain. Another important topic of their Report is the urgent need of extensive improvements in the prison buildings. The enlargement of the prison and the workshops is now an imperative necessity. The prison is already overcrowded with convicts, and many are of necessity maintained in county jails where their labor can be of no profit, and their sanitary and moral condition cannot be properly cared for, and at an annual expense to the State of \$2,000. Upon an increase of convicts, which is not improbable, the inconvenience and burden to the State will become very great. It is therefore a matter of economy and a necessity of the public welfare to make a liberal appropriation for the enlargement of the State Prison.

CAPITAL PUNISHMENT.

In this connection I am constrained to refer to a topic which, however painful to our sensibilities, duty requires us to consider. The law as it now stands evidently contemplates the execution of capital punishment. The Governor is required to fix a day and issue a warrant for the same, with the proviso that the punishment of death shall not be inflicted within a year after sentence. The spirit of the law and the sentence of the court on the one hand, and the habit of neglecting to execute either on the other, constitute a practical discrepancy already well known. No Executive wishes to resume the stern duty so nearly obsolete even though the law plainly requires it, and the neglect may be in itself weak and injurious. Were it not that the statute of capital punishment has been kept alive by one solitary endorsement within thirty years it might be looked upon as outlawed. Meantime murder goes on. Death sentences are passed, and the prison is crowded with inmates for life.

It is not my purpose to argue in any manner the general question. But I wish simply to suggest whether it would not be well, if we cannot make our practice conform to our law, to make our law agree with our practice. Either abolish capital punishment altogether, or fix upon a day after the year of grace on which the sentence shall be executed. The practice having been so long what it is, it is but just if the warrant is to be issued at all, to lay it upon the Executive as a duty, rather than to leave it to him as a discretion.

With regard to the operations of other public offices or institutions, I beg leave to refer you to the reports of the several officers in charge.

For our contribution to the public institutions out of the State in which we are interested, the usual appropriations are a matter of course.

The severe losses of some of our towns by fire should call forth every generous impulse to aid them in recovering their position. Portland is energetic in her efforts, and will go on with scarcely a check in her proud career. In Wiscasset the means and the stimulus are not so great, but it is to be hoped that by some of the improvements now proposed she may yet recover her former prosperity.

INTERNAL IMPROVEMENTS.

The high price of breadstuffs in our markets is a matter which interests every household. It is well known that the chief reason of this is the immense cost of transportation from the grain fields of the West to the Atlantic shores. With a view to facilitate this transportation efforts are now being made to open a perfect water communication between the Mississippi and the Great Lakes. The Fox and Wisconsin rivers, which flow in opposite directions,

have their sources within a mile and a half of each other and are connected by a canal. At certain stages of water, boats of light draft have run through from Lake Michigan to the Mississippi, but in ordinary times this cannot be done. It is now proposed to improve the navigation of the Wisconsin river so as to make this communication practicable and perfect. This improvement will reduce the cost of grain fifteen cents a bushel, and as it is estimated that not less than 100,000,000 bushels of grain will annually seek this outlet towards an eastern market, the effect on the prices can be readily foreseen. It is a matter of great practical importance to us, as well as a benefit to the whole country; and I would respectfully recommend that you join with the Legislatures of other States in memorializing Congress on the subject of improving the navigation of the Fox and Wisconsin rivers. I have received a letter from the Governor of Wisconsin with reference to this matter which I shall take pleasure in laying before you.

A survey of the Kennebec and Penobscot rivers with a view to their navigation has just been completed by the Engineer Department of the United States. The results of the Survey embrace matters of importance to the State, especially with reference to the obstructions now forming in the narrows of the Penobscot, which may require your attention. The official report of the survey will be procured for your examination at the earliest moment.

I beg leave in this connection to add another suggestion in regard to bringing the extraordinary resources of this State to the knowledge of the public. Few of our own citizens probably are aware how abundant and accessible is the water power of Maine. Still less is this known by capitalists abroad. It is highly important that information in regard to our facilities for manufacturing be widely spread. We see what has resulted from the policy of the Western States in advertising their public lands. The survey of the water declivities of this State, it seems to me, would be one of the best public measures we could adopt. Reports of this, carefully prepared and well printed, sent out through New England and the Middle States, would result in the investment of millions of foreign capital on our hitherto neglected waters. I would therefore respectfully recommend that a thorough hydrographic survey be made of at least the lower sections of our principal rivers; and that the very moderate appropriation requisite for that purpose be made during the present session.

MISCELLANEOUS.

The last Congress provided for a National Gallery of Art at the Capitol, and invited each of the States to contribute two statues of persons eminent in their service. Several States are taking measures accordingly, and it may be deemed expedient for us to take the subject into consideration.

It is perhaps known that there are in the State-Paper offices in London and Paris, important documents relating to the early history of Maine. It is a matter of interest to us to have authentic copies of these procured to be placed in our archives. The Historical Society has a small appropriation for this purpose to which it may be desirable to add something to ensure its success. The suggestion has been made that the business of Insurance has become so extensive in this State as to render the appointment of Commissioners desirable for its proper regulation. With this reference, I leave the matter to your better judgments.

The Metric or Decimal system of measures now authorized by Congress is recommended for adoption by the Secretary of the Board of Agriculture and the Superintendent of Schools. The State of Maine was one of the first to commend this system to Congress, and in so doing presented a strong argument for its adoption, the force of which it becomes her to recognize in practice, and do what she can to diffuse the benefits of this improved method.

PROVINCIAL CONFEDERATION.

There is another subject which I desire to bring to your notice. It is the scheme for the consolidation of the British Provinces on our border, which I believe to have been, along with the French Empire of Mexico, a part of the great conspiracy against Liberty on this youthful continent. This attempt to take advantage of the internal strife which so engaged our energies, and to environ us with Monarchies, was certainly not a scheme of those who were friendly to our prosperity. It has failed in its deep design; but the effort is now being made in the British Parliament to effect the consolidation of the Provinces. If it is successful, the result cannot but be injurious to us. The friends of this country in the Provinces are earnestly opposing the scheme. It is a matter of more concern to us than may appear at first sight, and I cannot fail to press the subject upon your attention, not doubting that you will see occasion to make such remonstrance as you are able, and to secure the more potent dissuasions of the United States Government.

Passing from these miscellaneous topics, I now invite your attention to subjects more nearly concerning our internal prosperity.

THE FUTURE OF MAINE.

Nothing is more obvious than that Maine has not developed her resources fast and far enough to afford a field for the vigorous and enterprising spirit of her sons, and hence they go forth, drawn by more inviting prospects abroad, and impelled perhaps by that restless energy of soul which has been the vital impulse of history, and has made the world what it is. The world, doubtless, is a gainer by this diffusion of energy and intelligence; but it is doubtful whether the State can longer afford to be a mere nursery for the missionaries of civilization. It is a serious matter to have five

thousand a year in excess of the number we receive from abroad, and of the most valuable portion of our population, emigrate from the State. Yet a study of the last census returns will show that this was the balance against us for each of the previous ten years, and doubtless the proportion is even greater since the war.

And yet Maine is a State of magnificent resources. Her three thousand miles of sea coast, her millions of acres of forests primeval and of new growth, the quarries and ores of her hills, her fertile valleys and broad pastures of hitherto untried capacity, the measureless power of her inland waters, covering one-tenth of her wide domains; these, to say nothing of her geographical position, holding the frontage of the continent, worth more than the famed control of the outlets of the Mississippi, make Maine a field where great things should be, and yet will be wrought. Maine is comparatively new ground, and should attract rather than repel civilization. But it presents the anomaly of sending forth an emigration such as might be expected only in old over-worn and over-populated countries, and those where political or social despotisms depress and disperse their citizens. This is an evil so contrary to the common course of society and the laws of civilization, that we should look into the causes of it, and if possible apply a remedy.

The crisis is now favorable. The high duties laid upon foreign productions as a necessity of revenue for the payment of the interest on our national debt, will tend directly and for years to come to encourage home industry and the development of our natural resources. The Internal Revenue System will be forced to such a modification as to tax profits only, and not to cripple capital, and give new impulse to enterprise. In comparison with the advantages which will ultimately accrue from this state of things, even so enormous a public debt as ours will be scarcely worth a thought. And now is the moment, when surplus capital abroad is seeking locations for profitable investment, and when thousands of our young men have come home and are considering the subject of a business and a settlement for life, when the friends of Maine must take large views, and spare no pains nor reasonable expense to bring before the minds of enterprising and far seeing men the superior and extraordinary advantages she presents, and inaugurate, in this respect, a new era for the State.

The lumbering operations of this State constitute an important feature of its activities. This business during the past year has been exceedingly large, and has yielded unusual returns.

The branch of industry for which Maine has been hitherto most distinguished is that of ship-building. With a population of half a million, she has for years furnished a third part of the tonnage of the United States. At the present moment this business is not profitable, but still many of our staunchest citizens, trustful of the future, are keeping up the prestige of her yards. Commerce is not active, and our fisheries have fallen off from the ventures of former years.

Agriculture, under all its disadvantages, has still been our chief

resource as a means of revenue. But it has scarcely yet reached with us the dignity of a science, nor have we even made it a successful art. The knowledge requisite to supply the deficient elements of the soil or to restore exhausted ones, and the skill to develop its latent powers have had but little charm for those whose minds are busy with dreams of easy fortunes abroad. Our young men accustomed to work hard for meagre returns, and ignorant of our own rich lands as yet undeveloped, are easily won by glowing accounts of soils where nature has forestalled the labor or skill of man, and of harvests vast and fruitful beyond the highest rewards of toil at home. Acknowledging with pride the richness of those regions in whose prosperity we all claim a share, we must still remember that mere fertility of soil is not the only thing to be considered as a means of prosperity. Not to speak of other drawbacks, the distance from a market makes the farmer dependent on transportation monopolies. So that our exuberant West has, of late, witnessed the spectacle of her thrifty farmers reduced to the desperate economy of burning their grain for fuel while all the civilized world was crying for bread. The advantage of a near market is, and will be more and more, ours. This avails in ways which might not be obvious at once. Our farmers, for example, may not be able in this climate to produce from their sheep the fine wools of the Western States, but they have the counterbalancing advantage of a ready sale for every part of the animal, which makes the profits of sheep raising equal to those of regions where the wool is everything and the meat nothing. Our rich pasturage affords peculiar facilities for the raising of stock, and this has become an important item of our Agricultural interests, great attention being now given to the rearing of animals of choice blood. There is now, therefore, encouragement for our farmers, and for agriculture as a pursuit. The liberal policy of the State towards actual settlers on her new lands is inviting many; the explorations and surveys have done something in this direction; the distinguished ability and zeal of our Board of Agriculture, whose reports are among the most interesting and valuable documents the State has produced, cannot fail of a wide and beneficial influence, and the College of Industrial Arts, when in operation, will be the means of bringing to the development of the agricultural resources of Maine the best appliances which science and skill have mastered.

But it is to manufactures that Maine must look for her future glory. Such remarkable facilities as she presents for enterprise in this direction plainly indicate the part she is yet to take in the productive industry of the world. It is to manufactures she must look for the discovery and development of her resources; for the encouragement of her Commerce and Agriculture; for the retention of her best energies at home, and for the inflow of skilled and useful citizens from abroad, and finally for the payment of her debt and the means of future revenue.

It cannot be expected of me to present an exhaustive argument

on this important subject. I shall be pardoned however, if I venture to urge that this great interest receive at your hands emphatic encouragement. There are those who deem it a sign of prosperity that a State furnishes large exports of raw material. But we well know that it is mind, which coming in contact with matter, gives it value. The cost of the material is but a small part of the worth of any commodity of manufacture designed for general use. The labor and skill expended on it is the principal source of its final value. Therefore a State which merely exports raw materials, cannot thrive as one which finishes them to the last degree required for actual use before she puts them into the market. It is accordingly, a better sign to see a State importing raw material and exporting finished goods. She then gives employment to industry, to skill, to mind. She attracts a producing population, and opens a thousand avenues of prosperity. Commerce is stimulated, agriculture becomes a necessity. The producer and consumer touch hands. Capital does not lie dead in storehouses, nor linger in transportation. All related arts and employments receive an impulse, and the prosperity becomes general. Look at England, not much larger than our own State and with far inferior natural facilities. See what a system of industry has made of her. Or take the manufacturing portions of New England, which have profited more from the cotton of the South than the States which produced it all together, and see with all these doings what has been done for man. Then return to Maine, and look at the vastness of her natural forces, and the felicity of her position, consider the countless wealth that is suffered to pass unchallenged to the sea, through the powerful waters of the Penobscot, the Kennebec, the Androscoggin,—more than the golden washings of Pactolus. There is something here to stimulate us to reflection and to action. We need not fear the enterprises of capitalists from abroad, as if these men were carrying away something which belongs to us. It is far more true that those who invest the capital and the enterprise of New England in the Canadas and the West, are taking away something which belongs to us. The active employment of wealth is like the quality of mercy, twice blest. "It blesses him that gives and him that takes." Men and corporations can have no advantage of their wealth without spending it, and so benefiting those around them. The Act for the encouragement of manufactures, passed in 1864, has already borne fruit. We have attracted the attention of capitalists. Saco and Biddeford and Lewiston had already shown us how beautiful cities spring up under the influence of manufactures. Augusta has now the promise of a new existence, and movements are on foot at Bangor and Waterville and Brunswick to turn their waste into wealth. The example will be contagious and wide spread. Prosperity in one section will react upon another, and the whole State, if we are true to its interests, will rouse and gird itself as a strong man to run a race. Already the modest little woolen mill at North Vassalboro' has taken the first prize at the World's Fair for the finest

cloths on exhibition, and it will be our fault if in the course of time our river-sides and lake outlets shall not become rivals of the most celebrated seats of the Industrial Arts.

Intimately connected with these improvements, both as a cause and a consequence of them, are increased facilities for intercourse. One of the chief means of modern civilization is the railroad. That stage is now reached in our progress when the people actually feel their need of this means of commercial and social intercourse, and we must prepare to meet the demand. I cannot even name here the various enterprises that will solicit your action, from east and west and north and south. I would not fail, however, to bespeak for them a generous treatment as due to deserving citizens and to some portions of the State which have not largely received our bounty.

The great European and North American Railway has already received tokens of your favor, as well as the generous aid of Massachusetts and the respectful attention of Congress. It deserves not merely our admiration but our continued and active support. This enterprise, so grand in its conception, pursued by its projectors with such untiring and self-sacrificing devotion, so important to the interests of the eastern portion of our State and to our most central city, traversing the Acadian peninsula and bringing the old world two days nearer to the new, is destined I believe to bear a distinguished part in our future history, and to work results commercial, social and political, such as the most sanguine among us can scarcely foresee. I am happy to say that the first day of the new year witnessed the beginning of active operations on this road. The State must see to it that this great enterprise does not languish.

A provision adopted into the Constitution some years ago has withheld the State from lending her credit to any of her own great enterprises. This might have been a wise precaution against some threatening evil at that time and since, while experiments had to be tried, and mistakes and losses made. But still it is not rash to affirm that we are thousands poorer in active population and millions poorer in money to-day for this very provision. Whether we can afford to allow it to remain in force is for you, gentlemen, and for the people of the State to determine. The question is what we are to do to save Maine. Outside capitalists will not come in to build up our railroads, and they require us to prepare our water power for use before they will invest. We are in the habit now of granting authority to the towns to pledge their credit to certain improvements in which they are vitally interested. But this will not meet the present necessity. The town bonds could only be negotiated in their own vicinity, and would moreover exhaust private resources at the very start. The endorsement of the State would at once attract foreign investment, and leave home capital and private energy to complete the work.

I would be the last to counsel a policy which would depreciate our credit in the market, or add the fraction of a mill to the taxa-

tion already too heavy upon the people. But in my view the case may be met in a way which would have precisely the contrary effect.

I trust it will not be deemed an undue boldness if I venture to put the question whether it would not be advisable for the State to open her hand just wide enough to give a limited guaranty by her endorsement to such of her public enterprises as she might select, with such restrictions and securities as should ensure her against any reasonable likelihood of loss, or the necessity of asking a single dollar of the people in the way of taxation.

I have been thus particular in these suggestions, and at the same time have based them upon principles so obvious, because I feel the urgent importance of doing something for the deliverance of Maine from the lethargy and timidity under which she has buried her talents. We have been too long content with the doubtful compliment that "Maine is a good State to go from." She must be made a good State to come to, and to stay in. We want to induce our young men and women to remain among us, and better themselves and us and the State by so doing; and to invite others of noble ambition, together with those who look no higher than honest industry, to join their efforts and their fortunes with our own. The spirit which prompts a man to go where he can prosper most is certainly pardonable if not praiseworthy. We would not imitate the example of despotic governments which restrain the ambitious spirits of their citizens from seeking better fortunes in other lands. We may adopt a policy which will be equally potent by making it profitable to others to live and prosper with us. It is not necessary for this end to sacrifice the individual good to that of the State. These interests should be identical. We should not hesitate if at the outset this demand appeals to our generosity. Some of the seed thus sown may not indeed be quickened except it die, but the bloom and the fruit will come, and bring better times. Nor should we ever forget how powerful is the reflex influence of a flourishing State on the people who compose it; the monuments of her enterprise, her industry, her skill, nay of her self-sacrifice and generosity, are a silent and inevitable educator, standing through the lapse of years eloquent with some of the deepest lessons which it is the end of human government and human society to evolve and impress.

And through you, gentlemen, let me say to the young men of Maine, that with a spirit and an energy like theirs devoted to her interests it is not difficult to foresee the day when this State shall be not merely the landing place of civilization and the gateway of nations, but in the arts of life and the fruitions of virtue shall have wrought a character of blended youth and maturity that will make her in the eyes of the Old world the ever young and vigorous West, and to the New the rich and teeming Orient.

JOSHUA L. CHAMBERLAIN.