

JOURNAL

OF THE

HOUSE OF REPRESENTATIVES

OF THE

STATE OF MAINE:

TWENTY-THIRD LEGISLATURE,

1843.

State of Maine.

Augusta, Wednesday, January 1, 1843.

This being the day assigned by the constitution of this State for the meeting of the Legislature, the members elect of the House of Representatives, present, were called to order by Mr. Frye of Bethel, and on his nomination, Mr. Abbott of Belfast was appointed Chairman.

On motion of Mr. Otis of St. George, a committee consisting of Messrs. Otis of St. George, Morse of Bath, Gibson of Denmark, Reed of Waldeborough, and Brown of Machias, was appointed to receive the credentials of the members, and to report whether a quorum was present, who, having attended to that duty, reported, that the number necessary to constitute a quorum was in attendance.

Mr. Lee of Bucksport was entrusted with a message to the Governor, informing him that a quorum of the House of Representatives was assembled, and requesting his attendance in the Representatives Hall to qualify the members elect. That gentleman subsequently reported, that he had attended

2 to the duty with which he had been charged, and that the Governor was pleased to say that he would attend the Convention forthwith.

Whereupon the Governor, attended by the Council and Secretary of State, preceded by the Sheriff of Kennebec, came in, when the members elect took and subscribed the oaths required by the Constitution to qualify them to enter upon the discharge of their official duties.

A committee, consisting of Messrs. Haines of Burnham, Lyman of Suber, Paine of Bangor, Perkins of Hallowell and Knight of Lincolnville, was appointed to receive, sort, and count the votes for Clerk, who, having attended to that duty, reported that

The whole number of votes was one hundred and twenty six.

Necessary for a choice sixty four.

William F. Johnson had ninety one,

Louis O. Goran had thirty three.

William F. Little had one, and

James C. Madigan had one.

And that William F. Johnson was duly elected Clerk of the House of Representatives.

The report was accepted.

The Clerk elect then appeared, signified his acceptance of the office, and took and subscribed the affirmations necessary to qualify

3 him to enter upon the discharge of his official duties, which were administered to him by Samuel Wells, Justice of the Peace. 3

The clerk presided during the further organization of the House.

A committee consisting of Messrs. Perry of Oxford, Pierce of Houlton, Sales of Thomaston, Hart of Portland and Holmes of Gardiner, was appointed to receive, sort and count the votes for Speaker; who, having attended to this duty, reported that

The whole number of votes was one hundred and twenty five,

Necessary for a choice sixty four.

David Dunn had ninety,

Freeman H. Morse had thirty one,

Josiah S. Little had four.

Blank had one:

And that David Dunn was duly elected Speaker of the House of Representatives.

The report was accepted.

Mr. Dunn then took the Speaker's chair, and addressed the House as follows,

Gentlemen of the House of Representatives:

I thank you kindly for this election of Speaker, and it shall be my constant endeavor faithfully to discharge the duties assigned me.

I hope, gentlemen, your session will

4 be a profitable one, and a short one.

Mr. Chapman of Nobleborough was charged with a message to the Governor and Council, informing them that the House had organized, by the choice of David Dunn, as Speaker, and William F. Johnson, as Clerk.

Mr. Perry of Oxford was charged with a similar message to the Senate.

A message was received from the Senate, by Mr. Ingalls of Cumberland, informing the House that that body had organized by the choice of Edward Kavanagh as President, and Sen. Haskell as Secretary.

On motion of Mr. Perry of Oxford,
Ordered, That the Rules and Orders of the last House of Representatives be the Rules and Orders of the present House until otherwise ordered.

On motion of Mr. Bellamy of Killery,
Ordered, That the Secretary of State be directed to deposit with the Clerk of this House the record of the preceding Legislature of this State.

On motion of Mr. Mildram of Wells,
Ordered, That the Secretary of State be directed to deliver to the messenger of this House the spare copies of the rules and orders of last year.

On motion of Mr. Emery of Water- 5
borough,

Ordered, That the messenger of the House be directed to furnish each member of this House with one copy of the rules and orders of last year.

On motion of Mr. Otis of St. George,
Ordered, That a committee, consisting of Messrs. Otis of St. George, Bellamy of Rittenburg, Meder of Brunswick, Perkins of Hallowell, and Hodgman of Warren, be appointed to prepare Rules and Orders for the government of this House.

On motion of Mr. Elliot of Frank-
fort,

Ordered, That Messrs. Elliot of Frankfort, Mildram of Wells, and Holden of Casco, with such as the Senate may join, be a committee to employ some suitable person to watch the public buildings in the night time, at a compensation not exceeding one dollar per night.

Sent up for concurrence.

The Secretary of State came in and informed the House that he had, agreeably to the provisions of the Constitution, laid upon the table of the President of the Senate the list of votes given in the several cities, towns, and places

6 tations of this State for Governor for the current political year.

An order was received from the Senate appointing Messrs. Leavitt, Brigham, Bodwell, Frye, Nelson, Eastman, Strait, Lowell, Stickland, Millet and Anderson with such as the House might join, a committee to examine the returns of votes for Governor and report the same without delay.

The order was passed in concurrence, and Messrs. Otis of St. George, Meder of Brunswick, Mudgett of Parsonsfield, Prince of Buckfield, Holman of Jay, Perkins of Hallowell, Boyd of Harmony, Peck of Eilsworth, Elliot of Frankfort, Jordan of Passadumkeag, Pierce of Houlton, Davis of Addison, and Stoddard of Dover joined.

On motion of Mr. Bellamy of Kittery,

Ordered, That this House hold but one session a day until otherwise ordered, and that the standing hour of adjournment shall be ten o'clock each morning.

Adjourned.

William T. Johnson, Clerk.

Thursday, January 5, 1843.

7

Met according to adjournment.

Mr. Dennis Fairbanks, member elect from Presque Isle, appeared, was qualified, and took his seat.

Mr. Byron W. Darling, member elect from Bluehill, appeared, was qualified, and took his seat.

The Speaker appointed Monitors to the several divisions, as follows:

First Division.	Mr. Baker of Orono.
Second	" " Richardson of Canaan.
Third	" " Hart of Portland.
Fourth	" " Page of Camden.
Fifth	" " Hall of North Berwick.
Sixth	" " Stoddard of Dover.

The Standing Committees of the House were announced by the Speaker, as follows:

Committee on Elections.

Messrs. Frye of Bethel,
Paine of Bangor,
Bradbury of Kennebecport,
Merrill of Falmouth,
Bridges of Easton,
Williamson of Pittston, and
Garcelon of Webster.

Committee on Engrossed Bills.
 Messrs. Poole of Standish,
 Spaulding of Milo,
 Hubbard of Paris,
 Rome of Konidgewock,
 Root of Princeton,
 Clark of Strong, and
 Clements of Monroev.

Committee on Finance.
 Messrs. Abbot of Belfast,
 Chadwick of Portland,
 Pierce of Houlton,
 Partridge of Orland,
 Hood of Winthrop,
 Young of Wiscasset, and
 Brown of Machias.

Committee on County Estimates.
 Messrs. Greenlow of Bristol,
 Rollins of Molunkus,
 Soule of Freeport,
 Bunker of Cranberry Isle,
 Merrill of Biddeford,
 Lord of Corinna, and
 Gilman of Medabomps.

Committee on Bills in the Third Reading.
 Messrs. Lee of Bucksport,
 Holmes of Gardiner,
 Thurston of Charleston,
 Hart of Portland,

Messrs. Fales of Thomaston,
Russ of China, and
Holden of Keaseco.

9

Committee on Leave of Absence.

Messrs. Perkins of Wallonell,
Stanley of Hampden,
Bray of Turner,
Newell of Farmington,
Wood of Lebanon,
Fogg of Cornville, and
Davidson of Waldo.

Committee on Pay Roll.

Messrs. Goodwin of South Berwick,
Goss of Bangor,
Wilson of East Machias,
Guild of Embury,
Chadbourne of Baldwin,
Brown of Monson, and
Fairfield of Cassatborough.

Committee on Change of Names.

Messrs. Brown of Hingham,
Worthing of Palermo, and
Fairbanks of Madawaska.

On motion of Mr. Chapman of Nobleborough, the rule was suspended, and the House proceeded to the election of Assistant Clerk.

Messrs. Chapman of Nobleborough, Sted-

10 dard of Dover, Stimpson of Gray, Hood of Lebanon, and Watson of Calais were appointed a committee to receive, sort, and count the votes. Having attended to the duty assigned it, the committee reported,

That the whole number of votes was one hundred and fourteen;

Necessary for a choice fifty seven;

James C. Madigan had seventy eight,

Joseph Burton had thirty,

Scattering five, and

Blank one;

And that James C. Madigan was duly elected Assistant Clerk. This report was accepted.

Mr. Madigan then appeared, and entered upon the discharge of his official duties.

On motion of Mr. Prince of Buckfield, the Rule was suspended, and the House proceeded to the election of Messenger.

Messrs. Haines of Burnham, Grant of Litchfield, Hutchinson of Hartford, Stye of Fairfield, and Thomas of Newburg, were appointed a committee to receive, sort, and count the votes. Having attended to the duty assigned it, this committee reported, that

The whole number of votes was one hundred and seventeen.

Necessary for a choice fifty nine,

George B. Starbird had seventy,

William M. Saunders had twenty five,

Philip Phillips had fourteen,
 Benjamin C. Megguin had three,
 Bickford C. Matthews had two,
 scattering one, and
 Blanks two.

And that George B. Starbird was duly
 elected Messenger of the House. The report
 was accepted, and Mr. Starbird appeared
 and entered upon the discharge of his of-
 ficial duties.

On motion of Mr. Otis of St. George,
 Ordered, That the Messenger of the House
 be allowed four dollars per day for the ser-
 vices of himself, the usual number of As-
 sistants and Page.

On motion of Mr. Morse of Bath,
 Ordered, That the several Reporters be
 allowed seats within the Hall of the House,
 and that they be furnished by the Messen-
 ger with one copy each of the documents
 ordered to be printed for the use of the Leg-
 islature.

The Secretary of the Senate informed
 the Clerk that the Senate had passed in con-
 currence the order relative to the employ-
 ment of a person to watch the public
 buildings in the night time, and join-
 ed Messrs. Bridgman and Frye.

On motion of Mr. Bellamy of Hittery,
 Ordered, That the credentials of members
 of this House be taken from the files and re-
 ferred to the Committee on Elections.

An order was received from the Senate,
 appointing Messrs. Fuge, Hunt and Smiley a
 committee, with such as the House might join,
 to contract for the job-printing for the current
 political year. It was passed in concu-
 rrence, and Messrs. Gibson of Denmark, Wa-
 terhouse of Scarborough, Austin of New-
 castle, Pike of Eastport, and Galy of Liver-
 more, joined.

On motion of Mr. Perry of Oxford,
 Ordered, That the committee on Pay Roll
 be directed to make up the pay of Philip
 Phillips up to and including this day, and
 also for three days in preparing the House for
 the reception of the members, at five dollars per
 day, including pay for himself and all
 assistants.

Adjourned.

William T. Johnson, Clerk.

Friday, January 6, 1843.

13

Met according to adjournment.

Mr. Arthur Milliken, Representative elect from the town of Saco, appeared, was qualified, and took his seat.

A message was received from the Senate informing the House, that

In the Fifth Senatorial District, there existed three vacancies, and that Ephraim H. Smart, Joshua D. Elliot, Henry W. Cunningham, Robert Chase, John Haskell, and John Wellington, were the constitutional candidates;

In the Twelfth Senatorial District, there existed two vacancies, and that Cullen Sawtelle, Harris Garcelon, Abner Coburn and George C. Gitchell, were the constitutional candidates;

In the Thirteenth Senatorial District, one vacancy existed, and that Daniel Merrill and Josiah Prescott were the constitutional candidates;

And proposing a Convention of the two Houses in the Representatives Hall, this afternoon, at half past three o'clock, for the purpose of filling said vacancies.

The House concurred in this proposition, and the Clerk informed the Senate thereof.

On motion of Mr. Abbot of Belfast, the hour of three this afternoon was assigned as that

14 to which the House should next adjourn.

Mr. Hadsorth Bouller, of Bingham, appeared, was qualified, and took a seat as a member of the House of Representatives.

On motion of Mr. Williamson of Pittston,
Ordered, That Messrs. Williamson of Pittston, McLellan of Sawfield, Emery of Gorham, White of Whitefield, Simpson of Sullivan, Brown of Machias, Walker of Lovell, Pray of Detroit, Smith of Mattawamkeag, Muzzy of Sharsmont, Brown of Monson, Clark of Strong and Pierce of Houlton, be a committee to invite as many of the Clergymen of Augusta and Hallowell as they may think proper, to officiate as Chaplains of this House, in rotation, during the session of this Legislature.

Remonstrance of Job S. Hodgdon and others, against the right of Nathaniel W. Gould to a seat in the House, was presented and referred to the Committee on Elections.

On motion of Mr. Mildnam of Wells,
Ordered, That the Secretary of State be requested to furnish the Messenger of this House six copies of Smith's Laws of Maine, and that he deposit the same in this Hall for the use of its members.

On motion of Mr. Poole of Standish,

Ordered, the Senate concurring— That the ¹⁵
following Rules be adopted as the joint Rules
for this session of the Legislature;

1. All indorsements on papers on their passage between the two Houses (excepting bills and resolves on their final passage) shall be under the signature of the Secretary of the Senate, or Clerk of the House, respectively.

2. Whenever a select committee shall be appointed by either house, and be joined by the other, it shall be the duty of the Secretary of the Senate, or Clerk of the House, respectively, as the case may be, to transmit, one to the other, the names of the members so joined, in order that they may be entered upon the journals of both Houses.

3. The enacting clause of every bill shall follow its title in these words, namely;

"Be it enacted by the Senate and House of Representatives in Legislature assembled, as follows":

And if any bill shall contain more than one section, the words "Section 1:" shall be inserted immediately after the enacting clause, and before the first part of the bill; and each subsequent section shall be prefixed with the words "Section 2:" or otherwise, as the case may be, in conformity with the style of the Revised Statutes. And if any bill shall be found not to conform to the requisitions of this rule, it shall be the duty of the Committee on Bills in the Second Reading,

16 or of the Secretary, of the Senate, or of the Committee on Bills in the Third Reading, or of the Clerk, of the House, to correct the same, without a proposition to either branch to amend. Sent up for concurrence.

The Report of the Committee on Gubernatorial Votes was received from the Senate and accepted in concurrence.

The following is the report:

The Joint Select Committee to which was referred the Gubernatorial votes returned to the Office of the Secretary of State from the several cities, towns and plantations in this State:

Report:

That the whole number of votes, allowed by the Committee to have been duly returned from the several cities, towns and plantations in this State, are seventy one thousand, seven hundred and eighty eight. Whole number necessary to constitute an election, is thirty five thousand eight hundred and ninety five;

That John Fairfield has forty thousand eight hundred and fifty five;

That Edward Robinson has twenty six thousand seven hundred and forty five. And that all other persons have four thousand one hundred and eighty eight.

And that John Fairfield, having received nine thousand nine hundred and twenty two, more than all other persons voted

for, is constitutionally elected Governor of the 17
State of Maine for the current political year.

The returns received from the several cities, towns, and plantations, were found to be more than usually correct. In some of the returns, unimportant informalities were observed. Omissions within, or on the direction outside, were detected; but the Committee having deemed, that substantially, a compliance with the requirements of the statute was contained in these returns, the omissions and informalities were not considered sufficient to set them aside and reject them; and they were therefore mostly allowed.

In New-bineyard, the return was signed on the outside, by the Selectmen, but not on the inside, and this return was rejected by your Committee.

From Kirkland, the names of candidates were inserted, but no number of votes was returned. This return was therefore rejected.

In the return from Sumner, there were four votes with Edward Robinson's name thereon, but no office being thereon designated, these votes were not counted.

In letter B. and C. Township, the number of ballots was stated in figures, but not in writing. The Committee were of opinion that this was an omission not materially affecting the votes, although a

18. departure from the general practice of the State.
This return was received.

From the following towns and plantations, no returns have been received; Hibbert, Hog Island, Madawaska. No. 3 Range 2. Bingham Purchase, Guelly or No. 5 Range 5. No 2. Range 5.

Upon a careful examination of the returns from the several cities, towns and plantations in the State, your committee have been unable to discover any further inaccuracies of sufficient importance to detail in this report, other than those before enumerated.

All of which is respectfully submitted.
B. B. Leavitt, Chairman.

An order was received from the Senate, appointing Messrs. Cary, Lowell and Eastman, a committee, with such as the House might join, to wait on John Fairfield, and inform him that he had been constitutionally elected by the People, Governor of the State of Maine, for the current political year, and that the two Houses were ready to convene in the Representatives' Hall, for the purpose of administering the necessary oaths to qualify him to enter upon the discharge of his official duties.

The order was passed in concurrence, and Messrs. Millikin of Saco, Babb of Westbrook, Perkins of Windsor, Morse of Wilton and Galy of Livermore, were joined.

Adjourned.

Afternoon.

19

Mr. Millikin of Saco, from the committee appointed to wait on John Fairfield, and inform him of his election as Governor of the State, reported that the committee had attended to the duty with which it had been charged, and that the Governor elect was pleased to say, that he would attend a convention of the two Houses, at such time as would suit their convenience, and take and subscribe the oaths necessary to qualify him to enter upon the discharge of his official duties.

A message was received from the Senate, by its Secretary, proposing a convention of the two Houses forthwith, in the Representatives' Hall, for the purpose of qualifying the Governor elect.

The House concurred in the proposition, and the Clerk informed the Senate thereof.

The Senate then came in, and a convention was formed.

In Convention.

Mr. Purvis of Oxford, of the Senate, was charged with a message to the Governor elect, informing him that the two Houses of the Legislature were then convened in the Representatives' Hall for the purpose of administering to him the oaths required by the constitution to qualify him to enter upon the discharge

20 of his official duties; who having attended to that duty, announced to the Convention, that the Governor elect replied, that he would attend the Convention forthwith. Whereupon, the Governor elect, attended by the Council, and the officers of the several Departments, preceded by the Sheriff of Hermebec, came in, and before the President of the Senate, and in the presence of the two Houses, took and subscribed the oaths required by the Constitution, to qualify him to enter upon the discharge of his official duties.

And the Secretary of State made proclamation thereof.

The business for which it had convened having been accomplished, the Convention separated.

At half past three o'clock, agreeably to assignment, the two Houses assembled in Convention, for the purpose of choosing Senators, to fill the vacancies in the Fifth, Twelfth and Thirteenth Senatorial Districts.

Messrs. Atwood of Penobscot, and Millet of Cumberland, of the Senate, and Messrs. Goff of Auburn, Sanborn of Orono, and Crockett of Binalhaven, of the House, were appointed a committee to receive, sort, and count the votes for Senators to fill the vacancies existing in the Fifth Senatorial District, who having attended to the duty assigned them, reported, that

The whole number of ballots was one ²¹
hundred and sixty one;

Necessary for a choice, eighty one,
Ephraim H. Smart had one hundred
and six,

Joshua F. Elliot had one hundred and
six,

Henry W. Cunningham had one hun-
dred and six,

Robert Chase had fifty one,

John Haskell had fifty,

John Wellington had forty eight,

Daniel Merrill had one,

Joseph Pusecott had one,

Blanks two,

And that Ephraim H. Smart, Joshua
F. Elliot, and Henry W. Cunningham
had been duly elected Senators to fill the
vacancies existing in the Fifth Senato-
rial District.

The report was accepted.

Messrs Cary of Acrostook and Low-
ell of York, of the Senate, and Messrs. Ly-
man of Lubec, Fields of Sidney and Wil-
son of York of the House, were appoint-
ed a committee to receive, sort, and
count the votes for Senators to fill the
vacancies existing in the Twelfth Sen-
atorial District, who having attended to
the duty assigned them, reported, that

The whole number of ballots was one

22 hundred and fifty four.

Necessary for a choice seventy eight:

Cullen Sawtelle had one hundred and twelve,

Harris Garcelon had one hundred and nine,

Abner Coburn had forty two,

George C. Getchell had forty two,

Scattering three,

And that Cullen Sawtelle and Harris Garcelon had been duly chosen Senators to fill the vacancies existing in the Twelfth Senatorial District.

The report was accepted.

Messes. Eastman of Washington, and Mitchell of Piscataquis of the Senate, and Messes. Chadbourne of Baldwin, Chase of Fayette, and Ames of Thomaston, of the House, were appointed a committee to receive, sort, and count the votes for a Senator to fill the vacancy existing in the Thirteenth Senatorial District, who having attended to that duty, reported, that

The whole number of ballots was one hundred and fifty six,

Necessary for a choice seventy nine,

Daniel Merrill had one hundred and twelve,

Josiah Priscott had thirty six,

Joshua Priscott had seven,

Scattering one,

23

And that Daniel Merritt had been duly chosen Senator to fill the vacancy existing in the Thirteenth Senatorial District.

The report was accepted.

And the purposes for which it had assembled having been accomplished, the Convention separated.

Adjourned.

William T. Johnson, Clerk.

Saturday, January 7, 1843.

Met according to adjournment.

Remonstrance of Hiram C. Warren, against the right of David C. Richardson to hold a seat in this House, was presented, and referred to the Committee on Elections.

Mr. Little of Portland was charged with a message to the Governor, informing him that the House of Representatives was then in session, and ready to receive any communications which he might be pleased to make. That gentleman subsequently reported that he had attended to the duty with which he had been charged, and that the Governor was pleased to say, that he would forthwith communicate through the Secretary of State.

The Secretary of State then came in, and laid upon the table the Annual Message of the Governor, which was read as follows,

Message.

To the Members of the Senate and
House of Representatives.

I congratulate you upon the highly favorable circumstances under which you have assembled. May not one mode of

expressing a sense of gratitude on our part, 25
for the great and numberless blessings of Providence, be happily found in a quickened diligence and increased faithfulness in the discharge of our public trusts?

For a particular statement of the condition of our finances, I refer you to the report of the Treasurer. It gives me pleasure to be able to say, that, notwithstanding the embarrassments of the times, and the considerable falling off in the estimated revenue from the public lands, the interest on the public debt, with some ten thousand dollars of the principal, and every other legal claim upon the treasury during the past year, has been promptly paid. To accomplish this, in part, it is true a somewhat onerous tax was assessed the last year. But the good sense and patriotism of the people will never revolt at the payment of a tax, which, they see to be necessary to maintain the faith and credit of the State, and to support an economical administration of the government.

The funded debt of the State is now about \$1,700,000. That portion of it which was contracted to defray the expense of defending our frontier from invasion, and protecting the public property, in 1839, it is expected will soon be restored to us by the General Government. The remainder, incurred for the payment of bounties on the production of wheat and corn, and to pro-

26 vide for the ordinary expenses of the government for a series of years without the assessment of any tax, will have to be provided for in some other way. That it should be provided for, though obvious enough, I cannot avoid earnestly pressing upon your attention. We see how public debt is repressing the mighty energies, and checking the progress of some of our sister States in the West. Improving by such a lesson, let us endeavor to be rid of ours as soon as practicable.

That "a national debt is a national blessing", I hold to be a political heresy of the most dangerous character. If in some countries, a public debt, by its extensive ramifications and combination of interests is made to strengthen the hands of power, and to prevent revolutions which a grinding tyranny would otherwise produce, such arguments can have no application here. With us, government is not an usurpation. It is not a power adverse to that of the people, but is a voluntary institution of their own. It is in fact a part of the people themselves; having, with them, identical interests and common objects. The enjoyment of equal rights, a common participation in the choice of public officers, the sentiment of patriotism, a general diffusion of intelligence, and the

27
prevalence of a sound morality, are far better guaranties for the stability of government, than any, that merely mercenary interests can afford. Here, a large permanent public debt has no redeeming influences. It is essentially adverse to our true policy and principles - being incompatible with the highest political advancement and prosperity of a State. Its continuance therefore, when unavoidable, is a misfortune - when otherwise, unjustifiable. I cannot but hope, that the gradual reduction of our debt, with a view, to its early extinguishment, will be a leading feature in the policy of all who may be entrusted with the management of public affairs.

Among the means at hand for this object, may be named, the amount soon probably to be received from the General Government: which saying nothing of the balance of the "Massachusetts' claim", as it is called, will be over half a million of dollars. This sum, it is hoped, will be sacredly devoted to the great object of reducing the public debt. It is true, but a small portion of the debt falls due the present year, and none in 1844 - but, it is not improbable that many persons holding stock redeemable at a future day, would readily avail themselves of an opportunity to receive the amount before due. If

28 not, the money to be received might be invested in stock of the United States, to be subsequently sold, and the proceeds appropriated to the payment of the public debt, as, from time to time, it should fall due.

In carrying out this policy, it will, of course, be necessary to continue the present tax of two hundred thousand dollars. The people, seeing it to be necessary, will bear it cheerfully. If it was folly to undertake to support government for a series of years without taxes, the sooner that folly is atoned for, and we adopt a wiser policy, the better. If it was impolitic to borrow near a quarter of a million of dollars to pay away in bounties to those, who, with others, must at some time be called upon to pay the very debt thus incurred, the sooner that payment is accomplished, the better. Delay will aggravate, rather than cure the evil.

Let a tax, then, be assessed, which in conjunction with the income to be derived from the tax on Banks and with incidental receipts, shall be sufficient to meet the ordinary expenses of the Government and pay the interest on the public debt—let the whole amount to be received from the General Government go towards the reduction of that debt—let all the net revenue hereafter to accrue from the public lands be devoted

to the same purpose - let there be the most rigid economy practiced in every department of the government - let all unnecessary drains upon the treasury be cut off - let there be no indulgence in wild speculations, nor engaging in fanciful schemes of "improvement;" and the happy fruits of such a policy, I apprehend, would soon be apparent to all.

My recommendations of last year in regard to making the payment of costs in criminal prosecutions a charge upon the respective counties in which they occur, and the retaining in the treasury the amount of the Tax on Banks, for the payment of the interest on the public debt, or other purposes, I would most respectfully renew. The views, then presented, have gained strength, in my own mind, by time and further reflection.

The report of the Land Agent, which is herewith transmitted, will exhibit the particular condition of that department. The amount received by him during the past year from all sources, is about \$36,000. This falls considerably short of what was anticipated; and so far as regards the amount due for previous sales of land and timber, the limited collections may be attributed to the depression of the lumbering business, and general scarcity of

30 money. That the amount received for sales made during the year is small, is probably owing to the narrow limits prescribed to the Land Agent by the law upon this subject enacted at the last regular session, and to the terms of sale. I would respectfully call your attention to the suggestions of the Land Agent upon this subject. I am constrained to believe, that the change in the system from granting permits to cut timber upon the public land, to that of selling the land itself in mile sections, and that for cash, was injudicious. Under the last system, but few sales have been effected, and but a trifling revenue from that source can be expected hereafter, if the present plan be persisted in.

A sagacious individual would hardly expect to obtain the full value of property, by a forced sale at auction, requiring payment in cash. How can the public expect to succeed better in such a policy than individuals?

The timber upon the public lands is constantly exposed to danger from fire and to preserve it from pillage, surrounded, as many of our timber townships are, by lands of Massachusetts upon which operations are constantly

going on, if practicable, will at least 31
be attended with considerable ex-
pense. Would it not be better, there-
fore, that the restrictions imposed by the
law of the last session be relaxed - that
permits be granted to an extent cor-
responding with the demands of business;
and upon more liberal terms, taking care
that the State be fully secured? The avails
will probably be as valuable to us now,
to aid in the reduction of the public debt,
as they will be at any future period.

The suggestions of the Land Agent in
regard to roads across our unsettled
territory - the appointment of Commission-
ers to adjust settlers' claims for land under
the late treaty - to the expediency of appro-
priating a portion of the school funds, for
the benefit of those who have just become
subject to our jurisdiction and laws - and
touching various other matters pertain-
ing to his department, are highly worthy
of your consideration: to which I would
respectfully commend them.

The report of the Adjutant-General is
herewith submitted. It is gratifying to
perceive, that an awakened spirit has man-
ifested itself in regard to this truly repub-
lican institution, in some parts of the
State. I cherish the hope, that this spir-
it may spread until all shall more fully
appreciate the importance of a citizen-sold

32 diary, and lend their efforts, not to ridicule and destroy it, but to maintain its honor and promote its efficiency and usefulness.

The law of the Revised Statutes which was suspended at the close of the last annual session, seems to meet with strong opposition from those who claim to be true friends of the militia. That it has serious defects, is obvious. And that much of the opposition to the law of 1851, arose from dissatisfaction with the whole militia system, I have no doubt. Where, however, opinions among military men are so conflicting, I will do no more, at the present time, than commend the subject to your attention, with the hope, that you may so dispose of it, as to secure the good of the militia, and command general satisfaction.

I also lay before you the reports of the Directors Superintendent and Steward of the Insane Hospital. Treating of matters so deeply interesting to the cause of humanity, and containing highly important suggestions and recommendations in reference to the interests of this noble Institution, these reports cannot fail to receive your earnest consideration.

The Committee appointed under Resolve of March 18, 1842, "to investigate the affairs and management of the Insane Hospital", and for other purposes, made

a report to the Governor and Council in June last. Three hundred copies were immediately caused to be printed and distributed to the then members of the Legislature, agreeably to an order of the House of Representatives of May 27, 1842. A copy of the same is also herewith transmitted.

By a communication from the Secretary of the Treasury, under date of November 3d, I have been informed, that under the act of Congress appropriating the proceeds of the public lands, approved September 4th, 1841, the sum of \$17,554,90, is due to the State of Maine, which will be duly paid on the application of the authorized agent of the State.

In my address to the Legislature at the commencement of its last annual session, I endeavored to demonstrate, not only the unconstitutionality of the Act under which this distribution is made, but its gross injustice and inexpediency. The proceeds of the sales of the public lands, it appears to me, cannot fairly be distinguished from other monies in the treasury, so far, at least, as the power of Congress in relation to their appropriation and use is concerned — especially, as a large portion of the public lands now unsold, have been acquired by purchase and not by cession from

34 the States. That the act involves the power of taxation for the purpose of distribution, seems evident — a power, no where conferred in the Constitution.

The amount thus distributed, being needed to defray the ordinary expenses of the government, it is clear, that its abstraction from the treasury, creates a void which must necessarily be supplied. This can only be accomplished by taxation, direct or indirect. For the General Government, therefore, to proffer us a sum of money with one hand, while the other is employed in withdrawing a much larger amount; pertinaciously insisting, that it is thereby conferring a benefit, is a palpable trifling with our common sense.

The views then entertained and expressed, have been confirmed by further reflection; and I am gratified in being able to add, seem to have been fortified by resolutions subsequently adopted by the Legislature.

Regarding the constitution of the United States as above all price — believing that its infraction would be poorly compensated by a paltry dividend of money, I shall appoint no agent to receive the amount said to be coming to this State, without express direction from the Legislature to that effect.

In the new apportionment of Representatives to Congress under the late census, the number assigned to this State being less than was contemplated in the Acts of March 17th., and May 30th., 1842. further provision by the Legislature has become necessary. The district, in preference to the general ticket system, has heretofore prevailed in this State, and will, I am persuaded, continue to give the most general satisfaction. The peculiar views and interests of the various parts of the State will, probably, under this mode, be more truly represented and the respect also which is thereby shown for the wishes of a minority, it is believed, cannot be without its salutary influences.

The question, you will perceive, I regard as one of expediency merely. For, whatever may be the power of Congress, directly exercised, relative to the formation of representative districts in the several States, I apprehend it has no power to direct and prescribe the action of the State legislatures. If therefore your opinion should accord with that here expressed, and you should determine from choice to adopt the district system, I would suggest, in order to guard against a misconstruction of your views, the propriety of making

36 this unconstitutional mandate of Congress, the subject of remonstrance or protest.

My views in regard to banks and the currency have been, heretofore, expressed in my annual messages. It is unnecessary to repeat them — and, as they have undergone no change, I have nothing to add. The report of the Bank Commissioners will probably be laid before you at an early day of the session.

A change in the time for the meeting of the Legislature, from winter to summer, I continue to believe would tend to reduce the expenses of the government, and in various ways promote the interests of the State. We are not without evidence, also, that public opinion is in favor of such change. I would, therefore, again recommend, that the question of an amendment of the Constitution for that purpose, be submitted to the people.

I transmit herewith, a report, with accompanying documents, of the commissioners appointed under Resolve of May 26, 1842, to confer with the authorities of the General Government upon the subject of a proposed settlement of the Northeastern boundary of this State, and for other purposes.

37

The result and final adjustment of this question, even if it should be regarded by the people of this State as preferable to further procrastination and another foreign arbitration, under present auspices, I am persuaded, is far different from what they had anticipated. For myself, I can truly say, that I have been deeply disappointed, to use no stronger term. By this, however, I would not be understood as intending to cast censure upon the Commissioners of this State. They were selected by the Legislature as gentlemen of elevated standing—commanding, in a high degree, the confidence of the public, and, as eminently qualified for such a service. The correspondence on their part was conducted with signal ability, and the embarrassments of their position, and the circumstances by which they were ultimately induced to submit the question to the determination of the Senate of the United States, are fully appreciated. But however their course may be regarded, the result is nevertheless, a subject of deep disappointment. The course of the British Government, so far from having been as was anticipated, conciliatory and liberal, was marked by an

38 unyielding and grasping spirit. Its liberality, if any was evinced, was in unmeaning diplomatic compliments, while its exactions were in acres and substantial privileges. For this State can never admit that the case presented was one of doubtful title, in which the adversary parties might reasonably be expected to compromise by "splitting the difference". The relinquishment of a claim, therefore, by the British Government, to a portion of what has been denominated the disputed territory, cannot be regarded by us, as in any sense, a concession. If a portion of this territory was necessary for the convenience of the British Government, this State had a right to expect, on its being yielded, that a full and ample equivalent in other territory would have been freely tendered. Toward the fulfilment of such an expectation, there has not been the slightest approximation.

The indirect overtures on the part of the British Government for an amicable adjustment of the boundary question, it is well known, were met on the part of this State, in a spirit of magnanimous forgetfulness of the past, and with a generous regard to the supposed interests and wishes of her sister

States. Earnestly entreated by the General 39
Government, and pressed as she was
by circumstances, she could not hesi-
tate to place herself in a position ad-
mitting of an amicable and honorable
settlement of the question, confidently
trusting, that the Government of the Union,
in some of its departments, at least,
would secure her from sacrifice. For
this step she has no cause of self re-
proach. It was taken under circum-
stances that would fully justify its rep-
etition. How this generosity and confi-
dence on her part has been rewarded,
is seen in the result. But I forbear to
dilate upon the subject, especially as
it would be unavailing. If in this,
Maine "has not been treated as she has
endeavored to deserve", it is far from
being the first instance. All her in-
juries, however, cannot shake her
sense of duty. As a member of the
Union, she will continue to be, what
she has ever been, faithful and
true. And if she could be satisfied
that the sacrifice was necessary
for the good of the country, she could
in that find ample consolation.
To insolent and unfounded pretensions,
she can yield nothing, to the cause
of patriotism and the Union, every-
thing.

I have received from the Governor of the State of Connecticut, certain resolutions adopted by the Legislature of that State relative to the tariff, the bankrupt law, the act for the distribution of the proceeds of the public lands, and to West Point Academy, which are herewith laid before you.

The tariff, as a source of revenue, but especially by the important benefits it is made to confer upon individuals and classes, has ever been a subject of deep and absorbing interest, often strongly agitating the whole country, and once at least, by the extreme length to which it was pushed by private interests, threatening a rupture of our glorious Union. That the time is near when political aspirants will cease to endeavor, by means of it, to acquire popular favor and obtain power, we have no reason to expect. But we may hope, that arguments addressing themselves to interests purely selfish, will not always, or indeed, generally, predominate over the impulses of patriotism.

It is not against a tariff, however, but its abuses only, that I speak.

This mode of raising a revenue for the support of the government, seems now to be almost universally regarded

ed as the most convenient and expedient, 41
notwithstanding the impossibility, under
any adjustment of a tariff, of attaining per-
fect equality in the burdens imposed, for
the duty being paid by consumers of taxed
articles, the amount of the tax must of course
be, to a considerable extent, irrespective of prop-
erty. But, the general favor with which this
mode of taxation is regarded, does not ex-
tend to its abuses. If, in addition to the in-
herent and unavoidable inequalities of
the system, it be made to confer special
favours upon one section of the country, or up-
on particular classes of citizens, to the det-
riment of other sections and other classes, it
becomes anti-republican and oppressive
and, violating the plainest principles of
natural justice, it is not strange that it
should become odious. The favours of
government should be dispensed, not
only with a liberal, but an impartial,
hand.

It would not, however, be understood
as opposing all discrimination in selecting
articles for taxation. The legitimate pur-
pose of a tariff should be revenue, —
but in its adjustment, those articles may
be favorably regarded that are classed
with the necessaries of life, and enter largely
into the daily consumption of the poor.

A reasonable protection to the industri-
al classes of the country, also, under a

42 judicious arrangement of the tariff, could hardly fail to be secured — but it would be incidental, merely, to the main design, and would not, therefore, conflict with the views already expressed.

The tariff adopted at the last session of Congress, however, is regarded as inconsistent with these principles and views. It proposes to raise a much larger sum than an economical administration of the government requires, and is unequal and unjust in its operations. The public voice clearly calls for an essential modification of it.

Whatever opinions may be entertained as to the constitutionality of some of the provisions of the Bankrupt Act; but few, it is believed, will question that "it is unjust in its operations, and subversive of moral obligations — that it tends to encourage fraud, to destroy confidence between man and man, and to aggravate the embarrassments of the country". Its repeal, so far as I have become acquainted with public sentiment in this State, would be regarded with general, not to say universal, approbation.

Disclaiming all right to interfere with matters of local interest merely, in any of our sister States, cases may nevertheless occur in which their proceedings would

involve consequences of such general 43
concernment, as to justify, if not require,
an expression of opinion, at least, by the
governments and citizens of other States.
Such, I think, is the case presented in the
contest now going on in Rhode Island.
Our Republic is a confederation of States.
Together, they fought the great battle of
freedom — together, established their in-
dependence — and, upon common prin-
ciples, instituted their respective gov-
ernments. These principles assert the nat-
ural freedom and equality of man, and
the perfect right of self government. Can
these principles be subverted and tramp-
led under foot, and that too by military
force, in one part of the Republic, and all
other parts of it remain unaffected and
indifferent? On the contrary, I hold that
in the maintenance of these principles,
there is an identity of interests —, that, the
vindication of them, is a common duty.

Under the exercise of their right "to
establish or change their form of govern-
ment at pleasure", the people of Rhode
Island substituted a written constitu-
tion for the Charter of a British King.
Under the latter, the inestimable right
of suffrage was limited to a small
minority; who, under the forms of law,
deprived the majority of many valua-
ble rights and privileges incident to

44 a free government. These rights and privileges, the Constitution restored. But the Constitution thus formed, has been set aside, and the government put in operation under it, resisted and overborne by military force. It is true, that all this has not been done, without a pretence of right. The validity of the Constitution is denied, because the first movement of the people towards its formation was spontaneous, and did not originate in an act of the Legislature. But it is not easy to perceive how the Legislature possesses such exclusive power. If they have it, whence is it derived? The people have never conferred it upon them nor did even the Charter of Charles 2d. contain any provision respecting it. Can the servants of the people, with limited powers, do, what the people themselves with unlimited powers, cannot do? To my mind the proposition involves a great absurdity.

But I refrain from attempting an elaborate view of the subject. My desire simply has been to call your attention to it, by presenting a few of its most obvious features.

Should the occasion present, in your estimation, a favorable opportunity to contribute something, by way of resolutions or otherwise, to advance the great cause of human rights, and to sustain the prin-

principles which lie at the foundation of our⁴⁵
republican freedom, you will judge
whether it is not incumbent on you so
to do.

As this will be the last annual
communication I shall have the honor
to make to the Legislature of this State, I
avail myself of the occasion to express
my deep sense of obligation and of grati-
tude to my fellow citizens, for their dis-
tinguished favor and confidence, as
evinced in repeated elections and
otherwise: — and, for the generosity
and kindness, with which they have
ever regarded the errors, which I am
but too sensible of having commit-
ted. Nor can I omit to allude to the
kindness and courtesy with which
I have been treated by those with
whom I have been associated in the
administration of the government.

These recollections, together with a
consciousness of having faithfully en-
deavored, however great or numerous
have been my failures, to discharge
my official duties with a single aim
to the good of the State, and the best in-
terests of the people, will be to me, in re-
tirement, a source of unalloyed satisfac-
tion.

John Fairfield.

Council Chamber, }

Jan. 7. 1843. }

On motion of Mr. Frys of Bethel, the message was laid on the table, and one thousand copies ordered to be printed for the use of the House.

Mr. Elliot of Frankfort, from the committee appointed to contract with some person to watch the public buildings in the night time, reported, that the committee had contracted with John S. Hancock, at a compensation of one dollar per night. The report was accepted. Sent up for concurrence.

Mr. Williamson of Pittston, from the committee appointed to select Chaplains, reported that the committee had invited Rev. Caleb Fuller to officiate as Chaplain, and that he had accepted the invitation. The report was accepted.

Adjourned.

William T. Johnson, Clerk.