

MAINE STATE LEGISLATURE

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DOCUMENTS

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THE LEGISLATURE

OF THE

STATE OF MAINE,

A. D. 1859.



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1859.

THIRTY-EIGHTH LEGISLATURE.

SENATE.]

[No. 21.

STATE OF MAINE.

The Committee on Education to which was recommittd the report and statement of facts relating to the bill repealing the act of 1858, concerning the Maine State Seminary, ask leave to

R E P O R T :

That they have had a meeting of the Committee—that the Hon. George Pierce appeared before them with the records of the governor and council. That they have made a further and full investigation into the facts connected with the removal of the report of the council of January 5, 1858, from the files of the Secretary of State, and after hearing testimony in regard to the same, find that Hon. George Pierce has, by proof, fully explained the circumstances under which he received said paper, that it was taken with consent of the Secretary of State, and by him returned to said office; and that Mr. Pierce should be exonerated from all blame connected with the transaction. Your Committee have also ascertained that said report on being returned by Mr. Pierce, was immediately, by consent, again taken from said office by another person not connected with the Seminary, and has not been returned, and also ask leave to report, that the bill ought to pass, which is herewith submitted.

THEODORE WELLS, JR., *Per Order.*

STATE OF MAINE.

The Committee on Education, to whom was referred the bill to repeal the act of 1858, providing for the payment of the semi-annual interest on the \$10,000 of scrip to the Maine State Seminary; and recommitted on being reported in new draft, with instructions to report a detailed statement of facts, have had the whole subject under consideration, and report the following statement of facts:

It was in evidence before your Committee that the Trustees of the Maine State Seminary exhibited before the Legislature in 1855, at the time of their incorporation, a plan of their proposed operations. This plan contemplated but *one* building for the purposes of instruction, chapel, laboratory, cabinet. &c. Not until some time after did the trustees decide to build any boarding house. Subsequently it was deemed desirable to provide a building for that special purpose, instead of relying on the competition of private families, as was at first designed, and has always been practiced on the opposite side of the river with the Lewiston Falls Academy.

The Seminary building was completed and occupied, and the Seminary put into full operation September 1, 1857, which was the first day of the first term. The trustees had advised the governor and council of the completion of their building, by a certificate dated July 13, 1857, which was sent to the governor August 1, 1857, by Hon. E. Knowlton, President of the Trustees, in which they asked for the issue of their scrip, September 1, 1857. This certificate, not being deemed quite enough in detail, was withdrawn and another furnished more specific, stating the sums expended, the size of the Seminary building, 86 feet by 50, with side projec-

tions 27 feet by 9, all three stories high. They also stated that a boarding hall, 147 feet by 44, four stories high, was nearly completed, and would be ready for use at the beginning of the winter term. This second certificate was finally reported on January 5, 1858, (which was Tuesday, the day before the session of the last Legislature, and the last day of the administration of Governor Williams,) and was by that gentlemen and his council referred to the next governor and council. The records show that this certificate was thus filed and acted on, and it ought still to be on the files of the council; but it is now missing and cannot be obtained by your Committee.

They have, however, ascertained that the report of the governor and council, above referred to, an original paper, has, by consent, been taken from the office of the Secretary of State, by a person not connected with the Seminary, and neither this report or the certificate upon which it was founded, could be found in said office.

It also appeared in proof, that no communication was made by the governor and council to the trustees, from the date of their filing the second certificate, nor notice given that the trustees had not fully complied with all the requirements of the act, to entitle them to the scrip. Nor was it, in fact, known to the trustees that anything remained for them to do, until in the latter part of January, 1858, on making another application, in person, to the governor and council for their scrip, they, for the first time, learned from the records which were produced and read to them, that by report of January 5, 1858, of the former council, it appeared that doubts existed in the minds of that council, whether the partially unfinished condition of the boarding house was a full compliance with the requirements of the act; and for that reason, as well as for want of constitutional power, they had referred the whole matter to the next governor and council. Thereupon the trustees explained their proceedings throughout to Governor Morrill and Council, informing them of the original plan and the subsequent addition of the boarding house; that they had engaged a boarding house near the Seminary for the accommodation of the students during the fall term, while their boarding house was undergoing completion; and had also made ample provisions for board in private families in the village.

Also, that in the mean time the boarding hall *itself* had been fully completed and went into full operation November 24, 1857, of which fact the trustees might have satisfied the governor and council at that time had they supposed it necessary. That the governor and council then informed the trustees that everything was perfectly satisfactory, and that they were entitled to the scrip, but that the constitution prohibited its issue. That they had complied with all the requirements of the act, and need furnish no further evidence. That by the provisions of the act of March 27, 1858, interest was to be reckoned from October 1, 1857, which your Committee find was paid out of the contingent fund on the day it fell due, April 1, 1858, and again October 1, 1858; no special appropriation having been made for that purpose. This action, in paying to the trustees two instalments, seem, to your Committee, to indicate that the governor and council deemed that the trustees had entitled themselves to the scrip, at least, October 1, 1857. And your Committee are of the opinion that interest was justly due the trustees from September 1, 1857, when the main Seminary building was completed and put in operation.

It appears that the trustees now hold the following amount of property, to wit:

Seminary building (Hathorn's Hall,) and boarding hall, which together cost	\$36,000
Furniture for the same,	4,000
Site, 20 acres, donated by the citizens of Lewiston, about	6,000
State scrip, (permanent fund,)	10,000
Donation from the Lewiston Water Power, or Franklin Company, in store or house lots in the village of Lew- iston, now designed as a permanent fund,	6,000
In the will of Mary Hathorn of Woolwich,	4,000
In the will of Thomas Hodgdon of Boothbay,	1,000
Whole amount,	<hr/> \$67,000

The trustees of this Institution have been unfortunate during the past year, in the loss of many of their subscriptions, caused by the general financial embarrassments of the country. Their liabilities are now some \$15,000, and they have subscriptions which they con-

sider good, part of which, on condition the Institution is freed from debt this year, to meet all their liabilities, lacking \$4,000.

They have their agents now in the field at work among the friends of the Institution, to raise the balance. And they are hoping and expecting to call the friends of the Seminary together, from all parts of the State, in July next, for a general jubilee and dedication *free from debt*.

In conclusion, your Committee are happy to say that, after a vigorous, and as they believe, impartial and thorough investigation of the case, and the charges made against the Seminary, they find no evidence of fraud, concealment, negligence or delaying in any particular on the part of the friends, officers or trustees of the Maine State Seminary; but, on the contrary, they find all their statements corroborated by testimony of the highest character; and they are unanimously of the opinion that the trustees are entitled to great credit for the honorable and faithful manner in which they have discharged their trust, and for the zeal and energy they have, from the first, displayed. Among the witnesses before the Committee and other gentlemen from whom these facts have been ascertained, in addition to several of the trustees, were Dr. Garcelon, Hon. Messrs. Wing and Milliken, members of the present and former council, Hon. Noah Smith, Secretary of State, and Ex-Governor Williams.

HENRY WILLIAMSON, *Chairman*.

STATE OF MAINE.

IN THE YEAR OF OUR LORD ONE THOUSAND EIGHT HUNDRED AND
FIFTY-NINE.

AN ACT to repeal an act entitled "an act additional to
an act to incorporate to Maine State Seminary."

*Be it enacted by the Senate and House of Representa-
tives in Legislature assembled, as follows:*

SECTION 1. Chapter two hundred and forty-five of
2 the private and special laws, approved March 27,
3 1858, is hereby repealed.

SECT. 2. Three hundred dollars shall be paid out
2 of the State treasury to the trustees of the Maine State
3 Seminary on the first day of April, eighteen hundred
4 and fifty-nine; and thirty days after the adjournment
5 of this legislature, a further sum amounting to the
6 interest on ten thousand dollars from said first day of
7 April until the day when a resolve approved February
8 5, 1859, authorizing the payment of ten thousand
9 dollars to the Trustees of the Maine State Seminary
10 shall take effect, shall be paid to said trustees.

SECT. 3. This act shall take effect when approved
2 by the governor.

STATE OF MAINE.

IN SENATE, March 10, 1859.

ORDERED, That 350 copies of the foregoing Report, Statement of Facts and Bill, be printed for the use of the Legislature.

ATTEST:

JOSEPH B. HALL, *Secretary.*