

# MAINE STATE LEGISLATURE

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ACTS AND RESOLVES

OF THE

FIFTY-FIFTH LEGISLATURE

OF THE

STATE OF MAINE.

1876.

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## GOVERNOR CONNOR'S ADDRESS.

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*Gentlemen of the Senate and House of Representatives :*

The year upon which we are entering is of the deepest significance to every American. It marks the completion of the first grand cycle of the Republic. A century has passed away and The Government of the People stands free, great and beneficent, to vindicate the wisdom that called it into being, to answer the prayers and hopes that attended its birth, and still to guard for us and for the future the blessings it was formed to secure. A hundred years ago it existed but in the solemn declaration and the firm resolve of the men who fashioned it, as an instrument of justice. To-day it lives in mature development, fresh in all the aims and impulses with which it set out, strong in a self confidence inspired by long years of varied trial and the successful withstanding of all forms of assault.

The far-stretching retrospect excites emotions of pride and exultation, and yields impressive lessons for our guidance as a people in the new century at hand. We perceive by what devotion to principle and by how great civic virtues the Fathers of the Republic were enabled to establish the sure foundations of our country; by what steadfastness and heroism its independence was accomplished; and by what majestic progress it grew to greatness under the stimulus of freedom. Regarding the years not yet far removed from us, the great struggle through which the crisis of the country's fate had happy issue, presents itself as a stern school of citizenship ministering to the stability and prosperity of the new nation. It brings the mutual dependence of government and people home to every man with a strength of conviction no reasoning could convey. The price paid for nationality when its value was put to the test, measures our need of it; and every battle-torn flag and smoke-begrimed musket—relic or trophy of the contest—every national note betokening the zeal and confidence of patriotism, admonishes that the welfare of their country is in the people's own keeping.

A little more than half a century ago the people of Maine, in ordaining the constitution upon which they founded the new State, acknowledged with grateful hearts the goodness of the

Sovereign Ruler of the Universe in affording them an opportunity so favorable to the design they had in view. We, of this day, recalling anew the moulding of our common country under the auspices of the new and grand belief in the high average of human worth; the dedication of it to that principle, and the subsequent prosperity and happiness which have justified the idea of liberty and the theory of equal rights, can but feel in our hearts to own our obligations for the favor acknowledged by the fathers of the State; and, with the perils of the recent past vividly before us, to remember with renewed gratitude the Goodness that has been constant to us. Within a short space of time the State has grown from infancy to maturity, and has become a mother of States.

While we deplore the plain fact that the increase of our population suffered a check prior to the war, and failed altogether in the war decade, we are not prepared to admit any injurious inference from it. The causes of the misfortune are well understood and involve no discredit. The great farming region of the West not only became our overpowering rival as a field of immigration, but also attracted our own people. The golden shore of the Pacific lured from us hosts of young men whose accumulated earnings were the smallest part of the loss sustained by their departure. Every fresh land of promise of the many that followed in quick succession, was pioneered by the hardy and adventurous sons of Maine. It is generally conceded that they abandoned the substance for the shadow; that if their energy, experience and capital had been employed at home, and if their example had fostered a spirit of contentment, they would, as a whole, have enlarged their own success in life, as well as advanced the importance and prosperity of their State.

Maine had thus been sorely drained when the war swept away many of her sons, and the influences consequent upon it induced a restless impulse, driving many more to wander or seek homes elsewhere. The comparatively isolated position of the State, and the non-existence of large cities within its borders, have stood in the way of the compensating influx it might otherwise have received. But though weakened in numbers, we are not dispirited. A hopeful consciousness prevails that the elements of a great State are here, and will eventually combine to form one commensurate in all respects with the extent of our territory.

Our State is now involved in the depression of business, and cessation of enterprise everywhere prevalent. The shadow of the war is still upon us. Some of its incidents are yet remaining. Prominent among them is the continual employment of the substitute for sound money which is imposed. While the States have returned their old-time relations to the country, and the army and

navy of the Union have been re-established upon a peace footing, the currency of the country continues to retain its war character. The people of the State are substantially of one mind in demanding relief from the fickle medium of exchange which has been tolerated solely for the sake of the great good it was created to subserve, and in desiring the recall of the banished currency, the only one adapted to the uses of peace. They look to the National Government to effect this as speedily as is consistent with any sacrifice not absolutely unendurable. It would be far better to pay directly in taxes the certain interest of the bonded debt in which the government notes may be funded, than to bear the uncertainties and suffer from the discouragements to enterprise caused by the fictitious importance they are now invested with.

The year upon which we now look back has been a fairly prosperous one. At least, it has not been one of unusual hardship. That it has not been such is due to the unfailing bounty of our soil, and largely to the admirable spirit and patience with which the adversities of this period of transition, as it is by common consent regarded, have been met. Manufacturing has been carried on with but little prospect of remunerative returns in many cases, and thus willing hands have been enabled to earn daily bread. A general decrease of profits has not been attended by general want and suffering.

The affairs of the State, with which you are immediately concerned, have been well conducted in all departments, and all its institutions have faithfully fulfilled their appropriate purposes.

#### THE TREASURY.

The ordinary routine of the Treasury has been more difficult than usual, and special and important duties have devolved upon it. The cash on hand at the close of 1874 was \$322,185.84. The receipts during 1875 were \$1,568,775.43. The payments from the Treasury during the year were \$1,513,866.43, thus leaving a balance of cash on hand December 31, 1875, of \$377,093.84.

#### THE STATE DEBT.

The bonded debt of the State on the first of January, 1875, was \$7,088,400. It has been reduced the past year by the payment of matured bonds to the amount of \$29,000, and by the cancellation of bonds in the abolished sinking fund, and is now \$5,949,400. The payment of the matured bonds and additions to the sinking funds to the amount of \$272,689.72, constitute an actual reduction of the debt the past year of \$301,689.72. The present net indebtedness, after deducting the amount of the sinking fund, is \$5,272,688.28.

## SINKING FUNDS.

An act of the Legislature approved February 24, 1875, provided for the extinction of the sinking fund of 1865, by the cancellation of the bonds of the State of Maine contained therein, and the transfer of the remaining portion of the fund to the sinking fund of 1868.

In execution of this law the Treasurer has cancelled bonds to the amount of \$1,112,900, and transferred bonds and cash to the amount of \$101,524.05, thereby entirely extinguishing the fund which was established for the payment, at maturity, of bonds falling due August 15, 1880, March 1, 1883, and June 1, 1889. Therefore there is now no actual provision for the payment of these bonds. They rest entirely upon the credit of the State. The act referred to contemplates their renewal and extension; it authorizes the issue of new bonds, payable to the amount of two hundred thousand dollars in 1890, and to the amount of two hundred thousand dollars each succeeding year, which bonds, the act declares, "shall be executed and issued only as they can be substituted for at least an equal amount" of the bonds they are intended to renew and extend.

No effort has been made under this authority to issue new bonds in substitution for those proposed to be renewed, although the language of the act seems to imply a direction to execute and issue them whenever the substitution should be found to be practicable. There is at least such room for doubt, whether it lies in the discretion of the Treasurer to defer action looking to the substitution until it shall appear to him to be for the interests of the State to effect the exchange, as to render it advisable, in justice to that officer, to define his duty in this respect more explicitly.

The only action necessary, however, if my suggestion should recommend itself to you, would be the repeal of so much of the act referred to—that of February 24, 1875—as relates to the execution and issue of new bonds. The Legislature would then retain control of the matter and be left to provide for the payment of the loans in question, or for their renewal and extension, as they severally approach maturity, or whenever it may suit its own pleasure. The report of the Treasurer will present to you the elaboration of a suggestion for the payment of the loans maturing in 1880 and 1883, the former of which amounts to \$307,000, and the latter to \$385,000, and demonstrates that, since the State has no other liability to meet within the period from 1878 to 1889, such payment can be provided for at a future date by means of a comparatively light tax and temporary loans.

The extinction of the sinking fund of 1865 effects a relief from annual taxation to the extent of about \$190,000, and is a measure

of eminent justice and good policy. The period from which this burden has been lifted remains heavily incumbered by State and local debt, and the financial and business difficulties by which the people are at present confronted tend to make the weight more and more oppressive. If we shall have happy deliverance from present and threatened ills, the spirit of our people affords full assurance for the belief that they will turn this temporary alleviation to so good account in the development of the resources of the State and the increase of its wealth, as to render more than an equivalent for the exemption they have obtained.

The sinking fund of 1868, which remains and is required to be maintained, was established to pay the principal of the loan "for the equalization of municipal war debts." The loan matures in October, 1889, and now amounts to something less than three millions of dollars, having been reduced by the cancellation of some of its bonds which formed a part of the abolished sinking fund. It gained \$200,275.39 the past year by taxation, transfer and interest, and now amounts to \$676,711.72.

The State, in common with all other investors, has of late years been obliged to pay a high premium for the securities prescribed by law for its investments, and it is a matter well worthy of your consideration, whether its interests would not be subserved by enlarging the list of authorized investments for the sinking fund, by the addition of some other classes of securities of undoubted value.

#### TAXATION.

The revenue of the State, in addition to the sum procured by the State tax, the levy of which is directed and the rate fixed by the Legislature annually, is derived from the tax on railroad companies, savings banks and insurance companies. A tax of one and one-half per cent. is levied upon the corporate franchise of railroad companies incorporated under the laws of this State or doing business therein, the value of the franchise to be determined for the purpose by deducting from the ascertained market value of the capital stock of each company, the value of its real estate and other property actually subjected to local taxation, and by deducting also, in the case of lines extending beyond the State, the proportional valuation of such extension.

The act imposing the tax upon railroad companies, was passed by the Legislature of 1874, and an assessment upon them for that year was made under its provisions. Several companies having failed to pay the tax assessed upon them, an act was passed by the Legislature last year to provide a more speedy and effective method of enforcing payment.

While the State treasurer was taking steps to proceed under the new law against the delinquent companies, one of the stockholders of the Maine Central Company, residing in another State, brought a bill in equity in the United States Circuit Court, alleging, in substance, the non-validity of the act of the Legislature under which a tax had been assessed against the Maine Central Company, for the reason that it impaired the obligation of the contract contained in the charter granted by the State to that company, and praying the court to enjoin the treasurer from collecting the tax. A temporary injunction was granted by the court, and the treasurer is therefore precluded from further efforts to collect the tax, and virtually restrained from proceeding against the other delinquent companies whose charters contain a clause similar to that upon which the Maine Central rests its claim for exemption. A further hearing upon the question of a permanent injunction will be had at the April term of the court, provided the parties do not unite in bringing one about at an earlier day. The distinguished gentleman who acted as counsel for the State in this matter, in the absence of the attorney general, in his report to my predecessor, says, "I have entire confidence that the ultimate result will be the sustaining of the legislative act taxing this corporation."

Of the \$50,384.52 received from the tax on railroad companies for 1874, the sum of \$3,035.83 has been apportioned to the cities and towns wherein shareholders had their residence.

The tax of one per cent. on the deposits in savings banks yields a large and easily collected revenue, one-half of which is appropriated by law for the use of schools, and one-half to the use of the State.

No consideration of justice or policy presents itself to my mind in opposition to the maintenance of the tax at the present rate. The substitution of State for local taxation effects a discrimination in favor of deposits in savings banks of at least fifty per cent. The object in view in subjecting them to a fixed and lower rate of taxation was not, presumably, a recognition of the meritoriousness of such accumulations and the promotion of thrift, but the encouragement of the continuance and growth of a fund readily accessible to taxation, constituted by earnings and surplus capital which might otherwise prove fugitive and elusive in this respect. The continued increase of the amount of deposits indicates that the tax exercises no deterring influence upon depositors, and so far as I am informed, bank officers generally do not regard the tax as onerous or tending to repel deposits. Institutions recently organized, or suffering from the failure of investments, finding themselves unable to declare the maximum dividend allowed by



law, may be apprehensive that the consequences will prove unfavorable to them. It should be borne in mind, however, that a low rate of interest is the rule affecting all capital seeking investment, and that, while it continues in force, depositors would gain nothing by withdrawing their funds since they could not obtain elsewhere greater interest combined with equal security. Their condition is not one of exceptional hardship. Other interests suffer more from the business depression of the times and are far more heavily taxed.

A law of 1874 imposes an annual tax upon foreign insurance companies doing business in this State, or two per cent. upon all premiums received after deducting the amount paid for losses during the year, unused balances on notes taken for premiums on open policies, all sums repaid or allowed for return premiums, and the legal reserve on life policies. The first assessment under it was in April last, and amounted to \$12,434.77. Fire and marine companies were assessed \$10,928.83; life and accident companies, the remaining \$1,505.94 of the amount. The insurance commissioner reports that the former class received premiums to the amount of \$960,403.93, and was entitled to deductions amounting to \$418,201.83, leaving a taxable amount of \$542,202.10; that the latter class received \$813,101.37 for premiums, deducted \$347,716.89 for losses paid, and \$390,086.27 for other items, thus reducing the taxable amount to \$75,298.21. In the case of life companies the deductions practically defeat the purpose of the law, which was, undoubtedly, to levy a just share of taxation upon the large amount of capital drawn from the State by them.

Although the tax is nominally assessed upon the company, it is probably paid in all cases, directly or indirectly, by the holders of policies, whether fire or life. It is certain that some—and it may be true of all—life insurance companies make provision in their blank forms for the collection of the tax from the persons insured by them. An unjust discrimination, in effect, is thus made by the law. Those who insure their property against fire, pay a higher rate of tax to the State on their expenditure for protection than persons who procure life insurance, pay on expenditures for a recognized value in addition to protection.

No system of taxation has yet been devised which is not acknowledged to be imperfect and inequitable in many respects, and it is not to be expected that a nearer approach to an exact adjustment can be made in this case than in others. I am convinced, however, that it is in your power to make a closer approximation to justice by so amending the law as to limit the deductions from the amount of premiums received by insurance companies, to losses actually paid in the State within the year.

The special tax commissioner, whose report led to the taxation of other corporations, recommended therein that the receipts of express companies be subjected to tax, and that telegraph companies remain untaxed, but without assigning a reason for the exemption advised. I respectfully recommend that you carefully consider whether these companies can justly be permitted to go free of duty to the State.

#### THE ADJUTANT GENERAL'S DEPARTMENT.

There has been no material change the past year in the small military force maintained by the State. It consists of the first regiment of infantry, two unattached companies of infantry, and one battery of artillery.

It is one of the principal offices of the Volunteer Militia, if not the chief one, to aid the civil authorities in quelling disturbances when the ordinary means of preserving the public peace prove insufficient. Although such contingencies are not liable to occur among a law-abiding people, their possibility makes it the duty of the State to provide for them, and thus render them more remote.

On any occasion of sufficient gravity to require the services of the military arm, a battalion or regiment would be the smallest effective unit; in order to be properly prepared for duty, the scattered companies of our armament should be brought together occasionally for discipline and drill in the larger organization.

The question of holding an encampment for instruction the present year, will, no doubt, be postponed to the consideration of the sending of some portion of the Volunteer Militia to participate in the inaugural ceremonies of the Centennial Exhibition. If you should deem it advisable to show the interest of the State in this celebration, by responding favorably to the strong wish of our soldiers to take part in its grand pageant, Maine would not fail to be well represented in the column of the citizen-soldiery of the Union, whose presence in Philadelphia in 1876 will be peculiarly appropriate and suggestive.

#### STATE PENSIONS.

The State pension system is a valuable supplement to the national system, and oftentimes, by the promptness of its benefactions, affords a timely relief which could not be obtained through the tardier process of the latter. The Adjutant General reports that the pension appropriation for the past year has not been entirely expended, and that a reduction may be made in the amount of the appropriation for the current year, without incurring the risk of denying aid to deserving applicants. No appropriation of the public money receives more general and cheerful acquiescence than that for the benefit of the men who gave

health, strength and precious years of youth or manhood to the country's service, and of their families suffering from the loss of the bread-winner.

#### THE COMMON SCHOOLS.

The present common school system is the out-growth of the confirmation by the war of the conviction, that the safety of the country rests upon the intelligence of its citizens. Duty and self-interest unite in inducing the State to give the amplest facilities for education; to spare nothing to provide what Luther styled the "best and costliest possession of a city, a plenty of fine, learned, rational, honorable, well-brought up citizens."

The good results of the system are apparent in the improved character of the schools, and the marked revival of interest in all that pertains to the public preparation of youth for the business of life and the duties of citizenship. It is by no means perfect, but the success that has thus far attended it, is an assurance that it is, in the main, the true means of accomplishing the best results attainable for education. Some improvements are left to be made by communities for themselves, as example and experience shall enforce the necessity for them. Others, required to supply defects which the workings of the system have discovered, and for the general benefit, it is the province of the Legislature to make.

The supersession of the district by the town system, is an important and desirable object to be gained. This is left by the law to the voluntary action of each town, and the process of supplanting is gradually going on. The town is the unit and strength of our political organization. From it proceeded in great part the influences and the aid that sustained the Revolution and preserved the Union. It has been well observed that the training received in the administration of the affairs of these "little republics" contributes largely to the wise conduct of public affairs and the well-being of the nation. It is the proper agency of the people, and its importance should be magnified by them.

The management of school matters is one of its highest and most legitimate functions, and those towns which have assumed it find themselves benefited by the change.

The State cannot in any other way so effectively promote the usefulness of the schools as by providing for the supply of trained instructors. It is true that our colleges and high schools furnish many scholars well qualified to teach, in point of general acquirements, but as a rule they have had no special instructions in the first essential of a teacher—a knowledge of the art of imparting knowledge, or, rather, of leading the pupil to its discovery. Their notions of methods must necessarily be of a hap-hazard character,

differing according to the aptitude of individuals for the profession, unscientific, and therefore wasteful of the time and opportunities of the youth dependent on them for guidance. No sense of injury is more bitter and abiding than that caused by the incompetency or unskilfulness of teachers.

The two normal schools are highly successful agents for reinforcing the corps of instruction, but the simplest calculation demonstrates the hopeless inadequacy of their utmost capacity to meet more than a fraction of the demand for skilled teachers.

The school law makes it the duty of the Governor and Council, when they have reason to believe that any town has neglected to raise and expend the school money required by law, or to faithfully expend the school money received from the State, to withhold further payment to such town from the State treasury until they shall be satisfied that the required expenditure has been made. Further legislation is needed to give this provision of law the efficiency it ought to have, and I accordingly recommend that sworn returns from proper officers of towns, giving full information in regard to the raising and expenditure of school money, be made a pre-requisite to the receipt of the State gratuity. The necessity for such legislation is made apparent by the fact that a large number of towns have voluntarily furnished reports in answer to inquiry, which indicate that they have so far failed to conform to the law as to temporarily forfeit their right to the State school money. This state of things is far from proving that more money is set apart for education than is necessary. When all the children are brought into the schools who ought to be brought thither, and who would be if the compulsory measures provided by law should be resorted to; when the schools are properly graded, and trained teachers, worthy of increased hire, can be procured, there will then be no embarrassment of riches. The delinquent towns have simply failed to accommodate themselves to the new order of things, which demands more schools, longer terms, better instruction and fuller attendance.

I believe that the welfare of the schools would suffer no detriment for the present, if the State school funds should be charged with the payment of the annual expenses of the normal schools, and the College of Agriculture and the Mechanic Arts.

#### SAVINGS BANKS.

The Bank Examiner reports sixty-four savings banks in operation in this State, five of which organized and commenced business within the past year. The deposits therein for the year ending November 30, 1875, amounted to \$32,083,314.28, an increase of \$1,021,350.55 in 1875, \$474,089.34 less than the increase in 1874.

The non-interest paying securities owned by the banks amount to \$1,190,380.23, a sum greater than the amount of such securities held by them the previous year by \$164,195.94. The excess of the deposits in savings banks above the capital, circulation and deposit of National Banks, is about \$7,500,000. The Examiner makes suggestions and recommendations which will no doubt receive from you the attention which their importance demands.

The subject of reducing the rate of tax upon the deposits in savings banks has already been referred to. The course which has been pursued by some savings banks in drawing upon their reserved earnings for the purpose of completing dividends, presents a reason for prohibiting by law the division among depositors of other profits than those earned within the period for which a dividend is declared, and the excess above the prescribed reserve.

The robbing of the Winthrop Savings Bank forcibly suggests the propriety of clothing the Examiner with power to compel banks to provide safeguards adequate to secure their funds from the various forms of danger which menace them, and especially from the daring ingenuity of crime.

If the present limitation of the rate of dividends to three per cent. semi-annually, was made with reference to the interest-earning value of money at the time the law was passed, as it probably was, adherence to that principle of conformity to the ruling rate of interest, manifestly requires a further limitation of the allowable rate of dividends. The good of the whole people demands that the State should not exert any influence tending to maintain a high rate of interest.

#### THE LAND AGENT.

The Land Agent reports as the result of the sales of land during the year, that the only remaining State lands not finally disposed of, are 34,781 acres of settling lands unsold, and 142,067 acres for which certificates have been given to settlers who will be entitled to deeds upon the fulfilment by them of the required conditions. Sums on general account, on account of the permanent school funds and reserved lands, to the amount of \$62,808.72, have been paid into the treasury.

A commission, composed of the Governor, State Treasurer and Land Agent, was created by the last Legislature, to inquire what further steps might be necessary in order to finally close up the affairs of the land office, and to place the settling lands in such custody as should be for the best interest of the State and hasten their settlement, and directed to report to this Legislature. Your action will doubtless be guided by their report made from a full investigation and knowledge of the subject.

The office of Land Agent has been abolished as a constitutional office, by an amendment to the constitution which took effect the first day of the present month. Its revival by law and continuance as a separate department of the State, would seem to entail unnecessary expense. For prudential reasons, it is advisable that the title be retained and conferred upon the Treasurer or other officer to whom you shall assign the duties of the office.

#### THE RAILROAD COMMISSIONERS.

The railroads of the State are said by the Commissioners to be in an improved and excellent condition. They express well-founded gratification at the comparative freedom from casualties which has attended the running of trains, as denoting intelligent and careful management, and a proper sense of responsibility.

The year has not been prolific in new roads or extensions. The Aroostook River Railroad Company, chartered in 1873, has completed and opened for traffic, three miles of its road—from Fort Fairfield to the State line, where it forms connection with the New Brunswick railroad. The Somerset railroad has recently finished an extension of five miles, from Madison to North Anson. The Portland & Ogdensburg road has perfected a through connection, and another important line of communication is thus added to the converging routes of transportation which cannot fail to make Portland one of the principal distributing points for the products of the West.

The railroad communications which are being established between Aroostook and our neighbors across the line, must arrest attention. The New Brunswick & Canada railroad has a branch extending to Houlton, eight miles in length, three of which are in this State, and the road just completed to Fort Fairfield from a junction with the New Brunswick railroad, is destined to be extended up the fertile valley of the Aroostook river. It is clearly necessary to the welfare of the State, and of our own railroad system, that the latter should embrace that extensive and important county. A railroad from some point on the European and North American railroad, parallel with the State line and not far from it, is a consummation for which we may confidently look in the near future. The Somerset railroad is regarded as an important link in a projected line from the port of Wiscasset to a connection with the St. Lawrence.

#### THE INSURANCE COMMISSIONER.

The Commissioner of Insurance gives the information that one hundred and seventy-five foreign and domestic insurance companies had authority, to do business in the State the past year, and that

twenty or more were excluded. The salary of this officer and the expenses of his office are paid from fees for licenses to insurance companies and agents.

#### THE COMMISSIONERS OF FISHERIES.

The Commissioners of Fisheries report a marked increase of interest on the part of the public in all the concerns of their commission, and give a statement in detail of their labors in the work of stocking our lakes and rivers with valuable fish of various kinds. They make several suggestions leading to the inference that your duty to provide by general laws for matters appertaining to special or private legislation, may be profitably exercised in matters relating to the fisheries.

So many of our citizens dwelling upon our long line of coast, are dependent upon the products of the sea; so great a portion of the area of the State is water surface, which can be utilized in no other way; so many benefits to the people at large will evidently accrue from making our widely distributed waters the favorite haunts of food and game fish, that it is the duty of the State to perfect the policy it has already entered upon, of promoting fish-culture. Legislation upon this subject should not, however, overlook other and conflicting interests, but aim to harmonize all with justice as far as possible.

#### THE INSANE HOSPITAL.

The Trustees of this institution advert with satisfaction to the improvements made the past year for the permanent benefit of the hospital and the furtherance of the comfort of the unfortunates it cares for.

The new building, containing a hall to be used as a chapel and an assembly room for amusement, and also apartments for other purposes, is nearly if not quite completed and ready for occupancy. A park of three acres has been enclosed with a high fence, and affords a safe and pleasant exercise ground where patients may, in suitable seasons, enjoy the curative influences of the sun, air and scenery of nature's sanitarium. Valuable permanent improvements to the farm—roads, drains, new vats for the utilization of sewage—have been made, and the trustees believe that it is in the way to reach a high state of productiveness.

The crowded and ill ventilated state of the wards has somewhat impaired the usefulness of the hospital. Four hundred and three inmates now share accommodations sufficient for but 350. The average number for the year is 398. The occupation of the chapel rooms will reduce the average number in the main building to 373, twenty-three more than can be suitably cared for with

regard to convenience and comfort. It is thought by the trustees that the operation of the law of 1874, excluding "idiots and incurable imbeciles" from the hospital, may effect such a reduction as to make it unnecessary to establish a new hospital at present.

The trustees ask for an appropriation of six thousand dollars for the repayment to the hospital fund of the amount paid from it for boilers, and for furnishing the new building and the chapel wards. The resources of the hospital above liabilities are \$38,293.63.

#### THE STATE BOARD OF PRISON AND JAIL INSPECTORS.

According to the report of the Board of Prison and Jail Inspectors, the State Prison has been so far affected by the prostration of business that the excess of expenditure over income has been \$5,700. Some needed repairs have been made and the institution is in excellent condition in every respect.

The workings of the jail system inaugurated in 1873, are beginning to be manifest and they prove to be most beneficial, and admirable. An enlightened community may well congratulate itself that a much needed reform has been made; that what were shelters of idleness and nurseries of vice, have been turned to places of industry and reformatory influences. The evening school well supplements the practical lessons of daily labor, and is esteemed a privilege. Discharged criminals, going forth to take a fresh start in life, taking with them the valuable acquisitions of a trade and the rudiments of education, cannot but have kindlier feelings towards society, and reflect that, like the surgeon's knife, it is "cruel only to be kind."

#### THE STATE COLLEGE OF AGRICULTURE AND THE MECHANIC ARTS.

The trustees of the College of Agriculture and the Mechanic Arts report a year "of faithful effort by the officers in immediate charge of the college, and substantial and most gratifying results to the students." They very earnestly renew and press upon your attention the wants of the institution, and especially the necessity for more buildings—a farm-house and a building to contain a chapel, or assembly room, two or three lecture rooms, and rooms for the library, cabinet collections, apparatus and other valuable material; or, instead of one building, they would have one building for the chapel and lecture rooms, and one, made fire-proof, for the valuable material of the college.

The assurance which these gentlemen give of the absolute necessity for a building or buildings for the purposes they specify, is sufficient to demonstrate the need of such accommodations.

The State has formally undertaken, as a condition precedent to the grant from the United States, to provide "at least one college"



for prescribed objects. The very narrowest definition of such an institution must include among its essential component parts those which are shown to be wanting and are sought to be supplied. The completion of the college, and not its enlargements, is the object the trustees have in view and which their duty compels them to urge. They press the claim as a matter of right, and at the same time express their conviction that, if it were only from self-interest, the State should see to it that the college be placed in a condition to do well the work for which it was founded.

The trustees declare that \$23,550 is the sum necessary to meet the imperative wants of the college. In this sum is included \$3,500 for building a farm-house and \$3,000 for making bricks and other preparations for the proposed structure. The sum includes also \$3,500 for the payment of outstanding bills. The resolve of the last legislature making an appropriation in favor of the college was accompanied with the proviso that the trustees should not "under any circumstances, contract any further debts in behalf of said college." The apparent departure from the direction of the legislature is, no doubt, susceptible of a satisfactory explanation by the trustees.

The report of the farm superintendent, giving in exact detail an account of the experiments conducted by him and by the students under his supervision, is of great interest and must be of direct value to the farming community.

The college numbers one hundred and fifteen students. Thirty-five are in the last class admitted—the largest in the history of the institution. The education which they receive is not to be obtained elsewhere in the State. It is an industrial education and naturally attracts those students who are inclined to engage in industrial pursuits. Agriculture and the mechanic arts are the instrumentalities by which the resources of Maine are to be developed. Through their quickening influences her fertile intervals and hillsides are to be made gardens, and her sterile acres rendered productive; her idle rivers forced to labor; her railroads laden to groaning with the weight of traffic; the rocks that rib her coasts and hills transmuted into gold; her winters warmed to summers. No fatalistic trust in the spontaneous evolution of the forces necessary to work out the results which are acknowledged to be attainable, should be permitted to usurp the legitimate domain of persistent, intelligent, well-directed effort.

The method which has succeeded elsewhere, must lead to success here. The history of the past half century, the golden age of industry and wealth-production, is filled with examples of the efficacy of special schools of the industrial arts to directly

promote the prosperity of a country. The competition of to-day between countries and States, is one of skill far more than of natural resources.

The aggregate of the fifty young men whom this college will annually send from its lecture rooms, laboratories and fields of experiment, will in a few years constitute a power in the State, sensibly stimulating all its productive energies. But they can use their acquired knowledge, and, what is more worth, their trained habits of observation and powers of intelligent study and experiment, for the benefit of the State only in co-operation. There must be combined effort in order to secure the symmetrical development of all the energies and advantages at command. Capital must exert itself to retain these and other young men, by opening to them congenial fields for the exercise of the various talents and capabilities which they possess, and for which they will seek profitable employment wherever it may be found.

My belief that the policy of the State in founding this institution was a wise one, and that the public good demands its completion and support, leads me to urge you to look with favor upon the appeal which the trustees now make to you.

#### AGRICULTURE AND THE BEET SUGAR INDUSTRY.

The fashion of decrying Maine as an agricultural State is fast dying out.

The lively and increasing interest which is exhibited in efforts to improve farming indicates that it is an interesting and profitable pursuit. The best breeds of cattle are sought for. The labor-saving machines, which have done so much to lighten farm work, are everywhere in use. Experiments are made and inquiries instituted. A wholesome curiosity welcomes new ideas. The papers and discussions of the agricultural societies, and the societies devoted to specialties connected with agriculture, the farmers' clubs scattered through the country, and the displays at the annual fairs, all go to show that farming repays attention and that our farmers are progressive. They are taking the most effective means to make their occupation attractive to others by proving, as they do by example, that it is remunerative and holds out encouraging possibilities to intelligence and enterprise.

Agriculture and manufacturing go hand in hand, mutually giving and receiving benefits, and nowhere should the connection be closer than in this State, which supplies so many facilities for both.

The Secretary of the State Board of Agriculture in his forthcoming report, brings it to the notice of the agricultural community that they are not profiting as they might do by the valuable fertilizing material furnished by the oil factories along the coast.

The thousands of tons that are sent to other States, and other countries even, are needed upon our own soil. Their own interests must lead farmers to heed the suggestions of the report.

The business of corn-canning is engaged in extensively at several points in the State, and is regarded with favor by the cultivators who supply the factories.

The cheese manufacturing industry, which has recently been introduced, has already assumed considerable proportions, is rapidly extending and bids fair to become a most important manufacture in itself, and incidentally promotive of good cultivation of the soil.

The favor with which these industries are regarded and the success they meet with, suggest that one of the most important agricultural industries of the world may be introduced into our State, to the great benefit of all classes, mechanics, capitalists and laborers, as well as farmers—the manufacture of sugar from beet roots. This industry had a feeble beginning in France seventy years ago. In 1825 that country produced 5,000 tons of beet sugar. It has since extended to nearly all European countries, and embraced in 1867, 1,400 factories, producing 700,000 tons of sugar. In 1874 the estimated production was over one million tons. It is so desirable an industry, is held in such high esteem, and has advanced with such strides in the countries where it has been introduced, that it would be a subject of wonder why it has not been naturalized here, if we did not reflect upon the superabundant means of employment the new and growing country has afforded to capital. Attention is now being turned to it. Several factories are in operation in California, and it is reported that the success of the last season's work was so encouraging that the business will be largely increased.

The industry is perfectly practicable in this State. Comparison with the beet-sugar producing countries indicates that no condition is wanting to the successful prosecution of the business on our soil, and that the balance of considerations affecting it is greatly in our favor. Experiments made in New England have demonstrated that beets grown here are superior to the foreign product for sugar making, and indicated that the manufacture on a large scale can be carried on at a good profit to both cultivator and manufacturer.

Its introduction would benefit the farmer by giving him a sure market for a profitable crop, and by building up manufacturing centres where his other products would be in demand. It would benefit the capitalist, by affording remunerative employment for his money, and, the laboring man by giving him opportunity for steady work in winter—the great need in our State.

The probability, the almost certainty, that Maine can advantageously produce even the home consumption of sugar, is a consideration of such importance in itself, and holds out such promise of accompanying benefits, that regarding both the function of the Legislature to promote the welfare of the State and its duty to avoid expense for purposes of doubtful utility, I feel that the small expenditure requisite to an investigation of the merits of the beet sugar industry, and of its applicability to our circumstances, would be well advised.

#### THE REFORM SCHOOL.

The trustees of the Maine Reform School make a report of the condition of that institution and of the manner in which it is conducted, that will be received with general and hearty gratification. The school is shown by them to have accomplished its own reformation, by sweeping away all cells and walls that have hitherto made the distinction between it and a prison only nominal, and by grading the boys according to character and conduct. The new plan of separating the well-disposed from the vicious, and of cultivating honor and manliness by affording opportunities for the exercise of those virtues, presents so many promising features to the reason that the good results of it are not surprising.

There are one hundred and forty-two boys in the school, and seventy of them are in the first grade. Two sessions of school are held daily, and all are taught some branch of work on the farm or in the shop. It cannot be doubted that good instruction, wholesome labor, the required observance of cleanliness and order, a present reward for good behavior in promotion or discharge, and all the influences proceeding from an intelligent and interested supervision, will start many of these boys on the way to become upright and useful men.

The appropriation last year was \$18,000, and of that sum \$5,000 were expended for permanent repairs and fixtures. The trustees think \$16,000 will be needed this year. That sum probably includes the estimate for certain other permanent repairs and fixtures which they propose and specify.

#### OTHER INSTITUTIONS.

The Military and Naval Orphan Asylum at Bath, the Children's Home at Bangor, and the Industrial School for Girls at Hallowell, are institutions of a public nature, maintained wholly or in part by the State.

## STATE BOARD OF HEALTH.

Many eminent physicians are of the opinion that, following the example of many other States, Maine would consult the public welfare by establishing a Board of Health, composed of physicians in different sections of the State, and empowered to enforce such sanitary measures as they may deem necessary.

It is a growing belief among medical men and others who have investigated the subject, that want of, or imperfect drainage, and the use of water contaminated by filth, are among the most pregnant causes of disease, particularly of fevers, in villages as well as large towns and cities. The consideration of means to abate these and kindred evils is surely a matter worthy of your profound attention.

## THE INDIANS.

The Agent of the Penobscot Tribe suggests that the reduction of the appropriation for agricultural purposes made by the last Legislature, effects a hardship, and he recommends that an appropriation of the usual amount be made. He also recommends a donation to a member of the tribe who has lost his house, furniture and stock in trade by fire, and cites a precedent for such action.

The expenditures for the Passamaquoddy Tribe have exceeded the appropriation by a small amount, and further extra appropriations are required for repairs of buildings and other purposes.

## THE CENTENNIAL.

The International Exhibition of Arts, Manufactures and Products of the Soil and Mine, to be held in Philadelphia under the auspices of the United States, bids fair to constitute a worthy celebration of the One Hundredth Anniversary of American Independence. Preparations have been made on the most extensive scale, and are rapidly approaching completion; and so many assurances of intention to participate have been received from the governments and people of the civilized world, as to indicate that the American Congress of Industry will at least equal those which have been held by other countries. No more appropriate celebration of the great event could have been devised. The establishment of a government of the people not only secured the happiness and prosperity which we enjoy, but sent abroad an influence which has manifested itself in the amelioration of the political condition of the people of other lands, and is constantly and surely extending. It is fitting, therefore, that we should invite all nations to join in the commemoration of the birthday of freedom—to enter the lists in the modern “Field of the Cloth of Gold” where kings of mind and knights of labor contend in friendly rivalries.

It engages the honor of our State and citizens to put forth every effort to secure a full representation of the resources and productions of Maine, since, whether rightfully or not, the guests of the nation will judge of the importance and capability of each State from the display it makes at what appears to be its chosen time and place.

The Commissioners appointed by the State have coöperated with those of the general board, and have succeeded in awakening such an interest and enrolling so many exhibitors, that they already confidently anticipate that the extent, variety and attractiveness of her contributions will entitle Maine to a creditable position among her sister States. The seven departments, Mining, Manufactures, Education and Science, Art, Machinery, Agriculture and Horticulture, which form the classification of articles in the Exhibition, will all have some representation from our State, though necessarily a limited one in some classes. The assured contributions of woollen and cotton textile fabrics, granite, slate, feldspar, iron, machinery, agricultural implements, canned products, and articles manufactured from wood pulp, are numerous and extensive. Add to these such contributions of cattle and horses, cereals, fruits, dairy products, grasses, native woods and samples of the shipbuilder's art as the State is capable of furnishing—and it is hoped that they may be obtained—and the aggregate must constitute a more interesting exhibition of our resources and industries than the State has ever witnessed.

I am confident that you will consult the sentiment of the people; by appropriating such a sum in this behalf as the Commissioners shall in their estimate show to be necessary to defray the general expenses proper to be borne by the State.

#### AMENDMENTS TO THE CONSTITUTION.

Certain amendments to the Constitution, proposed by resolves of the last Legislature, have been declared by a proclamation of my predecessor to be adopted by the popular vote and to take effect and become a part of the Constitution of the State on the first day of January, 1876.

It is among the first and most important of your duties to give full practical effect to these amendments, by such enactments, and revision of existing statutes, as may be necessary to that end.

The amendments relating to special legislation and corporations necessitate much and the most careful exercise of your powers. They are as follows, constituting additions to Article four, Part third of the Constitution: "Section 13. The Legislature shall, from time to time, provide, as far as practicable, by general laws, for all matters usually appertaining to special or private legislation."

“Section 14. Corporations shall be formed under general laws, and shall not be created by special acts of the Legislature, except for municipal purposes, and in cases where the objects of the corporation cannot otherwise be attained; and, however formed, they shall forever be subject to the general laws of the State.”

Section thirteen presents a discretionary field of action which your own honor will impel you to occupy to the fullest extent.

The title of “Special and Private Laws,” which includes so large a portion of the laws of former Legislatures, is an obnoxious one, conveying suggestions of privilege, favoritism and monopoly; though happily these evils have not in fact, stained the character of our legislation, they should not be suffered to have, even in the form of our laws, any grounds of suspicion that can be removed. Other weighty objections to special laws for private benefit are, that they are obtained at the public expense, and in their passage distract the attention of legislators from matters of public interest. The opportunity is now afforded, and the duty enjoined upon you, by the amendment, to restrict the necessity for such laws to the narrowest possible limits. An analysis and classification of the private and special laws upon the statute books, will inform you of the objects for which it is desirable to provide by general laws, if practicable.

Many objects have been hitherto specially legislated upon although they were amply provided for by general laws. I have distinguished authority for the statement that sixty or more of the corporations created by a special act for each, by the last Legislature, could have been created and organized under general laws. The reason why the general laws have not been resorted to to a greater extent, is not, so far as I am informed, to be found in any insufficiency or defect of those laws, but in the greater ease and simplicity of the method of application to the Legislature and in the fancied higher sanction of an authority proceeding directly from it. Section fourteen, relating to corporations, is comprehensive and peremptory. It relates to all corporations, except only those for municipal purposes. It clearly prohibits their creation by special acts if the objects desired can be secured under existing general laws.

These amendments direct you to useful and memorable work. The more of it you do—the closer the bounds to which you confine the necessity for special legislation—by so much will you conform the more nearly to the spirit and letter of the people's command and expectation, and heighten their approval.

The amendment giving the Governor power to grant conditional commutations and pardons, may be construed to refer to existing regulations, or as contemplating further action on your part in

providing regulations relative to the manner of applying for pardons. It is earnestly to be desired that such regulations may be established as shall materially assist the Executive in the discharge of this, the most delicate and responsible department of his duty.

Rarely, even among the wretches who have incurred the heaviest sentence of the law, is there any criminal so utterly debased, so thoroughly devoid of redeeming qualities, that nothing can be urged in extenuation of his crime and no friend will come forward to plead his cause. In most cases the appeals for the mitigation of sentence are urgent and persistent. It is the intent of our law that every accused man shall have speedy, public and impartial trial. Justice having thus been accorded to the criminal, justice to society demands that he shall bear the penalty imposed on him. In occasional and exceptional instances substantial reasons are adduced for mitigating it. The meaning of this new amendment is not, in my opinion, that the pardoning power shall or may be more freely exercised than it has been heretofore. It is intended to afford a precaution against deception, mistaken or undue lenity, in cases that appear to amply justify the exercise of the power; to protect the pardoning power rather than to enlarge it. A measure will be alluded to farther on which bears upon the subject of pardons and commutations.

The amendment in regard to "bribery at elections," is permissive and not mandatory in its terms. If such a law as you are authorized by it to enact, should accomplish no other good, it would at least serve to place a stigma upon the crimes of making a commodity of the high privilege of citizenship, and to denote the just resentment by the sovereign people of a grievous insult to their dignity.

The amendments relating to the election of senators by plurality vote, to the appointment of judges of municipal and police courts, to taxation and to constitutional conventions, would seem to require no new legislation.

It is made the duty of the Chief Justice of the Supreme Judicial Court to submit to you at this session, a codification of the constitution as amended.

Sections one, two and five, of article ten of the existing constitution, are to be omitted in printed copies thereof hereafter prefixed to the laws of the State; but their omission is not to impair the validity of acts under them, and section five is to remain in full force as a part of the constitution.

#### PUNISHMENT OF CRIME IN CAPITAL CASES.

I respectfully suggest for your consideration the passage of a law empowering the jury to affix either the penalty of death or of



imprisonment for life in capital cases. Such a law has been in operation in California for two years, and of twenty-nine convictions for murder within that period, eighteen were attended with sentences to imprisonment for life, and eleven with sentences to death.

The predecessor of the present Executive of that State, acknowledges the obligations he is under to that law for the decided relief it has afforded him, and gives the opinion that it has probably made the certainty of punishment greater.

#### CITY AND TOWN DEBTS.

I would also recommend that steps be taken looking to the limitation by law of city and town indebtedness and taxation. The inconsistency of limiting the power of the State in this respect and imposing no restriction, with one exception, upon the liberty of cities and towns to incur debt, needs no argument. In order that you may have a basis for action, I suggest that you cause to be procured by the State Treasurer, or some other officer, such information as will be of value for the purpose. It seems desirable to obtain from each of the cities and towns of the State a return of the valuation of real and personal estate severally in each, and the rate of taxation to valuation, for 1875 and the four years preceding; and that, in returning the valuation for 1875, the officers should not only give the actual valuation upon which the tax was assessed, but also, in another column, the fair marketable value. It is probable that the returns could be secured and laid before you in season for your action the present session.

#### THE PROHIBITORY LAW.

I have no official information to present to you with regard to the workings of the law prohibiting the sale of intoxicating liquors. It is a matter of common knowledge that they have been very generally enforced, especially in the cities and large towns, where the traffic is most persistently attempted to be carried on in defiance of them. The law as a whole fairly represents the sentiment of the people. The opposition to it presents in appearance a strength which it does not in reality possess.

The opponents who are entitled to a hearing, are the good citizens, the intelligent, thoughtful men, conservative by nature, who sincerely deprecate the evils caused by the sale of liquors, and yet are so tenacious of private rights that they cannot yield to the paramount claims of public order and economy. The loudest and most aggressive portion of the opposition are not entitled to a hearing in the court of reason, since the only arguments they regard are those of self-interest.

Maine has a fixed conclusion upon this subject. It is that the sale of intoxicating liquors is an evil of such magnitude that the well-being of the State demands, and the conditions of the social compact warrant, its suppression. Hostility to the great wrong does not find expression solely in the law, but also in the great Reform movement, whose persuasive power has been so beneficially exercised throughout our communities.

#### THE OUTLOOK.

Guarding ourselves carefully against self-deception, the future of our noble State still looms grandly through the passing clouds of this present time. There are substantial reasons for the expectation that in the general revival of business and industrial energies, Maine will be among the first to feel the new life.

Our natural resources have not yet obtained due appreciation. The forest is still dense and valuable, though it has so long resounded to the strokes of the lumberman's axe. The quarrying interest is important even now, in its very infancy, and there is practically no limitation to its extension. Iron is procured from our soil and various other metals are found which would undoubtedly reward systematic labor.

The sea is constantly increasing the employments and adding to the substance of the many who harvest its bounty.

Our industrial equipment, consisting of factories, mills, and workshops which have built up cities and centres of busy life here and there, represents various trades and crafts and forms a noble aggregate. Nor should the ship-yards be forgotten, where are reared the stately and beautiful structures which make the naval architecture of our State the admiration of the world; nor the thousand miles of railroad which serve our commerce and manufactures. When the fresh impulse shall be felt, every energy of the State will be quickly aroused, cautious capital will come forth and our young men will have ample opportunities at home to gratify their ambition.

Gentlemen, I am glad to believe that the recommendations a sense of duty has prompted me to make, carry with them no authority beyond their intrinsic merit, and that they will have the revision of your better judgment. I trust that your deliberations will be harmonious and result in great good to the State whose servants we are.

SELDEN CONNOR.

JANUARY 6, 1876.