

# MAINE STATE LEGISLATURE

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# ACTS AND RESOLVES

OF THE

## FORTY-SEVENTH LEGISLATURE

OF THE

## STATE OF MAINE.

1868.

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Published by the Secretary of State, agreeably to Resolves of June 28, 1820,  
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## GOVERNOR CHAMBERLAIN'S ADDRESS.

*Gentlemen of the Senate and House of Representatives:*

Acknowledging the Divine favor towards our beloved State, and invoking the same blessing upon her future, we exchange the greetings of the new year in assembling to consult for her welfare. In communicating with you at this time I shall endeavor not to exceed the duties required of me by the Constitution, and shall confine myself chiefly to those matters over which we have some control, and for which we are held responsible. I lay before you such information of the condition of the State, with such suggestions looking to the advancement of its interests as I have reason to think will facilitate your action.

Considering that a great civil war has just passed over us, leaving its wrecks and disorders everywhere, the minds of men still disturbed by memories of the past and anxieties for the future, the measure of prosperity which we enjoy is perhaps all that we could reasonably expect. Some of the chief sources of our sustenance have been cut off or turned into other channels. Many of our industries stimulated into unwonted activity during the war have now greatly fallen off. But the people have not been idle. With noble fortitude and resolution they have met all their duties as they came, and sought for means to bear the burdens they could not with honor lay aside. The calm and settled order of the old times has not returned, but our thoughts are given and our energies bent to bring yet better times than those.

### FINANCIAL.

It is gratifying in this connection to be able to report that our financial condition, which before has been considered satisfactory, has still improved. Our bonds are not often in the market; but I have observed within a few days that they are quoted at a mere fraction less than the Government seven-thirties. The script for soldiers' bounties fell due on the first of February last, amounting to \$369,400, with interest, of which all but \$10,000 has been presented and paid. Of our funded debt the annual installment of \$37,000 has also been paid. This is all that has been disbursed this year outside of our current expenditures.

The War Claim of the State against the General Government has been made an object of special attention. Hon. Samuel Cony has assisted in preparing the evidence required on the suspended items and in prosecuting the claim generally. We have succeeded in obtaining the allowance of \$566,846.45, of which \$357,702.10 was applied to cancel our direct tax of \$420,826, (none of which I found had been previously paid,) obtaining a discount of 15 per cent. The balance of \$209,144.35 has been paid into the State Treasury, and applied in accordance with the law of 1861. Our whole claim, as now filed, amounted to \$1,301,571.78. This is accounted for as follows: Allowed in 1861, \$200,000; in 1862, \$120,000; in 1867, \$566,846.45; suspended and disallowed, \$414,725.33. Some of the items which found their way to the Auditor's Bureau were so obviously improper, as charges against the United States, that it has been thought best to withdraw them, in order to leave the account in a better shape to urge to a settlement. This balance may be arranged as follows: Disallowed as improper charge, about \$200,000; disallowed for want of sufficient legislation, about \$85,000; suspended for proof or explanation, \$130,000. Our claim has been promptly met, and I am assured by the Department at Washington, that no State has been more favorably dealt with in the settlements thus far made. The prosecution of the claim is at present suspended, until the order of business at the Treasury Department will allow its further examination. It will be taken up again at the earliest possible moment. Further legislation is still required to authorize the reimbursement to States of many of their necessary expenses in furnishing troops for the war.

In proceeding to state the amount of our public debt, I must remind you that a considerable portion of this is the balance of our old civil indebtedness. Our debt at the commencement of the war was \$699,500.00. The thirty to forty thousand dollars which we are now paying annually is on this old debt. The balance of this at present is about \$458,000. The whole amount of our funded debt to-day is \$5,090,500, from which subtracting the civil indebtedness above we have as the war debt proper \$4,632,500. Of this the first which matures is \$800,000 in 1871. To provide for this we have the sinking fund of \$123,775.90 a year, which already amounts to \$330,855.35, and which, if continued, will abundantly meet this, and all other bonded indebtedness as it matures. Fortunately, however, we are able to add to this provision the sum of \$209,144.35, which has been collected from the General Government, and by the prudent management of our Treasurer there has been realized as profits, by buying in our own bonds at a discount and reinvesting the accruing interest on them, the sum of \$12,500. In other ways also we have advanced upon

our next year's sinking fund some \$75,000; so that we have in our hands to-day \$627,500 towards the \$800,000 which falls due in 1871, leaving as our actual indebtedness on the war account \$4,005,000.

It is easy to see from this statement, that the sinking fund alone will amply provide for our debt at maturity, and if it were necessary we might even appropriate to some other more immediate use what we receive from the United States Government as reimbursement of our advances. It is worth while to observe that the loan of \$100,000 authorized by the last Legislature has not been resorted to, the economy of expenditure beyond what was contemplated in the appropriations having more than made up this sum. The heavy draft for pensions and aid to families of soldiers is now greatly diminished, and the Treasurer is of opinion that upon our usual ratio of estimates our rate of tax may be reduced to five mills on the dollar instead of six as last year.

The Report of the Bank Commissioners shows that only a few of our banks under State charter are now in operation and these are rapidly winding up their affairs. It is worthy of mention that though the legal liability of some has expired, still none of them hesitates to redeem its bills at its counter.

It would hardly be supposed that so dry a document would furnish some of the most interesting material for the philanthropist as well as the economist. But it appears from this that the people are quite disposed to make the best of their circumstances. The Savings Banks exhibit the condition of that numerous class which depends on daily labor and small savings. The profits of capitalists do not appear here. It will doubtless strike many with surprise to learn that the increase of deposits in these banks for the last year is over a million and a half. This confirms the opinion I ventured a year ago, that there is more of private property now than before the war. The debt has been transferred from private citizens to public treasuries. This is by no means the most distressing form of debt. These banks also hold for the benefit of these frugal depositors, United States bonds to the amount of over a million and a quarter; so that large capitalists are not the only ones who have advantage of the exemption of Government securities from tax. But the most remarkable fact which appears is, that the sum at this moment invested in our Savings Banks alone is considerably more than the whole amount of our public State debt. These facts, and the inferences and auguries from them, furnish a most agreeable relief to our habitual cogitations on the industrial and financial state of the country. As the labors of the Bank Commissioners will probably be much reduced within the coming year, it might be well to charge them

with the duties also of Insurance Commissioners, for which there now seems to be a demand.

A most remarkable misapprehension appears to exist in some quarters in regard to the law by which the stock of National Banks is now taxed for the benefit of the towns where the banks are located. Many suppose that this is by virtue of an act passed at the last session of our Legislature, and even hold the Executive personally responsible for all the present evils. The petitions in circulation for the repeal of this law seem to take it for granted that such action would reverse the present system. It is well perhaps to set forth the facts of this matter in a few plain words. 1. The main object and intent of the law of last winter was to secure the tax on National Bank stock for the benefit of the towns where the stockholders reside. 2. By the last section of this act the question of its constitutionality was submitted to the Supreme Court of this State, and a majority of the court decided that the provisions of the act were not in accordance with the laws of the United States. Hence those provisions are a dead letter and need not be repealed, and the remaining sections, being but a reaffirmation of the United States law, it would be of no immediate avail to repeal. 3. The present state of things is owing to a law of Congress which explicitly declares that the stock of National Banks shall be taxed where the banks are located, and not elsewhere. 4. The real remedy for us is in the Congress of the United States, and not in the Legislature of this State.

This is not the time for an argument on either side of the question. Whatever may be said of the soundness of the general principle that property must be taxed where it is found in order to secure any tax at all, it is true that the present law of the United States operates to the disadvantage of the smaller towns by transferring a portion of their taxable valuation to that of the larger. It is not a little remarkable, however, that the provision itself grew out of the relations of Eastern capitalists with Western banks, so that in this case the relative advantages of city and country are quite the reverse of those which result from the operations of the law within our own State. It would be well perhaps, in view of the probable action of Congress in this matter, to repeal the fragment of the law which now remains on our statute books, so as to leave the matter entirely clear for the adoption of a different system, when authorized.

The Report of the Committee on the assumption of the municipal war debt will show how unequally that burden has been borne. Their facts, arguments, and conclusions, seem to me irresistible. Nor do I see a more equitable or practicable basis than that upon which they recommend a reimbursement to the municipalities; namely, that of \$100 for each man furnished for

three years' service. This seems to avoid most of the difficulties which have always arisen when the question of a just equalization has been discussed. The striking difference among our several cities and towns in the relative percentage of population and wealth shows how severe the drain has been upon towns which had to furnish both men and money on basis of population only. Of our five hundred and forty-two municipalities, thirty-eight have more than half the valuation of the State, while they show considerably less than a third of the population. Hence it cost some of our towns more than six times as much in proportion to their means to send a man to the field as it did some of our cities. The plan now proposed should not involve any antagonism between our cities and our smaller towns. To be sure it requires the cities to divide the profits of their cheaper furnishing of men, but this is only a fair adjustment when we consider that this cheaper rate for the cities was practically at the expense of the towns. This assumption does not add a dollar to our real indebtedness, but transfers it,—lifting a burden from the people, under which they are depressed and discouraged, and putting it into a general debt, which the State as a whole is better able to bear. The amount proposed is only one-third of the actual municipal debt, but it is understood that this is the final adjustment so far as the State is concerned. This reimbursement, and the means by which it shall be made, is a subject which will require your careful consideration. If the measures proposed by this Commission are not adopted, I cannot but recommend that we abate the taxes of some of our towns, which are struggling under the terrible burden of a tax of twenty-five per cent. of their valuation. The same arguments which show it to be the duty of the State to relieve its towns, avail for a still stronger reason upon the General Government to assume the whole expense legitimately incurred by the people in defence of the nation. If the Government at the outset had had the courage and strength to offer no bounties, but keep the volunteer organizations up to the minimum by draft, and pay men for actual service, wages which would enable them to support their families, not only would it have been better for the army, and for the treasury too, but we should have had none of the present inequalities; the service would have been rendered on a basis of population, and would have borne equally on our citizens. But the example of the Government rendered it necessary to resort to bounties, and the poorer places were compelled to compete with the more wealthy in filling their quotas. The ultimate responsibility of the whole state of things, it appears to me, is upon the General Government, and Congress should give its attention to the subject at the earliest moment the state of the country will permit.

## MILITARY.

The Military Department of the State now consists almost entirely in a few offices devoted to the settlement of the accounts of the State with the General Government, and with our own citizens for services in the suppression of the late rebellion.

Adjutant General Hodsdon resigned his commission early in the year, and Gen. John C. Caldwell was appointed in his place. The Adjutant General is now the only military officer of the State who is under pay. We have absolutely no militia organization. The old law was superseded by that of 1865, and I have not thought it advisable to organize the militia under the present law, on account of its great expense. It is very desirable, however, to have a small body of State troops at command for exigencies which may arise, and I would suggest whether it would not be expedient to furnish such volunteer companies as may offer, not exceeding ten, with a complete equipment, including uniform. This is a far less expensive plan than to authorize the regular organization, with the pay which by law attaches to the service. The companies from Bangor which appeared on a recent public occasion, showed a soldierly bearing and discipline worthy of mention, and if such companies could have recognition and encouragement they would be all we should need to preserve the military spirit, and to provide for public exigencies.

Under the resolve directing the Governor to procure arms from the General Government, or elsewhere, I applied to the Secretary of War, and received assurance that we should be furnished. The complications which afterwards arose rendered it necessary at that time for the Government not to establish that precedent, and accordingly the request was for the present withdrawn.

Many States have issued to soldiers certificates of service as evidence and reward. Many of the original discharges being lost or worn out in the effort to obtain payment of just claims, and many families who mourn their "unreturning brave," having no official record of their service, such certificates would be justly prized. It would seem fitting that Maine should render this last office of grateful recognition to those who maintained her honor on the fields of the Nation's struggle, and I would respectfully recommend that the Governor be authorized to issue such certificates, on satisfactory proof, and that they be taken as legal evidence of service in all cases where such testimony is admissible.

The administration of the State pension law amounts in its labors to the duties of an entire office. Under the efficient management of the committee of the Council, its cost has been much reduced. The work is now so systematized that in another year its expense will probably be still less. Whole number of applications, 1,367; granted, 1,095; rejected, 256; suspended for fur-



ther proof or explanation, 76. Amount disbursed, including estimates up to February 23, 1868, \$57,000. The wisdom and justice of such a provision by the State is painfully testified by the extreme necessities exhibited in the applications. It is but right to continue this act; and I cannot but recommend, in view of facts which are within my knowledge, that aged or destitute parents, or dependent sisters of the deceased soldiers or sailors, should be included in its benefits. Judging by this year's experience, the demands upon the State on account of pensions will be met by an appropriation of \$50,000.

The Board of Guardians of soldiers' and sailors' orphans has had an extensive field. It has not yet been possible to search out all these cases so as to give complete returns. Nine hundred and thirty-six have been reported. Of these 455 have been aided, and 11 cared for in asylums. The amount expended thus far is \$9,500; estimated to end of year, \$1,500, leaving a balance of \$4,000 unexpended, and not drawn from the Treasury. It has been found that many of these orphans were without any proper means of support, and some were actually suffering; and not the money only, but the guardianship of the State, is needed for their care. The applications for assistance are now increasing. If in your judgment the present mode of providing for these orphans is best, it is my opinion that with the aid of the State pension, which may often prove sufficient, the sum of \$10,000 will meet the requirements.

#### EDUCATION.

The Report of the Superintendent of Common Schools is a document of interest and value. I am not aware that it calls especially for legislation except in presenting the suggestions of the agent of the Madawaska schools, which strike me as worthy of attention. Improvements in the course and methods of instruction should not be regarded as impossible in times of general progress like the present. The people, generous in contribution, demand economy in expenditure and profit in results. Our permanent school fund amounts to \$245,121.23, the income of which for the past year is \$13,244.14. The receipts from the bank tax are rapidly falling off, being last year but \$4,475. The people are determined, however, that the schools shall not suffer. They have raised by direct taxation the past year the sum of \$518,292.97, an average of \$2.28 a scholar, and have built seventy-nine new school-houses, at a cost of \$323,581.13. Add to this the sum of \$15,316.93, contributed to prolong public schools, with \$40,614.33 paid for private schools and academies, and \$6,428.25 paid out of the State for the same purposes, making an aggregate expenditure for schools of \$935,131.75, and you will need no other proof that the burdens and discouragements of the times are not allowed to

diminish the interest of the people in our common school education. It will be our duty to see that this earnest intention is profitably carried out.

The Western Normal School appears to be in a prosperous condition. The resolve of the Legislature providing for the purchase of the buildings of the Farmington Academy has been carried into effect, and the State may now congratulate herself upon the permanent possession of this desirable location. The school having now passed its probation, is fairly adopted by the State, and it is proper that we should afford every facility for its effective operation.

In accordance with the resolve of the last Legislature, the Eastern Normal School has been opened with more than ordinary prospects of success. The citizens of Castine are liberal and earnest in their support of the school, which is one of the best auguries. Though somewhat retired from the ordinary routes of travel, the place is not the less favorable for purposes of study, and it is pleasant to contemplate that a spot so beautiful in itself and classic in our history, may add the new and powerful attractions which pertain to a seat of popular learning. The true design of the Normal School seems as yet but imperfectly understood. The idea is somewhat new that teachers of common schools require especial instruction and training for their profession. The Normal School is, however, in its design and its facilities nothing less than a professional school for teachers, which it is hoped they will more and more appreciate.

The College of Agriculture and Mechanic Arts is an institution which should enlist the warmest interest of every liberal minded man. It is a subject upon which we must expect great diversity of feeling and opinion. There is no doubt an advantage in this, but it is feared that this difference of opinion in the present state of affairs amounts to a serious obstacle to the prosperity of the College. In reconstructing the Board of Trustees in accordance with the act providing for the same, it was found difficult to induce gentlemen most naturally suggested to accept the position. Those who were appointed have labored faithfully for the College, and appear to have made the best use of the materials at hand. A commodious building has been erected as a dormitory, at an expense of something more than half the appropriation of last winter, and materials have been collected for the laboratory, for which it is the opinion of some that a new appropriation of \$20,000 should be granted. I cannot speak with entire confidence in the matter, but as it now appears I should advise expending no more than the balance of the last appropriation upon a laboratory for the present, having this so located and constructed that when the wants of the institution require or its means allow a more complete

laboratory, this building can without much loss be appropriated to some other use. We must be warned by the errors which have well nigh ruined similar institutions in other States. Ours should not be allowed to impoverish itself at the outset by disproportionate investment in buildings, and thereby weaken its interior and vital organization until it has not power to fill them. So much, too, will the success of the College depend upon its relations with the men who are placed in immediate charge of it, that it would appear to me best to have the important permanent buildings planned according to their judgment, and erected under their supervision. Until, then, some of its teachers are on the spot and its general course and plan of operation is determined, prudence and caution should be the policy of the College. My views as to the demand for such an institution in our State, and the broad and brilliant career of usefulness that will open before it, are not changed. Nor is there any fear that when it is once set in judicious operation, it will fail of strong friends among our liberal citizens, or of the cordial support of the State.

The visit of the Governor and Council to the Perkins Institute for the Blind, in Boston, and the American Asylum for the Deaf and Dumb, at Hartford, excited our deepest interest. It was most gratifying to observe the faithful care and instruction that was given to those unfortunate children. The exemplifications of intellectual discipline at Hartford were most remarkable. I take great pleasure in commending those institutions to your continued favor. Applications have been received in behalf of persons desiring to avail themselves of a different system of deaf mute instruction—the articulating method—which is thought to be better for those who are partially deaf, or who have once learned to speak. This system is taught in a school recently opened in Northampton, Massachusetts, and I would recommend that the provision which now applies to our pupils in the American Asylum be extended to this school.

#### REFORMATORY INSTITUTIONS.

The Reform School has entered upon a course of unusual prosperity. Hon. E. W. Woodbury was elected Superintendent early in the year, and the results of his judgment and energy are already apparent, in the thorough bracing up of every department of the institution. A balance against the school at the beginning of the year of nearly \$500, has been exchanged for a balance in its favor of some \$2,000, and in other more important respects the institution is coming into a condition to relieve the doubts and anxieties which have so long made it seem a burden, rather than a benefit to the State. We cannot expect this school to be self-supporting; but the appropriation asked this year is moderate.

A resolve of the last Legislature provided for a report on the subject of an institution similar to the Reform School, for the benefit of girls; to be called, in order to avoid suggestions damaging to the sensitive character of woman, the Industrial School for girls. The examination of this subject was assigned to Hon. George B. Barrows, whose familiarity with the history and operation of similar institutions eminently fits him for the service. His report is still expected, but I understand that he recommends the establishment of such an institution, and that the suggestion is warmly seconded by some of our best citizens. It is lamentably true, that there is a demand for such a school, and it is happily true also that the protection or rescue of womanhood from the influences of evil, is a work most beneficial to society, as well as becoming to men. I should say without hesitation that the reclamation or guardianship of girls from wrong ways is of more importance than that of boys. The reasons of this will be apparent to every observant or reflecting mind. If we do not have an institution for this purpose we certainly should have a society or association. We may not be able now to enter upon this undertaking, but it is to be hoped that some of our public spirited and generous cities may offer to interest itself in this good work.

The report of the Insane Hospital, presents the usual features. The current expenses have been met by the income from patients and from the farm. The constantly increasing demand for accommodations makes the call for the extension of the main building still more urgent than before. It is also proposed to secure a lot of land adjacent to the Hospital farm, which may be found desirable. In connection with the subject of these enlargements of the institution, I cannot but revert to my suggestions of last year in regard to the great improvements in the management of the insane, which have engaged the interest of eminent philanthropists, and whose results, as seen in the system at Gheel in Belgium, and Clermont in France, should command our attention. The report of the Committee of Investigation may be of service in its suggestions on the subject generally. I have had earnest applications to recommend that some provision be made for the care and education of idiotic and feeble-minded youth. This might be done by providing for them in some institution out of the State.

The State Prison has been conducted upon the same policy which has for several years been looked upon with commendation. It appears, however, that its earnings for the past year have not equalled its expenses by some \$7,000. The reasons for this are more or less directly on account of the crowded state of the prison, and will more particularly appear in the report of the Warden and Inspectors. It is still my opinion that the affairs of the prison are honestly and judiciously managed. I have had

occasion to suggest that the discipline in the several grades of officers be more systematic and harmonious. It is important for an institution where the authority must be absolute, that the officers render mutual support; and while due subordination is insisted on, authority should be respected from higher to lower, as well as from lower to higher. It is creditable, however, to the management of the prison, that in the confusion of tearing down and rebuilding, no more serious disturbance has occurred. The deficit above referred to, together with the sum needed to complete the extension, will amount to some \$20,000, which must be regarded as an indispensable provision for the necessities of the prison. The number of pardons during the past year has not been so great as formerly; chiefly because it has been thought that pardons should be based upon either new evidence since conviction, mitigating circumstances unknown to the Court, indisputable proof of thorough reformation, or some peculiar hardship in the case which the law could not take into account. The dignity of Law should not be mocked, and the sentence of the Court should not be lightly set aside. The presumption is that sentence shall be executed; and applicants for pardon should bear in mind that the burden of proof is upon them to show why it should be granted, and not upon the Executive to show why it should not. The right of petition must not be denied; but pardons seem too often to be demanded, as if the Governor and Council were defrauding convicts of their rights, or inflicting upon them some grievous wrong, by declining to interrupt the due course of law. In this connection I am constrained to refer again to the unsatisfactory relations of the law and the practice in the matter of capital punishment. Nothing can be more plain than that the law contemplates the death penalty as the extreme of punishment. It declares even the method, and requires the judge to pronounce the awful sentence, but leaves a weak place in providing for its execution by which a Governor, if so disposed, can shirk a painful duty. It begins a tragedy and ends a farce. I am not prepared to say whether public sentiment demands a change in the law, but I deem it proper to inform you that I shall consider it my duty to dispose of cases under sentence of death which come before me for action, and shall either see that the law is duly executed, or shall interpose the Executive prerogative of commuting the sentence to imprisonment for life.

The greater part of the Report of the Attorney General is devoted to comments upon the operation of the Constabulary and Liquor Laws, with recommendations for important changes in them. This is a subject of grave consequence, and will demand your calm and careful consideration.

## INTERNAL AND MATERIAL INTERESTS.

Agreeably to an order of the Legislature, plans and specifications have been invited for the improvement of the capitol. These have been furnished, and will be laid before you. The elaborate plans submitted by Bryant and Rogers, who have remodeled the State Houses of New Hampshire and Massachusetts, suggest a very convenient and beautiful rearrangement of our interior, and extend to some changes for the outside. Other parties also have plans in preparation, which will be submitted.

I have not deemed it advisable to recommend any alteration at present which would involve a great outlay of money. At all events I should extremely regret to see any change entered upon which would disturb the front of our present building, which I regard as one of the finest and most imposing in the country.

The Report of the Hydrographic Survey will, I judge, show striking if not complete results. The Survey proper has, as a general thing, been dispensed with, as so many of our towns voluntarily sent in full and accurate reports of their powers, and while this was in hand it was deemed inexpedient to enter upon surveys that might be found superfluous. There are several important places still to be heard from, and this Report cannot therefore be taken as by any means a complete exhibition of the water power of the State. It is a sufficiently remarkable fact that already 1900 water powers are reported, from 20 to 20,000 horse-power each, making an aggregate of about 400,000 horse-power, and equal to the working force of over 5,000,000 able-bodied men. This will be more exactly set forth in the Report, from which, incomplete as it must be, I anticipate an exposition of the resources of this State for Manufacturing purposes, such as cannot fail to strike our own citizens with surprise, and attract attention and investment from abroad. Not having seen the Report of the Commission, I am unable to say whether it would be advisable to extend the work any farther at present. The capacity and means of control of our great water basins and lake reservoirs, I understand, remain yet to be ascertained. This is an important element in computing the availability of our water power.

If this Report does not prove to be exactly in form or completeness adapted for popular distribution, I would suggest as the bulk of appropriation for this survey is not drawn, that the able Secretary of the Board of Commissioners be authorized to revise it and put it in proper form for distribution. We must spare no pains in preparing the way for the speedy utilization of our unequalled facilities for manufacturing, and must make our action to-day accord with the manifest destiny of Maine as a great seat of the industrial arts.

I had occasion in my last Address to refer to the obstructions now forming in the bed of the Penobscot River. I deem the matter of so great importance that I must again urge it upon your attention. Lest there should be any doubt in your minds as to the occasion for this solicitude, I have procured, by favor of General George Thom, of the U. S. Engineers—to whom the State is much indebted for his deep interest and valuable coöperation in measures which look to its advantage—a copy of the Report of a recent survey of the Penobscot by Mr. Sullivan, which I shall lay before you at an early day. From this it appears that a bed of obstructions from slabs, edgings and sawdust extends from Crosby's Narrows to Bangor, a distance of some three and a half miles, covering an area of about 320 acres, and of an average depth of ten feet, being in some localities more than eighteen feet deep, forming an entangled mass of more than 5,000,000 cubic yards. The report proceeds: "From all these examinations it has been ascertained that this river, instead of having, as formerly, a wide, clear, and unobstructed channel of three fathoms in depth at low water all the way up to Bangor, has now a narrow, tortuous and uncertain channel, with but eight or nine feet at lowest water." The restoration of the old river-bed would cost millions, and is not to be thought of; but a passable channel could be made at a cost estimated at from \$100,000 to \$500,000, according to the depth. These obstructions are still accumulating, and it needs no argument from me to show that we cannot afford to close the Penobscot River and make Bangor an inland city. I cannot but regard it as my duty to urge upon you to put a stop, by suitable legislation, to the process of filling up the river, and then we shall be in a condition to appeal to Congress to clear the channel. It is easier for us to remove the cause than the consequence, and unless we do so it will be idle to expect the General Government to render us any aid.

It is proper to refer to the happy results of the liberal spirit of the State towards the proposition for the publication of the early documentary history of Maine. Under this encouragement the Historical Society commissioned Rev. Dr. Woods to examine the public archives of England, France, Spain and Venice for original manuscript records pertaining to the discovery and early occupation of this portion of the New World. To facilitate this desirable work, the commission of the State was also given to this agent, and he has met with every courtesy and coöperation on the part of the custodians of these archives. Under these favorable circumstances a large amount of valuable material has been brought to light. This will be embraced in a volume illustrating the progress of discovery prior to the year 1600, and culminating in the occupation of this ground under the first charter of Maine in

1606, which was the dawn of colonization and civilization in North America. The editing of the work falls to able hands, and it is to foresee that this volume will be a more important contribution to our early history than has hitherto appeared. The appropriation for subscription to this volume has not been expended the past year, and I respectfully recommend that it be renewed, as the volume will undoubtedly appear in the course of the ensuing year.

The constitution guarantees to every citizen speedy justice. It is worthy of inquiry whether this pledge has been faithfully kept—whether in some instances the administration of justice has not been so impeded as to amount to a practical denial of it. The rapid increase of wealth and population in Portland and the neighboring towns, has long tended to accumulate business in the Supreme Court of that county. The docket of that Court in Cumberland now contains nearly 2,000 actions, in nearly all of which the defendants have filed specifications of defence, and are entitled to trial. The great hardship of the matter is that defences made only for delay shelter themselves behind actions which are really for trial, where they lie in safety, their hollowness not exposed until reached in regular course of business. With this accumulation no action can be reached under at least two years, and adding the delay for exceptions, heard only once a year, the average delay is three years. It is easy to see that the course of justice is impeded here, and it seems that the time has come for the redress of this evil by the establishment of a civil court for Cumberland County intermediate between the Municipal and the Supreme Judicial Courts. I would therefore respectfully recommend to your careful consideration the bill proposed by a committee of the Cumberland bar, and unanimously adopted at a full meeting of that body. It is believed that the creation of such a court, with its limited exclusive, and large concurrent jurisdiction, its frequent terms for jury trials, and its improved provisions for the speedy hearing of law questions, would afford a prompt and effectual remedy for the present evil.

It is well known that a respectable party of citizens of this State joined in the disastrous enterprise known as the "Jaffa Colony." The most distressing accounts of their condition reached me during the last summer, with anxious appeals for the interference of the State on their behalf. As, however, they were beyond our jurisdiction and reach, I immediately addressed a communication to the Hon. Wm. H. Seward, Secretary of State, asking the aid of the General Government, in rescuing these unfortunate people from their distresses. This request was most kindly and promptly met on the part of the government, and after some correspondence the Secretary informed me that he had provided for the



return to this country of such of these unhappy colonists as were so disposed. In the mean time their sufferings prompted our Consul General at Constantinople, Hon. John H. Goodenow, to take action for their relief upon his own responsibility, and in great part at his own expense. He visited the colony, and conducted forty-two of them to Alexandria, Egypt, where Mr. Hale, Consul of the United States, arranged for their further conveyance home. Mr. Goodenow's services in the matter are deserving of great approbation.

The Fish Commissioners have given much attention to their investigations in connection with similar agents of neighboring States. They deem it, I understand, entirely practicable to restore the fish to our abundant waters which formerly afforded no small item in the productive resources of the State. The fisheries on the coast also are an important interest, and should be properly protected. The complaint is still made that the mechanical operations for the production of fish oil have been reckless, and the slaughter thus occasioned has caused a dearth of small and even of large fish along our shores. There is some doubt about the facts and their causes, but it may be that the matter deserves your attention.

#### SHIPPING.

The depression in so important a branch of our industry as ship-building has reached a point where we must have relief, or abandon an interest which has been our pride and stay. Not only do we see our shipyards idle and maritime towns stagnating, but the ship builders, who are among our most intelligent and valuable citizens, are driven from the State to seek employment elsewhere. The loss is one we can ill afford to bear. The State that has for years furnished a third part of the tonnage of the United States may well demand to be heard in the Congress of the Nation, and there are few subjects more worthy of attention than the restoration of the commercial interests of the country. Maine means to be fraternal, conciliatory and generous. Prompt in her loyalty to the Union, she is still willing to deny herself something for each of the peculiar interests of her sister States. But she does not believe that they will deliberately persist in a policy which must destroy her main reliance, cripple her industry, and degrade her from her appropriate station. The country cannot afford to abandon the sea, or leave to foreign ships even our own extensive commerce. I am aware that it is not in the power of Congress to lift the whole burden from our shipping. It will take time to change the current of trade, and we must still be subject to the laws of supply and demand. Other places also which exempt their tonnage from local taxation will still have some advantage of us.

We cannot hope for the old prosperity; we only ask to be relieved from so unequal a burden, and that, so far as legislation can effect it, the chances may be restored to us of a fair competition in the commerce of the world.

#### AGRICULTURE.

Agriculture is an interest in this State too important to be overlooked. There is no lack of industry in this department, but I still doubt whether our agriculturists have that courage and enterprise which our facilities call for. We are content with sending hay and cattle and potatoes out of the State. The great staple of life we bring in, and from a distance, and so at exaggerated prices. We turn to our neighbors on the north and west, and even stretch out our hands to California, for grain. It is painful to see heavy teams toiling days and nights long to carry flour into so fine a wheat country as our Aroostook, bringing it very likely from New York or Boston, and taking it almost back where it came from; and the farmer pays for the round-about journey it has made, bills which amount to more than the intrinsic value of the grain, when he could raise just as good at his own door. It is useless to wait for great manufacturing enterprises to develop this industry by creating larger demand. Bread will always be in demand. With our population, now probably upwards of 650,000, we need at least as many barrels of flour yearly, which, at \$15,—the average price for the last year,—amounts to \$9,750,000. This is nearly all imported, and probably no one article of export equals this in value. Here certainly is sufficient demand. The only question is, can wheat be profitably raised in Maine. The soil and climate are no bar. In the Provinces north and east of us great attention is paid to wheat raising, and with good results. Where it has been skillfully tried in our own State there has been no failure. The intelligent farmer knows that he must sow on dry ground or underdrain, so as to get the seed in early and avoid the midge; that he must pulverize clayey soils so that they will absorb and hold the nitrogen or ammonia upon which the cereals depend; and that the wheat should be followed by crops like clover, turnips or peas, which do not dissipate ammonia, and those crops be kept upon the farm and returned to the soil as dressing. It has been proposed to offer a bounty on the raising of wheat in this State for the next three years. Whether that is done or not, the intelligent farmer who devotes himself to this will find a bounty in his immediate returns. With our 70,000 farms, an average of four acres would easily produce, at fifteen bushels to the acre, upwards of 4,000,000 bushels of wheat a year, and this experiment is worthy of being tried. It will be useless to hope that even with the increased facilities for transportation which we anticipate, breadstuffs

will be greatly lower in price. The rapid increase of manufactures in the south and west will tend to increase a home consumption, so that less breadstuffs will be offered in eastern markets, and thus the price will be kept up. Even if it were not so, our nearness to the great markets would give our farmers the practical advantage of nearly the whole additional price which the cost of long transportation compels. Few subjects are of more importance to our farmers, however they may now be prejudiced or discouraged by working blindly and by main force, rather than understandingly and skillfully. There is a tactics in peace as well as war.

The recent examination of the new lands of Aroostook by the Secretary of the Board of Agriculture has convinced him of the great agricultural capacities of that section. The present agitations which affect the community must before long subside, and a larger proportion of our people than now must settle down to steady productive industry. It will be well to have it more widely understood what an admirable field these new lands afford. To be sure the means of communication do not now afford much facility to those who are in quest of settling places, and this disadvantage is felt also in practically removing the market somewhat; but this drawback we hope shortly to overcome. We must do what we can to encourage the immigration of intelligent, industrious and upright people. If we took anything like the pains that our Western States do, our superior facilities might induce the settlement of valuable colonies in these fertile lands. Many of these States prepare circulars setting forth their advantages, and industriously distribute them over the countries of Northern Europe, and some even have a commission abroad to aid immigration. It is well known that great numbers of the Swedes, for instance, would gladly come to us. I venture the opinion that it would be a profitable investment if the State were to pay the first expenses of such a colony, who by their hardy and frugal habits, and their familiarity with the climate of this latitude, would find themselves at once at home in Maine, and would also find homes for multitudes of their countrymen. They and we would profit by the experiment. There is nothing visionary in this; it is entirely practicable. These Scandinavians are of kin with us, and nearest to us in speech of any in the world. They know the forest and the sea, and would readily assimilate with us in language, habits and institutions. Maine is surely as good a State to migrate to as Minnesota. We are much nearer to the landing place of immigration, and for the same reason much nearer the markets of the world. I do not insist upon this particular experiment, but for one I believe in it. If we cannot keep our sons at home, let us bring in our cousins.

Why is it, gentlemen? Why does the overflowing energy of the old world skip over us at a bound, and push half way across a sea-wide continent? Why is it that the high industries of mature civilization find no abiding place on our broad acres and beside our rushing rivers? Why do our sons feel cramped at home, and break away to make other wildernesses bloom, to found States on distant shores, and make themselves honored in the lands of strangers? Why does not the course of empire tarry here on its westward way? Is it not because we prefer an inglorious safety to a courageous faith in the virtue of manhood and the rewards of Providence? Is it not because we shut our eyes to the possibilities, the opportunities, the importunities of the times? Is it not simply because we do not encourage enterprise, skill, industry, nor give room enough for brain or muscle?

This snug policy of letting well enough alone, of being content to fill the places of the fathers—would that we might, indeed, in the things that are true and honest, and of good report!—this policy allows but one inheritor, and the rest of the vigorous sons, too spirited to stay where there is nothing to do, are driven far away. The spirit is not wanting, space is not wanting, the people individually are not wanting: it is our public policy which is at fault; it is the embargo laid upon our enterprise.

I ventured last year upon the suggestion that in withholding her aid and countenance from great public enterprises the State was retarding her own development; limiting, if not losing, her active population, and damaging her industrial and financial prosperity. I am aware that many differ with me in that opinion. This is to be expected. Men of fortune, whose taxes amount to large sums, are apt to fear that without constitutional check the people would be reckless of expenditure; and those who have struggled through difficulties, and by hard earnings, and harder savings, have gained a comfortable competency, are naturally cautious. But there is a courage without rashness, and caution without timidity. It is not necessary to open the Treasury to plunder, or to expose the State to be swept to financial ruin by a sudden burst of enthusiasm or temptation. The constitutional restriction might, at least, be so modified that the State would not be absolutely debarred from giving any encouragement by her credit to measures vital to her prosperity. It would be entirely easy to provide that the State should be perfectly secured against loss, or the actual payment of a dollar. No matter if in these measures some private interests were advanced, if by so doing the public interest was tenfold more so. This system is safer, more effective, and less expensive than to throw the burden upon towns, as we do now. The State guarantees would be more wisely granted, and would have a more commanding credit.

One reason the State has so little private wealth is because she has not fostered public enterprise, and she now relies upon this private wealth to carry on her most momentous concerns. So we move in a perpetual circle, without advance. There can be no enthusiasm for a State while these things are so. Our people want something to do. Either capital or employment every man must have. Our young men do not ask aid; they ask opportunity. Because they cannot find it here, they seek it elsewhere. We have lands, to be sure, but no encouragement to work them. It is our duty to adopt a policy which will open the avenues of industry, and quicken all the currents of life. This is the only saving; nay, the only safe course.

Nor does the fact that we have our war debt upon us afford anything but an additional argument in favor of this liberality. Capitalists will not distrust the credit of a State which is full of industry and life, vigorously pushing forward its material enterprises, opening its resources, and laying a basis for future stability. Rather would they discredit a State which, barely trying to hold its own, shrinks from day to day; whose highest anxiety is to pay its debts, instead of entering with a strong hand upon measures which would leave the debts a trifle.

#### RAILROADS.

The Railroad enterprises in this State are not visionary or speculative projects. We do not sink capital in providing means for transportation, while there is nothing to transport. Nor do we rely on the uncertainties of future development. But our actual necessities demand these roads. Still it is true, beyond all cavil or question, that railroads do promote, in a most extraordinary degree, the internal prosperity of a country. Instead of displacing other modes of communication they actually increase them. It is well known, for example, that horses have come into use in a tenfold higher ratio where the great railroads have been opened. These roads are not more important to Commerce and Manufactures than they are to Agriculture. They give the farmer what he most demands, a ready market; affording the facility of moving his produce at a great saving of time, labor and expense, and of readily bringing back the articles he cannot produce; thus increasing the value to him of his own productions, and diminishing the cost of his purchases. Moreover, they enhance the value of his lands, inviting other industries, and thus benefit the individual and the whole community. We must therefore regard with satisfaction the various undertakings of this kind which the public now demand.

The European and North American Railroad is one of our great interests. This is already admitted and practically recognized by

conditional grants of aid. But without as yet receiving any advantage from this, the road has still gone on. By great personal exertions the directors and contractors have put the road in running order to Orono, and are vigorously pushing on towards Winn, sixty miles above Bangor, straight towards our Aroostook country, and flanking our rich Piscataquis region. This enterprise has dragged somewhat on our side the line. But not so with our spirited and generous neighbors of the maritime Provinces. With large comprehension of the times, and far-sighted vision of the future, they have addressed themselves with earnestness and self-reliance to the opening of this road.

The Provisional Government has given to the road outright \$10,000 a mile, and no less than \$10,000,000 have already been expended and pledged upon the construction of the main line from Halifax to St. John. Indeed, nearly the whole of the provincial end of the line is now finished, or in rapid process of completion. It remains for us to ensure the building of the short distance of fifty miles from Winn to the boundary.

The favorable intention of the legislation of 1864, towards this road, has not yet been made effective, owing to the unwillingness of Massachusetts to relinquish the debt of the State of Maine which is in a sense a lien upon the lands conditionally granted the road. The company is now bending all its energies upon completing the road to Winn, and it is embarrassing for them to assume even so small a liability as \$150,000 to satisfy this claim. It may be asked of us to remove this encumbrance, so that they can have a clear right to base their bonds upon these lands and the franchise of the road. Nor do I see any serious objections to this. It might seem hard just now to take up even this small sum; but the truth is, we cannot afford to wait. The lands, at present, from the very absence of railroad facilities, would not command a very high price in market; but if made available to the road, they would be of great immediate advantage to it, and would in a short time amply reimburse the State, in the increase of taxable property. As it is, both lands and road languish. Start the road and both come into activity at once; and perhaps this is the most expeditious way to make these lands available to the State in money. If we grant our aid, it is thought that the close of 1869 will see Halifax, Bangor, Portland and Boston connected by rail. Open the road now that the Cunard steamers are withdrawn from Boston, and the great current of trans-Atlantic travel will cross our State.

Connected with this in its ultimate advantage, and of scarcely less importance, is the enterprise on our western border—the Portland and Ogdensburg Railroad—by which it is proposed to open a new thoroughfare from our metropolis to the great West. A road

which, skirting Sebago Lake, winding through the notch of the White Mountains, straight across upper New Hampshire and Vermont, down the rich and beautiful valley of the La Moille, crossing the foot of Lake Champlain, connecting with the Northern Railroad of New York, which opens the way to Ogdensburg and Oswego, and by means of connections now in process, to all the chief cities of the Great Lakes, will open a direct and continuous route from our seaboard to the great West. This line, in its attractions to travellers, and its business facilities, must defy competition; especially when we consider that in summer freights may be brought by water to Ogdensburg, only some 330 miles from Casco Bay. As a part of this enterprise, and contributing to its complete success, is the opening of the Niagara ship canal, a matter of vast importance to us. The bare statement of this design and plan is sufficient to commend it to our interest. The generous favor with which it is met in Oswego, Ogdensburg and Vermont, should stimulate a responsive zeal.

No student of physical geography can fail to see that there is not a port east of New York which commands so many advantages, as an outlet for western trade and travel, as Portland. With this road she will vindicate to herself a higher claim than that which has been so sneeringly retorted upon her; she will prove herself to be the natural seaport of more than all the Canadas. I am not aware that the friends of this road ask us for pecuniary aid; but no one can doubt that its success will be largely conducive to the growth and prosperity, not of Portland only, but of the whole State. The great railroad systems of this State are of too much public importance to be left entirely to the hands of private parties. The great body of the people have a direct and practical concern in them, which should harmonize all interests and energies. The cross purposes of sections and gauges should not be permitted to stand in the way of the public good. All should unite to set in motion the powers which will work out the welfare and glory of the State.

We are not to forget the inevitable attraction which will bring into line with these great thoroughfares the North Pacific Railroad; and when the eye takes in at one glance the connection and continuity of these large designs, from the easternmost point of the Atlantic coast to the shores of the Pacific, checked by neither rivers, lakes nor mountains, nor knowing boundaries of State or Province or Dominion from ocean to ocean, the mind gathers up at once the mighty interests involved when the reciprocities of trade shall flow and reflow across the utmost breadth of the continent, and discerns the signs of our own awakening and the promise of the Nation's unity.

## THE PROSPECT.

If we go forward with manliness, we need not despair at our present burdens. They are heavy, but can be borne and overcome. While the country was plunged in war, and dangers pressed on every side, our minds were absorbed in the conflict. Devotion to this great cause made us insensible to the pains and burdens we were then bearing, and ready to pledge ourselves to suffer in the future.

Now that the flowing tides of enthusiasm have ebbed we see the naked grounds of our strength. The war cost men and it cost money. It is no strange thing that we are in debt. We foresaw this, and still went forth to meet it boldly and thoughtfully. Debt and death alike we knew we must encounter. The drain upon us has indeed been terrible. But shall we now, for the first time, be cowards? Having counted the cost and dared the enterprise, shall we now look back with murmurs at our fidelity and success, and give ourselves over to fret at our wounds and bereavements, and inconveniences and debts? The people of this State have answered that question, and will answer it again. What we ask is honesty on the part of those who fix the issues of this dear bought victory, and reconstruct the Nation. Honesty in securing the political guarantees demanded by the overthrow of the rebellion: honesty in taxing, in collecting, in expending: honesty in paying, honesty in being paid. Extravagance and corruption must be rebuked. There must be an Industrial and Financial as well as a Political reconstruction. These things will require wisdom and ability rightly to determine and adjust. The fetters must be struck off from enterprise and the incubus lifted from industry. The property of the country must be made to contribute in an equitable proportion towards bearing the public burden. The Government bonds must be so taxed, if at all, as to relieve States and towns rather than the National Treasury. If we are to bear these burdens, let us have a chance to stand. Let us have neither privileged persons nor privileged property, but a Republic and a Democracy in which a man shall count for a man and a dollar for a dollar.

Nor am I of those who think that we should pay off this whole great debt in one day. Those who thus hold must come cheaply by their opinions. We shall do our part, I take it, if after having borne the brunt of the fray, we allow those who are to reap the benefit of the struggle to come as near as possible to taking a share in the investment. Anticipate nothing, repudiate nothing, sophisticate nothing, but fairly and manfully meet every obligation as it comes, trusting that as the day is so shall our strength be.

The State may well be proud that her Senators and Representatives in Congress have not been turned aside by the caprices of



prejudice or partisanship, but have been among the foremost to seek ways of relief from the country's distresses, and means of her restoration and prosperity. On the main issue we yield not an inch. Though the shape of the conflict may change as new objects arise, yet the great issue is still joined. Our watchword is, still, loyalty to Country and justice to Man. And if everything does not go to suit us, what then? Shall we who have stood together for the country's defence, and could not be separated by hostile batteries or public disasters, or personal suffering, now be driven asunder by mere apparitions and false alarms? Shall we lay down the broad ensign of the Republic, a thousand times more sacred for the precious blood that reddens it, and take up, instead, any petty standard of a side issue in State or National policy, while the great questions on which the hope of the country hangs are trembling in the scale?

Shall we not rather rally once more upon our memories under the Nation's name and banner, and, "with malice towards none and charity to all," set ourselves to settle the grave questions which still distract and dishearten the land?

With purposes like these, and seeking no unworthy ends, we commend ourselves to the Almighty Disposer of human events and earthly destinies, trusting that our labors may be of service to the State, to the Country, and to Mankind.

JOSHUA L. CHAMBERLAIN.