

MAINE STATE LEGISLATURE

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THE LEGISLATURE

OF THE

STATE OF MAINE.

1863.

AUGUSTA:
STEVENS & SAYWARD, PRINTERS TO THE STATE.
1863.

FORTY-SECOND LEGISLATURE.

SENATE.

No. 10.

REPORT.

A minority of the Joint Select Committee on Agriculture, to which was referred so much of the Governor's Message as relates to a grant of land by the United States "for the benefit of Agriculture and the Mechanic Arts," in reporting resolves for passage, would beg leave also to answer as briefly as possible sundry questions in relation thereto, in order to show their understanding of the matter in hand.

First.—How is the State to come into possession of the scrip provided to be issued by the United States in this matter?

Answer.—Only by accepting by legislative action the benefit of the provisions of the said act of Congress, and by pledging the faith of the State that it will faithfully comply with the conditions in the said act of Congress contained and set forth. The scrip thereupon is to come into the possession of the State,—the State being only as a *sort of receiver and conveyancer*, and the holder in trust of the proceeds, and obliged therefore to do with the scrip only as the said act of Congress provides.

Second.—What *can* and what *cannot* the State do with the said scrip according to the said act of Congress?

Answer.—The State, as such, can neither locate the scrip in any State, nor select any lands upon which the scrip is to be located. It can only, after receiving, convey, transfer, and assign the scrip to some body not its own agent by a bona fide sale, and thereby "provide a College" wherein shall be taught three branches of learning that relate

I—To Agriculture.

II—To the Mechanic Arts.

III—Military Tactics, and (in the further language of the said act) in order to promote the liberal and practical education of the

industrial classes in the several pursuits and professions in life. Here are three distinct departments for collegiate instruction. The department of agriculture is to have incidentally an experimental farm, if the Legislature so determine, whereby to illustrate and experiment upon the principles taught in the said College. In this State it should certainly have such a farm. Students in this department are to have an opportunity to study all the branches in said College that relate to agriculture, or to either of the other two departments, or *such part* of them as they may select. And the law further provides that the students in any one of these three departments shall have the right to take also the studies of *either* or *both* of the *other two*, and also shall not be excluded from other scientific and classical studies of the college course.

Your Committee have therefore deemed it their duty, according to the letter and spirit of said act of Congress, to specify in their resolves herewith, the studies in detail provided to be taught by the said act of Congress; from which studies, it will at once appear, that the institution to be provided can be nothing short of a College—a College not in *name* merely, but in *fact*. And although the great importance of the agricultural interest of the State is fully conceded by your Committee, and though some might have hoped that Congress had made a provision for agriculture *alone*, yet the act of Congress, *being as it is*, your Committee as aforesaid, with all due respect, cannot see how the State can, in good faith to the United States favor any one of these interests in the State to the exclusion or detriment of one or both of the other two. Indeed your Committee have occasion to know that *one* of the chief objects contemplated in the said act of Congress is to provide a College where the sons of farmers, mechanics and tradesmen might procure a military education suited to their taste and capacity, whereby they might be prepared when God and their country call to defend the republic. Many congressmen have become painfully aware of the fact that the States severally, must for their own safety and welfare, provide such a College other than that at West Point. And some of the States had already begun to move in the matter. There are grand exceptions, like our noble Howard, but that institution has educated too many traitors.—e. g., the Jeff Davises, the Lees, the Beauregards, the Braggs and others,—while a host of others yet with us are illustrious only for being the sons of favored politicians and worthless for their country's cause. Hence your

Committee in specifying the studies provided to be taught by the said act of Congress in connection with those that relate to agriculture and the mechanic arts, have enumerated also what is requisite for a West Point military education, bating only its vices.

Third.—What would it cost the State to establish a *new* State College for the benefit of Agriculture and the Mechanic Arts and for Military Science and Tactics ?

Answer.—It has been variously estimated that to establish such a College would cost the State from \$100,000 to \$300,000 to begin with, and exclusive of this United States grant ; and then there would be besides, the inevitable appropriations to be made yearly. There would be College buildings to be built, insured and repaired; a Library and apparatus to be furnished ; Professors to be appointed and salaried for branches requiring talent and learning of a high order, and consequently costly ; and then there would be the Board of Overseers and Trustees to be appointed, whose yearly bills for services and expenses would have to be met ; the Experimental Farm to be bought and an Overseer thereof to be hired, and the farm to be stocked and provided with all the necessary apparatus and implements for use. While the scrip in such a case could not be *located* for the benefit of the State at all, but must be directly, according to the act, converted into cash, and, as hereinafter stated, under such circumstances that it would bring, comparatively, but little ; so that, with the exception of this little to be thus realized, the State would be compelled in these times to be taxed for the whole sum necessary to establish, endow and support that College, and then taxed again to meet the annual expenses year after year ; and whenever it should fail to do so because tired out with taxation, the State would, by said act of Congress, be compelled to be taxed to reimburse the United States for the land it pledged its faith to accept according to the said act. And all this taxing, too, when the people are taxed beyond measure, and for ought we know, but only in the beginning of this terrible rebellion, and the State now in debt in the sum of nearly or quite two millions of dollars.

Indeed, your Committee, as aforesaid, have not deemed it a part of their duty to lay before the Legislature any plan in the premises that contemplates any expenditure whatever, or any liability to expenditure whereby the people are to be taxed ; believing that as a Legislature we could not go home and look an honest constituency in the face after having committed such folly under such cir-

cumstances. And your Committee would have reported *not to accept at all*, the benefit proffered by the said act of Congress, had they not been able to find a College in the State prepared to accept the scrip, and at its own expense, without any burden whatever to the State, to furnish the instruction provided to be taught by the aforesaid act of Congress, in all the aforesaid three Departments thereof; and to furnish the buildings necessary therefor; and to furnish an experimental farm and apparatus; and to locate the land at the best of their discretion, and to sell it so as to receive the largest price for the same; and to invest and to keep invested the proceeds thereof according to said act of Congress; and to guarantee the safety of these investments; and to pay all expenses of locating said lands, and all taxes on the lands and on the proceeds thereof; and to give to the Governor and Council, or such other Board as the Legislature may appoint, concurrent jurisdiction in its Board of Trustees, and in the nomination of the students to be educated by the annual income of the funds; and to educate the students at the rate of seventy-five dollars each per year, up to the full extent of the annual income of interest arising from the entire gross proceeds of the land sold, with no charge whatever to the students themselves. In short, to assume upon itself all the responsibilities and duties which are imposed upon the State by the said act of Congress, and all the duties imposed upon Colleges endowed under the provisions of said act. And further, to take seventy-five young men to be thus educated in anticipation of receiving the avails of said lands, before they are sold, if need be, and to bind itself to the State in the sum of one hundred thousand dollars to indemnify the State against loss and damage in consequence of its infracting the said act; and to make the said bond a perpetual lien upon all the public buildings, sites and contents of the said College. Your Committee as aforesaid, would say, that, unless they had found a College to make such ample provision to meet the requirements of the said act on the one hand, and secure the State in every possible contingency on the other, they had not been prepared to report the acceptance of the proffered benefit to the State. For, by the said act of Congress, the State in *accepting* the grant would otherwise have also had to meet all these expenses and outlays now entirely provided for, and paid by, the said College, as set forth in the resolves herewith.

Your Committee as aforesaid, have but one more question to ask before submitting these resolves.

Fourth.—Is there need of immediate action in the premises on the part of the Legislature in order to make the grant of Congress *valuable* to the State in every view to be taken of it?

Your Committee as aforesaid must not be misunderstood in answering this question. The said act of Congress provides for seven millions and twenty thousand acres of land to be located for the purposes of the said act, and then *restricts*, that not more than one million acres of scrip land shall be located in any one State by the assignees of the several States. Now it happens that under this said restriction, some two-thirds of all these scrip lands must be located in States where the land will be comparatively not worth having. For example, in Florida, Alabama, Mississippi, Louisiana, Arkansas, Texas, in Arizona, New Mexico, Utah, or in the extremely distant and northwestern States and territories, where by reason of the Indians, and cold and other causes, land would have no cash value above the taxes to be assessed thereon as soon as located.

Now, the said act of Congress does further provide that the assignees of the State may appear in Washington at any time after the first day of this year, and make their scrip *subject* to location within the limits of any State they may select, subject only however, to this million of acres restriction. Hence, there is a *race* with these assignees to get the scrip located *first*, for who comes first is first served, and some two-thirds of these said assignees coming *afterwards* will have to take land where it is worth but little. And your Committee have had occasion to learn that the first choice to-day is on less than one million of acres. If now, the assignees of the State of New York, entitled by the said act to 960,000 acres, or the assignees of Pennsylvania, entitled to 750,000 acres, or the assignees of Ohio, entitled to 630,000 acres, or the assignees of other States entitled to large amounts, or either of them, step in before the assignees of this State and select those choice lands already greatly diminished by selections already made, the damage to the State by our delay would be irreparable.

The conclusion reached is this :

1. That the institution to be provided must be a College.
2. That if the State establish a new College for the three said departments, then the scrip must be converted into money for what little it will so bring ; then the State will have no time to sell ; *thus*, before the choice lands are taken up, and buyers will give little for it after then, with the liability to have to locate in

sceshdom or in far distant and north-western States, in the cold and among Indians, which will prevent buyers who *can pay* to make an offer. And *then* and so the new College will have to be established and run, by direct taxation on the people; and when the people get tired of taxation, and the College fails, then the State will have to refund to the United States the money received for said land.

3. But if the State *provide* a College by assigning as per Resolve herewith, *then* the State has no *expenditure* whatever to make; and the State is sure of the education of at least 75 of her sons thereby, and more than 75 and up to as many as the annual income from the entire gross proceeds of the land will warrant; the fund paying \$75 for each per year, and the students paying nothing. And the State has also an experimental farm provided for it for nothing,—*that* and *all other* expenses of this whole matter being paid by the College, and the College expending the whole income of the gross proceeds of the land in educating *forever* the sons of the State without charge to the students.

It is in this view of the subject, that in the eighth week of the session of this Legislature, your Committee as aforesaid cannot report any measure that requires further time or delay to perfect its details before empowering the assignees of the State to locate the scrip according to the 6th section of the said act of Congress.

With this statement of facts, and reasons, in answer to the foregoing questions, which facts and reasons we ask both Senate and House to duly consider, your Committee as aforesaid most respectfully submits two Resolves; that marked "A," to accept the scrip from the United States; that marked "B," to assign the scrip upon the stipulations in the said Resolve contained and set forth. And your Committee as aforesaid would most respectfully recommend that they be put upon passage at an hour as early as may be compatible with their due consideration and the interests of the State, only adding that the plan here presented to *assign* the scrip, is the only feasible one that your Committee as aforesaid have been able to provide, in keeping with the security and interests of the State, and to provide a College according to said act of Congress.

Respectfully submitted; accompanying two Resolves as a part hereof, and marked respectively "A" and "B."

W. H. JOSSELYN, *Chairman.*
DANIEL H. THING,
J. H. FRYE.

“A.”

STATE OF MAINE.

RESOLVE relating to the acceptance of the grant of land from the United States to the State of Maine, for agricultural, mechanical and military purposes.

Resolved, That this state does hereby express its acceptance of the benefit of the provisions of chapter thirty of the statutes of the United States passed at the second session of the thirty-seventh congress, and approved July second, eighteen hundred and sixty-two, donating public lands to the several states and territories which may provide colleges for the benefit of agriculture and the mechanic arts upon the terms and conditions in the said act contained and set forth: and that the faith of the state be and is hereby pledged to the United States, that upon the reception of the scrip provided to be issued under the said act of congress it will faithfully apply the proceeds thereof to the objects and in the manner prescribed by the said act: and that the governor be and hereby is requested

16 to notify without delay the president of the United
17 States and the secretary of the interior, of the ac-
18 cepting by the legislature of this state of the donation
19 of scrip for two hundred and ten thousand acres of the
20 public lands of the United States (that quantity being
21 thirty thousand acres for each senator and representa-
22 tive in congress from this state) made by the provis-
23 ions of said act, and that he be and hereby is author-
24 ized and empowered to receive by himself or order the
25 said scrip from the secretary of the interior, or any
26 other person authorized to receive it, and to hold the
27 same subject to the future order of this legislature.

“B.”

STATE OF MAINE.

RESOLVE relating to the assignment of scrip for the
Agricultural College.

Resolved, That the governor and the attorney general of the state be and that they hereby are empowered on the part of the state to transfer, assign and set over to the corporation of Waterville College, in the town of Waterville, the scrip now in possession of the governor or which may hereafter come into his possession from the government of the United States under and by virtue of a resolve passed by this legislature on the day of A. D. eighteen hundred and sixty-three. • Upon receiving from the said corporation or its committee duly authorized to act in the premises, the following stipulations in consideration therefor, which said stipulations shall be as and for a perpetual agreement by and between said corporation and state, as aforesaid, and shall be in form as follows, that is to say :

17 The said college, in consideration of said scrip and
18 agreement, does hereby agree—

19 1. To modify, extend and improve its present course
20 of instruction so as within the time allowed for that
21 purpose by the said act of congress, to make it the
22 leading object thereof to teach such branches of learn-
23 ing without excluding other scientific and classical
24 studies and including military tactics, as are related
25 to agriculture and the mechanic arts in manner herein-
26 after stated, in order to promote the liberal and prac-
27 tical education of the industrial classes in the several
28 pursuits and professions of life. The said course of
29 instruction to comprise military tactics, the science of
30 chemistry, embracing the laws of light, heat, electric-
31 ity and magnetism, chemistry in its application to the
32 arts, embracing the analysis of colors, minerals, soils,
33 plants, manures, and other substances. The sciences
34 of meteorology, botany, geology and mineralogy. The
35 sciences of zoology, including entomology, the breed-
36 ing of animals, their diseases and treatment, of com-
37 parative anatomy and physiology. The science of
38 mathematics, embracing algebra, plain and solid geom-
39 etry, plain and spherical trigonometry, surveying and
40 conic sections. The science of engineering, embrac-
41 ing descriptive geometry, shade and shadows, linear

42 perspective. Theoretical and practical mechanics, in-
43 cluding the elements and combinations of machinery,
44 the theory and practice of mill work, the measurement
45 of moving powers, and of work performed; the me-
46 chanics of fluids, embracing hydrostatics and hydraul-
47 ics, pneumatics, including the theory and construction
48 of the steam engine, and the principles of ship-build-
49 ing; the applications of chemistry and mineralogy to
50 engineering, and the principles of architecture; the
51 practice of engineering, comprising drawing, geomet-
52 rical and perspective, drawing of plans and elevations,
53 and sections of proposed structures, construction of
54 fortifications, roads, bridges, arches and gate ways.
55 Surveying with compass and theodolite, leveling, locat-
56 ing roads, surveys for estimates of excavations and
57 embankments, and astronomical observations for the
58 determination of time, latitude and longitude.

59 The said college will also provide instruction in the
60 other scientific and classical studies of the college
61 course to which students pursuing the preceding stud-
62 ies may, according to the said act of congress be ad-
63 mitted. And in consequence of this enlargement of
64 its course of studies, the charter of the said college is
65 hereby so amended that in lieu of its present name it
66 shall hereafter be known under the name and title of

67 The President and Trustees of the Maine University
68 and Agricultural College, to which change of name,
69 however, shall not impair any testamentary or other
70 pecuniary obligations to which have been or may be
71 entered into to or by the said institution under its for-
72 mer name.

73 2. To locate, without unnecessary delay and at its
74 best discretion, the said scrip upon some of the public
75 lands of the United States properly open to be located
76 upon, and from time to time to sell and dispose of the
77 lands so located upon as to receive the largest price for
78 the same.

79 3. To invest and to keep invested the proceeds of
80 the said sales in stocks or the securities of the United
81 States or of this state : but if this shall be impractica-
82 ble so that an income therefrom of at least five per
83 centum per annum upon their par value could not,
84 according to the said act of congress, be realized,
85 then to invest such proceeds in some other safe stocks,
86 (the safety of which other stocks as aforesaid the said
87 college shall and does hereby guarantee) upon which
88 an income of five per centum can be realized.

89 4. To pay all expenses of locating and selling said
90 lands, and all taxes which may be assessed thereon,
91 and upon the proceeds thereof.

92 5. To erect within the time allowed for that pur-
 93 pose by the said act of congress, a building for a lab-
 94 oratory, cabinet and museum of natural objects, and
 95 to erect other buildings from time to time as they
 96 shall become necessary, so that no portion of the pro-
 97 ceeds of the said lands, or of the income therefrom,
 98 shall be used in the erection, preservation, purchase
 99 or repairing, of any building or buildings for college
 100 or other purposes ; also to provide and furnish with
 101 suitable buildings and apparatus, an experimental
 102 farm of not less than eighty acres according to said
 103 act of congress, where students in agricultural science
 104 may at suitable seasons of the year receive under a
 105 competent superintendent at least two hours per day
 106 practical instruction in farming.

107 6. To be subject to the concurrence of the governor
 108 and council, or the judges of the supreme court of the
 109 state, or such other board as the legislature at this
 110 session, upon the passage of this resolve, may see fit
 111 to appoint, to look after the interests of the state in
 112 this matter, in the appointment and pay of the
 113 superintendent of the said farm, and of the additional
 114 professors and teachers required to carry out the said
 115 act of congress, and the arrangement of the studies
 116 and exercises to be attended to by the students in

117 these special departments, and in the safe-keeping of
118 the stocks, bonds, and other securities as aforesaid,
119 and in the naming of the young men who are to
120 enjoy said benefit from the funds derived from the
121 said lands, the young men to be nominated as far as
122 may be from all the representative districts of the
123 state, and in the ratio of the representation to the
124 legislature, and the said students to be subject to the
125 laws and regulations of the college during their course
126 and to graduate with the degree of bachelor of arts,
127 or bachelor of science, or are to receive a certificate
128 for a select course of study according to the studies
129 pursued in each case, their college bills for said edu-
130 cation to be to them without charge, but to be paid
131 from the annual income from the said funds as afore-
132 said : *provided, however,* that the said college shall
133 not be under obligation in consequence of receiving
134 said funds, to receive and instruct more than one
135 student per year for every seventy-five dollars of the
136 entire annual income from the same ; *and provided*
137 *further,* that after the time expires allowed by said
138 act of congress as aforesaid, and before said lands
139 may be sold and the annual income therefrom receiv-
140 ed. Any number of students in anticipation thereof
141 not exceeding seventy-five at any one time therein,

142 may be admitted to said college to be educated as
143 aforesaid thereupon.

144 7. To make to the governor and council an annual
145 report of all lands located and sold until the whole
146 are disposed of, the amount received for the same
147 and how invested, the appropriations made from the
148 proceeds thereof, and the number or names of the
149 students to whom the same has been applied, and to
150 report on such other matters as the said act of con-
151 gress may require.

152 8. To assume upon itself all the responsibilities
153 and the duties which are imposed upon the state by
154 the said act of congress, and also all the duties im-
155 posed upon colleges endowed under the provisions of
156 said act, and to be entitled to all the privileges and
157 the immunities conferred thereby upon the state, and
158 upon institutions endowed thereunder. And to the
159 faithful fulfillment and performance whereof said col-
160 lege does hereby bind itself firmly to said state in
161 the sum of one hundred thousand dollars to be a per-
162 petual lien upon all the public buildings now or here-
163 after to be built of said college, together with their
164 sites and contents to indemnify said state against loss
165 and damage arising from the infraction of said act
166 of congress by said college as aforesaid. And upon

167 receiving said stipulations as aforesaid with these
168 presents duly acted upon, accepted and approved by
169 the corporation of the said college, or by their com-
170 mittee duly authorized and empowered to act for
171 them in the case, the governor and the attorney gen-
172 eral of the state as aforesaid, shall deliver and cause
173 to be delivered to the president of the said college,
174 said scrip as aforesaid, or an order therefor, and shall
175 execute all other necessary orders, assignments and
176 transfers to assure the same to the said corporation
177 and its assigns forever.

STATE OF MAINE.

IN SENATE, March 4, 1863.

Reported by Mr. JOSSELYN; laid on the table and 350 copies ordered to be printed for the use of the Legislature.

EZRA C. BRETT, *Secretary.*