

Gentlemen of the Senate, and of the  
House of Representatives,

When we cast our eyes over the brief space between the period of the separation of Maine from Massachusetts, and the moment now passing, we cannot, as citizens of the former State, fail to be animated to unmitigated diligence and exertion in pursuing that course in which we have been advancing. We are witnesses of a most extraordinary development of resources, and we are now here to consult as to the welfare of a numerous population placed within long lines of navigation and interior frontier, engaged in a great variety of pursuits, and occupying a vast and fertile territory. I am rejoiced to be able to announce that this population, blessed, as it is, with good laws, and a satisfactory administration of justice, demands but little at our hands. To continue this condition, so far as consists with the subordinate power of human action, in a brief term of official life, the fidelity in us to execute what the wisdom of our predecessors has devised will require scarcely any other aid than that of the unabated enterprise, industry, and morality of our fellow-citizens. Indeed, in collecting that our constitution was formed under the calm, considerate and beneficent sway of patriotic sentiment, and that our laws have been enacted under the light of the resplendent examples and instructive experience of our parent republic,

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we shall be led to approach innovation with caution (and only after discovering, by the full survey of our affairs, some pernicious, deformity or obvious defect. Yet while the occasions for action is thus limited, there will be something to be done to counteract the operation of moral and physical vices, and to break down, early, every obstacle to the progress of this State towards the high station to which it may honorably and properly aspire.

In the situation of every individual, and more particularly in that of every community, there are deeply interesting, infinitely diversified, and immensely important objects of embellishment and improvement; yet the labor of the prudent legislator will be directed to calculating and apportioning means and ends. You may easily devise schemes of improvement on which millions of dollars might be expended from abundant wealth, to enrich a succeeding race; but the glory of projecting such undertakings may best be reserved to those who can execute them; while we, gradually advancing in a humbler path, shall postpone our anticipations of a splendid futurity to the wants of the constituents who create us.

Intending, before I proceed to more general topics, to notice some of the objects to which existing circumstances invite your attention, allow me first to advert to the large domain of <sup>our</sup> unsettled territory. Attracting, as it does, immigration by its cheapness, fertility, and the salubrity of our climate, we are enabled to receive a large annual contribution from a considerable portion of New England of settlers whose character does us honor, and whose productive labor as favorably advances our means, as it

most



most rapidly promoted their interests. The extent of that domain, connected with its capacity of production, renders it adequate to the sustenance of many hundreds of thousands of inhabitants.

Remembering that a sound economy is the best treasure of a State, and a soil well cultivated by them its best reliance for permanent prosperity, you will not find duty to estimate the importance of exercising, strenuously, your legitimate authority for planting human life and human happiness on those vast wilds subject to the jurisdiction of this government.

Thus the physical and moral power of the community will be increased, and every burden requiring a common support will be light on the multitude of hands which will sustain it.

The part of Maine especially requiring this great creative and improving work, under your care, is that traversed by the Penobscot and its tributaries, presenting a series of boatable waters of many hundred miles in length and easily to be connected with the St. Croix, the St. John, (and the St. Lawrence), in or near the British Province. — It would be proper also, but particularly to notice the inducement to facilitate communication with the Canadas from the Kennebec, if I had not reason for depending on the public spirited activity (and the laudable vigilance over the common interests of the inhabitants along that river for the display) of all the facts and reasonings you may wish to receive on the subject.

The most remote settlers of the domain I have mentioned, as an object of our first attention are few and sparse. To extend to the privations of their situation (and

to the encouragement of others, all the advantages of which we can enable our countrymen to partake, and then to furnish all the facilities we can command for a gradual (and continuous) progress of improvement, will be to discharge that primary duty which is supported by <sup>policy</sup> and which public sentiment will approve, as neither deficient through illiberality, nor extravagant through a disregard of a useful economy. Let us then finish our almost valueless, while imperfect labors, for the opening communication along the lower part of the Penobscot, (and in other places with the citizens, whose enterprising spirit has placed them in retired situations, and then, by a slow and gradual advancement, spread beyond the pros of the beneficent prudent and generous character of the State.

If the United States, shall adopt a system for a proportional distribution of their surplus funds to promote internal improvements. Maine may derive some aid from that source, but we have already arrived at the threatening era in our history, when the doctrine, directly leading to partiality and corruption, and to fortifying the biding powers of governments, has become current, that Congress may make appropriations, of the nature, *in part*, of granting, of immense sums, without any other rule than the immediately predominant bias of the numbers, will, a doctrine which, as the citizens of a republican country, a regard for the inducing purity of motive and correctness of administration will not permit us to be encouraged without the most unpleasant forebodings.

I am inclined to believe that there is no one whose personal observation would not impress his mind with the importance of extinguishing the title to the numerous Islands in the Penobscot in those

those who now, and as we have reason to fear, will always neglect to apply cultivation to render those fertile, well situated, and considerably extensive tracts as useful as consists with the prosperity of what may be called the Penobscot region.

A former Legislature authorized the purchase of them; but, through the prejudices of the proprietors (and the difficulty of acting by a formal and official agency, the wise purposes of <sup>the</sup> Government have not been accomplished. We ought not, however, under any discouragements, to abate our efforts to accomplish every thing, which is at once commended by utility and sustained by justice. If we shall yield the right of preemption so that individuals may be permitted to purchase any portion of those Islands, under regulations which shall guard the Indians against injury, and shall secure them the avails of their sales, or the annual interest on them, I am persuaded, <sup>that</sup> a very desirable object will gradually be attained, consistently with the most upright and benevolent principles.

In connection with the same topic, I feel obliged & earnestly to solicit your providing care as to a concern holding close relationship not only to the property but to the reputation of the State. It is generally known that unfortunate collisions have happened between the Government and some of those persons engaged in lumbering along the Penobscot and its tributaries.

Those persons are dependent for subsistence on the branch of business, the pursuit of which has caused this difficulty; they have acted often more in error than malice, and their employment, when conducted under the laws, has a most advantageous operation on our commerce, and on the profits of our agricultural labor. It seems probable

probable, in short, that a great proportion of the evils complained of would be avoided, principally in all respects, by authorizing the sale of the timber on our lands, in small parcels, so as to accommodate all who may wish to avail themselves of the opportunity to purchase.

When exercising the fostering care of the government for alleviating the privations of the settler, removing immigration (and changing a widespread wilderness, in one portion of our extensive territory to cultivated fields, we should not be entitled to confidence, even in our integrity, if we should not provide against the intermingling of any injury with the beneficence we are contemplating. Moral wrong can never be repaired, except by back legislation, into legal right, nor can a tortious act ever create an equitable claim. It is true that under clashing titles and oppressive evictions, an afflicting and exasperating evil has, for a time, necessarily drawn the Law from its better principles, to a restoration of which without infringing existing rights although a partial prejudice may exist it, the absence of the evil (and the dictates of honesty, and of a policy calculated for the good of all seem to me to invite us. The consequences of encouraging wrongful occupation of property, which the records of our country are constantly exhibiting, clearly prove that in this, as in most other cases, the unaccommodating rectitude of justice accomplished most for the good of mankind.

The Northeastern boundary of our State remains to be determined through the dilatory processes of a negotiation, which it is hoped a regard for our interests may urge to a conclusion in a reasonable time. Becoming a  
community



community to be tenacious of territorial possessions, while its relative political importance and its self protecting powers are in a degree involved in them, and its future welfare is to be affected by retaining or losing them; but as we have no reason to believe that the right or disposition any where exists to encroach on our soil, under the pretext of adjusting a limit, which would be an abuse in which neither the people nor governments of the Union or the States would acquiesce, we may safely anticipate that our landmarks will be held sacred and that our inalienable sovereignty will be respected.

My immediate predecessor has solicited the documents contemplated by a resolve of a former Legislature, relative to our boundary, and I cannot but hope that the person applied to, will find the obligations of his situation so modified as to admit his furnishing the proper officers of this State that information by which it may be prepared to judge correctly of the rights of the Union, and of a foreign nation, in connection with that independent right which it ought to maintain, so far as the prudent application of all its justifiable means will permit.

I shall not fail to inform the President of the United States, not only of the confidence we have in his regard for our rights and interests, but of our solicitude to be able to add to the other causes of our respectful consideration a compliance with our wishes in the particular named, unless you shall indicate a different course of procedure.

Taking, at last,

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a general view of the topic, which, from its importance, has led me to notice so many of points. I may be allowed, even without reference to special legislation, to say, that although we are much indebted to one of our fellow citizens for his exertions in this respect, yet the production of a good map and gazetteer, with correct statistical accounts, are indispensable for our guidance in many particulars as legislative or executive officers, and would be exceedingly valuable to the people at large.

Another object of attention, always commanding the deepest interest is that of education.

As Jurors are the best bulwarks of our civil rights, as well informed magistrates, are an honor and defence in a republic, as moral and intelligent citizens, constitute the pride, security, and happiness of a country we are bound to promote the improvement of mind. Education may add to the resources of every individual, extend his capacity of usefulness, and enlarge the sphere of our political blessings. It is not, therefore, an unmeaning exclamation in me to offer you my congratulations on the efficient system of intellectual cultivation our predecessors have formed, on the cordial support it has received, and on the great benefits it has produced. It is blind that no State has a plan for the dissemination of knowledge more equal and universal in its applications, better calculated to raise the level of public intelligence and common worth, or more admirably adapted to the purposes of a free people. Its character is fully displayed by saying that it consists in employing education, at the common expense, in every village for every family, to enlighten the understandings and form the principles of our fellow citizens.

The same mode of proceeding also prevailing through

through the agency of towns and parishes, as to roads, to religious instruction, and to pauperism, under the most liberal system of taxation ever devised I am proud those objects to you can, at having already conferred much of honorable distinction, and invaluable enjoyment and security to all.

With two colleges, the Lyceum, and a large number of academies, we have, perhaps, done enough or nearly so, for the present, for the institution of Seminaries of learning of the higher class. At least, with the admission of some possible exceptions, the obligation of improving will be greater than the occasion of multiplying them, until we shall have promoted much farther the highly respectable, yet unfinished establishment of our common schools, which produce the most general immediate advantages. If this view be just the patronage of the State if it shall choose to afford any, ought, first, to be directed to extending the scope of instruction, and to perfecting it in those schools, and to forming a new order of them for distinct female education, so that you may spread knowledge evenly over the State. Meanwhile, you will undoubtedly cherish the superior institutions, where, by concentrated means, and energies, those destined to the liberal professions, and others, will be fitted for their high duties.

The citizen, under that improvement of modern ages, which withholds the prosecution and punishment of crime for private vengeance having the dispensation of penal law to the State, it owes that subject its constant attention. Excluding individual pursuit, except when under its own sanction, and appearing in every case of violent injury as a party

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seeking to reclaim the malefactor (and to protect society, it cannot but aim to establish the most efficient punitive and corrective measures). The comparative excellence of our regulations evince that the regions of first principles has been explored, and it must be admitted that an ordinary disavowment would find it difficult to detect important defects in those of our procedure antecedent to punishment, as to which a knowledge of motive, unattainable by man, could only determine the proper rule: yet although our legislation and magistracy are such as to inspire confidence in the security of social order, there are some, not I trust in an unusual proportion, who, through the mad propensities of a corrupt nature and an undisciplined temper, connected with their uninstructed minds, are urged to brave all the consequences of guilt. What those should be, we can only learn from a close annual revision of the operation of the causes we apply, to be judged of with a dispassion unbiassed by the visionary schemes of occasional reformers and theorists, which prove the sensibility of a merely speculative philanthropy to be as delusive, as the indifference of a cruel severity.

Living in a country where personal influence avails but little, and nothing but the public will, expressed by the law, is controlling, that will, taking the place of superstition and despotism, must act with decisive promptness and energy, not only in civil but in criminal concerns, so as to prevent fraud and violence. Putting these general remarks for special application, let me add as a consequence that our penal code, while alike free from barbarity and a self destroying misapp, must carry with it certainty of liability and of formidable



formidable consequences, according to its own denunciations.

For this reason and opposed on principle to the exercise, unnecessary, of any creative prerogative, it is my duty to inform the Legislature that I shall be compelled to leave the responsibility of the fate of courts on them (and the Judiciary in most of those cases in which unforeseen circumstances shall not permit the happiness of pardoning, with the advice and consent of the Council, the offenders condemned under the Constitution and Laws, the moral energies of which are paralyzed by interfering with their duties. — As you will be in possession of many valuable documents relating to this subject, I shall here submit it with these additional remarks, only, that a provision for the best mode of prison discipline is found to be no less important than that for all the other procedures combined, and that if this be true, you will be strongly commended to go <sup>consideration</sup> some farther aid to the Warden of the State <sup>Prison</sup> in regard to enlarging the building (and to other objects.

The Massachusetts Claim, from a complication of causes, remains unsettled; but, resting on the magnanimity and sense of justice of the representatives of the nation, we ought not to doubt that they will provide compensation for those services rendered to the country by its citizen soldiers, during a period of danger. From the Congress of the United States, composed of worthy Statesmen and patriots, we may expect the liberal policy, the moderate temper, impartial disposition, and conciliatory measures, at once suitable to the parental relations of the Union to the States, and the Government to its Militia. That assembly

cannot

cannot fail constantly to guide the protection and reward guaranteed by the spirit of the constitution to those who defend the nation, and will not be guilty of the injustice of punishing patriotic citizens for alleged contumacy in their officers. I have not risks the general safety and welfare by proclaiming that any act, tendency in the defence of the country in time of war shall be thrown out of the cognizance of the people of this Confederacy.

The nature of the circumstances on which a portion of that claim is founded, and the prompt action exhibited at the moment when the apprehension of invasion was aroused, are proofs of the mistaken views of those who have reiterated their complaints as to the imperfection of our militia system, and proposed their numberless visions of improvement, among which no one seems to me more dangerous or unnecessary than applying much further than the provisions of existing laws warrant, the authority of the United States, already adequate to placing all our troops in actual service, if the constitutional emergency shall so require. Our citizen soldiers, are well armed, equipped and organized, and with the love of honor and the love of country which prevail among them, are as safely to be relied upon as if disciplined with the utmost exactness practicable under a peace establishment. Thinking that when we are well, we ought to be far contented as not to try rash experiments; I may with diffidence express the hope that we shall not engage in those of a national militia army.

There appears to me, however, to be one defect in our regulations on this subject. The private is amenable for efficient penalties and controuled, in the ultimate resort, by a tribunal, which, being

being single, produces uniformity of construction.

It is this which imparts most force to the laws in their bearing on him. Comparing this with the odious (and foolish) plan of legal coercion of the officer, we see, that, while each private is the object of suit, without the right to appeal to a jury, or to the recovery of costs, although subjected to them, and also to writs of error, at his own expense, in prosecution or defence, each officer is considered as the bring of an honest price ~~and~~ honorable sentiment, to be tried by a military court of his brethren, with the aid, at the public expense, of a judge advocate, and only to be punished through imprisonment or removal, which perhaps he despises, either because he calculated on the favor of the Court or is huddled off its sustenance. This monstrous inequality seems to require a remedy. Allow me therefore to suggest for the determination of your better judgment whether it may not be useful for the purpose of creating equality of rights and effecting sufficient responsibility, to create a very small board of militia officers, as a circuit <sup>Court</sup> martial, with some new powers, to take the place of the slow, expensive, and heterogeneous tribunals which accomplish but little in establishing martial law or military discipline.

Obliged to offer you my sentiments and much restrained in the development of the reasons by which they might be sustained, I submit them, nevertheless, with great deference and satisfaction, because, as to this as well as every other subject, your more extended information will be a correction of my unintentional errors, while a suitable opportunity is at the same time, improved to put those

Sincerely,

statements to the test to which they ought to be exposed.

With a small relative proportion of nominal and much less of actual bank capital, it may, nevertheless, be well to inquire whether we have not fallen into an extreme of indulgence as to the number and character of bank charters. We have sometimes seen, and with more than salutary patience, many of the poor distressed, and <sup>many</sup> of the rich defrauded, injured, and mortified, by the throwing into circulation of bank bills, the counterfeits of money, and little better than legal forgeries. If nothing less than the heaviest pressure of Governmental authority will crush this evil, it is believed that pressure should be applied, for this reason, that, at all events, the poor, the honest, and the unskilled are entitled to effectual aid against the oppression of powerful corporations. The able and faithful discharge of duty by the Commissioners appointed to examine the condition of our banks, has led to reports of great merit which will be laid before you.

The financial concerns of the State will always be a subject of deep interest with the people at large. Earning, generally, the means of subsistence for themselves and families, by slow and laborious processes, and knowing that it is not safe to trust even their chosen, confidential agents, within large limits, of discretionary power, they will expect the disbursements to be provided for to be directed not to the objects of an encroaching guardianship, but to the narrow, defined, legitimate objects of government. Under this view if I am correctly informed, our predecessors have acted and have conducted the public concerns with an exemplary economy.



economy. The particular facts relative to this Subject will appear in the Annual Treasury Report.

There is another topic in regard to which the embarrassment arising from the necessity of avoiding much argument or illustration on this occasion is such that I shall not offer you more than a suggestion.

I allude to the practicability of a moderate and gradual process of simplifying systematising and correcting our laws. The avowed character of the common law, does not leave it unexposed to the criticism of thinking persons; and, cautious, and diffident as we must incline to be in assailing the production of many centuries of the world's best labor, he who has investigated the effects of many common law rules, here still predominant, will pronounce them to be bad and will see that they are retained from respect only to custom, to authority, and to antiquity. Omitting the proofs by which the correctness of this idea might be made evident, I may be excused from farther remarks upon it, as the hope of its being at a future useful, and the belief of its being proper to reflect upon it, are my apology for introducing it.

You will, I trust, carefully revise the past political year, to see if any errors have been committed or grievances suffered for which a remedy or provision may be applied. All history admonishes that a Legislature situated as you are, should be considered as the grand inquest of the State, bound to exercise its superintending agency over the people and all their officers, so as always to suppress and correct not only the ambition, favoritism, (and

corruption of the execution, but the no less dangerous arrogance and licentious petulance of judicial tyranny. The officers of every department may reasonably be required, while they <sup>should</sup> cheerfully submit to the incumbrances of their own stations, always voluntarily assumed, to give a sedulous attention to producing those advantages and that comfort to the citizens, which cannot result alone from a morose fidelity, but spring as much from amity of manners and the disposition to accommodate and oblige; for it is certain that an imperious administration, however strictly legal, alienates the affections and impairs the confidence of the people. In the discharge of my duties, and I trust in that of yours, this view will be a leading one.

With the federal government we have a most intimate relation, and the reflection must cost us all much anxiety; that if that government should swerve from the pure principles of our revolutionary patriots, the sure anchor of the safety of all this confederacy will be lost.

Although we have an appropriate sphere of action within which our cares will be principally employed; yet it is one of our highest duties to add to the disposition to do right in that sphere, the vigilance over the common concerns of the Union which will lead us to give it all the security and aid we can afford. We are bound under our responsibility to God and man to repel every invasion of the Constitution of the United States, whether by the direct force of usurping ambition or the artful approaches of Construction. We have therefore the sacred duty devolved upon us, to ascertain and defend the true of constitutional power; and for that purpose we shall

shall derive but little instruction from the eloquent declamation or ingenious, of any who may demand an accumulation of power because they wish to rule in its hour or to bask in its benefits. It is only requisite to hear the plain language of those who called the Constitution into existence as a rule for and a restraint on government. If an administration or a party shall pass away, we may be easily supplanted again, but when the Constitution shall be undismayed by construction, the people of the United States, as citizens of a republic, will be no more, and the hot hopes of philanthropy will be extinguished.

Those occupying the stations in which we are placed must have been led by the holy nature of their trust to deep reflections on their duties, and to well settled rules for the government of their official conduct. Discarding the base motives and paltry objects of factions, mine, our aim, I am sure, will be to render the greatest possible service to the community with as little evil as possible to any, even the humblest mortal who belongs to it. As things whose official lives must be short, but whose consciences can never perish, we cannot rationally do otherwise.

In the discharge of the duties appropriate exclusively to the office I hold, the advice and testimony of others will often govern me. If any one in this respect shall deal with me dishonestly, the hard and heavy crime of injuring a republic must rest on his soul forever, while mine shall be innocently free.

Enoch Lincoln

January 4. 1827

Gentlemen of the Senate and of the  
House of Representatives.

It has become my duty to inform you of the death of the late Major General John McDougal of the first Division of the Militia.

I improve the opportunity to express my deep regret at the loss which the State has sustained, and to add as a just tribute of respect to the character of the deceased, that he was esteemed as a most meritorious Officer.

Very Respectfully

Portland January 11. 1827

Crook Lincoln

To the Senate and House of Representatives—  
The Adjutant General, having reported the resignation of Major General Jedediah Herrick, of the Third Division, and the same having been accepted, I now make known to the two branches of the Legislature that the Office of Major General of the Third Division of the Militia of this State is vacant

Council Chamber

Portland February 12. 1827



To the Senate and House of Representatives.

I have the honor to transmit to you a copy of a joint resolution of the Senate and House of Representatives of the State of Alabama, relative to a proposition for the emancipation of Slaves & to a resolution of the Legislature of New Jersey recommending a system of foreign colonization, which I have been requested by the Governor of the former State to lay before you—

Council Chamber

Portland February 12, 1827

To the Senate and House of Representatives

In pursuance of a request made to me by the Governor of the State of Georgia I submit to your consideration a proposition to alter the Constitution of the United States—

Epoch Lincoln—

Portland January 18, 1827

To the Senate and House of Representatives

I communicate for your consideration copies of papers exhibiting the proceedings relative to the public lands, during the past year, by the Commissioners appointed under the act for the separation of Maine from Massachusetts

Portland January 26, 1827

To the Senate and House of Representatives

I communicate an Abstract of the annual return of the Militia for the past year, with some additional documents, and in connection with the same, the information that a Gun House erected for the use of the Waterville Artillery has become useful.

My object is to invite your attention to the question whether Legislative interposition may not be useful for preventing the evil complained of in the accompanying letter of the Adjutant General and for investing Commanders of Divisions with the authority under proper accountability, of disposing of such public property as may be similarly situated to that here referred to, by a general provision—

Portland January 24. 1827

To the Senate and House of Representatives

I have the honor to communicate for your consideration a copy of a letter from the British Minister in this Country to the Secretary of State of the United States having reference to the North Eastern Boundary of this State—

I have also received other documents which I now transmit together with a copy of a letter from me to the Governor of Massachusetts.

Permit me to add that I trust the intelligence and integrity of Maine will direct its claims only to its rights and that its spirit and firmness will sustain that intelligence and integrity—

Portland February 12. 1827.