

MAINE STATE LEGISLATURE

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ACTS AND RESOLVES

OF THE

FIFTY-SEVENTH LEGISLATURE

OF THE

STATE OF MAINE.

1878.

Published by the Secretary of State, agreeably to Resolves of June 28, 1820,
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1878.

GOVERNOR CONNOR'S ADDRESS.

Gentlemen of the Senate and House of Representatives:

As the new year opens before us, we may well pause for a moment, before confronting the grave responsibilities it brings to us, to give a thought of grateful recognition to the Divine Hand that has led our State safely and prosperously through the year that has closed. While nature has been benignant in bestowing healthful seasons, and abundant crops, and in withholding her destructive agencies, the influences that affect the complex relations of individuals and society to each other have all been tending to the improved condition of both. However slow their action may appear, the forces are at work that will attach our people more strongly to their State, restore the activities of industry and trade, give plentiful occupation to labor, tenant deserted homesteads, and cause new homes to arise on our soil. I do not use the language of thoughtless compliment in expressing my belief that all the offices of the State have been faithfully administered during the year. Every department and institution has diligently and prudently performed the duties incumbent on it.

I will first call your attention to

THE STATE TREASURY.

The receipts of the Treasury in 1877 were	\$1,207,738 27
Cash on hand Jan. 1st, 1877, was	394,422 27
	<hr/>
	\$1,602,160 54
Expenditures for the year 1877, were	\$1,371,627 64
Cash on hand December 31st, 1877, was	230,532 90
	<hr/>
	\$1,602,160 54

The receipts were derived from the following sources :

State taxes	\$871,878 49
County taxes.....	9,132 61
Tax on savings banks.....	246,106 44
Tax on railroads.....	29,098 52
Tax on insurance companies	18,339 89
Land Agent.....	16,691 48
Miscellaneous sources.....	16,490 84

The difference between the amount of cash on hand on the first day of January and the amount on hand December 31st, shows that the receipts for the year were not sufficient to meet the expenses for the year by the sum of \$163,889.37. This result is accounted for by the reduction of the rate of State tax from four mills in 1875 to three and three-fourths mills in 1876, a decrease of \$32,878.89 in receipts from the tax on deposits in savings banks, and of \$24,543.24 in receipts from tax on railroad companies, from the receipts of the previous year. The tax on insurance companies yielded \$5,367.04 more than in 1876. Last year \$46,500 of the State debt matured and was paid. The sum of \$25,000 of the State debt is required to be paid this year. There is a very small amount of State taxes in arrears, and the unusually large amount of \$49,000 of the tax of 1877 has been paid and is included in the amount of cash reported on hand in the treasury.

Assuming that the receipts for the current year will be equivalent to the amount of the tax levied for 1877, \$675,-173.53, and that the receipts from all other sources will be the same as last year, namely, \$335,859.78, we have, including the amount of \$230,532.90, cash on hand, as our total resources for meeting the expenses of the current year, \$1,241,566.21, or 130,061.43, less than the expenditures for 1877.

This bare statement of the condition and prospects of the treasury is enough without argument to prove that rigorous economy must be practised in all departments and institutions of the State; that appropriations must be restricted to positive requirements and pressing needs; that the rate of State tax, which was three mills in 1877, should be increased to three and three-fourths mills, and that ample authority should be given the treasurer to procure a temporary loan in cases of exigency.

The gross State debt on the first of January, 1877, was \$5,920,400. It has been reduced since by the payment at maturity of \$46,500, and is now \$5,873,900. The sinking fund has been increased \$120,142.23, and now amounts to \$911,436.04. The deduction of the sinking fund leaves the net indebtedness \$4,962,464.

After March 1st of this year, when \$25,000 will mature, no part of the public debt is due until August 15th, 1880, when \$307,000 will mature. An act approved Feb. 25th, 1875, directs the treasurer to extend and renew the bonds maturing at the latter date—among others—by substituting therefor bonds bearing interest at the rate of six per centum per annum, payable to the amount of two hundred thousand dollars in 1890, and to the same amount each year thereafter. The new bonds are to be “executed and issued only as they can be substituted for at least an equal amount of the outstanding and uncanceled bonds which they are intended to renew and extend.”

It is somewhat uncertain whether the act requires that the exchange shall be made according to the par value or the market value of the bonds. I recommend that the act referred to be so amended as to make the rate of interest payable on the bonds to be issued five per centum per annum, instead of six per centum, and to direct the substitution of the new bonds at their market value for the maturing bonds at their par value.

MILITARY AFFAIRS.

The volunteer militia force of the State was increased the past year by the admission of the Richards Light Infantry of Gardiner, and is now composed of the First Regiment of Infantry, three unattached companies of infantry, and a battery of light artillery.

It gives me pleasure to express my gratification at the fine appearance of these organizations on the occasion of the encampment at Augusta, in the month of August last. They exhibited a high degree of proficiency in discipline, drill and the performance of camp duties; such as can be attained only when officers and men are thoroughly imbued with an earnest, soldierly spirit, and the purpose to profit to the utmost by their opportunities for improvement.

The good condition of the militia is attributable in great measure to the fact that most of the officers and many of the rank and file have been taught in the sternest school of soldiership, and know what constitutes the essential instruction of a soldier, and that the object of a military establishment is not holiday pageantry.

The encampment was in every respect a successful one. The intense heat that prevailed during the entire period of its continuance, combined with the hard work of drill and camp duties, tested the fortitude of the command and lent to the occasion something of the character of actual service. Good order was maintained, and the few cases of disorderly conduct that occurred were promptly punished. It is hardly necessary for me to declare that I consider the Volunteer Militia a credit to the State, valuable in itself, and as a means of acquiring that knowledge of arms which a free people should possess, and worthy to be well maintained and provided with every reasonable facility for improvement.

An addition has been made to the Cadet organizations by the formation of a company from the boys of the high school at Augusta. It was a wise act on the part of the State to authorize the formation of these companies and the issue of arms to them. Restricted to the students of colleges and high schools, as it has been deemed advisable they should be, they serve a double purpose as auxiliaries of school instruction, by promoting physical strength and manly bearing, and the good habits of attention and prompt obedience, and also as a means of extending and diffusing a knowledge of the military art.

Several cadet companies were present during the encampment, in response to the conditional invitation extended to all of them, that the State should be at no other expense on their account than that of rations, and received justly earned praise for their good conduct and their skill in the exercises of the drill.

The Adjutant General was authorized by a resolve approved February 23d, 1876, "to collect diaries, or obtain copies of them, letters, personal accounts and incidents of the battlefield, camp and hospital, or any other interesting and valuable material for army history," and to suitably arrange all such matter. The resolve implies an appeal to the soldiers of

Maine in the war of the rebellion, and the friends of deceased soldiers to donate to the State any of the specified papers and material they may have. All who respond to the appeal may rest assured that their contributions will be gladly received and sacredly preserved. The literary character of the productions is of little consequence. A few hurried lines written on a scrap of paper on the eve or at the close of a great battle, will be of more interest than the most polished and elaborate article. The history of the volunteers of Maine in the great war is yet to be written, and the materials for it cannot be obtained too soon. Every citizen of the State should take pride in helping to accumulate them.

Eight companies of the Volunteer Militia were by law entitled to new uniforms in 1876. The legislature of that year made an appropriation of ten thousand dollars, to be expended at the discretion of the Governor and Council, for the purchase of uniforms, or in the repair of the old ones and the necessary expenses of a muster. In the exercise of their discretion the latter alternative was chosen. At the same time the militia law was amended, changing the time of supplying clothing from once in three years to once in five years, reckoning from April first, 1873. Accordingly, twelve companies are to be supplied with clothing this year, and I recommend an appropriation of the amount estimated by the Adjutant General to be necessary for the purpose.

The claim of the State for an allowance by the United States of arms and ordnance stores to the amount of \$13,959.29, which had been pending for several years and awaiting satisfactory proof of the proper disposition of the arms and stores which had been issued to the State, has been substantiated by the required evidence and the amount has been placed to the credit of the State.

The Adjutant General, acting as Quartermaster General, has been instructed to call in, for sale or for storage, as may be deemed best, the large amount of military property in the hands of citizens, where it is of no use to the State and liable to deterioration and loss. All persons responsible for such property have been or will be required to return it, or account for it satisfactorily.

The State exercises a just beneficence, and honors itself in bestowing aid on those soldiers who have been incapacitated

by disabilities incurred in its service from supporting themselves by their own labor, and on the dependent relatives of the fallen.

The appropriation for pensions last year was twenty-five thousand dollars, and was nearly if not entirely exhausted by the applications that were allowed. The number of applications made and the number granted were each slightly in excess of the corresponding number in the preceding year. There is every reason to infer that the applications the present year will be as numerous and deserving as in the year past, and I therefore recommend the appropriation of the customary amount for pensions.

OFFICE OF ATTORNEY GENERAL.

The Attorney General reports that the suit brought by him in 1876, for the recovery of the State tax assessed upon the Maine Central Railroad Company for 1875, and argued upon an agreed statement of facts before the Supreme Judicial Court of the State, has been decided in favor of the State by that court, and that the cause has been carried by the company to the Supreme Court of the United States on a writ of error. The case cannot be reached, if the regular order of the docket be observed, in less than two years. Under a statute of the United States permitting the preferment on the docket of a case to which a State is a party, upon showing sufficient reason, motion has been entered and argued for an earlier hearing and the counsel for the company has expressed his willingness that it should be had. The motion now awaits the action of the court. It is plain that the Attorney General has done all in his power to bring this suit to an end, and that the counsel for the company has generously seconded his efforts.

Actions have been brought against the Atlantic and St. Lawrence and the Newport and Dexter railroad companies to recover the arrearages of the State taxes assessed them, and it is presumed that both cases will be argued and determined at the next law term.

Three trials for murder have occurred within the year. Ianthe Morgan and her sister, Mrs. Sophronia J. Libby, were found guilty of murder in the second degree for taking the life of the infant child of Ianthe Morgan, and sentenced

to imprisonment for life. Isaac N. Cox, fourteen years of age, was found guilty of manslaughter for killing his father, and sentenced to six years imprisonment. Edward M. Smith was found guilty of murder in the first degree for the murder of Melissa T. Thayer at Bucksport in October, 1876. In the latter case a motion in arrest of judgment was argued at the June law term, and the decision has not yet been rendered.

In the two cases first mentioned the character and condition of the guilty persons and the circumstances attending their acts were such that indignation must be tempered with pity in the minds of all acquainted with the facts. The murder at Bucksport was undoubtedly an act of unrelieved atrocity. I will not undertake to discuss the relations of the law abolishing the death penalty to crime, but I desire simply to express anew my firm belief in the humanity and wisdom of that law. Since the passage of the law there has been but a single instance of conviction of crime in which the penalty is affected by it.

The recommendations of the Attorney General are entitled to your consideration as the results of the experience of an officer whose connection with the subjects to which he refers, gives him the best claim to be heard. I am compelled, however, with great deference to his opinion, to withhold my approval of his proposition to do away with coroner's inquests, and to substitute therefor some other mode of investigation. In addition to the primary functions which the coroner's inquest performs in ascertaining the guilty and causing their immediate apprehension, and, incidentally, in exonerating those upon whom suspicion is cast by the community, the spectacle of a public, formal and instant inquiry into the manner of a death supposed to have been caused by violence, exercises a most salutary moral influence. It affords palpable evidence of the care of the State for the lives of its citizens and of the promptness and zeal with which it seeks to discover and punish the guilty, and tends thus to heighten respect for human life and to deter from the crime of taking it. The Attorney General also refers to the great cost of "expert testimony" in criminal trials, and raises the question whether economy and the purpose for which such testimony is given, cannot both be subserved by providing by law for the impartial selection of a single expert witness in any trial

where the testimony of a witness of that character is desirable. It is for you to consider whether such a limitation is expedient and in accordance with the liberal spirit of the constitution towards the accused.

THE LAND OFFICE.

The Land Agent paid into the treasury for the year ending November 30, 1877, on account of permanent school fund \$8,000.52, on general account \$6,800.46, on account of reserved lands \$503.76. During the same period 20,300.66 acres of land were conveyed, 11,970.41 acres were contracted to settlers, and seventy-seven islands sold by him. The number of acres under contract to actual settlers at the close of the year was 112,805.04. The number of acres of settling lands remaining unsold was 19,567.39.

The original plans and field notes of early surveys of various portions of the State, for many of which the State is greatly indebted to Hon. A. W. Paine, who obtained them from the State officials of Massachusetts, have been carefully mounted and substantially bound in volumes so indexed as to make their contents readily accessible. These plans have great historical value and interest, and are of permanent practical use in determining questions of title and preventing litigation. It is a matter for congratulation that they have been rescued from destruction and oblivion, and put in order for preservation and reference. The Land Agent has employed no clerical aid the past year. By direction of the Governor and Council he engaged a gentleman, skilled in this specialty, to assist him in mounting and preparing the plans and field notes for binding, and he had the services of the messenger of the Governor and Council from time to time. The duties devolving upon the Land Agent are still many, multifarious and difficult, and will undoubtedly remain so for some years. It is probable, however, that they would continue to be well discharged and that a saving of expense to the State would be secured in process of time, if not immediately, if the office should be abolished as a separate department and its duties imposed on some constitutional officer of the State. It has been the object of the Legislature for some years to effect this consummation at the earliest

practicable moment, and the efforts of the executive department have been steadily directed towards hastening it. If it be your pleasure to discontinue this office, I respectfully suggest that the Secretary of State appears to be the proper officer to be invested with authority to conduct its business. That officer is required by the constitution to perform any duty that may be imposed on him by law, and he may therefore be required to perform that duty. If the other business of the land agency could now be brought to a close, the custody of the records would devolve by right on the Secretary as the constituted guardian of the records of the State. His appointment at the present time would therefore be in part but the anticipation of a result which would be reached in the ordinary course a few years hence. If you should adopt this suggestion and merge the land agency in the office of the Secretary of State, an additional clerk would be required by that office for the present year at least.

It has been an important part of the business of the Land Office for many years to attend to the obligations imposed upon the State by the Treaty of Washington, in regard to settlers on the disputed territory. The Legislature of last year referred the question of the duty of the State towards settlers whose claims have not been quieted, to the Attorney General for investigation, with direction to report to the present Legislature.

SAVINGS BANKS.

It appears by the report of the Bank Examiner that the number of savings banks in the State remains the same as last year. Of the sixty-four banks in existence at the beginning of the year, four were then in process of closing their affairs and are now in the hands of receivers; three others that had been reported insolvent have since been reinstated by the court. But one bank has been discovered to be insolvent the past year, and that to a comparatively slight extent, so that it will undoubtedly be authorized to reduce its credits to depositors to a sufficient amount to balance the shrinkage in value of its investments, and continue business.

The deposits of the sixty banks in operation on the fifth day of November last amounted to \$25,092,872.65. The total decrease of their deposits the past year was \$1,633,298.07,

and was caused to a large extent by the withdrawal of deposits of over \$2,000.00, upon which the payment of dividends is prohibited by the new law. Other depositors of large sums were no doubt induced, by the limitation of dividends to two and a half per cent. semi-annually, to withdraw their deposits and seek more profitable investments elsewhere. These facts should not be left out of sight in accounting for the decrease. The law has virtually compelled and induced the withdrawal of a class of deposits which has no claim to the protection of the savings bank.

The year has been so unfavorable to the depositors of small amounts, the surplus earnings of their labor, that so far from adding to their deposits they have been obliged by the hardships of the time to consume the accumulations of former years. The decrease of deposits in periods of stagnation in business and inactivity in those pursuits upon which labor is dependent, indicates clearly that savings banks are confined to their legitimate objects, and, as the Examiner justly remarks, illustrates their beneficent office more vividly than the increment in prosperous days.

The sound condition of the banks manifested by their detailed statements, the increasing care exercised by them in the choice of investments, and the immunity from "runs" they have enjoyed at a time of popular distrust of these institutions throughout the country, demonstrate that they have been ably and faithfully managed, and are eminently worthy of the confidence reposed in them. Even the reverses they have sustained have turned to a profitable account in stimulating to a heightened vigilance and caution, thus affording an additional guaranty of their trustworthiness and stability.

The act of last year revising and consolidating the laws relating to Savings Banks and Institutions for Savings, meets with general approval. Although the act was carefully drawn and considered, it is not to be wondered at if experience has disclosed the propriety of amending it in some particulars. I concur in the recommendations of the Examiner, in respect to amendments, with the exception of those proposing that the required reserve be increased to ten per cent., and that the State tax on deposits be reduced. I am not aware of any reasons that can be urged for the proposed alteration of these important features of this law, that

were not in existence and did not receive due consideration when the law was made.

I also recommend that section 35, of the act relating to Savings Banks, approved February 9th, 1877, be so amended as to superadd to the powers thereby conferred on the justices of the supreme judicial court, authority to dissolve attachments and to fix a limit of time for the presentation of claims to the receivers. It is not clear that such authority is included in the general powers with which the justices are invested by the section referred to.

THE SCHOOLS.

One of the first and most conclusive tests that are applied to a State to determine its general quality and the degree of progress it has arrived at,—is the inquiry into the measures it adopts to promote and diffuse education, and the amount of the public contribution towards the support of schools. The wise and liberal policy pursued by our own State may well cause the test to be invited rather than avoided.

Leaving the management and control of the schools to their respective communities, the State yet exercises a strengthening and healthful influence upon them in many ways. Even by the simple and just requirement of vouchers for the lawful use of the aid it supplies, it incidentally produces an important and beneficial effect in that it compels care, method and accountability in the conduct of the affairs relating to schools. A wide and legitimate field of usefulness is before it in providing for a better quality of instruction. The fact has long been apparent to all conversant with the subject, that the difficulty of procuring competent teachers is the chief hinderance to the improvement of the common schools. The State has attempted to meet the want by the institution of two normal schools for training teachers; but their inadequacy is evident when their capacity is compared with the army of teachers required. The Superintendent of Common Schools advocates, as an expedient for ensuring the employment of a better class of teachers, the establishment by law of boards of examination in each county, whose certificate shall be indispensable to every teacher. He proposes that the members of the several boards shall be appointed by the

Governor and Council, and shall not be entitled to compensation from the State, but shall be authorized to exact in return for their services, the payment of a small fee by each person examined as to his qualifications for a teacher. Well-qualified teachers would gladly hail the opportunity to procure credentials from such a body, and municipal officers would welcome a device that would lessen the risk of employing incompetent instructors.

The Superintendent also recommends the holding of Normal Institutes at convenient places, to continue not less than four weeks each. The Teachers' Institutes of former years held sessions of such brief duration that they could do little more than inspire their attendants with the desire to fit themselves more thoroughly for the profession of teaching. Normal Institutes, conducted according to the plan suggested, would not only awaken the desire for improvement, but supply the means of gratifying it. Their estimated annual cost is two thousand dollars. Both the County Boards of Examination and the Normal Institutes seem eminently worthy of adoption as instrumentalities for remedying an evil that seriously affects the character of our schools.

The present plan of distributing the moneys contributed by the State towards the support of schools, according to the number of scholars in each city, town or plantation,—is just in principle, but has no other recommendation. The Superintendent has made calculations to test the question in all its bearings, and has reached the conclusion, that an apportionment on the basis of the aggregate number of days attendance would be as just as the method now in force, and would be an improvement on the present system, inasmuch as it would induce a fuller attendance. The prospect of accomplishing such a result by so slight a modification of the law, warrants the change, if only as a matter of experiment.

The Free High Schools were about the same in number the past, as in the preceding year. It is not probable that any increase of the appropriation for them will be necessary. I am still of the opinion expressed by me on a former occasion, that the State should exercise some supervision over these schools by means of agents appointed by the State Superintendent to inspect them. The High Schools would be benefited no less than those of lower grade by the elimin-

ation of incompetent teachers that would be effected by the proposed county board of examination.

The Eastern Normal School and the Western Normal School are both in a prosperous condition and are doing good service to the State. An annual appropriation of fifteen thousand dollars from the school fund has been made for their support. An inspection of the Eastern Normal School building by a competent architect at the instance of the trustees, has led to the making of repairs on the building, and the strengthening of some portions of it. The balance remaining from the last appropriation will probably defray the expenses of the work.

THE INSANE HOSPITAL.

The reports of the trustees and officers of the Insane Hospital give a highly gratifying statement of the affairs of that institution. I am confident that the Superintendent is amply justified in the declaration he makes that "at no period since the institution was opened for the reception of patients has it been in a more prosperous and satisfactory condition than at the present time." It contained four hundred and five patients at the commencement of the year. One hundred and ninety-four were admitted during the year, and one hundred and eighty-three discharged. The daily average number of inmates was a fraction over four hundred and eleven, thirteen in excess of the average of the preceding year. Seventy-two of those discharged are reported as recovered.

The value of the hospital property has been greatly increased, and the capacity of the institution for usefulness, judiciously promoted by the many improvements made the past year. The water-works have been thoroughly completed, the main building has been provided with an approved system of flues for ventilation, and the laundry has been rebuilt and refurnished. The entire cost of these improvements, including the construction of the water-works in 1876, was \$22,620.23, all of which has been paid from the income of the hospital. The farm has been improved by laying underdrains and making roads, and the grounds around the main building have been graded. The productiveness of the farm has been largely augmented within a few years, and the

entire estate is in the way to reach the highest possible state of cultivation and profitableness.

The price of board has been reduced by the trustees from \$4.00 to \$3.75 per week. It is believed that this reduced rate will support the hospital without lowering the dietary of the patients, or trenching in any degree upon their customary comforts and privileges, and leave a sufficient balance, with the funds now on hand, to make such improvements as are now and may be from time to time required.

I am constrained to invite your attention to the necessity which I believe exists for another hospital for the insane. You will perceive by the tabulated history of the hospital contained in the Superintendent's report, that the daily average number of patients leaped from one hundred and sixty-seven in the year 1855-6 to two hundred and four the following year, and that from that time it has steadily increased from year to year, almost without exception, until it reached four hundred and eleven the past year, more than double the daily average number of twenty years ago, and the highest in the history of the institution. While this marked increase in the number of the insane admitted to the hospital has been going on, the population of the State has remained without material change. Although, as the trustees inform you, no applications for admission have been denied, it is evident that the capacity of the hospital has been continually strained to the utmost to meet the demands upon it, notwithstanding the care taken to comply with the restrictions of the law in regard to the class of patients entitled to admission and treatment. It is the opinion of good authority that the maximum number of patients that can be well cared for in an institution of this kind, and under one supervision, is four hundred, and that it is desirable in every respect that the number should not exceed three hundred and fifty.

Be that as it may, our hospital has reached the limit of its accommodations, and it behooves the State to anticipate the time when the need of another institution will become too pressing to be denied. The present number of patients has been reached by such gradual approaches as to leave no room for the argument that it is due to temporary and exceptional causes. Even allowing that it represents the full probable proportion requiring treatment for mental disorder, it still

remains necessary to provide for the proportion due to the natural increase of the population of the State. Besides, experience may prove that the law of 1874, requiring the discharge of idiotic and incurable inmates who may, in the judgment of the Superintendent, be discharged with safety to themselves and the public, has caused the discharge of some who ought to have been retained.

The Superintendent may be under the necessity of advising discharges, about the propriety of which he has misgivings, in order to make room for more pressing cases. Furthermore, I venture to express my opinion that considerations of economy and philanthropy impose upon the State the duty of supporting in part, at least, and under its own supervision the class of unfortunates which it now excludes from the hospital.

THE STATE PRISON.

On the thirtieth day of November, 1876, the State Prison contained one hundred and seventy-one convicts. The prediction of the Warden that the number would be increased to two hundred at the corresponding date of the following year, has been more than verified. On the thirtieth day of November last the number of convicts was two hundred and seven. The event amply justifies the action of the Legislature of last year in making an appropriation for the enlargement of the main building of the Prison. The extension was indispensably necessary to relieve the overcrowded condition of the Prison and ensure the safe keeping of criminals. It has been built in a thorough manner, and is now completed with the exception that about one-half the cells have not been provided with doors. It contains sixty-two cells, thirty of which are already occupied. The State Prison now affords ample accommodations for two hundred and fifty convicts; and in plan and appointments leaves nothing to be desired. It is to be hoped, on all accounts, that its capacity will suffice for many years. At the close of the present year it has been estimated that there will be two hundred and twenty-one criminals within its walls. This estimate is based upon the presumption that the number of commitments the current year will be the same as last year, and that sixty prisoners will be discharged during the year. Thirty-eight prisoners were discharged last year; forty-three the year before. If

the commitments do not exceed the estimate, the number of prisoners will begin to diminish after this year. The statistics of the prison and jails show a lessening tendency to crimes of the worst kinds. Of the sixty-four persons received by the prison in 1876, twenty-three were under sentence for crimes against the person. Of the seventy-four received in 1877, but fourteen were sentenced for such crimes. Four more persons were in the confinement of the jails at the close than at the beginning of the year. I have not had an opportunity to refer to the statistics which the Attorney General's report undoubtedly contains, but I am confident that an examination of them will disclose the fact that the number of persons in jails would have diminished largely during the year, but for the increased number of commitments for violation of the laws in regard to the sale of intoxicating liquors, consequent upon the heightened stringency of those laws effected by the amendatory act of last year.

The officers of the Prison find themselves again obliged to ask the State to supply the financial deficiencies of the institution. The appropriation of fifteen thousand dollars for the extension was found insufficient, although the materials for the building were purchased at very low rates and the work was carried on in the most prudent manner. The deficiency on this account, and the cost of ordinary repairs of the buildings, amount to four thousand and four hundred dollars. The deficiency on the general account is nine thousand eight hundred and ten dollars. The income from the sale of manufactured articles and from other sources has failed by that amount to meet the expenses of the institution. A part of the deficiency is due to the decrease in value of the articles on hand at the close of the year. In some respects, the business of the year was very successful. The sales of carriages amounted to forty-seven thousand and seven hundred dollars, an increase of twelve thousand, eight hundred and thirty-five dollars over the sales of the previous year. The sales of harnesses amounted to eleven thousand dollars, six thousand dollars of which amount were for sales without the State. The officers of the prison have taken no unusual measures to effect sales, and have had no exceptional advantages therefor over former years. It may, consequently, be fairly inferred from their success—and the inference is a

highly acceptable one—that a general revival of business has begun to manifest itself. When the conditions affecting business everywhere, the peculiar disadvantages which a prison necessarily labors under in conducting a manufacturing business, and the benefit to the State which does not appear in the balance sheet, are all taken into consideration, the exhibit made by the prison is a satisfactory one. The manufacture of harnesses proves to be so profitable and is so valuable a trade to be taught prisoners, that it is proposed to extend it. In order to do so, the building in which it is conducted will have to be enlarged, and it is estimated that the sum of two thousand dollars will be required for the purpose. I commend the proposition to your favorable notice.

THE REFORM SCHOOL.

This is a well conducted institution, and accomplishes the purpose to which it is devoted as fully as could reasonably be expected. If there is any degree of failure to reform vicious boys, it is due to the system and not to the school. The boys are so classified as to protect the well-disposed as far as possible from those whose influence is evil, and a kindly spirit is shown in the treatment of all of them. The school has one hundred and forty-seven boys in charge. An appropriation of fifteen thousand dollars was made for it last year; thirteen thousand dollars for ordinary expenses, and two thousand dollars for painting the exterior of the building. It is advisable that there should be a small amount appropriated by you to fit a large unoccupied room in the basement for a work-shop, to take the place of the badly lighted room now in use.

CHARITABLE INSTITUTIONS.

The Maine General Hospital was assisted at its foundation by the bounty of the State, and annually since has been the recipient of a contribution towards its support from the public treasury. It is a noble charity, and the State will do well in continuing to uphold it.

The Military and Naval Orphan Asylum at Bath and the Industrial School for Girls at Hallowell, are both meritorious institutions, entitled to receive aid for the service they do the State.

The State has paid for the year just elapsed \$8,217.23 towards the support of forty-two pupils at the American Asylum, Hartford; of thirteen pupils at the Perkins Institute for the Blind, at South Boston, \$3,625.00; of two pupils at the Clarke Institute, Northampton, \$425.00, and \$481.75 for the tuition of ten pupils at the School for Deaf Mutes recently established at Portland.

MAINE STATE COLLEGE OF AGRICULTURE AND THE MECHANIC ARTS.

The sum of fifteen thousand two hundred and eighteen dollars was appropriated last year "for the purpose of paying existing debts, for instruction, building farm-house and contingent expenses" of this institution, "the same is to be in full for any and all expenditures by the State, on account of said college, for the current year." There can be, therefore, no deficiency for the year which the State can be properly called upon to meet.

The college has one hundred and eighteen students, fifty-eight of whom were admitted to the several classes in the course of the year. It is doing as good service to the State as the facilities at command enable it to do. I repeat to you the recommendation made by me to the fifty-sixth Legislature, for the establishment of work-shops at the college, on what is known as "the Russian plan." I regard that system as affording the best, if not the only means for giving to instruction in the mechanic arts, that practical character which was in view at the foundation of the college. The system has been well tested in this country, and receives the heartiest commendation from all who have seen it in operation and know what can be accomplished by it. I trust that an opportunity may be offered you sometime in the course of the session to become fully acquainted with the methods and details of the system.

THE FISHERIES.

Among the most important subjects that will engage your attention, is that of the protection of fish and game. The Legislature of last year authorized by a resolve the appointment of a commission, to consist of five persons, "to codify, amend or add to the laws relating to game, to fisheries, the

protection and propagation of fish, and to determine what legislation is necessary to give effect to chapter 40, section 26 of the revised statutes, in relation to opening fishways through dams and other obstructions, to the end that all portions of the State, so far as practicable, may be benefited by the culture and propagation of fish, and report the same to the next Legislature." The result of the labors of the commission appointed under the resolve, will be presented to you.

The belief that the prosperity of the State does not lie in the concentration of the energies of its people on special pursuits and industries, but in the multiplication of channels for their employment, and in the utilization of every advantage, has been gaining ground of late years and is very general and earnest. As an outgrowth, in part, of this sentiment, a strong desire prevails throughout the State for the adequate protection by law of our food fishes and game, and the encouragement of their increase. The code of laws prepared and submitted to you by a commission representing knowledge of the law, and a thorough acquaintance with the subjects referred to it, affords a basis of action and will greatly assist your labors. Every influence and condition seems to favor the enactment of a judicious and comprehensive law that will effectually guard and foster an important public interest.

The duty to profit by every occasion to develop and strengthen any available resource of the State, is at all times incumbent upon those who make and execute its laws, and becomes specially urgent when the facilities and industries on which its people have relied, prove insufficient for their needs. It has been justly reckoned first among the positive functions of government to make the means of subsistence more easy and more sure to each individual. The American system of protection to home industries is a notable instance of the recognition of this obligation. Our State has not always been properly heedful of its duty in this respect. Among its shortcomings it has unwisely tolerated the practical annihilation of its river fisheries, and by consequence, the serious injury of the deep sea fisheries of the coast; for, we are informed by the best authority, the number of food fishes which inhabit the waters of our shores is proportionate to the quantity of subsistence afforded them by the migratory

fishes on their way to and from the mouths of our rivers. The obstructions in the rivers therefore serve to deprive the dwellers on the seaboard of the bounty which nature bestows on them, as well as to intercept her gifts to the inhabitants of the interior.

A few years ago the State undertook to rectify the mistake which had been committed in leaving the fisheries uncared for. The annual report of the Commissioners of Fisheries which will be presented to you, is numbered the eleventh. As the immediate and tangible result of their labors and expenditures during the indicated period, the Commissioners refer to the unusual productiveness the past season of the fisheries of those rivers which had been restocked by them and provided with suitable fishways. Prospectively the benefit to the fisheries will be permanent if the present conditions of unobstructed way and needed protection shall be continued. An important branch of this service has been the introduction of the Sebago salmon and the black bass into many lakes and ponds in different sections of the State. The Commissioners earnestly advise all who are pecuniarily or otherwise interested in maintaining the attractiveness of the lakes which have become popular resorts for fishing, to follow a good example and take the necessary measures for supplying the waters of their respective localities with an abundance of fish. Their advice is worthy of the attention of those concerned.

I respectfully recommend the usual appropriation for salaries of the Commissioners and wardens, and a reasonable appropriation for the propagation of fish, to be expended under the direction of the Commissioners.

THE INDIAN TRIBES.

The recommendations of the Agent of the Penobscot tribe of Indians, that authority be granted for leasing the shores belonging to the tribe for a shorter term than five years, on the expiration of the present leases; that the public farm on Orson island be allotted for tillage to members of the tribe, and that the small unexpended balance of the income of trust funds be applied to repairing the Chapel—all have my approval. The Agent, in behalf of his charge, protests against charging the income of the property of the tribe with

expenses which the treaty stipulations bind the State to pay. The State should faithfully observe all the obligations imposed by the treaty, and not confound justice with charity.

The Agent of the Passamaquoddy tribe has been obliged to expend four hundred dollars more for the support of the poor of the tribe than the amount of appropriation for that purpose, which was sixteen hundred dollars. I recommend his reimbursement and the appropriation of at least two thousand dollars for the relief of the poor of the tribe the current year. The reasons for the slight increase recommended, are obvious. The tribe numbers nearly six hundred members. Thirty-three of the number are widows, several of whom are entirely dependent on the poor fund. Improvidence is a well-known characteristic of the race. The employments upon which many of them have relied, are denied them in consequence of the stagnation of business. There is little sale for the wares they manufacture. Sickness prevails among them to a great extent, incapacitating not only the sufferers but the friends attending them, from doing anything to earn a subsistence. The Agent has exercised the utmost frugality consistent with humanity, in the expenditures he has made the past year for the benefit of the destitute and suffering, and it is fair to presume his outlay to be the measure of the appropriation required for the support of the poor of the tribe this year.

It is an encouraging indication of their advancement that both tribes gave more attention than usual to the cultivation of the soil last season, and raised very good crops.

STATE COMMISSIONERS.

The reports of the Railroad Commissioners and the Insurance Commissioner will be laid before you. I have no comment to make in regard to them. Both offices are of great utility. The Commissioners of Pharmacy, appointed under an "act to prevent incompetent persons from conducting the business of apothecaries," make their first annual report. The law is regarded by them as generally satisfactory and effective.

INTERNATIONAL PRISON CONGRESS.

I have the honor to communicate to you the invitation extended to the State, by the President of the Commission,

to furnish a representative to the International Prison Congress which has been convoked at Stockholm, in August next. The declared object of the Congress is to study "how to reduce crime to a minimum, by saving the young from a first fall, and by bringing the fallen to a better mind and a better life."

The prevention of crime and the punishment and reformation of criminals are questions which most nearly and urgently concern the State. A due regard for the public well-being, and that ever progressive spirit of humanity which characterizes a Christian people, compel attention to them and demand that there shall be constant and patient endeavor to discover and remove the causes of the crimes that afflict society, and to combine the punishment of wrongdoers with all consistent encouragement of their better impulses. It is reasonable to expect that the interchange of information and opinions this Congress will call forth, will be productive of results from which the whole civilized world may profit.

I recommend, therefore, as an act of comity, and in order that the State may bear a part in an undertaking for the common good, that you make provision for the appointment of a delegate to the Congress.

ANTIETAM NATIONAL CEMETERY.

The Congress of the United States, by act of March 2, 1877, authorized the Secretary of War to pay the outstanding indebtedness of the Board of Trustees of the Antietam National Cemetery, and appropriated money therefor, adding a proviso that payment of such indebtedness shall not be made until the legal title to the property shall be vested in the United States. It appears that the title of this property is vested in the State of Maryland, as Trustee for the several States that contributed towards its establishment and maintenance, and before the title thereto can be transferred to the United States the consent of those several States to such transfer must first be obtained.

The State of Maine is one of the contributing parties, and, at the request of the Secretary of War, I call your attention to this matter and recommend that you authorize the State of Maryland to convey to the United States the interest of

this State in the land occupied by the Antietam National Cemetery.

STATUE OF GENERAL WILLIAM KING.

In response to the invitation of Congress to all the States "to provide and furnish statues, in marble or bronze, not exceeding two in number for each State, of deceased persons who have been citizens thereof, and illustrious for their historic renown or for distinguished civic or military services, such as each State may deem worthy of this national commemoration," to be placed, when so furnished, in the old hall of the House of Representatives, in the Capitol of the United States, the Legislature of 1874 authorized the Governor and Council by resolve "to contract with some suitable person, a native of Maine, for a statue of General William King, in marble, to be placed in the national statuary hall at Washington." Pursuant to the resolve a contract was made with Mr. Franklin Simmons to make the statue and place it in position in the hall of its destination, for eight thousand dollars. One-half of that sum has been paid under the terms of the contract. I am informed by Mr. Simmons that he has completed his contract, and I therefore recommend an appropriation for the balance due him.

GOVERNOR KENT.

On the nineteenth day of May last occurred the death of Edward Kent, who was Governor of this State for the year 1838, and again for the year 1840. It is not my purpose to undertake to pronounce his eulogy. Worthy tribute to his great services to the State and country in the many honorable trusts which he received from them, has already been paid by friends and associates, who could most fitly estimate their value. Men who enjoyed his companionship through much of his long and beautiful life, have feelingly expressed their love and admiration for him. Their words are inscribed among the public records in perpetual memory of one of the noblest men who ever honored or was honored by our State. But standing here where he has stood, clothed with the authority which he exercised so wisely and beneficially, I feel that I should not suffer to pass unnoticed, with no token

of remembrance, the close of a life that was so useful to his State and so dear to his fellow men among whom it was passed.

CONCLUSION.

Gentlemen, the wish of those among us—and who are not of that number?—who love our State and desire to see it grow rapidly in all that makes a State great and prosperous, is apt to outrun the slow development which circumstances for the time impose upon it, and to become impatient. We should rather take heart and hope from all the gain we see when there is least reason to expect it. Even in these days I think it would appear if we had the means to accurately know what is going on in all the wide extent of the State, that there is a healthful growth. Our people are more and more inclined to the belief that it is better to stay in the State than to challenge fortune in some far off part of the country—better to seek the sure rewards of the farm than to trust to the uncertainties of the crowded towns for a livelihood.

Why should Maine prefer to call herself a manufacturing State, a lumbering State, a ship-building State, or a granite and ice exporting State, when nature has so well endowed her as an agricultural State? Notwithstanding her thousands of intelligent and skillful farmers, and the invitation her unused and productive soil holds out to the unemployed, the State does not furnish the food which her people consume.

The neglected resources of her lands answer the wondering query why her material progress is not greater. There is no reason why men with stout hearts and strong arms should repine at fortune when the fertile region of Aroostook county offers them a home, an assured livelihood, and all the rewards which follow thrift and energy. The comfortable and attractive homes and rich acres which have there been wrested from the forest in the space of half a score of years by men with little or no capital, are pleasing to look and reflect upon. During the past year the number of immigrants to the county exceeded, according to the best information I have been able to gather, that of any one year for nearly twenty years. I do not expect to hear that any among them who were in downright earnest, have regretted the step they have taken.

The increase of attention to farming which is apparent in other sections as well as in Aroostook county, is a most encouraging feature of the times. It is good in itself, and promotive of health and activity in other callings. Trade and manufactures will flourish in proportion to the increase of food-products.

Let us indulge the hope that the moral cause which now palsies enterprise and depresses business, will in good time be removed. The country has thus far tried to believe that the promise of a definite measure of value by the general government, will be fulfilled a year hence. It has understood that measure to be gold, and that the obligations of the government were redeemable and to be redeemed in that coin. It has no sympathy with the proposition to make gold accept silver as an yoke-fellow in unequal and dishonorable partnership. In this case it is indeed true, that "Honor travels in a strait so narrow where one but goes abreast."

But whatever fortunes may be in store for the State, in a material sense, it rests with you, gentlemen, to see to it during your period of service, that the honor of the State remains without reproach, that its people be not unnecessarily burdened, and that just laws prevail. I am one with you in regard for the welfare of the State and in the purpose to serve it faithfully.

SELDEN CONNOR.