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Appendix.

Governors Annual Message.

To the Senate
and House of Representatives.

Went to enter upon the discharge of our respective official trusts, let us first render our devout and grateful acknowledgments to that great and good Being who has so signally blessed and prospered our State and nation during another year — and under a just sense of the frailty of all human purpose, look to Him for aid in carrying out our resolutions of fidelity to the high obligations resting upon us — fidelity to the great principles of truth, justice and humanity — to the cause of equal rights and liberal principles — to the duty of reflecting truly, and promoting earnestly, the opinions and interests of our constituents — and to the practical teachings of the simple truth that we are but servants, with no power but that which has been delegated to us by the people and

2 To whom, after a brief period we must again resign it.

The subjects probably to come before you at the present session, it is believed cannot be numerous; but they are highly important, and demand, as they will undoubtedly receive, your earnest and faithful consideration.

Among them, certainly not the least important, is that of the public debt.

Its amount now, exclusive of the Indian and School Funds, about \$1,700,000, is larger, probably, than ever was anticipated, and much larger than is consistent with the ample resources of the State, and its means to pay. No inconsiderable portion of it has arisen from three sources: the omission for several years to assess a tax for the support of government, under the delusive expectation that sufficient for that purpose would be derived from the sales of the public lands — the large amount paid under the laws bestowing a bounty on the production of wheat and corn — and for expenses incurred in resisting the attempt of a foreign power to expel us from our rightful territory.

Whether these expenditures were ill-advised or judicious I need not, in this connexion, stop to enquire. The debt has been incurred, and must be provided for. A large permanent public debt, however, is essentially adverse to the true policy, if not principles of our government — its gradual reduction therefore, with a

view to its early and total extinguishment. 3.
it seems to me, should be our constant
aim. For the accomplishment of this pur-
pose we can rely, in the first place, upon
the repayment by the general government
of the military expenses incurred upon the
frontier in 1839, and our portion of the un-
paid balance of "the Massachusetts claim"
as it is called, — the amount to be derived
from the timber upon the public lands,
under a judicious system of sales — the
collection of the large sums that have
long been due to the Land Department.

The annual apportionment of a reasonable
tax, and upon the adoption of the most
rigid system of economy in all our
expenditures.

It is worthy of consideration also,
whether the large draughts now made
upon the treasury for the payment of
costs in criminal prosecutions, may
not with advantage be transferred to
the respective Counties in which they
occur. To my own mind there would
be an evident propriety in the change.

Should it be adopted, in addi-
tion to other advantages, it would not,
perhaps be unreasonable to believe, that
the vigilance and scrutiny of the
County officers, while doing justice
to all interested, would effect a
very considerable reduction of the
aggregate amount of this portion of
the public expenses.

I would also suggest the expediency of repealing the law appropriating the per centum now paid on bank capital, to the several towns and plantations in the State for the support of Schools.

It is a tax usually paid with promptness, and can be conveniently relied on by the Treasurer for the payment of the interest on the public debt, and other demands upon the treasury.

When divided and distributed, the amount received by the towns and plantations, is but trifling; and as the deficiency thus caused in the treasury has to be supplied by a tax on those who receive the supposed benefit, there would seem to be no good reason for objecting to a repeal—especially if we consider further, that the expense of an additional assessment and collection would thereby be avoided. If our common schools were to suffer detriment from the course suggested, however favorable in a financial point of view, it would constitute a serious objection to it. It is believed however, they will not. An equal amount of money for the support of schools would probably be raised, by the towns and plantations, to that now raised, including the portion received of the bank tax.

And this would operate no hardship, as the diminution of the State tax would correspond with the increase of the school tax.

If, therefore, the sums justly due from

the general government and from individuals, 5.
be paid - our resources in land and timber
be properly husbanded - the treasury be
relieved from the payment of the Bank tax,
and costs in criminal prosecutions - the most
rigid economy be practiced in all the depart-
ments of government, and a reasonable amount
be raised by assessment, we may hope to
see our State debt rapidly diminishing, and
thereby avoid the odious imputation of throw-
ing a burden upon our children justly
belonging to ourselves.

No notice, thus far has been taken
of any amount to be received under the
act of Congress providing for a distribution
of the public lands; in as much as I share
the hope that, that law will not long
be permitted to disfigure the statute book.

Deeming it to be in violation of the
constitution, dangerous as a precedent
corrupting in its influences, a delusion and
a cheat in the good it proposed, a prospective
burden to the taxpayer, and under all circum-
stances, an act little short of fatuity, I
cannot refrain from recommending the
adoption of resolutions upon the subject, and
instructions on your part to those who are bound
to obey you, to exert their influence to pro-
cure its immediate and unconditional
repeal.

A former act, to avoid the difficulties
interposed by the Constitution, was made to
assume the form of a deposit of the public
money with the States. The late law

6 does not adopt even this poor disguise.

It makes ostensibly, and in fact, an absolute gift. If, therefore, it have any warrant in the Constitution, it is not easy to perceive why equal authority may not be found for bestowing gratuitously any money in the treasury, from whatever sources it may have accrued.

Congress is limited in its powers to those granted in the Constitution. The power to give away the public money is nowhere to be found in that instrument.

The authority "to dispose of, and make all needful rules and regulations respecting the territory and other property of the United States" cannot be made to include it, without doing gross violence to the plain and palpable import of the language used. To sell and dispose of land is one thing. To give away the money arising from such sale is another and different thing. One is expressly authorized - the other is not. Nor would the case be relieved of difficulty by reference to the peculiar terms of the deeds of cession from the individual States, even if of the Act applied to the proceeds of the ceded lands alone. But it does not.

Much the largest portion of the public lands were acquired by purchase, with money from the treasury, raised, mainly by an indirect tax upon the people at large.

Stripped of its disguises, the act clearly involves the power of taxation for the purpose of distribution: - and a practical confirmation of this is exhibited in the fact, that simultaneous with the donation, was the raising of the tariff

and the creation of a loan.

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Its injustice and inexpediency are no less glaring than its unconstitutionality. That it creates a void in the treasury to the extent of the amount distributed is evident. That the whole amount was needed to defray the ordinary expenses of government, has been officially shown. How then can this void be supplied but by taxation, direct or indirect?

A loan does not change but merely postpones the result. Providing for the deficiency by raising the tariff, draws the amount indirectly from the pockets of the consumers, and consequently, to a considerable extent, it will constitute a tax on persons and not on property. The operation of the law, then, will be to give money, in which all the citizens have an equal interest, to the State governments, thereby (if it go into the State treasury) relieving property from taxation in the States, to that extent, to be paid back again into the national treasury by the citizens of the several States without reference to their property with an additional sum equivalent to the expenses of collection, losses through delinquent officers, and the numerous contingencies to which all monetary affairs are subject.

Can this be wise, just or expedient?

But if it were clear of all these objections, how can the abstraction, at this time, of millions from the treasury, for gratuitous distribution be justified? Does not neglected condition of the defenses of the country, regarded in connexion with the existing state of our foreign relations

prompt to a more judicious and patriotic use of our means? Shall the long continued and aggravated encroachments of Great Britain upon the rights of this State, to say nothing of her high handed aggressions elsewhere, be forgotten, or the portentous aspect of the future be disregarded, while an ignominious and disgraceful scramble is going on for the contents of an already impoverished treasury? Every consideration that love of country and a just sensitiveness to national honor can suggest, forbid it. It is true that the resources of the country are abundant, and that we may rely much in any emergency on the strong arms, brave hearts and indomitable energy of our people. Still, there are preparations which ^{cannot} be neglected, without disregarding the dictates of common prudence, to place the subject upon no higher ground. When these preparations are made, it is believed but little will be found in the treasury for gratuitous distribution..

In the foregoing, though I have not adverted to a tithe of the objections that might be urged against this law for distributing the proceeds of the public lands, enough perhaps has been said. I can take no view of it, that does not involve its instant and utter condemnation. To my mind, it has not one redeeming feature. I would therefore not only repeat my suggestions, that resolutions for its repeal be adopted and transmitted to Congress, and that the delegation from this State be also instructed in reference to it, but I would recommend further, that this State refuse to sanction

it by a reception of the money.

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The banking system of this State, though probably as free from imperfections as that prevailing in any State in the Union, has nevertheless, proved insufficient to prevent the failure of some banks, and the embarrassment of others.

That insolvency and embarrassment have not been more frequent, and the consequent loss and injury to the public, as well as stockholders, more severe, is probably attributable in a great measure, to the provisions of law, relating to the amount of circulation - extent of indebtedness of directors - liability of stockholders for debts of corporation - official returns under oath - and periodical inspection by Commissioners.

Provisions, that, as far as they go, have thus worked beneficially, it is presumed will not be readily relaxed or abandoned.

On the contrary, we should enquire whether they may not, with propriety and advantage be made still further restrictive.

That the safety of the public might also be further secured; requiring a wider specie basis for the circulation, and extending to these institutions the provisions of the bankrupt law, will hardly admit of a question.

The latter to be sure is beyond your control, but it is to be hoped that it will not be unnoticed by Congress, in the revision of this subject which is anticipated.

I would also add that my opinions heretofore communicated to the Legislature upon the subject of the currency, remain unchanged. That it would be improved

10. by infusing into the circulation, a greater proportion of the precious metals, and that this may be accomplished by prohibiting the circulation of bank bills of a small denomination, I do not entertain a doubt.

The only question is one of time.

What period would be most propitious for such a prohibition, is matter for the consideration of the Legislature, who will, before adopting any important changes look to the state of public sentiment, and fairly estimate the probabilities that new enactments, would be rigidly enforced, or permitted to remain a dead letter upon our Statute book.

For information as to the particular condition of the Hospital for the Insane, I must refer you to the reports of the Board of Directors and Superintendent,

The results thus far, of the operations of this Institution, it is believed, go to shed a lustre upon the benevolent design which originated it, and to convince all that no expenditure of an equal amount could have been made, ensuring larger returns in the amount of human misery relieved and happiness promoted.

I must also refer you to the ^{report of the} Warden and Inspectors, for information in regard to the condition and affairs of the State Prison.

By the Constitution, the duty is imposed upon you, of making a new appropriation for the House of Representatives at the

present session — and as there seems to be no doubt that the number has been changed by the voice of the people, on the question lately submitted to them, the new apportionment will, of course, conform to the reduced basis.

That this duty will be performed under the influence of just and elevated views, and in a manner that can stand the severest scrutiny I have no doubt.

No outrage upon the principle of fair and equal representation, can ever command the approval of an intelligent and honest people.

It is expected that a new apportionment of Representatives to Congress under the late census, will be made by Congress at its present session. Should this be done seasonably, of which we cannot but be strongly desirous, districting anew for this State, or some other action, will become necessary on your part.

The new militia law, which went into operation on the first of the present month, involves several important changes in the system. That defects still exist is quite probable — and that some persons complain as loudly as they did of the late law, and are again contemplating changes I am aware. But, while admitting that gross and obvious defects should be remedied I think that it is due to the importance of the subject, the difficulty of devising a satisfactory plan where such contrariety of opinion exists and the great pains that have been taken in

framing the present law, that we should give it, in its main features, a fair trial.

An efficient militia, always important has become doubly so by the aspect of the times. But it can have no efficiency while in a state of constant transition.

Justly regarded as the right arm of our defence, the united and cheerful effort of all good citizens should be to strengthen and not to weaken it.

The report of the Land Agent will show the condition of that department. The public lands will long continue to be regarded with deep interest, and will require the constant and vigilant supervision of the Legislature.

While the lands, and properly enough, are disposed of, more with a view to their early settlement by an enterprising, industrious and worthy population, which constitutes the true wealth of a State, than to any immediate pecuniary advantage we may and ought to make the vast forests of timber which cover them, tributary to the wants of the treasury. A system by which the law of demand and supply shall be properly regarded, and the timber saved from devastation and waste — by which the indulgence of favoritism on the one hand, and the success of powerful combinations to monopolize on the other, shall be prevented — which shall ensure to the State the fair value of the timber and afford to all the citizens an equal opportunity to participate

in the profits of a purchase, is what is needed. B.

Complaints are made of the course heretofore pursued, and I deem it proper respectfully to call your attention to the subject, not doubting that all will be done by you that justice to the State and the convenience of the settler and other citizens require.

Under a government like ours, having its foundation solely in the popular will, and the agents for administering it being it being designated for that purpose by popular suffrage, it would be but a trite remark to say that the people should be intelligent and virtuous. But if it be important that popular suffrage should be guided by intelligence and virtue, is it not of equal importance that the modes provided for its exercise should not only be wisely adapted to the purpose, but be sacredly guarded from every corrupting or perverting influence? If the ballot box we look at one of the chief instruments for the maintenance of freedom and the preservation of our rights, how constantly and sedulously should we watch over and defend it?

If a sinister blow was to be struck at our free institutions, where could it be more effectually given? Once bring discredit upon the ballot box—destroy confidence in it, deepen the suspicion that its results are founded in intrigue, bribery, corruption and falsehood, and are indicative of anything rather than the free unbiased, unbiassed suffrages of the people, and you strike a deadly blow at our free system of

114 government, and do much to extinguish the glorious light which the development of that system has been shedding upon the political destiny of mankind. The pertinency of these remarks, it is believed may be found in the scenes enacted during the year 1840—scenes that can be remembered only with shame and regret. That this State did not so deeply participate in them as many other States, is perhaps attributable, in no small degree, to our judicious election laws, and the numerous guards which a prudent and sagacious legislation had thrown around the ballot box. Enough, however occurred even here, to show that further provisions are necessary. The fraudulent practice of transporting voters from one State to another, might be in the election of President and Vice President effectually guarded against, by requiring the election to be had upon the same day in all the States. This it is true, is a matter beyond your control—but I submit whether it is not of sufficient importance, to authorize the transmission of resolutions upon the subject to the national legislature, or at least to justify instructions to our delegation in Congress.

Other provisions, or amendments of existing laws relating to this subject, may be suggested by your own observation and reflection. I can assure you of my hearty co-operation, in all your efforts to prevent frauds upon the ballot box, to guard the right of suffrage, and to maintain in every practicable way the purity of elections.

It is with pain and mortification, that I find 15
the boundary question still among the standing
topics of the annual Executive Message.

The President in his late communication to Congress, after referring to the progress that had been made by one of his predecessors towards "negotiating a convention with a view to a final settlement of the question" adds, that he "regrets to say that little further advancement of the object, has been accomplished since the last year."

That is to say, as we have good grounds to believe, a fair and reasonable proposition on the part of our government with a view to an amicable and final settlement of the question, has remained another year unanswered if not unnoticed. If from this circumstance, as well as from the whole history of the case, you can discern any indication on the part of Great Britain, other than that of a settled determination never peaceably to yield a large portion of the territory in controversy, you will be more fortunate than I have been.

The course which, under this view, the general government should pursue, to my mind neither admits of doubt or hesitancy.

National honor, as well as justice to Maine, clearly indicate it— and that is, to purge the soil of this State effectually and without delay, of every vestige of British encroachment. And then, if there is to be further negotiation upon this subject, let it be on the part of Great Britain to obtain, what for more than a quarter of a century she has refused to yield. When a reasonable expectation can no longer be entertained, that, the general—

10. government will adopt this, or some equally efficacious course, if Maine is true to herself, she will take possession of the whole territory and if need be, use all the means which God and nature have placed in her hands to maintain it. The consideration of the whole subject is with you, who, I have no doubt, will approve yourselves faithful guardians of the honor and interest of the State.

The exploration and survey under the general government, which has been in progress for the last two years, is understood to have nearly reached its close; and, it is believed, will add another confirmation of our title, which no ingenuity can avoid, nor offensively deny.

This survey, however long its completion may be delayed, Great Britain in no way participating in it, and being instituted for the satisfaction of our own government, cannot justify a single days delay on the part of Great Britain to agree upon a joint commission to run the line according to the treaty of 1783, and thus put this long vexed question forever at rest.

The extension of the military road to some point on the St. John, has become indispensable; and it is to be hoped that an early appropriation will be made by Congress for that object. It is gratifying to perceive, that on this point, the opinion of the Secretary of War is coincident with that entertained here.

I have long entertained the opinion that a change in the time of the meeting of the Legislature from winter to summer would be attended with many advantages. In summer ^{the session} would probably be shorter - more business would be accomplished in the same time - the expenses would be considerably diminished - and the convenience and comfort of the members greatly promoted. I would therefore recommend that the question of an amendment of the Constitution in this respect be submitted to the people:

If, in omitting to notice several topics, and to make certain recommendations, the anticipations and wishes of any shall be disappointed, I trust a palliating circumstance may be found in the amount of our indebtedness and the condition of the Treasury. However interesting, particular subjects are to large classes of citizens; and however judicious many appropriations of money might be generally regarded under other circumstances; at present, the emphatic call of the public voice for a course of severe economy, would seem to require their postponement to a more favorable period. And in this connexion permit me respectfully to add, that the indications of public sentiment seem to be no less unequivocal in regard to a session contracted to the shortest possible period consistent with a proper attention to the public business.

And as a circumstance highly favorable to this end, may be mentioned, the late revision of all the statutes by Commissioners eminent for their qualifications, and the subsequent re-examination and adoption

18. of them by the Legislature, at a session devoted to that object. It is not to be presumed, therefore, that much time will be occupied at the present session in amending existing laws. Their republication also, in a condensed and cheap form, and general distribution among the people, would seem to render any alteration, unwise and impolitic, not called for by strong necessity.

Council Chambers } Wm Fairfield.
January 7th 1842. }

Message from Governor Went received January 5th 1842.

To the Senate and House of Representatives.

I herewith transmit to you a copy of the Report of the Land Agent, made to the Governor and Council.

Also a copy of the annual Report of the Adjutant General, made to the Governor and Commander in Chief.

Council Chambers }
January 5, 1842. }

Edward Went.

Message from Governor Kent in relation to the 19.
Printing of certain Documents - Received January 5 1842.

To the Senate and House of Representatives.

In order to facilitate the business of the Legislature and in pursuance of a "Resolue directing the printing of certain Documents approved March 23 1836 I have directed the Secretary of State, to cause to be printed the following number of the documents, which I have laid before you: viz

Bank Commissioners ^{Annual} Report, and two Special Reports, one thousand copies. ~

Land Agent's Annual Report, one thousand, five hundred copies. ~

Adjutant General's Annual Report one thousand copies; and

Annual Reports of the Directors of the Indiana Hospital one thousand eight hundred copies.

Council Chamber
January 5. 1842.

Edward Kent.

Message from Governor Kent relating to the
votes given upon the Amendments to the Constitution.

To the Senate and House of Representatives

I herewith communicate to you a copy of a Report, accepted by the Council, and approved by the Governor, in relation to the votes given by the people, on the second Monday of September last, upon the Questions submitted to them by virtue of the Resolves providing for amendments to the Constitution in relation to the meeting of the Legislature, the number of Representatives and the term of office of the Governor and other State officers and, also by virtue of the Resolves submitting to the people the question whether the number of Representatives shall be increased or diminished.

Edward Kent.

Council Chamber
January 5. 1842. }

— Report. —

State of Maine:

In Council December 10th 1841.

The Committee of the whole Council to which were referred the returns of the votes, upon the questions proposed by Resolves approved April 16. A.D. 1841. entitled "Resolves providing for amendment to the Constitution in relation

to the meeting of the Legislature, the number of Representatives, and the term of office of the Governor and other State officers - which were cast, in the several Cities, Towns and plantations in this State, and duly returned to the office of the Secretary of State, having examined the same Reports.

On the question. Shall the Constitution be amended by adopting the first resolve for the amendment of the Constitution, passed by the Legislature, proposing to elect the Governor, members of the Legislature, and other State officers for the term of two years, and that the Legislature shall meet once in two years?

The number of ballots returned having the word "Yes" expressed thereon was nine thousand and four.

The number of ballots having the word "No" expressed thereon, was Twenty seven thousand two hundred and fifty.

On the second question. Shall the Constitution be amended by adopting the second resolve passed by the Legislature for the amendment of the Constitution, proposing that the number of Representatives shall be established at one hundred and fifty-one?

The number of ballots returned having the word "Yes" expressed thereon was Twenty three thousand, eight hundred and eighty four.

The number of ballots, having the word "No" expressed thereon was six thousand six hundred and forty.

Also on the Question submitted to them by a
 Resolve approved April 16 A.D. 1841 entitled
 Resolve submitting to the people the Question
 whether the number of Representatives shall be
 increased or diminished."

The number of ballots having the word
 "increase" expressed thereon, was Two thousand
and ninety seven.

And the number of ballots, having the word
 diminish expressed thereon was Twenty seven
thousand one hundred and twenty seven.

Which is respectfully submitted,

David Dunlap Chairman.

In Council December 16. 1841.

Read and accepted by the Council and
 by the Governor approved.

Attest.

Saml. P. Benson.

Secretary of State.

Secretary Office.

Augusta Jan 5 1842.

A true copy of the original on file
 in this office.

Attest Saml. P. Benson, Secy of State.