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# History and Civil Government of Maine

W. W. Stetson

B. A. Hinsdale

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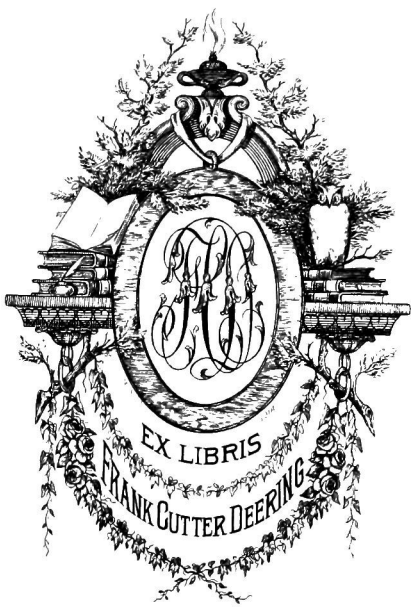
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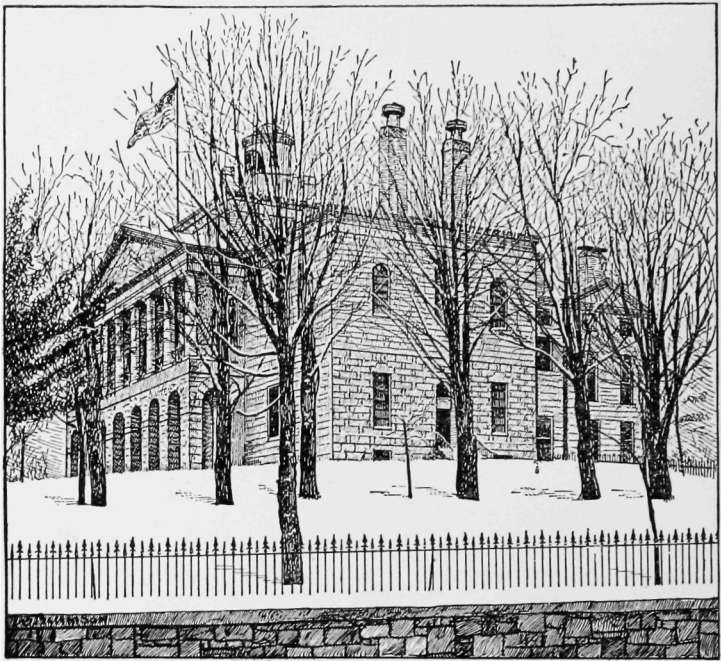
THE  
STATE GOVERNMENT SERIES

EDITED BY

B. A. HINSDALE, Ph.D., LL.D.

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*VOLUME VI.*



STATE CAPITOL.

HISTORY  
AND  
Civil Government of Maine

BY  
W. W. STETSON  
STATE SUPERINTENDENT OF PUBLIC SCHOOLS

AND  
THE GOVERNMENT OF THE UNITED STATES

BY  
B. A. HINSDALE, Ph.D., LL.D.



CHICAGO NEW YORK BOSTON  
WERNER SCHOOL BOOK COMPANY

# THE STATE GOVERNMENT SERIES

UNDER THE GENERAL EDITORSHIP OF

**B. A. HINSDALE, Ph.D., LL.D.**

Professor of the Science and the Art of Teaching in the University of Michigan;  
Author of "The American Government," "Studies in Education," etc.

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History and Civil Government of Maine



## PREFACE

It is important that our school children have a definite knowledge of the early history of our own State ; a patriotic interest in its resources and development ; some acquaintance with the men who have been leaders in our Commonwealth, and such familiarity with the laws governing the town, city, county, and State as will fit them to become intelligent citizens, safe leaders, and wise rulers.

Whether any or all of these ends will be accomplished by means of this book, depends largely upon the way in which the teacher shall use the material that it contains. Upon her rests the responsibility of adding one more dry text-book to a list already too large, or of breathing into it the life of her own enthusiasm, knowledge, and study. The progressive teacher will not be satisfied with the brief outline of our history and civil government that is here given, but will use it as the basis of a larger and fuller knowledge of the subjects treated.

The author would suggest that the History be read to arouse an interest in the subject, and that it then be carefully studied. To make these readings valuable, they must be supplemented by talks and discussions by both teacher and pupils. The attention of pupils should be directed to the motives and objects of early settlers, and they should be urged to express opinions as they study the development of the State. In this way children may become familiar with the growth and resources of their own State, without wasting time in committing to memory dreary details.

The same methods may be used to some extent in the part devoted to Civil Government. This division of the book should be studied by topics; and carefully prepared talks, as well as more carefully conducted discussions, should be given on the principal points considered. It would be well, in connection with this work, to organ-

ize town and other meetings in the school for the purpose of illustrating the forms used in conducting such assemblies. The essential points should be put clearly before the pupils by object lessons conducted on the plan indicated above.

It will be seen that this book is not intended for any one year in school, but may be profitably used for a series of years. It is hoped that the skillful teacher will find it of service in fitting the children to discharge the duties that will devolve upon them, with credit to themselves and advantage to others.

AUGUSTA, MAINE, October, 1898.

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## GENERAL INTRODUCTION.

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The character of the volumes that will comprise The State Government Series is indicated by the name of the series itself. More definitely, they will combine two important subjects of education, History and Government. It is proposed in this Introduction briefly to set forth the educational character and value of these subjects, and to offer some hints as to the way in which they should be studied and taught, particularly as limited by the character of the Series.

### 1. THE EDUCATIONAL VALUE OF THE STUDY OF HISTORY AND GOVERNMENT.

Not much reflection is required to show that both of these subjects have large practical or guidance value, and that they also rank high as disciplinary studies.

1. *History*.—When it is said that men need the experience of past ages to widen the field of their personal observation to correct their narrow views and mistaken opinions, to furnish them high ideals, and to give them inspiration or motive force; and that history is the main channel through which this valuable experience is transmitted to them—this should be sufficient to show that history is a very important subject of education. On this point the most competent men of both ancient and modern times have delivered the most convincing testimony. Cicero called history “the witness of times, the light of truth, and the mistress of life.” Dionysius of Halicarnassus said “history is philosophy teaching by

examples," and Lord Bolingbroke lent his sanction to the saying. Milton thought children should be taught "the beginning, the end, and the reasons of political societies." Another writer affirms that "history furnishes the best training in patriotism, and enlarges the sympathies and interests." Macaulay said: "The real use of traveling to distant countries, and of studying the annals of past times, is to preserve them from the contraction of mind which those can hardly escape whose whole commerce is with one generation and one neighborhood."

In every great field of human activity the lessons of history are invaluable—in politics, religion, education, moral reform, war, scientific investigation, invention and practical business affairs. The relations of history and politics are peculiarly close. There could be no science of politics without history, and practical politics could hardly be carried on. But, more than this, there can be no better safeguard than the lessons of history against the specious but dangerous ideas and schemes in relation to social subjects that float in the atmosphere of all progressive countries. In fact, there is no other safeguard that is so good as these lessons; they are experience teaching by examples. The man who has studied the history of the Mississippi Scheme, the South Sea Bubble, or some of the less celebrated industrial or economical manias that have afflicted our own country, is little likely to embark in similar schemes himself, or to promote them. The man who has studied the evils that irredeemable paper money caused in France in the days of the Revolution, or the evils that the Continental money caused in our own country, will be more apt to form sound views on the subjects of currency and banking than the man who has had no such training. The

school of history is a conservative school, and its lessons are our great defense against cranks, faddists, and demagogues.

2. *Government.*—Politics is both a science and an art. It is the science and the art of government. As a science it investigates the facts and principles of government; as an art it deals with the practical applications of these facts and principles to the government of the state.

Now it is manifest that the art of politics, or practical government, directly concerns everybody. Few indeed are the subjects in which men, and particularly men living in great and progressive societies, are so deeply interested as in good government. The government of the state is charged with maintaining public order, securing justice between man and man, and the promotion of the great positive ends of society. For these purposes it collects and expends great revenues, which are ultimately paid from the proceeds of the labor of the people. Furthermore, in republican states, such as the American Union and the forty-five individual States that make up the Union, government is carried on by the people through their representatives chosen at popular elections. The voters of the United States are a great and rapidly growing body. In the presidential election of 1888, 11,388,007 citizens participated; in the presidential election of 1892, 12,078,657—a growth of nearly 700,000 in four years. Moreover, these voters are felt in many other ways and places; they vote for National representatives, for State legislatures, executives, and judges, for county, township, and city offices, for the supervisors of roads and the directors of the public schools. There is not a point in the whole round of National, State, and Local government that the popular will, as expressed at elections,

does not touch. Every man is, therefore, directly concerned to understand the nature and operations of these governments, and almost equally concerned to have his neighbors also understand them.

We have been dealing with practical politics exclusively. But the art of government depends upon the science of government. The government of a great country like our own, at least if a good one, is a complicated and delicate machine. Such a government is one of the greatest triumphs of the human mind. It is the result of a long process of political experience, and in its elements at least it runs far back into past history. It is, therefore, a most interesting study considered in itself. All this is peculiarly true of our own government, as will be explained hereafter.

However, this complicated and delicate machine is not an end, but only a means or instrument; as a means or instrument it is ordained, as the Declaration of Independence says, to secure to those living under it their rights—such as life, liberty, and the pursuit of happiness; and the extent to which it secures these rights is at once the measure of its character, whether good or bad.

It is also to be observed that a government which is good for one people is not of necessity good for another people. We Americans would not tolerate a government like that of Russia, while Russians could hardly carry on our government a single year. A good government must first recognize the general facts of human nature, then the special character, needs, habits, and traditions of the people for whom it exists. It roots in the national life and history. It grows out of the national culture. Since government is based on the facts of human nature and human society, it is not a mere crea-



ture of accident, chance, or management. In other words, there is such a thing as the science of government or politics. Moreover, to effect and to maintain a good working adjustment between government and a progressive society, is at once an important and difficult matter. This is the work of the practical statesman. And thus we are brought back again to the fact that the science of government is one of the most useful of studies.

Mention has been made of rights, and of the duty of government to maintain them. But rights always imply duties. For example: A may have a right to money that is now in B's possession, but A cannot enjoy this right unless B performs the duty of paying the money over to him. If no duties are performed, no rights will be enjoyed. Again, the possession of rights imposes duties upon him who possesses them. For example: The individual owes duties to the society or the government that protects him in the enjoyment of his rights. Rights and duties cannot be separated. Either implies the other. Accordingly, the practical study of government should include, not only rights, but also duties as well. The future citizen should learn both lessons; for the man who is unwilling to do his duty has no moral claim upon others to theirs.

The foregoing remarks are particularly pertinent to a republican government, because under such a government the citizen's measure of rights, and so of duties, is the largest. Here we must observe the important distinction between civil and political rights. The first relate to civil society, the second to civil government. Life, liberty of person, freedom of movement, ownership of property, use of the highways and public institutions, are civil rights. The suffrage, the right to hold

office under the government, and general participation in public affairs are political rights. These two classes of rights do not necessarily exist together; civil rights are sometimes secured where men do not vote, while men sometimes vote where civil rights are not secured; moreover, both kinds of rights may be forfeited by the citizen through his own bad conduct. Evidently political rights are subordinate to civil rights. Men participate in governmental affairs as a means of securing the great ends for which civil society exists. But the great point is this—republican government can be carried on successfully only when the mass of the citizens make their power felt in political affairs; in other words, perform their political duties. To vote in the interest of good government, is an important political duty that the citizen owes to the state. Still other political duties are to give the legally constituted authorities one's moral support, and to serve the body politic when called upon to do so. These duties grow out of the corresponding rights, and to teach them is an essential part of sound education.

It has been remarked that good government rests upon the facts of human nature and society, that such a government is a complicated machine, and that it is an interesting subject of study. It is also to be observed that the successful operation of such a government calls for high intellectual and moral qualities, first on the part of statesmen and public men, and secondly on the part of the citizens themselves. There are examples of an ignorant and corrupt people enjoying measurable prosperity under a wise and good monarch; but there is no example of a democratic or republican state long prospering unless there is a good standard of intelligence and virtue. This is one of the lessons that Washington

impressed in his Farewell Address: "In proportion as the structure of a government gives force to public opinion, it is essential that public opinion shall be intelligent."

Government deals with man in his general or social relations. Robinson Crusoe living on his island neither had, nor could have had, a government. Man is born for society; or, as Aristotle said, "man has a social instinct implanted in him by nature." Again, man is political as well as social; or, as Aristotle says, "man is more of a political animal than bees, or any other gregarious animal." Hence the same writer's famous maxim, "Man is born to be a citizen."

These last remarks bring before the mind, as a subject of study, man in his relations to his fellow men. The study of man in these relations has both practical and disciplinary value. At first man is thoroughly individual and egotistical. The human baby is as selfish as the cub of the bear or of the fox. There is no more exacting tyrant in the world. No matter at what cost, his wants must be supplied. Such is his primary nature. But this selfish creature is endowed with a higher, an ideal nature. At first he knows only rights, and these he greatly magnifies; but progressively he learns, what no mere animal can learn, to curb his appetites, desires, and feelings, and to regard the rights, interests, and feelings of others. To promote this process, as we have already explained, government exists. In other words, the human being is capable of learning his relations to the great social body of which he is a member. Mere individualism, mere egotism, is compelled to recognize the force and value of altruistic conviction and sentiment. And this lesson, save alone his relations to the Supreme Being, is the greatest lesson

that man ever learns. The whole field of social relations, which is covered in a general way by Sociology, is cultivated by several sciences, as ethics, political economy, and politics; but of these studies politics or government is the only one that can be introduced in didactic form into the common schools with much success. In these schools civil government should be so taught as to make it also a school of self-government.

It may be said that so much history and politics as is found in these volumes, or so much as can be taught in the public schools, does not go far enough to give to these studies in large measure the advantages that have been enumerated. There would be much force in this objection, provided such studies were to stop with the elementary school. But fortunately this is not the case. The history and the politics that are taught in the elementary school prepare the way for the history and the politics that are taught in the college and the university. Furthermore, and this is in one aspect of the subject still more important, they also prepare the way for much fruitful private study and reading in the home.

## II. METHODS OF STUDY AND TEACHING.

Under this head history will be considered only so far as it is involved in politics. Our first question is, Where shall the study of government begin? The answer will be deferred until we have considered the general features of the government under which we live.

The United States are a federal state, and the American government is a dual government. Our present National Government dates from the year 1789. It was created by the Constitution, which, in that year, took the place of the Articles of Confederation. At that time the State governments were in full operation, and it was

not the intention of the framers of the Constitution, or of the people who ratified it, to supersede those governments, or, within their proper sphere, to weaken them. Experience had conclusively shown that the country needed a stronger National Government, and this the people undertook to provide. So they undertook to accomplish in the Constitution the objects that are enumerated in the Preamble.

“We, the people of the United States, in order to form a more perfect Union, establish justice, insure domestic tranquillity, provide for the common defense, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity, do ordain and establish this Constitution for the United States of America.”

The Constitution also formally denied some powers to the United States and some to the States; that is, it forbade the one or the other to exercise the powers so prohibited. (See Article I, sections 9, 10.) The understanding was that the mass of powers not delegated to the Union exclusively, or forbidden to the States, continued to remain in the hands of the people in their State capacities. Moreover, this understanding was expressly asserted in Article X of the Amendments.

Accordingly, the Government of the United States must be studied under two aspects, one National and one State. The case is quite different from what it would be in England or France, both of which countries have single or unitary governments. This duality makes the study more interesting, but more difficult, and suggests the question whether it should begin with the Nation or the State. The answer must be deferred until still other facts have been taken into account.

The powers that the State Governments exercise are exercised through a variety of channels. (1.) Some are exercised directly by State officers. For the most part these are powers that concern the State as a whole. (2.) Some are exercised by county officers within the county. (3.) Some are exercised by town or township officers within the town or county. (4.) Some are exercised by city or municipal officers within the city. (5.) A few fall to officers elected by divisions of townships, as road-masters and school directors.

Items 2, 3, 4 and 5 of this enumeration constitute Local government, which the people of all the States, in some form, have retained in their own hand. Here we meet a political fact that distinguishes us from some other countries, the vigorous vitality of local institutions. France, for example, although a republic, has a centralized government; many powers are there exercised by national officers that here are exercised by local officers, while there the state often asserts direct control over the local authorities. Strong attachment to local self-government, and opposition to centralized government, is one of the boasted glories of the English-speaking race. Subject to the State constitution, the State Legislature is the great source of political power within the State. The county, the township, and the city owe their political existence and peculiar organization to the Legislature.

Different States have organized local government in different ways. Speaking generally, there are three types—the Town type, the County type, and the Mixed type. The Town type is found exclusively in the New England States. It throws most of the powers of local government into the hands of the town, few into the hands of the county. The County type, which is found

in the Southern States and in a few others, reverses this method; it throws all local powers into the hands of the county, and makes the sub-divisions of the county merely an election precinct, the jurisdiction of the justice of the peace, and perhaps the unit of the militia company. The Mixed, or Compromise system, as its name implies, combines features of the other two. It makes more use of the county, and less of the town, than New England; more of the township, and less of the county, than the South. It is found in the Central States and generally, but not universally, throughout the West.

Now not much argument is needed to show that the study of government, even within the limits of the elementary school, should embrace the two spheres in which the American Government moves, the sphere of the Nation and the sphere of the State. Neither is much argument called for to show that the study of the State should embrace Local government, as well as State government proper. The argument on the whole subject divides into two main branches—the one practical, the other pedagogical.

Unfortunately, the time given to the study of government in the schools has not always been wisely distributed. For many years the National Government received disproportionate attention, and such, though perhaps in less degree, is still the case. But, important as the powers of the Nation are, the common citizen, in time of peace, has few relations with it outside of the Post Office Department, while his relations with the State are numerous and constant. President Garfield, in 1871, said: "It will not be denied that the State government touches the citizen and his interests twenty times where the National Government touches him once."

Still another point may be urged. An American State is a distinct political community. It is a separate commonwealth having its own constitution, laws, and officers. It has its own history. The people boast its services to the country. They point to its great names. They glorify the associations that cluster about its name. They dwell upon its typical or ideal life. All this is educative in a striking sense; such an environment necessarily reacts upon the people. Who can measure the effect of the old Bay State ideal, or the Old Dominion ideal, upon the people of either State ?

Once more, Local government has received too little attention as compared with State government proper. Township or county government is on such a diminutive scale that to many it seems a subject unworthy of serious study. But it is important to teach the youth of the county that their future prosperity and happiness, as a rule, will depend upon what is done by road-masters, school directors, township trustees or supervisors, county commissioners or county courts, city authorities, and the like, far more than upon what is done by the Governor or the President. The common citizen is tenfold more concerned in the proceedings in the courts held by justices of the peace and by county judges than in the causes that are decided by the Supreme Court of the United States.

Government is fundamentally an information or guidance study. It is put in the schools to teach the pupil how to perform his political duties intelligently when he comes to the state of manhood. In order that he may perform these duties intelligently, he must understand the nature and the ends of government, whether National, State, or Local, and the mode of its operation.



The fact is, however, that characteristic features of our government are ill understood by thousands of our citizens. The functions of the Executive and of the Judiciary are often confounded; likewise the functions of State authorities and National authorities. A multitude of citizens participate in every election of electors for President, who do not know how the President is elected. The line dividing the State sphere from the National sphere is a very hazy matter to many persons who consider themselves intelligent. Owing partly to this fact, and partly to the greater prominence of the Union, there is always a tendency in many quarters to hold the National authorities responsible for what the State authorities have or have not done. The adjustment of Local Government to the State and National Governments is another matter concerning which many are confused. Tax-payers can be found in every neighborhood who think the taxes that they pay to the township or the county treasurer go to Washington.

What has been said will suffice for the practical branch of the argument. Taking up the pedagogical branch, let us first observe the nature and the origin of the child's early education in respect to government.

It is in the family, in personal contact with its members, that the child forms the habits of obedience and deference to others. It is here that he learns, in a rudimentary and experimental way, that he is part of a social whole. Here he acquires the ideas to which we give the names *obedience*, *authority*, *government*, and the like. His father (if we may unify the family government) is his first ruler, and the father's word his first law. Legislative, executive, and judicial functions are centered in a single person. These early habits and ideas are the foundations of the child's whole future education in government, both practical and theoretical.

His future conception of the governor, president, king, or emperor is developed on the basis of the idea of his father; his conception of society, on the basis of the idea of his home; his conception of government by the State, on the basis of family government. Of course these early habits and ideas are expanded, strengthened, and adjusted to new centers.

While still young, the child goes to school. This, on the governmental side, is but a repetition of the home. It is the doctrine of the law that the teacher takes the place of the parent: *in loco parentis*. The new jurisdiction may be narrower than the old one, but it is of the same kind. The education of the school reinforces the education of the home in respect to this all-important subject. The habits of obedience and deference are strengthened. The child's social world is enlarged. At first he thought, or rather felt, that he was alone in the world; then he learned that he must adjust himself to the family circle; now he discovers that he is a member of a still larger community, and that he must conduct himself accordingly. The ideas of authority, obedience, law, etc., are expanded and clarified.

About the time that the child goes to school he begins to take lessons in civil government. This also is developed on the basis of his previous home-training. It begins at the very door-step. The letter-carrier, the policeman, the justice of the peace, and the postmaster introduce him to the government of the outer world. Some or all of these officers he sees and knows, and others he hears about. The very mail wagon that rattles along the street teaches its lesson, and so do other symbols of authority that confront him. He attends an election and hears about the caucus. As he grows older, the town council, the court of the local magistrate, and the constable or sheriff teach him the

meaning of the three great branches of government. His ears as well as his eyes are open. Politics is the theme of much familiar conversation to which he listens. With all the rest, he reads the newspaper, and so enlarges his store of political information.

Still other agencies contribute to the grand result. The church, public meetings, societies of various kinds, all teach the lessons of order and discipline.

Such, in general, are the steps by which the child makes his way out of the world of isolation and selfishness into the world of social activity and light. Such is the character of his early education in morals and politics. Nor is it easy to overestimate these early lessons. To suppose that the child's political education begins when he first reads the Constitution of the United States, is like supposing that his moral education begins when he is first able to follow the preacher's sermon.

All this training is unconscious and mainly incidental, and the more effective for that very reason. But such training will not meet the ends of intelligent citizenship. Nor can the political education of citizens be left to the newspaper and the political speaker. Government must be formally taught in the schools. But what shall be the order of study? Shall the child begin at Washington, at the State capital, or at his own home? In other words, shall he begin with the National Government, with the State government proper, or with Local government?

For a time the student of government should continue to work on the material that lies right about him, just as the student of geography should find his first lessons at home. On this point the arguments already presented are decisive. The practical argument shows that this will be the most useful course to pursue. The pedagogical argument shows that it is also the easiest, the

most natural, and the most successful. In general then the method should be—first, the Local Government; second, the State Government, and last, the National Government.

We have now reached a point where we can define more clearly and fully the special object of the series of books to which this is a general introduction. These books are designed for the first stage of the formal study of the subject of Government. They are written on the theory announced; viz.: that the child's political education begins at home, and should for a time proceed from the home outward. The series is appropriately named The State Government Series. A volume will be given to a State. The successive volumes will first present an outline sketch of the civil history of the State, and then outline sketches of the State and National Governments as they now exist and operate.

With two or three practical suggestions to teachers, this Introduction may fitly close.

The first of these suggestions is that if the proper course be taken, the study of the National system will not be deferred until the pupil has made a complete survey of the State System. The State system can no more be understood alone than the National system alone. When the intelligent pupil, and particularly a boy, is old enough to take up one of the volumes of this series, he will already have made some progress in discriminating the two systems. He will know that Congress and the President belong to the Nation, the Legislature and the Governor to the State. But at the outset it may be advisable for the teacher to broaden and deepen this line of division. This can be done, if need be, in one or more oral lessons devoted especially to the subject. Moreover, the teacher should keep an eye on this line from first to last. He should encourage the pupil to read the

Constitution of the United States, and in particular should direct his attention to the general powers of Congress as summed up in Article I, section 8, which are the driving wheels of the National Government.

The second observation is that unremitting care must be taken to make the instruction real. The common-places about the abstractness and dryness of verbal instruction, and particularly book instruction, will not be dwelt upon, except to say that they apply to our subject with peculiar force. The study of history, when it is made to consist of memorizing mere facts, is to the common pupil a dry and unprofitable study. Still more is civil government dry and unprofitable when taught in the same manner. There is little virtue in a mere political document or collation of political facts. The answer that the school boy made to the question, "What is the Constitution of the United States?" is suggestive. He said it was the back part of the History that nobody read. Hence the book on government must be connected with real life, and to establish this connection is the business of the teacher. On this point three or four particular suggestions may be made.

The teacher should not permit the Governor, for example, to be made a mere skeleton. He should see rather that he is made to the pupil a man of flesh and blood, holding a certain official position and exercising certain political powers. It is better to study the Governor than the Executive branch of the government; better to inquire, What does the Government do? than, What are the powers of the Executive?

The teacher should stimulate the pupil to study the political facts about him. He should encourage him to observe the machinery of political parties, the holding of elections, council meetings, courts of local magistrates, and the doings of the policeman, constable, and

sheriff. This suggestion includes political meetings and conversations upon political subjects. By observation an undue personal attendance upon such proceedings is not meant. To that, of course, there might be several objections.

Pupils in schools should be encouraged to read the newspapers, for political among other reasons. The publications prepared particularly for school use to which the general name of "Current Events" may be given, are deserving of recommendation.

Still another thought is that the study be not made too minute. It should bear rather upon the larger features of the special topics. This remark is particularly applicable to the judiciary, which nearly all persons of ordinary education find more or less confusing.

The suggestions relative to observation of political facts are peculiarly important in a country like our own. To understand free government, you must be in touch with real political life.

In teaching Civil Government, the first point is to develop Civic Spirit—the spirit that will insist upon rights and perform duties.

The last word is a word of caution. The method that has been suggested can easily be made too successful. Our American atmosphere is charged with political interest and spirit; and, while the pupil who takes a lively interest in current politics, as a rule, will do better school work than the pupil who does not, the teacher must exercise care that partisan spirit be not awakened, and that occupation in current events do not mount up to a point where it will interfere with the regular work of the school.

B. A. HINSDALE.

University of Michigan, 1895.

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PART I  
HISTORY OF MAINE

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INTRODUCTION

Preparation for good citizenship is the purpose which ought to govern in the study of History and Civics in the public school. The study of history should engender in the student a fervid pride in and love of State and country. The study of civics, while adding to the strength of such pride and love, should furnish him with such knowledge of his rights and duties as a citizen as will enable him rightly to manifest his pride and love in the right performance of every civic duty.

The pupil who studies The History and Civil Government of Maine, in the manner suggested in the preface, will develop such a thoughtful and receptive spirit as will help him to become a better citizen. It is the purpose of this Introduction to point out somewhat definitely the things he should get in his study, and thereby to aid him to bring them into proper relations with one another.

As he learns under what difficulties and amid what discouragements were planted the feeble settlements that have grown into the goodly towns of to-day, he should form conceptions of manly courage and patience, of faith and persistence, that will help somewhat toward forming in him the qualities of character which fitted the early pioneers for their work as the founders

of the State. If, in imagination, he has overcome difficulties and patiently endured discouragements with them, he has insensibly grown stronger in all the qualities of sturdy manhood, and so become fitter for the duties which await him in life. As he learns at what cost of toil and sacrifice those feeble beginnings were nurtured, his appreciation of his goodly heritage will grow into a love for the State, the founding of which cost so much. This love and pride will be fit soil in which to plant the seeds of sturdy, intense Americanism.

As he studies the story of colonial and provincial development and growth, he should see how every step in the slow process tended toward the evolution of the State as we know and love it. Every home built in the wilderness was built for the future State; every stream dammed to turn a mill-wheel was to contribute to the well-being of the State to be; every ship built and launched was freighted with the future prosperity of the State yet in embryo. He should see, or be led to see, that every drop of blood spilled in defense of home against the attacks of hostile France or arbitrary England, served to cement into unity the elements out of which the State was to be ultimately evolved. He should see and understand, that all the toil by which homes were created in the wilderness, all the sufferings from savage warfare endured in their defense, all the strife for colonial and provincial rights, were providentially appointed means for the development of that love of home and community, those aspirations for liberty, that jealousy for personal and social rights, and that indomitable courage, which fitted our fathers for their part in the great Revolutionary contest. Thus learning and understanding the significance of the events of our earlier colonial and provincial history, he will come to



see that other than human wisdom shaped those events to issues undreamed of by the men who participated in them. Reading God's thought and God's care as governing in the planting and nurture of this State of ours, her well-being cannot fail to take on a sacredness in his thought, and his love for her and his pride in her must be increased manifold.

The student of the history of Maine should get much to deepen and intensify this State pride and love, and, at the same time, to broaden and strengthen his Americanism. In the growth of the State in population, wealth, and power as one of the National units, he should find much to strengthen his respect and affection for the men and women who wrought these changes. He should recognize in the steady converting of her wilderness into homes, the action of those same qualities of character that controlled in the colonization of the earlier times. In the development of her varied material resources and possibilities, he should see the same human forces that acted in the development of her early scattered settlements into communities, and cemented those communities into unity of interest and action. Her social development, the growth of her people toward more catholic but not less pure and elevated religious and social ideals, and the upbuilding of her educational, reformatory, and charitable institutions, should reveal to him the fact that they are manifestations and outgrowths of the same spirit that planted a church in every settlement, built a schoolhouse beside the church, and made the constable, the tithingman, and the overseers of the poor important functionaries in every colonial community.

In all these facts of State history the student will find much to give greater force to such ideals of civic duty,

and greater intensity to such State love as he may have gained in his study of colonial history.

In the lives of the men who have been prominent in the history of the State—who by their superior abilities have been leaders of men—the student will find much of incentive to good citizenship. In the qualities which gave them pre-eminence, whether as statesmen in moulding the civil policy of State or Nation, as divines in leading men to live brave, pure lives, or as educators in inspiring youth to high ideals of life and duty, he may find the inspiration through which this excellence was won. And surely he must find in such men reasons for pride in the State of whose institutions they were the product, and to whose well-being they were so devoted.

Studying the history of his State in the manner thus outlined, the student will gain another advantage. He will get therefrom a preparation for the study of government that will help him to master its principles and provisions more readily. As he traces the development of government from its simplest form in the home, through its growing complexity in the town and county, State and Nation, he will be able to see that our government is not one imposed upon us from without, but is, rather, essentially a growth from within, a necessary consequence of the conditions of our planting and development as a people.

He will be able to see how the multiplying of homes in the growing settlements of the colonial times, gave rise, almost of necessity, to that pure democracy, the town. He will not find it difficult to see how, as neighboring settlements multiplied and came into closer social and business relations, the local need of roads for intercommunication, and of some agency for adjusting differences among these separate democracies and among

their inhabitants, necessarily gave rise to the organization of the county, exercising essentially the same functions then as now. And, seeing the law of development in these cases, he will readily see, also, that the State was a necessary outgrowth to meet the needs of the wider and wider extension of interrelated settlements and colonies. Thus studying civil government, in the light of historical knowledge, the student's conception of ours as a "government of the people, by the people, and for the people," will become luminous with the meaning which was in the thought of him who first so characterized it.

Such a conception of the nature of our government, and the sources whence it gets its authority, ought to be, and will be, to the student both an incentive and a guide to right civic action. Thus, out of his study he will get larger fitness for the right exercise of civic authority in any official station which he may be called to fill.

Somewhat of emphasis has been given to the importance of State pride and love as among the leading purposes to be subserved by the study of our State history. And the emphasis is needed. That pride in one's own State and love for it which inspires the citizen to devote his energies to her well-being, is something to be cultivated as among the vital things in preparation for citizenship. And it is something which, in Maine to-day, is too much lacking. Too largely prevalent, especially among our young men, is the feeling that Maine may be a good State in which to be born, but not a good State in which to live. This feeling has done, and is doing, much to deplete the State of its young men and of its wealth, and to defraud it of its due growth in population and prosperity.

Maine is a good State to live in. Let the boys and

girls in our schools to-day, who are to be the men and women of to-morrow, get into their minds and hearts the knowledge and feeling that Maine is worthy of their pride and love, and the future of the State will be the better therefor. Let them acquire in the schools such a knowledge of our history, of our resources and possibilities, of our social, moral, and educational privileges, and gain such conceptions of civic duty as shall make them proud of their State, make them love it devotedly, make them eager for its well-being, and willing to devote their energies to its advancement in all things which make for State and National prosperity and power.

With this object in view the following pages have been written. Let them be studied with this end in view. Let the student ask himself constantly, "What have I learned to-day to make me prouder of Maine, and to help me to be a better citizen of Maine?" Let the teacher who guides and directs bring to the work of the class such fullness of knowledge, such contagious enthusiasm, and such evident faith in the value of the purposes here outlined that no pupil shall fail of attaining those purposes. Let student study and teacher teach as under the inspiration of the prayer,

*God bless the State of Maine.*

## CHAPTER I

### DISCOVERY AND EXPLORATION

Maine, the Nation's sunrise portal, situated in the northeast corner of our land, can boast as early a discovery and settlement as any part of North America; for a thousand years ago, when the eyes of Europeans were first directed to our coast, Maine was among the first of the lands to be visited.

**1. Northmen.**—It is more than a tradition that the Northmen visited our Continent in the tenth and eleventh centuries, induced either by love of adventure or by a search for lost companions to coast along the Atlantic shores of America. While these visits were unproductive of definite results, yet they add to the interest and romance of our early history.

**2. Columbus.**—Five hundred years later, Columbus, searching for a new route to India, made our continent known to the world. Although he died unconscious of the fact that he had found a new world, yet he gave such an impetus to thought and adventure in Europe that his hopes and efforts resulted in the exploration and final settlement of America.

**3. The Cabots.**—Following closely upon Columbus's voyages, the Cabots, who were sent out by England in 1497 and 1498, explored the entire Atlantic coast, from Labrador to Florida. During one of these voyages they must have crossed the Gulf of Maine, whose rugged shore, "frayed and battered by sea and

storm," had multiplied its natural front of 220 miles to more than 2,500 miles of water line. England, however, did not immediately take advantage of the discoveries made by the Cabots, and this region received but little of her attention for more than a hundred years. This indifference was due to two causes: First, she failed to appreciate the extent and value of the country; and, second, her affairs at home were in a condition to give full employment to her best talents and resources.

4. Verrazano.—France, unlike England, was quick to avail herself of the knowledge gained by other nations, and in 1524 sent out Verrazano to explore the new country. He reached the coast farther south than the Cabots, and first saw the mainland somewhere in the vicinity of Wilmington, North Carolina. From this point he sailed northward, visiting many fine harbors, until he reached our coast, whose entire length he doubtless explored. He was so much pleased with the beauty and grandeur of the region now known as New England, that he gave it the name of New France.

5. Gomez.—But it probably remained for a Spaniard first to unfurl a royal banner within our borders. In 1525 Estevan Gomez coasted along these shores, exploring bays and rivers, and left traces of his long sojourn in the Spanish names which he gave to the places visited. The Penobscot River, which he describes most vividly, was long known as the "Rio De Gomez." Other voyagers, so far as we know, merely coasted our shores; but he, with Spanish eagerness in search of gold, evidently made careful

explorations, and, as the Spanish custom was, took formal possession of the lands explored.

6. Rut and Thevet.—In 1527 an Englishman named Rut explored the coast of Maine, and added his testimony to the effect that it was a country peculiarly fitted to repay expenditures made in colonizing it. In 1556 a French Catholic priest, one André Thevet, sailed into Penobscot Bay, and was so impressed with its beauties that he wrote a most enthusiastic description of the country visited. He found especially attractive the territory between the Piscataqua\* and Penobscot, and wrote in glowing terms of its marvelous charm of sea and shore, of bay and river, and fully appreciated the fact that he was visiting harbors in which the navies of the world might ride with ample room for evolution and conflict.

7. Legend of Norumbega.—Thevet speaks of the Penobscot as Norumbega, but says the natives called it Agoncy, while on some charts it is spoken of as Grand River. The name Norumbega was first used by the early voyagers to designate an indefinite region in which was included the whole coast of Maine. Later it became limited in use to a narrower region lying about the Penobscot, and was, also, applied to the river itself. To the men of that time the newly discovered lands were full of mysteries. Their vivid imaginations saw in them rich empires and lordly capitals, opulent in all the riches of the East. And here, with its metropolis somewhere upon the shores of our beautiful Penobscot bay and river, they imagined a fair kingdom to exist, whose capital city,

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\*Not Piscataquis.

Norumbega, was rich in splendid towers, churches, and palaces resting upon pillars of crystal and silver. Quest for the imagined city was made by adventurous spirits. Champlain, in 1605, made search for it, and found, under a moss-grown cross of wood, the grave of one who had preceded him. But neither to Champlain nor to any other was it given to gaze upon

“the domes and spires of Norumbega town.”

Standing on many a hill top and searching for them with eager, straining eyes, they saw

“Nor tower, nor town,  
But, through the drear woods, lone and still,  
The river rolling down “

**8. Results.**—For nearly half a century after Thevet's explorations we hear little of importance about Maine. Neither his, nor other early explorations, were in themselves of much permanent value or historic interest, except as they led the people of Europe to a larger knowledge of this country by the wonderful accounts given of mighty rivers, stately forests, and spacious harbors. These first efforts are interesting to us because they mark the beginnings of what has grown to be the greatest nation of the Western continent, and the noblest republic of the world. These accounts of the New World sent home by the early voyagers, aroused in the minds of the enterprising men of Europe a spirit of adventure and enthusiasm, which finally resulted in the conquest of the natives, the subduing of the forests, the growth of communities, and the building of a nation. Early writers frequently compare this wonderful



country about the Gulf of Maine with the famed Ægean Archipelago. These graphic, and in some cases extravagant, descriptions led many to feel that what has since been called our bleak and barren coast, was once a fairy land. At least we are warranted in believing that it became one of the attractive points to the colonists in making settlements on this continent.

**9. Gosnold.**—In 1602, Bartholomew Gosnold, an English navigator, crossed the Atlantic, and, it is claimed, touched the coast of Maine at Mount Desert. He is, however, remembered chiefly from his having given the very prosaic name of Cape Cod to that point of land which Champlain and De Monts more appropriately called Cape Blanc or White Cape.

**10. Pring.**—The next year, 1603, Martin Pring was sent out from England to trade with the Indians, and was provided with clothing, hardware, and trinkets, which he exchanged for furs and sassafras root. He seems to have been as favorably impressed with the noble forests, safe harbors, and excellent fishing of Penobscot Bay as those who preceded him; and it is more than probable that the accounts which he carried back served to arouse in the English an interest in the land beyond the seas. Owing to the large number of silver-gray foxes seen on a group of islands in the bay, he called them Fox Islands, a name by which they have ever since been known.

**11. De Monts.**—The same year the Frenchman De Monts fitted out an expedition, Henry IV., King of France, having granted him all the land in North America between the fortieth and the forty-sixth de-

degrees of north latitude, with no western boundary save the Pacific Ocean. It is easy to see toward what numberless disputes the nations of Europe were tending because of such grants and the consequent overlapping of claims. De Monts landed first in Nova Scotia, then sailed through the Bay of Fundy, and finally reached Passamaquoddy Bay, the extreme southeastern boundary of Maine. He explored the bay, ascended the St. Croix and Schoodic rivers, and spent the winter on an island in this region. The following spring he sailed westward and entered Penobscot Bay, and continued on his course till he reached the Kennebec. Here he took possession of the land in the name of Henry IV., King of France.

**12. The Coming of Weymouth.** — England, alarmed by this wholesale claim, fitted out ships to visit this territory. The alleged object of sending them was to renew the search for the North West Passage,\* but the real purpose was to ascertain

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\* It will be remembered that the purpose of Columbus in his first voyage was to discover a new and shorter route to the Indies. When voyages and explorations subsequent to his had established the fact that a new continent had been discovered, efforts were made to discover some practicable way around the obstructing body. It was thought that such a way might be found in a passage around the continent to the north and west. The Cabots, the brothers Cortereal, Sir Hugh Willoughby, Frobisher, Sir Humphrey Gilbert, and others had vainly sought to discover and make this North West Passage. These and other navigators, Danish, French, and Dutch, had been stimulated in their efforts by the fact that Spain had secured a monopoly of the traffic across the Atlantic and Indian oceans, and would suffer no intrusion upon what she considered her own peculiar rights. Hence the discovery of this North West Passage was deemed of vital importance to the English and other commercial rivals of Spain.

what the French were doing. A ship called *The Archangel*, commanded by George Weymouth, sailed from England, March 31, 1605. The coast of Maine was reached May 17 of the same year, and anchor was cast at an island about six miles from the shore. It is believed that this landing was made on what is now known as the island of Monhegan. Weymouth gave it the name of St. George, erected a cross, and took possession of the country in the name of King James I. of England. After a stay of two days he continued his voyage, exploring the shores and planting seeds, which it is said grew eight inches in sixteen days, thus proving the richness of the soil. This is probably the first attempt made by Europeans to cultivate the soil of Maine. Those who turned their attention to the sea were equally well rewarded by finding an abundance of salmon and many other kinds of fish, as well as lobsters and clams.

**13. Weymouth Continues his Voyage.**—It is believed that Squirrel Island and Cape Newagen were visited by Weymouth before he proceeded farther along the coast. It seems to be reasonably certain that, during this voyage, he visited the Kennebec, then known as the Sagadahoc, and that, possibly later in the voyage, he also sailed up the Penobscot. The chronicler of this expedition appears to have been greatly charmed with the natural beauties of the new country. He speaks of the handsome birds and sheltered groves, and adds that "it is the most beautiful, rich, large, secure harboring river that the world affordeth." It is thought by some that this passage refers to the Penobscot, while others believe that it describes the

St. George, which is situated between the Penobscot and the Kennebec. After exploring various channels in this region, the explorer proceeded inland five miles through a country surpassingly lovely, over "good ground, pleasant and fertile, with notable high timber trees, masts for ships of four hundred tons."

**14. The Indians.**—The Indians, who were found in large numbers, were friendly and hospitable. They manifested the greatest delight with the trinkets that the Englishmen gave them in exchange for furs. Special mention should be made, that there is no evidence that the natives were guilty of the first acts of treachery. But Weymouth, desirous of taking some of the Indians home with him, took advantage of their friendliness and trapped five of them in the hold of his vessel. While his motive was not a cruel one, the act so enraged their companions that we cannot wonder they soon came to look upon every white man as an enemy to be feared or a foe to be slain.

**15. Return of Weymouth.** — Shortly after this unfortunate episode, Weymouth returned to England, carrying with him accounts of his travels which were of far-reaching influence. The captives, when exhibited in England, excited the greatest interest. Three of them were placed in the family of Sir. Ferdinando Gorges, and it is believed that the great interest which he took in the New World dates from this event. These Indians must have possessed qualities of no little worth, for we read that their intelligence, devotion to their land and people, and their manly bearing attracted the attention of the nobility, from the Lord Chief Justice to the heir to the throne; and so great

was the impression made by these noble Red Men that movements were immediately set on foot to secure this goodly land, develop its resources, and turn its majestic forests into homes for civilized men.

## CHAPTER II

### COLONIZATION

**16. Plymouth Company.**—The Plymouth Company was formed in 1606 by some enterprising and influential citizens of London. It received a grant from James I. of all lands between the Hudson River and Cape Breton, including all islands within one hundred miles of the shore line. Lord Popham and Sir Ferdinando Gorges were prominent members of this company, and they at once fitted out an expedition to visit this wonderful land in the West. The first vessel sent out was captured by the Spaniards. The second completed its voyage, made a landing, and almost immediately returned to add its testimony to the exceeding beauty and desirability of the country as a place for colonization.

**17. The Gift of God.**—In the spring of 1607 two vessels were fitted out by the Plymouth Company. One, *The Gift of God*, was commanded by George Popham, a brother of Lord Popham, and the other, called *The Mary and John*, was placed under the charge of Capt. Raleigh Gilbert, a son of Sir Humphrey Gilbert. In August of the same year this vessel reached the coast, at a point, it is believed, near Pemaquid. The appearance of the vessel in the harbor filled the natives with alarm, and, on landing, the adventurers found them ready to fly at their approach. The harm done by Weymouth, which now began to

bear fruit; can hardly be overestimated. The Indians, who at first had shown themselves most friendly, would have been of invaluable assistance to the early colonists if his mistaken zeal had not taught them that the European was dangerous, and that their safety lay either in his death or their escape from him. The first Sunday after the arrival of Gilbert's vessel, a landing was made by the ship's crew, and religious services were held on one of the islands where Weymouth had erected a cross; on this occasion the first sermon ever preached within the limits of Maine of which we have any knowledge, was delivered by Richard Seymour, an Episcopal clergyman.

**18. First Colony, 1607.**—The following week was spent in searching for the Kennebec, examining the islands in Casco Bay, and seeking a favorable place for settlement. This was found at the extremity of the peninsula, now known as Phippsburg. The colonists showed the strength of their determination to found a colony by holding religious services on the land chosen for their settlement, August 29, 1607. After suitable quarters had been provided for the settlers, their first efforts were directed towards building a boat, and the Kennebec, since famous for its ships, whose sails have whitened every sea, had the honor of having launched upon its waters the first vessel built by English hands in America. This vessel, named *The Virginia of Sagadahoc*, 1608 sailed to the Virginia Colony and thence to England. This colony had for its president George Popham, while Raleigh Gilbert was made admiral.

**19. First Settlers.**—It would appear that these early settlers were most industrious and enterprising, for we learn that only seven weeks after landing fifty log cabins had been built, the storehouse completed, and the town named St. George. It is not difficult to understand that this prosperous beginning led these people to feel that they had laid a permanent foundation for future settlement. Yet the record informs us that this colony, so auspiciously begun, had but a brief history. The first winter was long and severe. Governor Popham died, and this event, so disastrous to the company, was followed by the death of Sir John Gilbert, Raleigh Gilbert's brother. It became necessary for Raleigh to return to England to settle his brother's estate, and so disheartened were the settlers by his proposed departure that they nearly all returned with him, the few who remained finding homes in other settlements or fishing stations in the vicinity.

**20. Second Colony, 1616-17.**— But Sir Ferdinando Gorges, though disappointed at the unfortunate termination of the expedition from which he had hoped so much, was not daunted. Finding no one ready to help him, he fitted out another vessel himself, and, at great cost, hired men to winter in this new country. This company, under the direction of Richard Vines, reached the mouth of the Saco River, in September, 1616. They spent the autumn in exploring the coast and trading with the natives, and finally selected a place for their winter quarters. This spot, which is now a part of lower Biddeford, they called Winter Harbor. During the next few years Captain Vines and others brought many colonists to



this region, and numerous settlements were made on the shores of Casco Bay.

**21. Conflict between French and English, 1633.**—While there are but few records of attempts made to found permanent settlements, yet we learn that in 1623 there were a number of families located on both sides of the Saco River; among them were Richard Vines on the west side and John Oldham on the east. To these two men Gorges gave a grant of all the land within the present limits of Biddeford and Saco. Vines, having obtained from the Plymouth Colony the right to trade with the Indians on the coast of Maine, in 1633 started on a voyage eastward. But the French claimed the entire coast from Cape Sable to Cape Cod, and LaTour, the French Governor at that time,\* declared he would take as prize any vessel found trading east of Pemaquid. LaTour and Vines having met near Passamaquoddy, a dispute arose in regard to their claims, and in the encounter LaTour took some of the English prisoners, but, after administering some "grave and goodly counsel," he released

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\* In 1621 Sir William Alexander had obtained from King James a charter for the lordship and baronety of New Scotland, comprising the territory now known as the provinces of Nova Scotia and New Brunswick, and had made several unsuccessful attempts at colonization. But by the treaty of St. Germain, in 1632, Great Britain had surrendered to France all the places occupied by the English within these limits; and, shortly after, Louis XIII. had appointed the Chevalier Rasiely governor of the whole of Acadia, who had designated as his lieutenants for the portion east of the St. Croix, Charles de LaTour, and for the portion west of that river, Charles de Minon, Sieur D'Aulnay. The former had established himself on the river St. John where the city of St. John now stands, and the latter at Castine, on the eastern shore of Penobscot Bay.

them. Vines at once went to Machias and set up a trading house, but in a few days LaTour anchored before the place, seized his goods and vessel, made the men prisoners, and escaped with his plunder. From this it may be seen that Machias had "a local habitation and a name" in history as early as 1633, only thirteen years after the landing of the Pilgrims at Plymouth Rock.

**22. Vocations and Business Conditions.**—The settlers were engaged chiefly in fishing and commerce. These proved profitable occupations, as dried fish could be readily exchanged for goods brought from England and the West Indies. Even at this early day some of the settlers devoted their energies to lumbering, and only a few were engaged in cultivating the soil. The first cattle ever brought into what is now the State of Maine arrived in 1613, and were of great service to the colonists. Horses were not introduced until many years later. At this time money was very scarce, and trade was carried on largely by exchanging one kind of goods for another. There were no American coins until 1653, when Capt. John Hull was made mint master of Massachusetts, and coined silver shillings, sixpences, and threepences.

**23. French Settlement, 1613.**—Meanwhile, in 1613, a company of French Catholics and the Jesuits Biard and Massé had formed a settlement on Mount Desert Island, which was named St. Sauveur. The Virginia Colony, considering this an infringement of its rights, sent a fleet under the command of Captain Argal, with orders to expel the invaders. The attack was successful, the Frenchmen were captured, and Argal

gave them the choice of returning to France or going with him to Virginia. Fifteen of the number, including one of the missionaries, accepted the latter alternative. In 1674, however, the French still had a few habitations in this vicinity; and in 1688 forty-five families were settled between the Penobscot and St. Croix rivers.

**24. Captain Levett's Settlement, 1623.**—In 1623 Captain Levett, searching for a place to establish a colony, landed at Pemaquid. It was here he met Samoset, Lord of Pemaquid, whose "welcome" we associate so closely with the early history of Plymouth. Captain Levett seems to have been especially fortunate in his dealings with the Indians. They soon lost all fear of being kidnaped, and even urged him to remain, saying that their children should be brothers. Levett, though greatly pleased with the scenery at Pemaquid, its fine harbors and valuable fisheries, did not consider it a desirable place to settle in, but coasted along the shore until he reached an Indian village called Quack, now York, and at this place he made a settlement.

**25. Gorges' Settlement, 1623.**—It was probably about this time (1623) that Gorges, having received a grant of 24,000 acres of land on both sides of the Agamenticus or York River, determined to establish a colony of his own. The company sent out was under the command of Captain Norton. They brought with them several farmers and mechanics, who were provided with oxen and all needful tools. In 1636 Sir Ferdinando Gorges sent over his nephew, William Gorges, to act as governor of the colony. The meet-

ing which he held with his councillors, chosen from the citizens, was assembled at the house of Richard Bonython and lasted several days. This was the first legislative body assembled in Maine.

**26. Company of Laconia.**—Just previous to this event the Company of Laconia was formed. The Plymouth Company made a grant of all the territory between the Merrimac and Kennebec rivers to Gorges, John Mason, and others. This territory was called Laconia, and it was described by the wealthy proprietors as a veritable earthly paradise. The alluring accounts given of the region induced a large number of people to emigrate to it, and settlements began to be made rapidly along the coast, extending inland for some miles. Besides these settlements in the vicinity of York, permanent homes were begun at Arrowsic Island, near the mouth of the Kennebec. Small bands of settlers established fishing and trading posts upon the main land at the entrance of Sheepscot River, at Damariscotta, at Pemaquid, and on the St. George River. It is recorded that in 1630, eighty-four families, besides fishermen, had their homes along the coast of Maine. Unfortunately, many of these men were reckless adventurers, and society was so lawless that the Plymouth Company was obliged to send over men with power to act in all cases where it was necessary to inflict punishment for crime committed.

**27. Pemaquid.**—While the Pilgrims were struggling for life at Plymouth, Pemaquid was probably the busiest place on the coast. After its purchase by two English merchants, a court was established and

its population was estimated at five hundred souls. It is said to have been at this time a more important port than Quebec, the capital of Canada. For fifty years this town continued to grow in importance, but in 1689 it was considered an object of special offense to the French and Indians, who decided to strike it a death blow. Jamestown in Pemaquid was attacked by the Indians, and after a brave resistance was forced to surrender and the town was burned. A second time, in 1696, was Pemaquid made the scene of an attack. Fort William Henry was forced to surrender, and this important place was again laid desolate.

**28. Present Condition of Pemaquid.**—This ancient town, which is by far the most memorable on the coast of Maine, is well worthy of a visit at the present time. Its beautiful natural scenery, and its islands and harbors are unchanged. Its ruined fortress, built by Sir William Phipps in 1692, requiring 3500 tons of stone in its construction, which was said to be the "finest thing in these parts of America," is an interesting ruin. From the town of Pemaquid have been carved out the towns of Bristol, Nobleboro, Damariscotta, and perhaps Waldoboro, Warren, Thomaston, and St. George.

**29. Other Settlements.**—It is impossible to give the details of all the grants made to different persons and companies in these early days. Mention is here made of only a few of the more important. In 1630 a district of forty miles square named Lagonia, extending from Harpswell to the Kennebunk River, was set apart for the first colony of farmers. But when a

vessel brought over the immigrants who were to introduce the implements and practice of husbandry, the undertaking was looked upon by the inhabitants of neighboring settlements with such scorn, that only a few of the company remained a year where the cultivation of the soil was so little respected. Settlements were also made on Casco Bay, but were soon abandoned. It is worthy of note that, during all this time when settlements were being established and abandoned along the coast, those made in and near Saco and Biddeford continued prosperous, and that their citizens were orderly, industrious, and thrifty. In 1626 a trading post had been established by the English on the Penobscot, at a point called Bagaduce, now Castine, where a thriving and profitable trade in furs was carried on with the Indians. This was disputed territory, being claimed by both French and English, and in 1632 the settlement was plundered by the former.

**30. Division into Provinces.**—In 1620 the Council of New England, composed of forty noblemen, knights, and gentlemen, was formed as a successor to the Plymouth Company. In 1635 this council was dissolved, and its territory, which extended from a point south of Hudson River to the Bay of Chaleur on the north, and from ocean to ocean, was divided into twelve provinces, four of which were in Maine. The first division embraced the region between the St. Croix River and Pemaquid; the second extended from Pemaquid to the Kennebec; the third included the territory between the Kennebec and the Androscoggin, and the fourth was located between

the Kennebec and the Piscataqua. The last two divisions were given to Sir Ferdinando Gorges, and by him were named New Somersetshire. Even at this early day the proprietors seem to have understood the art of advertising the sections which they desired to have settled. At least, the emigrants increased to such numbers that King Charles of England became alarmed, and gave orders that no subject should leave his native land until he had taken the oath of allegiance.

**31. Province of Maine.**—In 1639 Gorges procured a grant from the King making him Proprietary Lord, with full power of governing the territory between the Piscataqua and Kennebec rivers, a distance of sixty miles, and extending inland one hundred and twenty miles. This region was called the Province of Maine. Two reasons have been given for the selection of this title. Some think it was named from the Province of Maine in France, which the Queen had inherited, while others hold to the opinion that it was called Maine because of the custom of calling it the *main land*. The first general court for this Province was held at Saco, June 25, 1640, with but four councillors in attendance. It is worthy of notice, that one John Winter, a trader, was indicted for charging a profit of more than five per cent. upon the cost of goods which he sold.

**32. Comparative Importance of Maine and Massachusetts.**—Our greater familiarity with the history of Massachusetts makes it difficult to believe that in those days Maine was far more important, and especially that there was an enterprising colony in

Maine before a permanent settlement had been made in Massachusetts. It is said that on the southeastern slope of Damariscove Island remains may even now be seen of fortifications built there more than two and a half centuries ago. At this time there were two important trading and fishing ports; Monhegan and the surrounding region, which included Pemaquid and the Damariscove Islands and the mouth of the Kennebec. It was doubtless owing to the adventurous character of the traders that their settlements did not become permanent. Some further facts will serve to make clear the probable reasons for the greater early importance of Maine than Massachusetts.

**33. Smith's Visits, 1614-15.**—In 1614 Capt. John Smith sailed from England for the Sagadahoc. He spent the early summer in exploring the coast and trading with the Indians. He returned to England in July, leaving behind him Capt. Thomas Hunt, who devoted the most of his energies to kidnaping natives, whom he sold as slaves to the Spaniards. The next year Smith sailed again for our shores, but was captured by the French. Soon after regaining his liberty, he published a brief description of the coast, with a map, and named the region New England.

**34. Visits of English Ships for Trading Purposes, 1620-22.**—In 1620 the Pilgrims made their settlement at Plymouth, and during the same year seven English ships made voyages to the coast of Maine for cargoes of fish and furs. In 1622 thirty English vessels cast anchor at Damariscove Islands. This group of five or six islands, situated a little south-east of the mouth of Damariscotta River, plays an



important part in the early history of Maine. We learn that the Puritan governor Winslow visited these islands to obtain supplies for his suffering colonists, and that he was kindly received ; his wants were supplied, and no payment was taken for the provisions furnished him.

**35. Lack of Exact Knowledge of Early History.**—These facts make it clear that what is now Maine had received many more visits from the early voyagers than had been made to what afterward became the State of Massachusetts ; and further that, when the settlement of Plymouth was made, there were settlements already existing in Maine. That we have no such complete and authentic history of the establishment and condition of these settlements as we have of those of Massachusetts, is due to the character of the Maine settlers and the purposes for which the settlements had been made. Engaged in fishing and in traffic with the Indians, as these settlers were, and making settlements only for convenience in carrying on their vocations, there were not among them the scholarly men who were in the ranks of the Massachusetts colonists to write our history. Established as they were, these settlements probably did not, like those made in Massachusetts, take on such forms of social and political organization as would require the keeping of records in which the historian of later time might find materials for constructing their story. And so, while the evidence is conclusive that they existed, we know little more of them than is revealed by their ruined and nearly obliterated sites as they exist to-day.

## CHAPTER III

### GROWTH

**36. Early Industries and Commerce.**—Up to this time most of the clothing and grain used by the settlers had been brought from England. But as the demand for these articles increased more rapidly than the colonists were able to secure funds to pay for them, they began to grow flax and wool, which, with the aid of great hand looms, were woven into cloth. In these early days mills were built for grinding corn and cutting lumber, two industries which were of great value to the settlers. It is still a tradition in many families that their ancestors made long journeys across the country, carrying their corn to the mill on their own backs or on horses. We also learn that trade with the West Indies was increasing, and that lumber was exchanged for molasses, sugar, coffee, spices, etc.

**37. First City, Georgiana.**—The faithful Gorges was much rejoiced to witness the great increase in population, and the continued prosperity of the settlements which he had established. It is much to his credit that he never lost faith in the possibilities offered by the New World, but held firmly to the grand thought and purpose of his life, even when all other hearts failed. Hoping to leave a noble inheritance to his children, he chose Agamenticus, or York, as the capital of his future empire, and, in 1642, made

it a city and named it for himself, Georgiana. It included twenty-one square miles on the north side of York River, bordering on the coast. This ambitious young city had a mayor, aldermen, council, and policemen, or "sergeants," whose badge was a white rod. This city, so bravely equipped, never numbered three hundred inhabitants, and ten years after it was founded, at the conclusion of a dispute between Gorges and Rigby, in which the former was defeated, its name was changed to York.

**38. Death and Character of Gorges.**—When the Civil War broke out in England, in 1643, Gorges took the side of the King, and, after Charles was beheaded, he was thrown into prison and died soon after his release. Although Gorges never visited the land for which he strove to do so much, and although the mighty empire which he desired to found failed of immediate realization, yet his name will stand in history as the Father of Colonization in New England. To him, in large measure, belongs the glory of setting in motion those forces which made the conquest of the New World possible, and gave to England its vast possessions on this Western Continent.

**39. Maine Passes Under the Jurisdiction of Massachusetts.**—In 1650 the present territory of Maine was under six different governments, each jealous of the other, and each offering a refuge for persons guilty of crime in the other districts, thus causing much disorder. Many of the colonists, becoming weary of the perpetual strife, called frequently upon Massachusetts for aid. The wise men among the Puritans saw in these calls an opportunity to enlarge

their territory. An examination of her charter convinced the officials of Massachusetts that they might take the source of the Merrimac as their northern boundary instead of its mouth, as they had previously done. A line drawn from a point three miles north of Lake Winnepesaukee, extending east on the same parallel of latitude, brought the boundary to a point on Casco Bay near where Portland now stands. By this extension of the limits of Massachusetts, the Province of Maine, the Lygonia Patent, and Mason's grant of New Hampshire were all brought under the Puritan charter. Edward Godfrey, governor of the Province, protested vehemently against this plan, but, a majority being against him, he was forced to submit, and this great territory passed under the control of Massachusetts.

**40. Made a County: Towns Incorporated.**—The Province of Maine in 1652 was made a county of Massachusetts, under the name of Yorkshire. Two delegates were sent to the General Court, and a session of court was held in the county twice each year, alternately at Kittery and York. It is worthy of special mention that Kittery was the first town incorporated within the present limits of Maine, and that its history dates from 1647. Its territory at that time included not only the present town of Kittery, but also North and South Berwick and Eliot. In 1653, Wells, Saco, and Cape Porpoise, now Kennebunkport, were also incorporated. In 1658 Scarborough and Falmouth were separated from the Lygonia territory and declared to be a part of Yorkshire. After the restoration of Charles II., in 1660, Ferdinando Gorges,

grandson of the original proprietor of Maine, laid claim to the territory granted to his grandfather, and although his claim was favored by the King and the council, the title remained in dispute for nearly twenty years.

**41.** County of Cornwall Granted to Duke of York. — In 1664, Charles II. granted his brother James, Duke of York, all the territory between the St. Croix and Kennebec rivers, and northward to the St. Lawrence. The region was called the county of Cornwall. This grant comprised part of the territory claimed by Massachusetts and included in Yorkshire, and was the cause of many disputes. In 1670, however, we find Massachusetts Bay Colony in substantial possession of the original Province of Maine granted to Gorges, and the county of Yorkshire well organized.

**42.** Conflicting Claims Settled by Purchase. — About this time the French, who held virtual possession of Maine as far west as the Penobscot, began to claim the entire county of Cornwall. Gorges was still pressing his claim to this same region, because of the grant which had been made to his grandfather; and, as has already been stated, his claim was endorsed by the King, and the decision of the council was in his favor. Massachusetts Bay Colony decided to purchase the interests of the different claimants, and thus put an end to all controversy. John Usher, a Boston merchant, was employed to effect the purchase, and on May 6, 1677, Gorges gave Usher a deed of the Province of Maine, including all the territory originally granted to Sir Ferdinando Gorges by Charles I. in

1639.\* Charles II. attempted to annul this purchase, but was unable to accomplish his purpose. Thomas Danforth, who was made President of Maine by the Massachusetts authorities, proclaimed his authority at York in March, and at Falmouth, now Portland, in

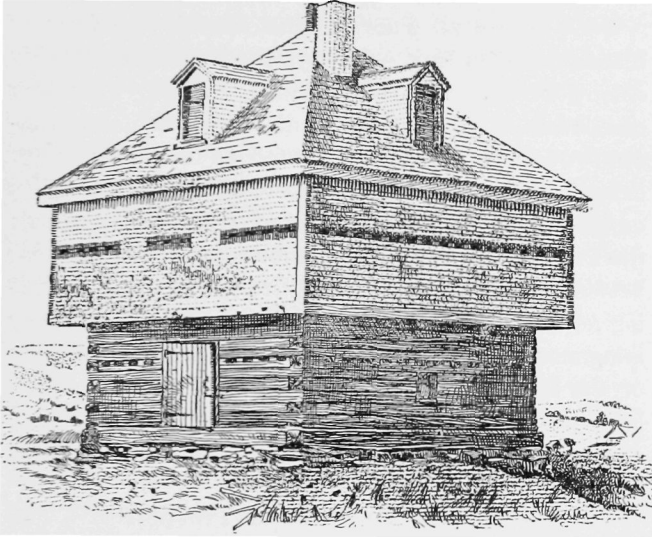
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\* We have seen—*vide* note p. 22—that in 1633 the French were in virtual possession and control of the coast of Maine as far east as the Penobscot River, with D'Aulnay having his seat of government at Castine, and LaTour at St. John. Subsequently these two commanders quarreled, engaged in active hostilities, and made efforts to enlist Massachusetts in their quarrel. The result was a treaty pledging the Massachusetts colonists to neutrality, and, in effect, giving *quasi*-recognition to the rights of France to the territory east of the Penobscot. In 1654, however, under secret instructions from Cromwell, the whole of Acadia was subjugated by a force from Boston under command of Major Robert Sedgwick of Charleston and Capt. John Leverett of Boston; and in 1656 it was made a province by the Protector, who appointed Sir William Temple governor and granted the whole territory to Temple, one William Crown, and Stephen LaTour, son of the late French governor. In 1668, by the treaty of Breda, the whole territory was again ceded to France, with undefined limits. In the meantime, in 1667, the French Baron St. Castine had established himself and a party of colonists at D'Aulnay's late seat of government on the Penobscot.

The new county of Cornwall, which Charles II. was attempting to establish, embraced the territory between the Penobscot and St. Croix. This had been recognized as French territory in the treaty between Massachusetts and D'Aulnay and LaTour. The French were provoked by these acts to make counter-claims to the whole territory embraced in the new county. By purchase of the rights of Gorges, Massachusetts would gain clear title to such portion of the new county as lay west of the Penobscot, and such rights, conferred by the grant made by James I. to the Plymouth Company in 1606, and to the country east of the Penobscot, which Gorges had inherited from his grandfather. By her purchase of Gorges' rights, then, Massachusetts practically checkmated the attempt of Charles II. to confer upon the Duke of York proprietary rights in Maine territory, and, also, put herself in position to meet the French claims to territory east of the Kennebec.

September, 1680. The plantation adjoining Falmouth was at that time incorporated into a town and named North Yarmouth, the eighth town within the present State of Maine.

**43. Indian Wars and Their Effects.**—The year 1675 found the Maine settlements in a prosperous con-



BLOCK HOUSE.

dition. The population numbered 6,000. Farms had been cleared, mills built, and Maine vessels were loaded with valuable cargoes of lumber, furs, and fish. The people were industrious, and many comfortable homes repaid their labor and thrift. This increasing prosperity was arrested by the terrible Indian wars. Commencing with King Philip's war in 1675, the settlers

experienced all the horrors of savage warfare and butchery for nearly a hundred years. Before these troubles were settled, thousands of people had been killed, hundreds of homes burned, and many industries ruined. It took many years for Maine to recover from this fearful scourge. These facts account for her slow growth in these early days.

**44. Maine as Part of the Royal Province of Massachusetts Bay.**—In 1692 the Massachusetts Bay colony became a royal province. Maine was then composed of three principal divisions, viz., the original Province of Maine as granted to Gorges in 1639, extending from the Piscataqua River to the Kennebec on the coast and one hundred and twenty miles inland; the Province of Sagadahoc, embracing all the territory between the Kennebec and St. Croix rivers and extending northward to the St. Lawrence; and the territory lying north of the original grant to Gorges and west of the Province of Sagadahoc, or that region which lay between the north line of the Province of Maine and the southern line of Canada. This territory was all embraced in Massachusetts.

**45. Temporary Revival of Prosperity.**—The close of Queen Anne's War in 1713 and the hope of lasting peace brought many settlers to Maine, and business began to revive. New settlements were made at many points, and a large number of new villages were founded between the Piscataqua and the Penobscot rivers. But peace was of short duration. The growth and prosperity of the province were again interrupted by the savage war cry, and for years the history of Maine is one of struggle with the Indians,



which, while it retarded, could not stop her growth. Her settlers were of that stern stuff which would not allow them to relinquish their liberty and their homes for the fear of *danger or poverty*.

**46. Close of the French and Indian Wars.**—The French and Indian wars terminated with the victories of England in Canada, in 1759-60, and the power of France in this country was gone forever. From this time the Indians were no longer to be feared. Their tribes were greatly broken, and those who were left took the oath of allegiance to England, and permission was given them to locate villages in certain designated places, and to hunt in unoccupied forests.

**47. Growth of Population and Settlements—1742-1760.**—In 1742 the population of Maine had increased to 12,000. The towns and plantations numbered twenty-five. The settlements were almost all on the coast, and extended eastward only as far as St. George River. On the Kennebec, settlements had been made as far north as Cushnoc, now Augusta. In 1760 the whole population of Maine did not exceed 17,000, and no permanent settlement had been made east of the Penobscot. West of the Kennebec, the years 1761, 1762 were years of extraordinary drought and scarcity, followed by sickness, and great fires broke out and passed through Lebanon, Scarboro, Gorham, and other towns. These fires and drought drove the inhabitants east of the Penobscot in search of grass for their stock, and in 1763 a permanent settlement was made at Machias, where they found hundreds of acres of marsh lands which had never known the mower's scythe.

**48. Cumberland and Lincoln Counties; Bangor.**  
—In 1760 the counties of Cumberland and Lincoln were created by the Provincial Legislature. The boundaries of Cumberland were nearly as they are to-day, but Lincoln embraced all the region north and east of the Androscoggin and as far east as the St. Croix. Shortly after this date English settlements began to be made east of the Penobscot; Bangor, about sixty miles from the sea, and at the head of ship navigation on this river, was settled in 1769. This town was known as Kenduskeag. At the time of its incorporation it was recommended that it be called Sunbury, owing to its pleasant location; but the Rev. Seth Noble, who was influential in obtaining the act of incorporation, took the liberty of substituting the name of his favorite tune, Bangor.

**49. Maine before the Revolution.**—Hardly had ten years elapsed since the horrors of Indian butchery had ceased, when the troubles arose with the Mother Country that resulted in the War of the Revolution and our independence as a nation. Acts of Parliament passed just previous to the Revolution, especially those restricting trade with the West Indies, were particularly disastrous to Maine, because the people in this section were so largely interested in commercial pursuits. Still, we find no lack of readiness on the part of her people to respond to the call for soldiers to defend the liberties of the colonies. When the English closed the port of Boston in 1774 the Falmouth meeting-house bell was muffled and tolled from sunrise to sunset. The gathering storm of British vengeance was soon to burst upon this doomed town, then a

beautiful and prosperous village, and soon it was laid in ashes.

Maine's first newspaper, published in Falmouth, January 1, 1755, was known as *The Falmouth Gazette*. Later this paper was a powerful agent in bringing about the final separation of Maine from Massachusetts.

**50. Capture of British Cutter at Machias.**—The inhabitants of Machias and vicinity were greatly opposed to the acts of the English; and, having received reports of the battle of Lexington about the same time that they received the proclamation of the Provincial Congress of Massachusetts authorizing and requiring them to make preparations for hostilities, they at once appointed a committee of safety and erected a liberty pole as a symbol of their approval of this document. In a few days *The Margareta*, a King's cutter, brought into Machias harbor two sloops to be freighted with lumber for the English at Boston. On the night of June 11, 1775, the patriots of the town seized a number of the British, "as they came from the meeting-house," and then took possession of the sloops. *The Margareta* did not fire on the town, but in the dusk of the evening dropped down the harbor, and the next morning proceeded on her voyage. She was pursued by Captain Jeremiah O'Brien and forty men in one of the captured sloops, and by twenty others from Machias in a schooner; and the cutter, being a dull sailer, was soon overtaken. An obstinate sea-fight took place; the captain of the cutter was mortally wounded and six of his men were injured. After an hour's resistance, the British flag was struck to Americans for the first time on the ocean.

**51. First Company Sent to War.**—Maine took no insignificant part in the Revolutionary War. The morning following the news of the battle of Lexington, a company of sixty men, armed and provisioned, left York for Boston, this being the first force organized in the State for the war. Falmouth, Biddeford, New Gloucester, and other towns soon fell into line and sent troops to the front.

**52. Arnold's Expedition.**—One of the most famous and unfortunate events of the Revolution was the Quebec expedition conducted through Maine, in 1775, by Col. Benedict Arnold. Maine contributed her full quota to this campaign. A number of men connected with this undertaking afterward became noted leaders in war and politics, among whom were Daniel Morgan, Aaron Burr, Henry Dearborn, and Jonathan Meigs. Maine lost a thousand men in the Revolutionary War, the flourishing town of Falmouth was laid in ashes, and her share of the public debt was greater in proportion to the population than that laid upon her by the Civil War.

**53. Lumbering Resources Attract Settlers.**—Soon after peace with England was declared, Maine became a region of great interest to those seeking homes in the new nation. Many were attracted by her great pine forests, which covered so large a portion of her area. Some of these pines were of such size that a yoke of oxen could be turned about on the stump, while they often towered to the height of 240 feet. It is not strange that these giants of the forest gave the name of Pine Tree State to our commonwealth.

**54. Portland Incorporated; the Bingham Purchase.**—In 1786 Casco Neck was set off from Falmouth and incorporated under the name of Portland. Up to this time only twelve towns had been laid out east of the Penobscot. To assist in developing this fertile region, and to help in filling her treasury at the same time, Massachusetts, in 1786, established a land lottery. This scheme provided for the disposal of the land included in fifty townships six-miles square between the Penobscot and St. Croix rivers. Two thousand seven hundred and twenty tickets were issued at £60 each, and each ticket entitled the holder to a prize, the lowest being a tract of land half a mile square. But so few of these tickets were disposed of that the scheme failed of its immediate purpose. Mr. William Bingham, of Philadelphia, purchased the large number of tickets remaining unsold at the time of the general sale, as well as most of the prize lots from those who had drawn them. This land, which he bought for 12½ cents an acre, he kept for speculation. He soon removed to England, where he died, and the Bingham Purchase, including over a million acres, was the property of his heirs for many years.

**55. Increase in Population.**—In 1790, the census of Maine showed that the population had increased to 96,540. In this year the counties of Hancock and Washington were formed from Lincoln County. Up to this date Maine had been entitled to but one representative in the General Court of Massachusetts, but in 1794 a new apportionment was made that gave her three members. The population increased steadily

during the next decade, but many troubles arose among the settlers in regard to titles to their lands, and so strong was the feeling of tenants against proprietors that at one time a surveyor was shot and killed by men disguised as Indians. The court, although unable to convict the men, reprimanded them so severely that no further trouble occurred in this direction.

**56. The Embargo.**—Hardly had order been restored when the Embargo Act of 1807 was passed, which proved a serious injury to this section of the country. The population had increased to 220,705, the yearly exports were upwards of \$800,000, while shipping amounted to 150,000 tons. This large investment in commercial industries was greatly crippled by the act, and great bitterness of feeling and loss of money followed its enforcement. Its early repeal restored prosperity in a measure to the State.

**57. War of 1812.**—During the War of 1812, Maine sent many of her sons to bear an active and honorable part in the struggle, while her coasts and rivers formed the scene of most important conflicts. The famous battle between *The Enterprise* and *The Boxer* took place at the mouth of the Kennebec in 1813, and in July, 1814, the first attack was made on Maine. Fort Sullivan, at Eastport, was surrendered to the British, and the next year Castine, whose early history had been one of frequent conflicts, was attacked. As these stations were but poorly garrisoned, they were forced to surrender, and the British gained control of the Penobscot River. Soon after this victory, a proclamation was issued declaring the region between

the Penobscot and Passamaquoddy bays to be a province of England.

**58. Castine under British Occupancy.**—During its occupation by the English, Castine became not only a center of trade, but a place of much gayety. Besides balls and parties, a theater was maintained during the winter by the British officers. The English evacuated the town in the spring of 1815, peace having been declared the previous December. They had held possession of the post eight months, and the citizens, who had suffered much during this time, celebrated their departure with great rejoicing and thanksgiving.

**59. Western Emigration.**—The years following the war were trying ones for Maine. Business declined, manufacturing decreased, and many citizens, attracted by the inducements held out by land owners in Ohio, emigrated to what was then known as the Far West. Nearly 15,000 of Maine's citizens left their homes to settle on lands west of the Alleghany Mountains, and this draft upon the population for a time checked her prosperity and growth. But after a few years, the tide turned, business revived, and the growth of Maine, while slow, has been steady since that time.

## CHAPTER IV

### INDIAN WARS AND RAVAGES

**60. English and French Modes of Treating the Natives.**—The dealings of the early English explorers and colonists with the Indians in Maine were not such as to make the natives trusting and trusty friends of the newcomers. Weymouth's treacherous seizure and carrying away of a party of them, was long remembered with bitter resentment. During the brief existence of Popham's colony at the mouth of the Kennebec, an event is said to have occurred that was fitted to intensify the feelings of distrust and hostility to which Weymouth's act had given rise. The men brought over to establish this colony were of the baser sort—criminals released from English jails. Once, while a party of Indians were holding friendly intercourse with them, these newcomers induced them to lay hold of the drag ropes and aid in drawing a cannon loaded to the muzzle with bullets; and, when they were all in line, one of these jail-birds touched a live coal to the priming, and the ground was strewn with corpses. The result was that the rest of the maddened Indians attacked the colonists, drove them to their ships, rushed into their fort, and blew it up with themselves in it. If this event did not occur, the spirit of which the story is an illustration was one frequently shown by the English in their earlier intercourse with the natives. On the contrary, the French strove to



win the confidence and friendship of the natives. Champlain, as early as 1609, had aided the Algonkins—to which great Indian family the Maine tribes belonged—to win a great victory over their long-time enemies, the Iroquois. Jesuit missionaries from France traversed the wilderness, slept in the Indians' wigwams, and established missions among them. French traders seeking furs found their way among them, and, in many cases, intermarried with them. Even the French Baron St. Castine had lived among the Abenakis on the Penobscot, taking the daughters of their chief, Modocawando, as wives. It is not strange, then, that in the wars between the French and English, in which the colonies always became involved, the Indians should be found acting as allies of the French, and that the English settlements in Maine should suffer from their attacks and ravages.

A brief statement has already been made of Indian attacks on the settlement at Pemaquid. Others equally savage and disastrous were made on other settlements. The settlers retaliated by attacking and destroying the Indian strongholds in Maine. Certain results grew out of this warfare between the Indians and the settlers that render a fuller account of some of the more important events worthy of attention.

**61. Fort Royal.**—In 1690 the English and French were engaged in the contest known in our history as King William's War, and the American colonies of both nations became involved. On the shore of Casco Bay, where Portland is now situated, was the little village of Fort Royal, with four block-houses forming a fort. A force of French and Indians had, in March,

ravaged with fire and sword one of the settlements upon the Piscataqua. News of this attack had reached the settlers in Maine, and those in the neighborhood of Fort Royal had flocked into the village. On the 20th of May there were one hundred men in the fort under command of one Captain Davis. Suddenly the report of a gun was heard, and a man was killed by a shot from the Indians. A party of thirty men under the command of Lieutenant Clark issued from the garrison to find the enemy, and received a volley from the savages. Every man of the party was killed or wounded, and only four succeeded in reaching the fort again, whither the settlers with their families at once fled for protection. Then followed a siege of the fort by five hundred French and Indians, lasting three days and nights. At last, trusting in the solemn pledges of the French commander that the inmates would be given quarter and allowed to march, with a guard for their protection, to the nearest English settlement, Captain Davis surrendered the fort. The gates were opened, the garrison gave up their arms, and then, despite the solemn pledges given, a horrid slaughter began. Men, women, and children were tomahawked and scalped, or taken into captivity. Only Captain Davis and four other men were spared, and they were carried away as prisoners through the wilderness to Canada. The settlement was utterly destroyed.

**62. Settlements in Western Maine Attacked.**— In 1703 France and England were again at war, and the American colonies became at length involved in the contest, which is known in American history as Queen Anne's War. At the breaking out of the war,

the English settlements hoped to be spared participation in it. The chiefs of the Indian tribes, from the Piscataqua to the Penobscot, had met Governor Dudley, of Massachusetts, in June, at Falmouth, a settlement which had been built upon the site of Fort Royal, and assured him that, though solicited by the French to take up the hatchet against the English, they had no thought of doing so. The settlers in Maine, trusting in these assurances, had kept at their usual vocations, and in the early days of August were harvesting their grain. But meanwhile the Indians had been preparing to fall upon and destroy the settlements from Casco Bay to Kittery. On the morning of August 10th the bloody work began. That night, between the Piscataqua and Casco Bay, one hundred and fifty corpses of men, women, and children lay slaughtered upon the ground; the embers of burned buildings that had been happy homes glowed feebly in the darkening night; and crowds of living men, women, and children were being carried into captivity. At Berwick five of the settlers were slain before they could find refuge in the fort, one was captured and burned at the stake, and a vessel was seized, the whole crew of seven falling victims to the fiendish rage of their captors. At Spurwink and Purpooduck, two settlements on Casco Bay, forty-seven persons were butchered and eight made captives. Three Indians appeared before the new fort at Falmouth, and by showing a white flag and making signs that they were without arms, induced Major March and two of his men to come out and talk with them, when, drawing forth their tomahawks from beneath their blankets,

they attacked them, while others concealed in ambush began shooting. Major March and one of the men fell mortally wounded, but by the aid of the other and of a party coming from the fort to their rescue, they were carried back into the fort before they could be scalped. The savages abandoned the siege at the end of a week of hard fighting.

**63. End of Queen Anne's War.**—Queen Anne's War was terminated in 1713 by the treaty of Utrecht. Hoping and trusting that the worst was over, and that peace had come to stay, the settlers who had escaped the tomahawk of the savages devoted their energies to rebuilding their destroyed homes, or to making new homes in the wilderness. But their hopes of continued peace and increasing prosperity were doomed to disappointment. The season of peace was fated to be brief. An insidious force was at work that was again soon to bring upon the settlements renewed sufferings and dangers from their savage foes. That force had its center of action in the very heart of the Maine wilderness.

**64. Ralé and his Mission at Norridgewock.**—In 1695 a French Jesuit named Sebastian Ralé had established a mission among the Norridgewocks, one of the Tarratine tribes, at a favorite fishing place of the Indians on the Kennebec, and about a hundred miles from the mouth of that river. At a point where the river makes a deep bend, on a broad and fertile intervale, an Indian village had grown up around the chapel which Father Ralé had built. For twenty-five years he had labored to convert the Indians to the Christian faith, and his patient labors had been

rewarded. Here in the heart of the wilderness was a Christian chapel, in which the dusky children of the forest worshiped the white man's God according to the rites of the Catholic faith. By his labors among the Indians, he had gained great influence among all the Algonkin tribes. So evident had been this influence that, in the beginning of Queen Anne's War, Governor Dudley, of Massachusetts, sent a force to seize him, but he had gone to Quebec and the attempt failed. The terms made in the treaty of Utrecht, by which Maine and all Acadia came under English control, were distasteful to him, and since the treaty he had not ceased to influence the Indians against the English settlers.

**65. Indian Attacks on Settlements.**—In August, 1720, perhaps owing to Ralé's subtle arts and influence, the Indians began a war upon the settlers by killing three men at Casco and ravaging that settlement. Later they fell upon the settlements on the lower Kennebec, captured a fishing sloop, and attacked Fort George on Arrowsic Island, burning twenty-six houses, and destroyed Brunswick. Everywhere from the Piscataqua to Nova Scotia, prowling bands of Indians slaughtered and scalped the English settlers, and disappeared as quickly as they came. It was of little use to chase these skulking marauders, who, in a few hours, would be far away to fall upon some other settlement. It was finally determined to strike a blow at headquarters, and such a blow as would put an end to this insufferable condition of affairs.

**66. Destruction of the Norridgewocks and Death of Ralé.**—On the 12th of August, 1722, the blow fell.

A band of two hundred stern and determined men under the command of Captains Moulton and Hanson, who had made their way stealthily through the wilderness, were that morning hidden in the woods upon the hills overlooking the village of the Norridgewocks. The plan of attack was quickly made. They divided into two parties and rushed down upon the village. The Indians, taken by surprise, made but a feeble resistance. Sixty of the warriors fired upon the invaders, but their aim was poor, and not one of the attacking party was killed. A return volley from the whites mowed the Indians down like grain before the reaper. The chiefs Mogg and Bomazeen were killed. The women and children were allowed to escape to the river and thence to the woods. The village and chapel were given to the flames. The power of the Norridgewocks was broken, and the tribe as such ceased to exist; its members who escaped were incorporated into other tribes. Peace and safety were thereby assured to the settlement on the Kennebec, and the way was opened for the planting of new settlements further up the fertile valley of that river.

**67. Chief Paugus and the Sokokis.**—But while the destruction of the Norridgewocks brought assurance of peace and safety to the settlements on the Kennebec, those on the Saco and west of that river were still in danger. The Sokokis tribe of Indians had their homes in the neighborhood of the present lovely village of Fryeburg. Their chief was Paugus, who, during the years of peace, visited the frontier towns of Massachusetts, and was well acquainted with the settlers; but his allegiance was to the French in

Canada, from whom he could always procure money and ammunition. He could easily make his way to Lake Winnepesaukee, and thence to the Merrimac, and fall upon the settlements upon that stream; he could descend the Saco and strike the settlements on its lower reaches; or, by short marches, he could make his way to the headwaters of the Piscataqua and strike the settlements in the neighborhood of its mouth. He chose the first of these courses, fortunately for the Maine settlements, and, in 1724, fell upon Dunstable, on the northern border of Massachusetts, killed two men and shot and scalped nine of a party of eleven who pursued him. Immediately Governor Dudley offered a bounty of £100 for every Indian scalp, and one Captain John Lovewell, of Dunstable—a man who knew all the haunts and ways of the Indians—organized a company to retaliate for the blow struck at Dunstable. In the late autumn, with forty picked men, Captain Lovewell marched up the Merrimac valley and along the southern shore of Lake Winnepesaukee. Here they found the tracks of Indians, and, following them through the day, they discovered ten of them just at sunset, around their campfire. They waited concealed till midnight, and then killed the whole band with a single volley from their rifles.

**68. Lovewell's Fight.**—But the final blow was to be struck on the soil of Maine. In April, 1725, Captain Lovewell with his company again marched up the Merrimac, crossed Winnepesaukee, and, leaving seven sick men at Ossipee, made rapidly for the headquarters of the Indians on the Saco. Nearing the Indian

village, they laid aside their packs, and, before moving on again, listened to a prayer offered by their chaplain, Jonathan Frye. In the midst of the prayer a gun was heard, and they saw an Indian crossing the little lake now known as Lovewell's Pond, upon whose wooded shore they stood. They were discovered, and all hope of taking the Indians by surprise was gone. Now they must either fight, probably at great odds, or retreat as best they could. But they were not men given to retreating when they saw danger fronting them, and they pushed on. Suddenly they came upon an Indian, whom they shot at sight, but who, before falling, shot and mortally wounded Captain Lovewell. This was a disheartening blow, and they retreated to the place where they had left their packs, to find them gone. They were now between two small brooks, and suddenly found themselves confronted by a hundred warriors, armed with new guns obtained in Canada. The Indians fired, and at the first volley seven white men were killed and several wounded. To escape being completely surrounded by their foes, the company retreated to the shore of the lake where, at the water's edge, no foe could get in their rear. There all day long the fight went on after the manner of Indian warfare, the combatants on both sides hiding from their foes, or slipping stealthily from tree to tree to get a shot at some unsuspecting enemy. At last Paugus fell before the rifle of Lieutenant Wyman, who was now in command. The Indians soon lost heart, and when night came stole away. It was a victory for the whites, but a victory dearly bought. Captain Lovewell and Chaplain Frye were



dead ; seven had been killed at the first onset of the foe ; three others were dying, and eleven were badly wounded. Their packs with their food had been seized by the Indians, and they were twenty miles from Ossipee, where they had left the seven sick men with other supplies. It was a sad, weary, and hungry little band that, after much suffering, found their way home. But they had won a victory whose results assured safety from further Indian ravages, and ushered in days of increasing prosperity and expansion for the settlements in western Maine, as well as those in Massachusetts. The Indians were weary of war, and were glad to sue for peace.

**69. Ultimate Effects.** — While the immediate effects of these Indian wars were bitter sorrows, loss of homes and property, and a retarding of the growth and prosperity of the settlements, the ultimate effects were good. A mutual dependence of settlement upon settlement, and colony upon colony, became more and more clearly recognized, and colonists and colonies became welded into that closer community of interests upon which so much was to depend when the final struggle came for National unity and life. The people learned in the struggle to defend their families and homes from the Indian's tomahawk and torch, and acquired a hardihood of character, a military spirit, and a readiness to make sacrifices for the common weal that descended to their sons, and stood them in good stead when the struggle for liberty came to be fought out on the battlefields of the Revolution. As the blood of the old-time martyrs was the seed of the Church, so the blood-

shed, the sufferings endured, and the sacrifices made by the early colonists in their contests with their savage neighbors, became seeds of the freedom and prosperity which we enjoy to-day. Through the hardships of those early days, God was preparing a people to carry forward His own great purposes for the good of the world.

## CHAPTER V

### THE GOOD OLD TIMES

It will serve as a relief to turn from the sombre and bloody aspects of the lives of our forefathers, as revealed in the last chapter, to the pleasanter aspects of their peaceful home and social life ; and it will be interesting for us, with our nineteenth century improvements and advantages, to look back two or three hundred years to see what our ancestors missed that we possess, and possibly to discover if we have lost anything of value in our rapid march toward what we consider a higher civilization.

**70. The Home.**—In the seventeenth century we find the houses built of logs, and, since there were few roads that they could face, they usually opened toward the south, so that the sun might cheer them in the absence of friends and neighbors. Inside these primitive dwellings there was always a great fireplace of brick or stone, four or six feet wide at the back. Here the children could sit as they watched the sparks fly up the capacious chimney, and, looking still higher, see the stars shining clear and bright above them. Within this fireplace were hung huge joints of pork, while from above were extended strings of apples and strips of pumpkin to be made into the traditional pie, of which all New Englanders are supposed to be especially fond. Opposite the fireplace stood the dresser, on which were placed the polished pewter

and the few crockery dishes which the times afforded. Long benches, settles, and stools took the place of chairs. There was always the little wheel with its distaff and spindle for spinning flax, and not far off was the larger wheel for wool and cotton. Here, with the help of the great hand loom, was woven cloth for blankets and outer garments, and webs of linen and cotton for other necessary articles of clothing.

**71. Dress.**—The people were too far removed from one another to care much for display of dress and fashion, preferring the simple and more comfortable accessories of life forced upon them by the conditions surrounding them. In summer the men had their tow-cloth suits for every-day wear, and in winter they were clad in woollen garments whose materials were shorn from their own flocks and woven in their own homes. The fabrics of which their clothing was made were colored; if of tow or linen, in dyes of domestic make; when of wool, most frequently black wool was mixed with white, for which purpose every flock had its one or more black sheep. For foot wear they had moccasins of dressed deer or moose hide, and with these, in the winter, they wore thick home-knit stockings, and, over the stockings, thick knitted leggings reaching to the knee. Their headgear in summer was usually a hat of braided straw, and in winter a cap made of some of the native furs. The dress of the women was also largely of home-made materials of finer quality and finish than that of the men. For Sunday wear both men and women of the common sort had special garbs of better material than for every-day wear, but mostly of

home manufacture. Some of the wealthier people, however, were able to dress in imported fabrics made into garments by the local seamstress, or, in rare cases, imported ready-made. Many of these conditions as to dress existed in the rural portions of Maine even well into the present century. There are men and women living to-day who, in their youth, rarely wore anything not wholly home-made, except, perhaps, boots or shoes made by the local shoemaker.

**72. Food.**—After the first year or two in any settlement, there was rarely a scarcity of food. The shores and inlets along the coast, and the rivers, inland ponds, and lakes, so swarmed with fish that little effort was needed to catch and cure in summer abundant supplies for the long winter. The forests abounded in deer, moose, bear, and grouse; water-fowl in great variety and almost countless numbers were to be found in their season frequenting the sea coves and marshes and the inland waters. So, when the newly cleared and fertile soil had produced its abundant crops of wheat, rye, barley, Indian corn, beans, and potatoes, and the new and industrious settler had gathered in his harvests, he had little need to look forward to failure of food supplies ere another crop could be harvested. Nor with these substantial were some of the luxuries of life wanting. Wild strawberries, raspberries, and blackberries sprang up and bore abundantly wherever the forests were cut away and the soil was left uncultivated; wild blueberries covered the bare hillsides and sandy plains; wild cranberries flourished in the lowlands along the coast, and in almost every open bog and meadow in the interior;

the sugar maple everywhere abounded in the upland forests, and had only to be tapped in the springtime to furnish material for the making of the finest sugar and syrup. Out of these products of sea and stream, of forest and field, the good housewives of the olden time concocted many a dainty dish, some of which have survived to the present, and are peculiar to New England. Of these are our Sunday morning baked beans and brown bread, the luscious pumpkin pie, the toothsome Indian pudding, and the dainty fish-ball. Our forefathers were, as a rule, a well-fed people.

**73. Modes of Travel.** — The earliest settlements were made along the coasts and rivers, and thence inland. Water communication between neighboring settlements for a long time was necessarily the only means by which intercourse was possible. The coast settlers used for travel row-boats for short trips, and sail-craft for longer journeys. The settlers along the rivers early recognized the peculiar merits of the Indian's birch-bark canoe and adopted it, or an imitation of it, in the canoe or pirogue made from the soft, buoyant, and easily-wrought white-pine log. In these swift little vessels, driven by paddle or setting pole, they made quick passage up, down, or across the rivers, as need or inclination required. Even the women and children learned to manage them with skill and to use them for needed conveyance. In the winter, however, when the rivers were frozen and covered with deep snows, their courses made broad roads along which the settlers could journey with their rude sleds or on snow-shoes. As new settlements were made inland from the coast and rivers, paths marked by

blazed trees at first connected them with older neighboring settlements. These paths later grew into roads, which were rude and rough at first, and fit only for foot or horseback travel or the passage of rude ox-carts, but, in the course of time, were used for the passage of gigs and wagons as these came into use. These early paths and roads were not laid out by skilled surveyors. They usually led over the higher lands, to avoid the swampy places, and, if to distant places, hill-tops were taken as guiding points in determining their course. When it became necessary to cross marshy places, the swamps were bridged by laying small logs crosswise side by side along the way. Some of these old roads are yet in use, leading straight over hill-tops whence wide views of farm and forest, of lake and river, charm the traveler; others, long disused and overgrown with later forest growths, are yet traceable by one who looks for them. These were called "corduroy" roads.

**74. Social Life.**—The early settlers were necessarily a busy people. The new settlements were no places for the idle and frivolous. To hew homes out of the wilderness, and fill them with comfort and plenty, demanded the constant and best efforts of men and women, and even of the children when they were old enough to work. This constant strain of effort, and the earnestness and soberness of spirit begotten by it, affected in a marked degree the social life of the people. Holidays of other than religious observance were practically unknown. Festivals of any sort were rare indeed. Yet there were occasions of relaxation from the ordinary strain of routine labor. The con-

ditions of life were such as to compel a mutual helpfulness, and make neighborhood gatherings frequent, giving opportunity for kindly social intercourse.

**75.** "Bees."—When one had a piece of work to do that could not be done by himself and his ordinary helpers as quickly as was necessary, he invited his neighbors to help him for a day or part of a day. Rarely did those bidden to one of these gatherings fail to respond to the invitation. These gatherings of neighbors for mutual assistance were known as "bees." When a new settler was to begin the opening up of a new farm by felling the trees, he made a chopping-bee. When a new building was to be erected, a raising-bee was made to put the frame in place. When the corn was ripened in the fields, husking-bees were had to fit it for storage in the crib. The women had their quilting-bees for making their bed furnishings, their carding and spinning-bees for the preparation of the materials to be woven into cloth, and sometimes their sewing-bees for the making up of the family raiment. Evening husking-bees and paring-bees for preparing the products of the field and orchard were especially popular with the young people.

**76.** Festive Features of the "Bee."—When the task set for performance at one of these bees was completed, a feast followed of such good things as were suitable to the season and the occasion. After the feasting a season was often devoted to sports—exhibits of physical strength and prowess when men only were assembled—or to neighborly chat and gossip when



only women were engaged. The husking-bees often, and the paring-bees usually, were had in the evening, and the period of work was followed by a period of festivity lasting well into the small hours of the morning, during which the young people engaged in a variety of social games. Many a happy marriage followed in due time the courtship begun at the paring or husking-bee.

**77. Visiting.**—But the social side of life in those early days did not manifest itself wholly in these gatherings for mutual help. The earlier settlements in Maine grew so slowly into large communities that it was long before such conditions existed that the people, in any one of them, became separated into distinct neighborhoods and social groups. Instead, such a community of local and mutual interests existed among all the people of the settlement that everybody knew everybody else and stood on a certain level of association with everybody else. Informal social visits of neighbor upon neighbor were, therefore, not infrequent, especially with the women. It was a customary thing for a good housewife to visit some neighbor for an afternoon, taking with her such work as she could conveniently carry. Sometimes a group of neighbors would visit one of their number on invitation “to spend the afternoon and stay to tea,” as the customary phrase was. On such occasions it was no uncommon thing for the visitors to carry with them their own cups and saucers, and some of them their little wheels and distaffs or other implements and kinds of work, that the hours might be improved while they chatted of neighborhood happenings or of their own

affairs. Frequently, on such occasions, the husbands were invited to "come and spend the evening"; and then affairs of church and parish were talked over, and stories were told by those having the story-teller's gift. By nine o'clock "good-nights" had been said, and the visitors were on the way to their several homes; for in those early days the people practiced the rule of "early to bed and early to rise."

**78. What We Have Inherited.**—Such, in brief and imperfect outline, were the "good old times" of the early colonial days. Contrasting them with the conditions of the present, the lives of the early settlers seem to have been full of hardship and toil, and barren of much that we to-day deem essential to our happiness. But in those hard, toilsome lives were the beginnings of many of the best things in ours. The earnestness and persistence of purpose which they must have possessed to make them conquerors of the wilderness, and which grew in strength as they mastered untoward circumstances, have descended to their children's children, and made Maine's sons and daughters, wherever found, influential in every sphere of life and activity. That need of mutual helpfulness to which early conditions gave rise, and which gave tone and character to their social life, begot in them a spirit of neighborly kindness and fellowship that yet survives in their descendants as a marked characteristic in Maine men and women, making them quick to fraternize with one another whenever and wherever they meet when away from the State of their birth. And all those seemingly hard conditions, compelling toil, frugal, healthful living, and careful forethought

for the future, conspired to develop in them a physical, mental, and moral sturdiness and self-reliance that have descended as a valuable heritage to their posterity, and that we shall do well not to suffer the easier conditions of the present to impair.

## CHAPTER VI

### MAINE AS A STATE

**79. Separation from Massachusetts.**—The question of separation from Massachusetts was first agitated in 1785, and renewed with increased energy in 1816. A large number of petitions from towns and individuals were presented to the General Court of Massachusetts, asking for a division. Many meetings were held, the question was generally discussed, and finally, on August 24, 1819, the matter was decided in favor of the petitioners, and a call was issued for a convention to organize a State and draft a constitution. The convention met at Portland, October 11, 1819, completed its duties in a comparatively short time, and submitted to the people of the State a constitution that was adopted by a large majority of its voters. Application for admission as a State was made to Congress, and on March 3, 1820, Maine took her place as the twenty-third State in the Union. At this time the population was 298,335, an increase in ten years of nearly 70,000 souls. The new State included 236 towns contained in nine counties.

**80. Reorganization of Counties.**—The entire territory of Maine as ceded to Gorges by Charles I. in 1639 had been annexed to Massachusetts in 1658 and called the County of Yorkshire, which name was retained until 1760. It was then divided into the three counties of York, Cumberland, and Lincoln.

Cumberland originally embraced Androscoggin, Franklin, and parts of Oxford, Kennebec, and Somerset. Lincoln afterward gave some of its territory to form Washington, Hancock, Kennebec, Waldo, Androscoggin, Sagadahoc, and Knox counties. Hancock County, incorporated in 1789, was named for Governor Hancock of Massachusetts. Portions of it were taken in 1816 to form Penobscot, and in 1827 to form Waldo. In the same year Washington County was incorporated. It formerly embraced Aroostook. Kennebec County, incorporated in 1799, gave four-fifths of its territory to Somerset in 1809; Waldo took four towns from its eastern part in 1827; Franklin five towns from its northwestern part in 1838, and Androscoggin four towns from its western part in 1854. Oxford, originally the northern part of York and Cumberland, was incorporated in 1805. Somerset, formerly the northern portion of Kennebec, was incorporated in 1809. Portions of it have been given to Franklin, Piscataquis, and Aroostook. Penobscot, originally a part of Hancock, was the ninth and last county incorporated (1816) before the separation from Massachusetts.

**81. Counties Organized since 1820.**—Waldo, formerly a part of Hancock and named for General Waldo, was incorporated in 1827. Piscataquis, formed partly from Somerset but more largely from Penobscot, was incorporated in 1838. In 1844 nearly sixty townships were set off and annexed to Aroostook. Franklin, formerly included in Cumberland, and afterward a part of Kennebec, was incorporated in 1838. Aroostook, originally a part of Penobscot and Wash-

ington, was incorporated in 1839. It was enlarged in 1843 by additions from Penobscot, and in 1844 from Piscataquis and Somerset counties. Androscoggin, formed from Cumberland, Oxford, Kennebec, and Lincoln counties, was incorporated in 1854. Sagadahoc, formerly embraced in Lincoln County, was incorporated in 1854. Knox was formed from Lincoln and Waldo, and named for Gen. Henry Knox, the friend of Washington, whose residence was at Thomaston. It was incorporated in 1860.

**82. Division of Lands and Property.**—By the Act of Separation, the State lands were to be equally divided between Maine and Massachusetts. Maine was also given her proportional part of the military property of the State, and a guaranty of one-third of all moneys which should be repaid by the National Government on account of war expenses.

**83. First Election and Governor.**—The first State election was held on the first Monday in April, 1820. William King was elected Governor of Maine by a practically unanimous vote. He resigned his office before the expiration of his term, having been appointed Commissioner on Spanish Claims by the National Government. The President of the Senate, William D. Williamson, the historian of Maine, completed King's term of office.

**84. Location of Capital ; State Seal.**—For twelve years after Maine became a State its capital was Portland. The seat of government was removed to Augusta in 1832, in which year the Legislature held its first session in the new State House, a fine building, constructed of granite quarried from the neighboring hills, and

erected at a cost of \$125,000. The adoption of a State seal was one of the first things to come before the Legislature at its first session. The moose and the pine, both monarchs of our forests, were chosen as central figures, while the farmer and the sailor, together with a scythe and an anchor placed on either side, suggest the occupations of the people and our resources on sea and land. Above was the north star, emblematic of Maine's position in the constellation of States, and over all the motto "Dirigo" (I lead).



**85. Question of Boundary.** — Hardly had the State completed its organization and set the machinery of government in running order, when the question of the northeastern boundary \* became a source of much anxiety. This boundary, as it was under-

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\*This boundary, so far as it separated Maine from the British provinces, was defined in the Treaty of Peace made between Great Britain and the United States in 1783, in the following terms: "From the northwest angle of Nova Scotia, viz., that angle which is formed by a line drawn due north from the source of Saint Croix River to the Highlands; along the said Highlands which divide the rivers that empty themselves into the river St. Lawrence, from those which fall into the Atlantic Ocean, to the northwesternmost head of the Connecticut River, etc." Below the angle" the description ran: "A line to be drawn along the river St. Croix from its mouth in the Bay of Fundy to its source," etc. The indefiniteness of the line beyond the St. Croix very naturally gave rise to conflicting claims; hence, in the Treaty of Ghent, 1814, provision was made for a commission to settle the questions in dispute; and it was further provided that, in default of action by said commission, the matter should be referred for final settlement to "a friendly sovereign or State."

stood in the United States, gave one-half of the St. Johns River to Maine, and a considerable territory lying to the north and between it and the St. Lawrence River. Great Britain, on the other hand, claimed the whole of that river, including both banks, and demanded all the land above the 46th degree of north latitude, which claim embraced about one-third of what was supposed to be the territory of Maine. In 1829 the disputed question was referred to the King of the Netherlands as an arbitrator, who attempted to split the difference by running a line between the one demanded by England and that claimed by Maine. This compromise was indignantly refused by the State, the United States Senate declined to ratify the decision, and so the question was no nearer settlement than at the start. According to the British claim, all the beautiful valley of the Aroostook, "the Garden of Maine," was a part of Canada, and England proceeded to exercise authority over it. This disputed territory was destined to become the scene of the famous "Aroostook War" of 1839.

**86. The "Aroostook War."**—The immediate cause of this war was the "plundering" of timber from the public lands of Maine by trespassers from New Brunswick. These depredations became so extensive that the Legislature took measures to dislodge the invaders. The land agent of the State, with two magistrates, proceeded to this region, where they attempted to carry out the instructions given them, and while doing so were captured and turned over to the authorities of New Brunswick as prisoners. This aroused public sentiment, and the Legislature author-



ized Governor Fairfield to protect the public lands, appropriated \$800,000 for that purpose, and ordered a draft of 10,000 men. The National Congress also passed a bill which justified the action of Maine in repelling the invasion, authorized the President to raise 50,000 volunteers for six months' service, and appropriated \$10,000,000 to defray military expenses. Meanwhile New Brunswick troops and British regiments were marching to the disputed territory.

**87. A Temporary Settlement.**—General Scott, of the United States army, with his staff, arrived in Augusta on the 6th of March, 1839, and immediately entered into correspondence with Governor Harvey, of New Brunswick, with a view of averting actual hostilities. As a result of this conference, Governor Harvey pledged himself not to take military possession of the territory or endeavor to expel from it the troops of Maine. On the other hand, Governor Fairfield agreed not to disturb any of the New Brunswick settlements in that region, and to permit uninterrupted communication between New Brunswick and Canada.

**88. Permanent Settlement.**—This compromise resulted in a peaceful settlement, and the prisoners on both sides were released. But the real question in dispute, the boundary line, was not finally settled until 1842, when, by a treaty negotiated by Daniel Webster and Lord Ashburton, Maine surrendered a considerable tract of her rightful possessions, and the boundary line was established as it now exists. Maine and Massachusetts each received from the General Government \$150,000. While Maine accepted this sum to reimburse her for the expense she had incurred

during the troubles, she refused to admit that it was received as the price of the territory she had lost.

**89. Aroostook County Organized.**—The settlement of the boundary line insured peace and safety to the State, and almost immediately a new county in the disputed region was erected, known as Aroostook. The territory included in the new county had, previous to this, formed a part of Penobscot and Washington counties. The region was remarkable for its fertile soil and valuable timber lands. These advantages attracted settlers, and at the present time it is one of the most prosperous portions of the State.

**90. Adoption of Prohibition.**—In 1846 the first law prohibiting the manufacture and sale of intoxicating liquors was passed. Since that time Maine has continued steadfast in the faith, and is known throughout the world as a State that has tested, for half a century, the wisdom of the policy of controlling a great evil through prohibition.

**91. Maine in the Civil War.**—In the Civil War, Maine responded nobly to the President's calls for troops. Throughout the length and breadth of our State, in the secluded valley and on the rugged hillside, the one feeling was that "the Nation must and shall be preserved," at any cost. No town was so obscure, no community so destitute, that it could not contribute its share of men and money for the defense of the common weal and the Nation's flag. From the time of the first call for troops until the close of the war, the sons of Maine were found wherever brave hearts were needed or desperate fighting was to be done. Never did the faith of the men and women of Maine fail

them; nor did they falter in their allegiance to the cause to which they had given their allegiance. The record won by Maine troops has become the glory of our State, and the names of Howard, Chamberlain, Berry, Connor, Jameson, and a host of others, are written in indelible letters in the lists of the Nation's most honored defenders.

**92. Statistics.**—The population of Maine in 1860 was 628,279. The whole number of soldiers furnished was 72,845. The total loss in service was 7,322, being more than ten per cent. of all the troops enlisted by the State. So great was the drain for the service of the Nation that in 1870 Maine's population had decreased 1,364. During the next ten years, however, this loss was more than recovered, and in 1880 it had gained 22,021, making the population at this time 648,936. The census of 1890 showed the population of the State to be on the increase. The returns credited Maine with 661,086 inhabitants.

**93. Swedish Immigration.**—Before the outbreak of the Civil War the question of inviting Scandinavian immigration to our State had been discussed, but it was not until 1869 that any definite action was taken. In this year Hon. W. W. Thomas, Jr., of Portland, who had been United States Consul to Sweden, and was familiar with the manners, customs, and language of that people, was appointed Commissioner of Immigration, with instructions to visit Sweden, recruit a colony, and settle them on a township in Aroostook County set apart for that purpose. So well did Mr. Thomas discharge his trust that, on the 23rd of July, 1870, a company consisting of fifty-one men, women,

and children arrived in the strange land that was to be their home. The State engaged to give to each head of a family one hundred acres of land, to fell five acres of trees, and to build him a comfortable log-house. As it was particularly stipulated that only persons giving the most satisfactory credentials for uprightness of character, as well as for industry and skill in manual labor, should be admitted to this colony, ample assurance was given that the strangers within our gates were destined to become an important element in our population, and that the success of the enterprise was assured from the beginning.

**94. Prosperity of the Colony.**—So well pleased were these people with the reception given them, and with the perfect faith kept with them by Mr. Thomas and the State, that letters were soon sent to friends in Sweden urging them to join the emigrants in their adopted country. During the next few years, large numbers were added to the colony, until every available lot in New Sweden, as they had named their little settlement, was taken. Ten years after the first company arrived, their numbers had increased to 517 souls. These people have readily adopted the manners and customs of our citizens. They are successful farmers, skillful mechanics, and distinctively a moral and religious people. They are honest, industrious, and thrifty, and, by their intelligent labor and unswerving loyalty to their adopted country, have made what was but a wilderness one of the most flourishing and valuable parts of the State.

## CHAPTER VII

### RELIGIOUS AND EDUCATIONAL DEVELOPMENT

**95. Religious Purpose of Gorges.**—While it is true that the early settlers of Maine were not moved to found colonies beyond the seas by a great religious sentiment, as were the Puritans of Massachusetts; and while it is an undeniable fact that law, order, and morality were sometimes violated in some localities, yet it is nevertheless true that it was one of the objects dear to the heart of Sir Ferdinando Gorges to lay an enduring foundation for the English Church in this part of the New World, in which he was so deeply interested, and that to some extent success crowned his labors.

**96. Puritan Form of Worship; Persecution.**—After Maine became a province of Massachusetts, she adopted to a considerable extent the Puritan form of worship. It had been promised that she should have entire religious freedom, but this pledge was not kept; for it is recorded that the Rev. Robert Jordan, the only Episcopal minister in the province at the time, was prosecuted for baptizing children, while Baptists and Friends were fined and forced to submit to the indignity of public whippings. After Charles II. came to the throne, he forbade Massachusetts to interfere in religious matters within the territory under her jurisdiction.

**97. Presbyterians and Lutherans.**—In 1729 Col. David Dunbar brought a large number of Scotch-

Irish from the north of Ireland, who formed a settlement between the Kennebec and Penobscot rivers, in the region called the Province of Sagadahoc. These people were Presbyterians in religion, and were most desirable citizens. About the same time Samuel Waldo founded the town of Waldoboro', which was settled by Lutherans from Germany.

**98. Whitefield's Preaching.**—The religious sentiment of Maine was greatly aroused, and new life breathed into it, through the preaching of the great evangelist, George Whitefield, in 1741. In 1745 he visited York, Wells, Biddeford, and Scarboro'; also Falmouth and North Yarmouth. Wherever he went crowds flocked to hear him and were impressed with his great earnestness and power of persuading his listeners to accept his doctrines.

**99. Moody.**—Rev. Samuel Moody was one of the most noted and useful ministers in Maine. He was pastor of the First Parish of York from about 1700 until his death in 1747. He refused to receive a stipulated salary, preferring to be supported by voluntary contributions. He was faithfully provided for by his people, and at his death his funeral expenses were paid by the church, and his widow was allowed £40 "to enable her to go into mourning."

**100. Puritan Method of Worship.**—The Puritan's preaching was exceedingly grave and severe, treating of God's wrath rather than His love. The method of worship was nearly the same as now, but instead of our comfortably-cushioned, well-warmed, luxurious churches, the people were forced to sit in roughly-built, unplastered houses, with no warmth

save what came from little foot stoves filled with wood coals, which some of the women carried with them to church, and which could not have added to the purity of the atmosphere. The Puritan minister always wore a black gown and flowing wig in the pulpit, and his manner was serious and dignified. The services were from two to three hours long, and sometimes it became necessary to awaken the tired and sleepy children by administering a rap on their heads with the end of a long staff, which the tithing man carried for that purpose. The women were treated with more consideration, and only had their faces tickled with the feathers placed on the other end of the staff. Later on the Congregational form of worship took the place of the Puritan, and from that day to this not only that sect, but all others, have found a field for their labors in our State. There are but few communities where the "sound of the church-going bell" is not heard, and Maine has been able to number among her ministers some of the best minds and noblest workers in the land.

**101. Education ; Public Schools.**—While it must be gratifying to every native of Maine to know that its citizens have used and prized the privileges of the church, it is no less encouraging to learn that the matter of the education of the young has been a subject which has been dear to the hearts of our people. In the thinly settled portions of the State, and in its villages and cities, there has ever been a strong sentiment in favor of the public school. All classes have been willing to give of their time, influence, and money to the founding and maintaining of this institution,

and Maine has a right to feel a just pride in the work which her schools have done. They have trained the boys and girls to become men and women who have had the sturdiness and intelligence that have fitted them to take positions of responsibility and usefulness in most of the States of the Union. The quality of blood which they received from their ancestors, and the training which they had in the "little red school-house," or its more pretentious companion, developed a body of men and women of such character that they have not only reflected credit upon the State, but have done a large share of the intellectual work of the Nation.

**102. Founding of Bowdoin College.**—As early as 1794, while Maine was still under the control of Massachusetts, a charter was obtained for the establishment of Bowdoin College, at Brunswick. This college received its name from James Bowdoin, great-grandson of Pierre Baudouin, a French Protestant who left his own country to escape religious persecution, and settled in Falmouth. His oldest son, James, was a merchant and accumulated a large fortune. His son, James Bowdoin, was born in Boston, and was elected Governor of Massachusetts. He was greatly interested in science and literature, and was a patron of education. He died in 1790, and it was soon after decided to give his name to the proposed college. Hon. James Bowdoin, the only son of the late governor, and the third to bear the name, promised the new college help from the family, and in 1794, he gave it \$1,000 in money and 1,000 acres of land in Bowdoinham, valued at \$3,000. The next year he gave \$3,000



more, and before his death in 1811 transferred a tract of 6,000 acres of land in Lisbon to the institution. At his death he left to the college a valuable library of 2,000 volumes and as many pamphlets, a collection of minerals, a fine gallery of 70 paintings, and 142 drawings.

**103. Opening and Growth of the College.**—In September, 1802, the college opened, with Rev. Joseph McKean as president and John Abbott, a graduate of Harvard, as first professor of ancient languages. Eight students were in attendance. In 1805 the department of mathematics and natural philosophy was established, with Parker Cleaveland in charge. He distinguished himself and added honor to the college by his "Elementary Treatise on Mineralogy and Geology," to which subjects he had devoted much study. In 1820 the Medical School of Maine was established by the Legislature and put under the control of the college. Professor Cleaveland was appointed professor of chemistry and materia medica and secretary of the Medical Faculty. At the commencement of 1806 the seven students who had completed the course received diplomas. This was the last, as it was the first, commencement at which President McKean presided. He died in 1807, after a painful illness extending through a number of years. President McKean was a man of fine character and unusual executive ability, and his brief administration was of great value in starting the college on its career of distinguished success and usefulness. In 1824 Alpheus S. Packard was appointed professor of ancient languages and classical literature, and filled the position

with unusual ability for forty-one years. In 1825 a professorship of modern languages was established, and Henry W. Longfellow was the first man to fill the chair. After traveling and studying abroad, he entered upon his duties in 1829, and proved a most valuable and enthusiastic instructor. It is believed that, under Professor Longfellow, Bowdoin was the first of New England colleges to give prominence to the study of the modern languages. It is impracticable to trace the history of this college in detail, or to name the many men who, by their ability and untiring devotion to our first higher institution of learning, won a high place in our nation's history.

#### LIST OF PRESIDENTS.

Rev. William McKeen, from 1802 to 1807.

Rev. Jesse Appleton, from 1807 to 1819.

Rev. William Allen, from 1819 to 1839.

Rev. Leonard Woods, Jr., from 1839 to 1866.

Rev. Samuel Harris, from 1866 to 1871.

Hon. Joshua L. Chamberlain, from 1871 to 1883.

Rev. William Dewitt Hyde, from 1885 to the present time.

**104.** **Founding of Colby University.** — Colby University, the second college established in the State, was opened at Waterville in 1818. In 1810 the Baptist Association of Maine proposed "to establish an institution in the District of Maine for the purpose of promoting literary and theological knowledge," and a committee was appointed to petition the General Court for a charter. In 1813 an act was approved by the Governor of Massachusetts incorporating the Maine Literary and Theological Institution of Waterville.

**105. Opening and Growth.**—After many difficulties, instruction under the auspices of the college was first given in a private house by Rev. Jeremiah Chaplin, who had accepted the professorship of theology, the students being those who had been studying for the ministry under him at Danvers, Mass. Work on the buildings was immediately begun, and, at the first session of the Legislature after Maine became a State, collegiate powers were granted to the institution. Mr. Chaplin was chosen president, Rev. Avery Briggs, professor of languages, and Rev. Stephen Chapin professor of theology. In 1821 the name of the institution was changed to Waterville College. In 1822 the degree of A.B. was conferred upon two graduates. In 1827 a chair of mathematics and natural philosophy was established; a department of rhetoric and Hebrew was added in 1831; and a department of chemistry and natural history in 1836.

**106. Endowment and Change of Name.**—The college found it difficult to maintain its existence down to 1864, when Gardiner Colby, of Newton Center, Mass., offered to contribute \$50,000 as an endowment if an additional \$100,000 could be raised. The condition was soon complied with, and in 1866 the college was established on a secure foundation. In 1867 the name of the institution was again changed, by an act of the Legislature, and became Colby University. In 1871 the University opened its doors to women on equal terms with men, and it is believed that in this college at least co-education need not be considered an experiment.

## LIST OF THE PRESIDENTS OF THIS INSTITUTION.

- Rev. Jeremiah Chaplin, from 1822 to 1833.  
 Rev. Rufus Babcock, Jr., from 1833 to 1836.  
 Rev. Robert E. Pattison, from 1836 to 1839.  
 Rev. Eliphaz Fay, from 1841 to 1843.  
 Rev. David N. Sheldon, from 1843 to 1853.  
 Rev. Robert E. Pattison, from 1853 to 1856.  
 Rev. James T. Champlin, from 1856 to 1872.  
 Rev. Henry E. Robbins, from 1872 to 1882.  
 Rev. George D. B. Pepper, from 1882 to 1889.  
 Albion W. Small, Ph. D., from 1889 to 1892.  
 Rev. B. L. Whitman, from 1892 to 1896.  
 Rev. Nathaniel Butler, from 1896 to the present time.

**107. Founding of Bates College.**—Bates College, at Lewiston, grew out of the Maine State Seminary, which was chartered by the State in 1855. Its primary aim was to provide a denominational college for the Free Baptists of New England. The college was opened in 1863, but its charter was not granted by the Legislature until the next year. Rev. Oren B. Cheney was the founder of the college, and for more than thirty years was its efficient president. Doctor Cheney devoted himself with tireless zeal to soliciting gifts and bequests.

**108. Endowment and Growth.**—Mr. Benjamin E. Bates, in 1863, offered the college \$25,000 if its friends would raise \$75,000 more, and in 1864 \$75,000 more if they would raise an additional \$25,000, thus making his gift \$100,000. In recognition of his liberality, the trustees voted that the college should bear his name, and in 1864, by act of the Legislature, the name became Bates College. Through the united efforts of Doctors Cheney and Chase sufficient funds were secured to give the college an income that

placed it on a safe foundation. Bates College takes great pride in the fact that it was the pioneer of co-education in New England. Dr. Cheney resigned his position in 1894, when Dr. George C. Chase became president, which position he still fills.

**109. Founding of the University of Maine.**—The Maine State College of Agriculture and the Mechanic Arts was established in pursuance of an act of Congress passed in 1862. After the State Legislature had accepted the conditions, the question remained whether the Maine institution should be independent or should be united with one of the existing colleges. Finally the Legislature decided in favor of the former, and in 1866 the Board of Trustees voted to locate the college at Orono, on a farm of 375 acres, which was given to the State by the towns of Orono and Old Town. The first year the faculty consisted of Prof. M. C. Fernald, with Samuel Johnson as farm superintendent. Rev. Charles F. Allen was chosen the first president in 1871, and held that office until 1878. In 1879 Prof. Merritt C. Fernald was elected president and served until 1893, when he was succeeded by Dr. Abram W. Harris. In 1897, by an act of the Legislature, the name of the institution became the University of Maine.

**110. Bangor Theological Seminary.**—The Bangor Theological Seminary was founded under the name of the Maine Charity School, and opened at Hampden, in 1816, under the charge of Jehudi Ashman. It was removed to Bangor in 1819. Numerous generous bequests have placed the seminary on a permanent financial basis. Among the professors of Bangor

Seminary have been many prominent leaders of religious thought.

**111. Cobb Divinity School.**—The institution now known as the Cobb Divinity School was founded in 1840, in Parsonsfield, Maine. In 1842 it was moved to Dracut, Mass. In 1844 it was transferred to Whitefield, N. Y. In 1854 the school found a home in New Hampton, N. H., and in 1870 it was established in Lewiston. In 1888, in recognition of a gift of \$25,000 by J. L. H. Cobb, Esq., the present name was assumed.

**112. Normal Schools: Farmington, Castine, Gorham.**—In 1863 an act was passed by the Legislature authorizing the establishment of two normal schools, one in the eastern and one in the western part of the State. The first school was located at Farmington, in 1863, with Mr. Ambrose P. Kelley as principal. He was followed by Mr. George M. Gage, who was principal until 1868, when Mr. Charles C. Rounds acted in that capacity until 1885. Upon his resignation Mr. George C. Purington was elected principal. The second normal school was located and opened in 1867 at Castine, with Mr. G. T. Fletcher as principal. In 1879 he was succeeded by Mr. Roliston Woodbury, who died in 1888. Since that time the school has been under the care of Mr. Albert F. Richardson. In 1878 a third normal school was established at Gorham, and was opened in 1879, with Mr. W. J. Corthell as principal.

**113. Madawaska Training School.**—To meet the urgent needs of the northeastern part of the State, the Madawaska Training School was opened in 1877.

At first the school alternated between Fort Kent and Van Buren, and later between Fort Kent and Grand Isle, but in 1887 it was permanently located at Fort Kent. This school has done a great service in training teachers. It was under the care of Mr. Vetal Cyr from its foundation until his death in September, 1897.

**114. Academies, Seminaries, etc.**—There are many academies, seminaries, and free high schools in the State, the most of which are doing excellent work. These schools are so evenly distributed throughout the State that it is hardly necessary for our young people to leave their homes to fit themselves for many positions in life or for a college course.

**115. Public Schools.**—The State appropriates something over half a million dollars each year for instruction in its public schools. This supplements a still larger sum appropriated by the various municipalities. The aggregate of these two sums for the year 1896 was about \$1,750,000. These schools are under the charge of a State superintendent and the superintending school committees and superintendents of the several towns. In all the cities, and in some of the larger towns, the graded school system has been introduced.

## CHAPTER VIII

### DISTINGUISHED MEN

Maine's greatest wealth and pride lies in the noble men and women who have lived, served, and died in this far-off Pine Tree State.

**116.** Sir William Phipps.—It may be a bit of forgotten history that the first royal Governor of Massachusetts, Sir William Phipps, was a native of Maine. The peninsula formed by Monseag and Sheepscott bays, which was bought for a hogshead of corn and thirty pumpkins, and now called Woolwich, was his birthplace. The early historian, Sullivan, says: "Sir William Phipps was a man of great enterprise, industry, and firmness. Like Julius Cæsar, he knew how to distinguish difficulties and impossibilities; the former he was ready to encounter on proper motives, the latter he had too much understanding to attempt." It was this spirit of enterprise, doubtless, which enabled him to seek successfully the sunken treasure of the Spanish galleon wrecked on the Bahamas. His unusual ability to surmount difficulties made him a tower of strength to Maine, and enabled him to rebuild, when others declared it impossible, the fort at Pemaquid, which was a formidable barrier against the savages and a safe refuge for the settlers. As a military commander, he succeeded at Port Royal in 1690, but failed at Quebec the same year. He died in London, February 18, 1695.



**117.** Sir William Pepperell.—Sir William Pepperell, whose name is associated with the early history of Maine and Massachusetts, was born in Kittery, June 27, 1696. His father was engaged in the fishing trade, and took his son into partnership with him when he was quite young. He was only twenty-one years of age when he was appointed captain of a company of cavalry, and at thirty was made colonel. This promotion placed him in command of the militia of Maine, and no man was more prominent than he in all the preparations for one of the long wars against the French and Indians. He had unequaled influence in procuring volunteers, and advanced £5,000 from his own fortune to aid the Government. He was chosen commander of the army that invested and reduced Louisburg, and on June 17, 1745, he marched into that town at the head of his victorious troops. Pepperell was created a baronet for his brave and valuable services. Soon after peace was declared in 1748 he retired from business, being the richest man in the Colonies at that time. His estate was so large that he could travel more than thirty miles in a straight line on his own territory. His house at Kittery was elegantly furnished, and he entertained in a hospitable and royal manner. He had a retinue of servants, a coach and six, and a barge manned by a black crew in showy uniforms. He was generous in his dealings with all persons, dressed in scarlet cloth trimmed with gold lace, and wore a wig, following the fashion of the times.

**118.** James Sullivan.—James Sullivan, who wrote the first history of Maine, was born at Berwick,

April 22, 1744. He practiced law in Biddeford, and in 1770 was appointed King's Attorney to York County. He took a prominent part in the Revolution, and was a member of the Provincial Congress of Massachusetts in 1775. In 1776 he was appointed Judge of the Supreme Court of the State, and resigned that position in 1782. In 1779-1780 he was a member of the State Constitutional Convention, and in 1784 and 1785 a delegate from Massachusetts to the Continental Congress. He repeatedly represented Boston in the State Assembly, and in 1784 was appointed a commissioner to manage the State's claims to Western lands. He was elected Governor of Massachusetts in 1807, and was re-elected in 1808. Harvard conferred upon him the degree of LL.D. He died in Boston, December 10, 1808.

119. Commodore Preble.—Edward Preble was born in Portland, August 15, 1761. He began a seafaring career at the age of seventeen on a privateer; in 1779 he was captured in *The Protector*, and sent to *The Jersey* prison ship in New York. After the peace of 1783 he cruised around the world in the merchant marine. On the organization of the navy in 1799, he was one of the first five persons to be commissioned lieutenants, and was soon promoted to the rank of captain. In 1803 he commanded *The Constitution*, and the squadron to operate against the Barbary States. During this voyage he conducted six spirited attacks, in which three Tripolitan vessels were captured and the same number sunk. His successes resulted in the treaty of peace signed June 3, 1805, by which the United States was exempted from

the tributes exacted of Christian nations for centuries for the protection of their commerce from piratical depredations. Commodore Preble was the first officer to receive a vote of thanks from Congress after the adoption of the Constitution. In 1806 Jefferson offered him a seat in the Cabinet, but feeble health prevented his acceptance. He died in Portland, August 25, 1807.



GENERAL KNOX.

**120. General Knox.**—Gen. Henry Knox, the first Secretary of War, resided for many years in Maine. He resigned his position in the Cabinet in 1794, and built a fine house on the ancestral estate of his wife in Thomaston, where he lived in a manner becoming his rank until his death in 1806.

**121. Governor Andrew.**—Coming down to the present century, we can claim Governor Andrew, of whose name and fame Massachusetts is so justly proud, as a native of the little town of Windham. It is true that he, like many others, found his place of usefulness and greatness outside of our State; yet many of these same men have borne cheerful testimony to the fact that their success was largely due to the inheritance of fiber, quality of training, and character

of inspiration which they received before leaving the State.

**122. Governor King.**—Our first governor, William King, was a man of great strength of mind and nobility of character, combined with superior business



GOVERNOR WM. KING.

abilities, which fitted him peculiarly for the position of ruler over a newly-organized State, and later to fill so acceptably the position of Commissioner on Spanish Claims. He resided for several years in Topsham, and removed afterward to Bath, which was his home until his death in 1852.

**123. Hannibal Hamlin.**— It has been said that something in our atmosphere develops a quality of astuteness that has given our statesmen remarkable influence in the councils of the Nation. Among those who have helped to make Maine's history, and caused our State to be known and honored far beyond its boundaries, may be placed first the name of Hon. Hannibal Hamlin, who was born in the little vil-

lage of Paris in 1809. He entered upon the practice of law in 1833, and continued in this profession until 1848. In 1837 he was made Speaker of the Maine House of Representatives, which position he again occupied in 1839 and 1840. From 1842 to 1847 he represented his district in Congress. He was elected governor in 1857, but resigned in less than a month to enter the United States Senate, where, at different intervals, he served twenty-two years. He was Vice-President of the United States during President Lincoln's first term. In every position he occupied he was the same loyal, reliable, honorable gentleman.



HANNIBAL HAMLIN.

He was a man of unblemished character, of sterling integrity, and marked ability. His admirers, of whom there were many, delighted to speak of him as the "noblest Roman of them all." He stood second to no man in Maine in his breadth of view, largeness of sympathy, strength of conviction, devotion to principle, and loyalty to his personal and political friends. His appointment as Minister to Spain in 1881 was a fitting close to an honorable and successful career. In 1882 he resigned

this position and returned to his home in Bangor, where his days were passed quietly until his death in 1891.

**124.** Governor Washburne.—Israel Washburne, born in Livermore, June 6, 1813, was Maine's first war governor. Chosen to this exalted position at a time when rare judgment, combined with courage and wisdom, were demanded by the State, he filled the office, and performed every duty, in such a way as to promote its welfare, strengthen the Nation, and win for himself an honorable name. For ten years previous to his election as governor he had been a member of Congress. In 1863 he was appointed Collector of Customs at Portland by President Lincoln. In 1873 the degree of LL.D. was conferred upon him by Tufts College, and two years later this institution elected him its president, but this honor he declined. He died in Philadelphia, May 12, 1893.

**125.** E. B. Washburne.—Elihu B. Washburne was born in Livermore, September 23, 1816. He began active life as a printer's apprentice in the office of *The Christian Intelligencer*, at Augusta, and passed through the various stages of promotion until he became assistant editor. He acquired his first knowledge of political life during the sessions of the Legislature while working on *The Journal*. In 1836 he studied law at Kent's Hill, and the next year continued his professional studies in Hallowell in the office of John Otis. In 1839 he entered Harvard Law School, and was admitted to the bar in 1840. He settled in Galena, Illinois, and in 1844 was appointed a delegate to the Whig Convention in Baltimore that selected Henry Clay as the Whig candidate for the

presidency. In 1852 he was elected to Congress, where he served until 1869. From the length of his continuous service he was known as the Father of the House. From his close scrutiny of all demands made upon the treasury, he was called the Watch Dog of the Treasury. In 1880 his name was proposed for the presidency, but he refused to have it presented to the Republican Convention. At the beginning of Grant's first administration he was appointed Secretary of State, but resigned to become Minister to France. He filled this position with great wisdom during the Franco-Prussian War. He was president of the Chicago Historical Society at the time of his death, October 22, 1887.

**126. Hugh McCulloch.**—Hugh McCulloch was born in Kennebunk, December 7, 1808. He entered Bowdoin College at the age of sixteen, but at the end of two years was obliged to leave on account of ill health. He studied law in Kennebunk and Boston, and in 1833 removed to Fort Wayne, Indiana, where he entered upon the practice of the law. In 1856 he was chosen President of the State Bank of Indiana, which position he occupied until 1863, when he resigned to accept the office of Comptroller of the Currency. In 1865, on the resignation of William Pitt Fessenden, he was appointed Secretary of the Treasury by President Lincoln and held this office until 1869. From 1871 to 1878 he was engaged in the banking business in London. In 1884 he was again appointed Secretary of the Treasury by President Arthur, which position he retained until 1885, being the only man who has twice held that office.

After his retirement from public life, he lived in Washington, D. C., and on his farm in Maryland.

**127. Lot M. Morrill.**—Lot M. Morrill was born in Belgrade, May 3, 1813. He entered Bowdoin College, but did not complete the full course. He studied law, was admitted to the bar in 1839, and moved to Augusta, where he established himself in the practice of law. He was an active member of the Democratic party in Maine; in 1854 he was elected to the Legislature, and in 1856 was chosen President of the Senate. Later on Mr. Morrill disapproved of the course of his party on the question of slavery in Kansas and joined the Republican party. In 1857 the Republicans nominated him for Governor, and he was elected by over 15,000 majority. He was twice re-elected, and in 1860 was chosen to the United States Senate to fill the place made vacant by the election of Hannibal Hamlin to the Vice-Presidency. President Hayes offered him a foreign mission, but it was declined. The same year he was appointed Collector of Customs for the Portland district, and occupied this position until his death January 10, 1883. In 1876-77 he was Secretary of the Treasury.

**128. Blaine and Fessenden.**—While Maine cannot count James G. Blaine and William Pitt Fessenden as her own children, yet she finds it difficult to distinguish between her adopted sons and those who claim her as a natural parent. So great is her love and admiration for these two men, and so closely are they associated with her history, that the fact of birth is lost sight of in their long years of residence in their adopted State and service for it.



**129. Mr. Fessenden.**—William Pitt Fessenden was graduated at Bowdoin College in 1823, and admitted to the bar in 1827. He practiced law in Bridgton, Portland, and Bangor. He was a member of the State Legislature in 1832 and also in 1845-6. He was elected to the National House of Representatives in 1840 by the Whigs, and to the United States Senate in 1853 by the Whigs and Democrats. About this time he became a Republican and took an active part in the formation of that party. He gained a high reputation as a debater, was re-elected Senator in 1859, and appointed chairman of the Finance Committee, and was a



WILLIAM PITT FESSENDEN.

member of the Peace Congress in 1861. In 1864 he was appointed to the office of Secretary of the Treasury, rendered vacant by the resignation of Mr. Chase. He resigned this position in 1865, and soon after took his seat in the Senate, to which he had again been re-elected for a term of six years, and was again made chairman of the Committee on Finance. When President Lincoln was asked who,

in his opinion, was the ablest member of either House in Congress, he replied: "All in all, William Pitt Fessenden has, perhaps, the greatest intellectual power of any of them." He was a financier of rare ability, and but for his feeble health would probably have equaled Alexander Hamilton in his administration of the Treasury Department. Mr. Fessenden was born in Boscawen, New Hampshire, October 16, 1806, and died in Portland, September 8, 1869.

**130. Career of Mr. Blaine.**—It was after the death of Mr. Fessenden that Mr. Blaine became the leader in the political affairs of Maine. We can only conjecture what his career would have been had he remained in Pennsylvania, his native State. It is certain that sooner or later his remarkable abilities must have gained him distinction. At the age of twenty-four he was instructor in an institution for the blind in Philadelphia, and at twenty-six he was delegate from Maine to the first National Convention of the Republican party. At twenty-seven he was a member of the State Legislature, and at thirty he was directing the management of the Republican organization in his adopted State. Even before he came to Maine to live, something in its social condition and mental activity attracted him, and he became interested in the story of our State and the achievements of its people. After his removal to Augusta, in 1854, he became editor of *The Kennebec Journal*, and in 1857 extended his journalistic work by assuming the editorship of *The Portland Advertiser*, in addition to his work on the former paper. But his editorial work practically ceased when his political career

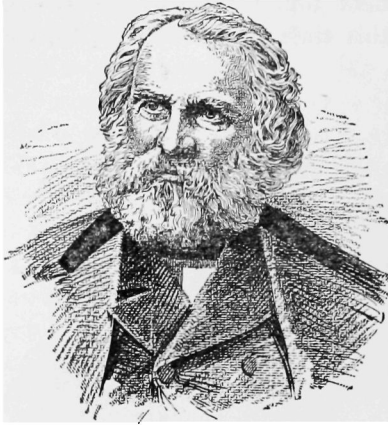
began. In 1857 he was elected to the Legislature, in which he served for four years, during the last two of which he was Speaker of the House. In 1864 he became chairman of the Republican State Committee, which position he held uninterruptedly for twenty years. During all this time he led in shaping and directing every political campaign. In 1862 he was elected to Congress, where in one branch or the other he served eighteen years. He was made Secretary of State in 1881, but resigned the same year and devoted himself to writing his "Twenty Years in Congress." He was nominated for President in 1884, but was defeated. He became Secretary of State the second time in 1889, and resigned in 1892. He died January 27, 1893.



JAMES G. BLAINE.

**131.** Henry W. Longfellow.—Maine can count many great men and women among her sons and daughters—authors, statesmen, soldiers, lawyers—every one of whom she delights to honor. Yet, perhaps, there is no one whose memory is dearer to the hearts of both old and young than the Children's Poet, Henry Wadsworth Longfellow. He was born in

Portland, February 27, 1807, and his boyhood and youth were spent in "the beautiful city by the sea," of which he loved to write in later years. In "My



HENRY W. LONGFELLOW.

Lost Youth" especially he describes his native town and youthful memories connected therewith. At the age of fourteen he entered Bowdoin College, from which he was graduated in 1825; four years later he was made professor of modern languages at that college, being one

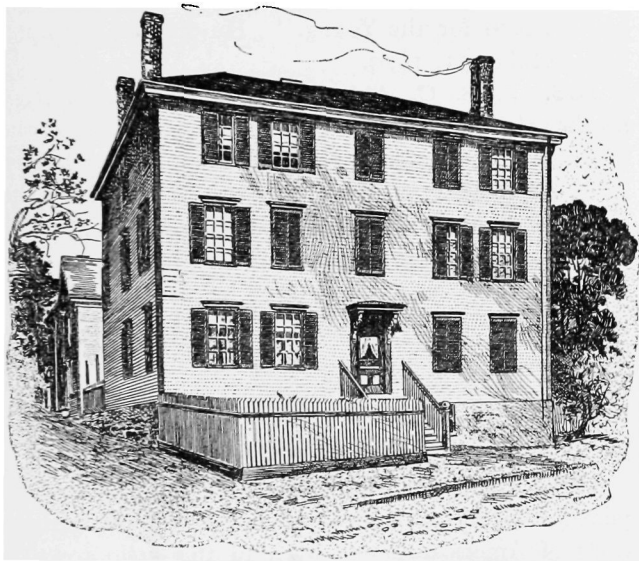
of the youngest professors and most cultured scholars in America. Afterwards he was a professor in Harvard University. On his seventy-fourth birthday, he wrote in his diary: "I am surrounded by roses and lilies. Flowers everywhere—

'And that which should accompany old age,  
As honor, love, obedience, troops of friends.'"

This last year he had warnings of his declining health, and suffered vertigo, followed by nervous pains and depression. His last acts of kindness were to children. On March 18, 1882, four school boys came from Boston to see him, and to ask for his autograph,

which he gladly gave. On this day he took a chill and became seriously ill. Six days later, March 24, he passed quietly away.

**132.** Jacob Abbott.—Among the men who have influenced the young of the last half century, perhaps no man is the peer of Jacob Abbott, whose “Rollo Books” have been known and read in many coun-



LONGFELLOW'S BIRTHPLACE.

tries. Jacob Abbott was born at Hallowell, November 14, 1803. He was graduated from Bowdoin in 1820, afterward studied theology at Andover, Mass., and was ordained a minister of the Congregational Church. From 1825 to 1829 he was professor of

mathematics and natural philosophy at Amherst College, and in 1834 removed to Farmington, Maine, where he devoted himself almost entirely to literary work. He traveled extensively in this country and in Europe. His books were written almost exclusively for the young, although he wrote several histories. His complete works exceed two hundred volumes, the most familiar of which are the "Rollo Books," "Franconia Series," "Marco Paul Series," and his volumes of "Science for the Young." He died at Farmington, October 31, 1879.

**133. J. S. C. Abbott.**—John S. C. Abbott, a brother of Jacob, had the same gift of story-telling, and was also a voluminous writer. He was born at Brunswick, September 18, 1805, and was ordained a Congregational minister in 1830. In 1844 he resigned his pastorate and turned his attention to literature. His favorite subject was history, and he contributed many valuable works to this department of literature. His best known books are "The French Revolution of 1789," "History of Napoleon Bonaparte," "A History of the Civil War," and "History of Maine." He died at Fairhaven, Conn., June 17, 1877.

**134. Charles F. Browne.**—Artemus Ward, whose peculiar wit has furnished amusement for two generations of Americans, was born in the little town of Waterford about 1834, and christened Charles F. Browne. He took up the career of journalist, but soon left it and entered the lecture field as a humorist, where he met with marked success. In 1862 he visited California and Utah, and found the material for a series of comic lectures said to be the best of

their kind ever given in this country or England. Beside his work as a lecturer he wrote several books, among which are "Artemus Ward, His Book," and "Artemus Ward, His Travels," and others. He died in Southampton, England, in 1867.

**135. Benjamin Paul Akers.**—In the year 1825 was born in the little town of Saccarappa a boy whose name was destined to give our State fame in the world of art. Benjamin Paul Akers early showed a special gift in sculpture. When he began modelling he had never seen an artist nor even a statue or bust. In 1849 he went to Boston and took lessons in plaster casting of Carew. He then went to Hollis, Maine, and having obtained some suitable clay made his first experiments in modelling. His first work was a head of Christ, which was remarkable for its impressive style and originality. This head was afterward ordered in marble by the United States Minister at the Hague. In 1849 he opened a studio in Portland, where he made many plaster busts, among them being one of Longfellow. In 1851 he went to Europe, spent a year in study in Florence, and from that time to his death devoted his life to his chosen work. His best known pieces are "Una and the Lion," "Isaiah," "Dead Pearl Diver," and "Milton." The two last are mentioned by Hawthorne in his "Marble Faun." Mr. Akers died when his work was just begun; yet in his short life of only thirty-six years he had accomplished a large amount of work. His death occurred at Philadelphia, May 21, 1861.

**136. James H. Hanson.**—While Maine has had her full quota of sons distinguished in war, affairs,

statecraft, literature, and art, she has not lacked in notable scholars and educators. As a typical example of the latter may be cited James Hobbs Hanson, LL.D. Mr. Hanson was born in China, Maine, June 26, 1816. He attended the common schools and the academy of his native town, besides spending several years in teaching before entering college in 1838. The traits that distinguished him as a teacher began to manifest themselves when he was a student. He was thorough, painstaking, and untiring in everything he undertook, and entered upon his life work with every preparation which training could give. After graduating from Waterville College, now Colby University, he served as principal of Waterville Academy, of Eastport and Portland high schools, and of a private school in Portland. He was then, in 1865, called to take charge a second time of Waterville Academy, which had passed into the control of Colby University as one of its special preparatory schools, and was soon after liberally endowed and its name changed to Coburn Classical Institute. His enthusiasm, untiring devotion to his pupils, capacity for work, and rare character as a Christian scholar and gentleman soon put this institution among the best equipped and most largely attended secondary schools in New England. Before coming to this position he had prepared and published his "Preparatory Latin Prose Book," which was soon adopted in many of the secondary schools of the country. He later prepared and published his "Handbook of Latin Poetry," which added materially to his reputation as a thorough scholar and student. The reputation thus won un-



doubtedly helped not a little in the building up of the institution to whose interests the last twenty-nine years of his life were devoted. He died April 21, 1894, only five days after he had closed his labors in the school.

## CHAPTER IX

### RESOURCES OF THE STATE

**137.** Agriculture.—The land surface of Maine comprises 19,132,800 acres, an area equal to all the rest of New England, and her natural resources are varied and abundant. While she does not claim to be a great agricultural State, as compared with the enormous corn and wheat producing States of the West, or the cotton growing States of the South, yet her broad acres furnish numberless home farms where her people live in comfort and prosperity, and many of her farm products are known and appreciated far beyond the limits of New England. Not a few of our best men and noblest women trace their strength of purpose and sturdiness of frame to the splendid training received on the “old farm.” The most important agricultural products are hay, potatoes, oats, sweet corn for canning, dairy and orchard products, and wool. The manufacture of starch from potatoes is an important industry in Aroostook County, where the fertility of the soil renders it possible to produce large crops. There are nearly fifty starch factories in this county, and 2,000,000 bushels of potatoes are used annually for this purpose.

**138.** Ship-building.—From the completion of *The Virginia*, which was built on the Sagadahoc fourteen years before the Pilgrims landed at Plymouth, until the present day, the ships of Maine have been found

carrying the products of the country to all parts of the world. For many years the shipyards of Maine built annually a greater amount of tonnage than those of any other State in the Union, and in 1891, which was considered an unusually dull period, they produced nearly one-half the tonnage of all the vessels built in New England and New Brunswick. Bath, situated on the west bank of the Kennebec, twelve miles from its mouth, is the center of the shipbuilding interests. Some of the finest wooden vessels in the world have been built at this port, and since 1885 there has been developed a great iron ship-building plant, where iron cruisers for the United States navy are now constructed.

**139. Lumber.**—One of the most valuable of Maine's natural resources is her great forests. The whole northern part of the State is still covered with trees, and is the great timber producing area of the State. The many large rivers, with their countless tributaries, render it peculiarly adapted to lumbering, and as there are millions of acres of good spruce timber lands in Maine, which are being continually increased by new growths, the supply seems well nigh exhaustless. Besides spruce and pine, there are large quantities of cedar, which are converted into shingles, and hemlock, which is valuable not only for its lumber but for the bark used for tanning purposes. These form the most important of the lumbering interests in the State. Yet there are found in different sections large quantities of valuable hard wood timber, while bass-wood, poplar, white birch, and maple grow in abundance.

**140. Water-Power.**—Maine is already notably a manufacturing State, and because of her magnificent water-power, in the amount and availability of which she stands second to none, she seems destined to take front rank in the variety and extent of her manufactures. The number of lakes of sufficient size to be delineated upon the most accurate maps of the State is upwards of 1,500, with an aggregate area of 2,300 square miles, giving one square mile of lake surface to every 14.3 square miles of territorial area. These lakes are the reservoirs of rivers whose total force is equal to 2,656,200 horse-power, a force equivalent to the working energy of 34,000,000 able bodied men, laboring 24 hours a day every day throughout the year.

**141. Manufactures.**—This water-power is being developed more and more every year, as the resources of the State are becoming better known. Already we have at Cumberland Mills the largest paper manufactory in the world, and in different parts of the State are twenty-one other similar establishments. To supply these mills, there are twenty-two mills for the manufacture of wood pulp, which now almost entirely takes the place of the rags formerly used in the manufacture of paper.

**142. Cotton Goods.**—The manufacture of cotton goods is one of Maine's most important industries. As early as 1810 cotton cloth was made in the State, and its manufacture has been steadily increasing. There are large mills at Lewiston, Waterville, Biddeford, and many other places, numbering twenty-three in all, with an invested capital of about \$21,000,000. The products of Maine mills rank with the best in the

land, and find a ready market in our own as well as in foreign countries.

**143. Woolen Goods.**—Besides the manufacture of cotton goods, large quantities of woolens are made. These mills require less power to operate them, and are located on smaller streams and in less populous districts, than the cotton mills. There are 89 woolen mills in Maine, with a capital of nearly \$10,000,000. These mills, located in different sections of the State, use for a large part of their material the wool grown on our own sheep, furnish employment to large numbers of our people, and are doing much to develop our commonwealth.

**144. Boots and Shoes.**—The business of manufacturing boots and shoes is one of Maine's greatest sources of wealth. Its chief center is Auburn, in Androscoggin County, where more operatives are employed than in all the other shoe factories of the State. This business is rapidly increasing and adding to our prosperity. The employés are largely Americans, only ten per cent. being of foreign birth.

**145. Miscellaneous Manufactures.**—In addition to these industries, there are many mills located throughout the State for the manufacture of various articles from wood. The most important are spool, kindling wood, veneer, and planing mills; carriage, sled, and chair manufactories, together with molding, handle, and dowel factories. These use a large amount of capital and furnish employment to a large number of people.

**146. Ice.**—While the wealth of Maine is due largely to her magnificent water-power, forests, and

farms, yet the very coldness of the climate adds its tribute to her prosperity. The ice crop brings to the State many thousands of dollars annually, and furnishes employment for a large number of her citizens. The first ice shipped from Maine as merchandise was taken from the Kennebec in 1826. To-day that river is the center of the great ice industry of the State. This locality has great natural facilities for this enterprise, and, together with the Penobscot, exports large quantities of a superior quality of ice, making Maine's winter harvest an exceedingly profitable one.

**147. Granite and Slate.**—Maine granite is known and valued throughout the country, and quarrying and fashioning it give employment to over 4,000 men at good wages. It is used for almost every purpose, from the paving block in the street to the choicest statuary. There are many varieties of this stone; the red, gray, white, and dark granites being the most valuable. Slate is found in various parts of Maine, but the principal manufacture of roofing slate is found in Piscataquis County. This industry, begun in 1828, has grown steadily, and the slate quarried is equal in every respect to that produced in Wales.

**148. Fisheries.**—In value and extent of her sea fisheries, Maine stands second only to Massachusetts among the States, while in the importance of her river fisheries she has no equal. Bangor, on the Penobscot, has one of the finest salmon pools in the world, and is visited yearly by sportsmen from all parts of the country, who take fish of the largest size from its waters. Large quantities of lobsters are taken for canning purposes, while hundreds of vessels are

engaged in cod, herring, and mackerel fishing. The State Fish Commissioners have been engaged for several years in restocking the rivers and lakes with the choicest fish, and the result of their labors is already seen in the increased quantities of some of the most valuable varieties.

**149.** Other Industries; Banks.—In addition to these important industries, there might be added countless smaller ones, located in all sections of the State. These cannot be enumerated, but, as an evidence of our growth and enterprise, the fact may be mentioned that, during the year 1891, 110 mills and factories were added to the large number already in active operation. The banking interests of the State are managed by 83 National Banks, 51 Savings Banks, 16 Trust and Banking Companies, and 33 Loan and Building Associations, with assets amounting to \$114,610,823.20.

## CHAPTER X

### SUMMER RESORTS

A history of Maine would not be complete without some reference to her attractions as a summer resort. This great source of wealth cannot be exported or made profitable as merchandise. Yet so famous have her attractions become that the people from every State in the Union seek her shores for the pure air, the refreshing breezes, the magnificent scenery, and the charm of forest, hill, and shore, found here in greater variety than in any other State east of the Rocky Mountains. For miles the coast is dotted with beautiful summer homes, where the residents of large cities seek rest, recreation, and health, beside its life-giving waters.

**150.** Bar Harbor.—Perhaps the most famous of Maine's great resorts is Bar Harbor, on the Island of Mount Desert. Here, whither Champlain sailed nearly three hundred years ago and gave a name to the lonely island, has grown up a city of magnificent summer residences, occupied for months by the richest and most renowned citizens of our country. At this charming place one may have the fashion of the world, or find himself "near to Nature's heart" in the quiet grove, or by the restless sea, or on the towering crag which overhangs the ocean. This island was incorporated as a town in 1789, but is now divided into three separate municipalities. Bar Harbor is located



in the town of Eden, which increased in property valuation from \$622,901 in 1880 to \$5,034,958 in 1890. These figures convey some idea of the amount of wealth which has found its way to this once unknown and unsought corner of Maine.

**151. Moosehead Lake.**—From Mount Desert we may journey inland many miles north until we reach Moosehead Lake, where again we find the combination of mountain and shore, and undoubtedly the most attractive inland resort in the State. Here is found the largest lake in New England, forty miles long, and varying in width from eighteen miles at the broadest to less than two at its narrowest point. Kineo, called the Monarch of Moosehead, is a fine old mountain, its rocky summit rising to the height of 2,500 feet above the sea level. The lake affords abundant trout fishing for those who delight in the sport, while the beautiful walks, the charming scenery, the boating and fine hotel accommodations render it a delightful place to those in search of either health or pleasure.

**152. Rangeley Lakes.**—The most noted hunting and fishing resort in Maine is found in the Rangeley Lake region. This is one of the finest chains of deep water lakes in the world, and in their vicinity are some of the most valuable hunting and fishing grounds to be found in our country. The lakes afford the best of fishing, while the forests abound in moose, deer, and caribou.

**153. Casco Bay.**—It would be impossible to attempt to describe all the places that are charming, from the beauty of their surroundings, of which the

State can boast. Casco Bay, with its 365 islands, has been said to rival anything in America for beauty, variety, and extent. Portland, situated on this bay, with one of the finest harbors in the world, has been called the Forest City, from the large number of its shade trees. The view from Munjoy Hill, its northern extremity, is a panorama that is equaled by but few places on the continent.

**154.** Old Orchard.—Old Orchard, with its nine miles of smooth, hard beach, wide enough for a dozen carriages to drive abreast, is a most popular summer home. This place has been a resort for two hundred years. The orchard which gave it its name has long since disappeared, and but three gravestones mark the resting-place of the ancient colonists who once found a home here; still a large and populous village has sprung up, and countless hotels furnish abundant accommodation for the crowds of summer tourists who visit it yearly.

**155.** Poland Springs.—While the laws of the State prohibit the use of intoxicating liquors as a beverage, yet nature furnishes her citizens and her visitors with absolutely pure water. There are but few sections that do not boast the possession of one or more springs of such water, while many springs have medicinal qualities. The most noted of all these is Poland Springs, whose waters have become so famous that they are sent in large quantities to all parts of the United States, and shipments are made to Europe and even to distant Australia. To meet the ever-increasing demand of those who wish to combine the pure air of this locality with the health-restoring powers of

the water, there has grown up a large and elegant hotel, which is filled annually with hundreds of visitors.

**156. Increase in Summer Homes and Visitors.**—The summer resorts of Maine are fast increasing in number. The many bays, inlets, and islands along our picturesque coast are becoming yearly more and more sought for summer homes by the well-to-do people of other States, from the Atlantic to the far West, and from the Lakes to the sultry South. The many beautiful lakes in the interior, affording sport for the angler, are more and more coming to be known and resorted to by those who find enjoyment in quiet, in the "gentle art," in the beauty of wood-clad hills, woodland streams, and meadows. The many beautiful villages on the rivers and among the hills are every year becoming better known to the outside world for the attractiveness of the drives about them, and the quiet restfulness to be found in them, and are affording summer homes to increasing numbers. So every year the number of visitors grows larger. It has been estimated that already at least 100,000 people spend all or some part of the hot months in this summer home of half a nation. Should the number increase for the next twenty years in the same ratio that it has in the last twenty, Maine will truly become the summer home of the whole Nation.

**NOTE.**—Good teachers of history know how to use literature—tales, stories, poems, etc.—to enrich their instruction and make it interesting. The opportunities of teachers of State and local history, in this direction, are especially abundant. So close are the relations of history and geography that it would be hard to choose between historical and geographical subjects. For example, Mr. Longfellow's

"Poems of Places," division "America," subdivision "New England," contains many excellent poems that teachers of the history of Maine can use to much advantage. Most of these pieces are by our best known writers, Lowell, Longfellow, and Whittier, but some are anonymous. Among the subjects we find "Katahdin, The Mountain," "Kennebec, The River," "Mount Desert," "Mount Pleasant," "Norridgewock," "Pemaquid," "Penobscot, The Bay," "Penobscot, The River," "Portland," "Saco, The River," "Sebago, The Lake," "Songo, The River," "York."—THE EDITOR.

## PART II

### THE CIVIL GOVERNMENT OF MAINE

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## CHAPTER I

### VALUE OF THE STUDY OF GOVERNMENT

**157.** Civil Government in Schools.—That every citizen should be acquainted with the principles upon which government is based, is manifest to all. That he can acquire this knowledge more readily in the public schools than elsewhere, is equally apparent. It is, therefore, important that Civil Government shall be intelligently presented and carefully studied in the common schools.

**158.** All Children Destined to Take Part in Government.—The reasons for this are obvious. Every boy, and possibly every girl, is destined to take a part, not only in the government of his own community, but in that of his State and the Nation. Since an educated citizen is more useful than one who is ignorant, and is better fitted to meet and settle the great questions which are presenting themselves, it must be apparent to all that an accurate knowledge of the principles upon which government is based, and the details that make up the administration of the same, are necessary for the best service.

**159. Knowledge of Government Makes Better Citizens.**—When a citizen is familiar with the reasons for placing laws upon the statute book, he has less temptation to consider them unjust, and not only yields more cheerful obedience to their demands, but more promptly uses his influence to secure the same obedience in others. It would be difficult to make an anarchist of such a man, since he could never become a tool in the hands of a vicious leader. If boys are taught to think, and to think intelligently, they will become thoughtful men, and such men become not only good citizens but safe leaders.

**160. The Need of Government.**—That organized government is essential to the welfare of a community, is clearly proven by the disastrous results which have followed all attempts to live without it. There are many reasons why a government duly organized and honestly administered contributes to the growth of communities. Roads and bridges must be built, schools must be maintained, the poor must be cared for, and property must be protected. These duties cannot be performed or these services be rendered, and this protection cannot be given, by the individual. Communities, acting in their collective capacities, must have in charge these as well as all other interests affecting the community as a whole. It is a part of our common history that man is selfish, and, if left to himself, seeks his own interests without reference to the rights or claims of others; moreover, the law, which restrains the strong and shields the weak, saves even those in any community who are fitted to protect themselves from doing those things

which, in the end, will result in their own injury. For these and many other reasons, we see the necessity of a government that shall look well to the interests of all; that shall protect the weak and restrain the unprincipled; that shall provide for the education of its children, and help to advance the moral and intellectual development of its citizens.

**161. The Objects of Government.** — Stated briefly, then, the principal objects of government are :

- To secure justice to all ;
- To protect people and property ;
- To promote the best interests of the community ;
- To secure order and morality among the people ;
- To advance civilization and make liberty possible.

## CHAPTER II

### THE FAMILY

**162. The First Form of Government.**—The first form of government with which a person becomes acquainted is found in the family. It is in the home that the lessons of life should first be learned, and its members be fitted to become citizens in the community and Nation. Herein parents are the officers, with power to make, interpret, and enforce the laws which shall govern its members. In the family parents combine in themselves all the functions of government. They make laws governing the conduct of the child, see that those laws are obeyed, and inflict penalties for disobedience.

**163. Obedience.**—The first thing a child is called upon to learn is obedience, and other lessons will not be of much service if he is not so trained as to yield a prompt submission to proper authority, and have a wholesome respect for the government which has the right to direct his actions. Moulded by right influences in the home, the future citizen learns not only to submit to law, but to recognize its justice while obeying its commands. He learns to lend his influence, whenever needed, to assist in enforcing its mandates. This discipline will help him to broad conceptions of life, and make it easy for him to see that the interests of the individual must be waived when the welfare of others demands it.



**164. Self-control.**—The lesson of obedience cannot be successfully learned without involving such training as will insure self-control. It has been rightly said that no person can control others until he is first master of himself. This most important habit should be formed in the home. When we have citizens with tempers, tongues, and passions under intelligent control, we shall have made great progress toward a time when crime will not disgrace our civilization. Murder, drunkenness, and vice in almost every form are the results of temptation, with no power of self-control to restrain the tempted.

**165. Unselfishness.**—It is often said that selfishness is the foundation evil of mankind. The family fails to do its duty if it neglects to correct this evil. Its members must be so trained and moulded that they will consider others before themselves, render assistance to the helpless, relieve the overworked by thoughtful acts of self-denial, and realize that the little community called home cannot reach its best estate until each seeks to advance the interests of others, instead of claiming service from others.

**166. Forming Habits.**—It is in youth that habits are formed which last long after the occasions that have given rise to their exercise have passed away. Horace Mann has truly said: "Habit is a cable. We weave a thread of it each day, and in time it becomes so strong that we cannot break it." The virtues and graces of life, quite as much as its vices, are matters of habit, and may be acquired by persistent and carefully-directed effort.

## CHAPTER III

### THE SCHOOL

#### **167. Relation of School to Home Government.—**

While the first form of government with which the child comes in contact is found in the home, the first direct association with others than his parents in such relations as make it necessary for him to yield obedience to them, is found in the school. While the same laws that govern in the home are binding in the school, yet the authority in the new relations no longer rests in the parent but becomes vested in the teacher.

**168. Schools and Citizenship.** — Since our Republic is distinctly a government “of the people, by the people, and for the people,” it becomes necessary that every child shall be fitted for the responsibilities of citizenship which the law provides he shall assume at a certain age. That this training may be given, communities are required to furnish the means of securing it. These means are found in the rightly organized and wisely governed school.

**169. Duties of Children in the School.** — Children should make the best use of their time and advantages, and secure by earnest effort the benefits offered by the schools. To accomplish this, pupils must recognize in the teacher a friend, director, and helper, and yield a prompt obedience to all commands and an earnest response to all efforts to fit them for the work the world will ask them to do.

**170. Traits of Character Required in the School.**—Those traits of character which are necessary to the highest good of the members of the home, are still more important in the school. Obedience, self-control, unselfishness, courtesy, and the forming of good habits play a large part in the best school life. Naturally, obedience comes first, and if there has been wise training at home discipline in the school will be easily secured. This first acquaintance with the world will only serve as an opportunity for the child to put in practice the lessons already learned. He will recognize that he can be aided more easily, and can help others better, if he is cheerfully obedient. In this way, he will co-operate with the teacher, and the school will be as harmonious and helpful as those homes have been in which these conditions have prevailed. When the child becomes a pupil, he will realize more fully than ever before the need of self-control. As he comes in contact with others, he will find much to irritate him, and will be surprised that others do not think as he does, and desire the same things. If he has begun to learn the lesson of self-control, he will be guided and helped by the words and influence of his teacher, and will gain additional strength with increasing years. In no other person do we so quickly discern unselfishness or its opposite as in the child. Before he has learned to conceal his feelings, he displays his tendencies. Consideration for and courtesy to his teacher will be seen, or its opposite noticed. Kindness and thoughtfulness for other pupils, and generosity and gentleness toward all, are traits to be admired and the absence of which is to be deplored.

**171. Habits.**—Most important of all, perhaps, are the habits formed in school life, which will probably control the action of the person through all succeeding years. Here temptations to wrongdoing will be greater, and the ability to resist them less controlling, than in the home. In the schools are massed representatives from all classes and conditions. We find those from the carefully guarded home seated with those who have no home training. The child of cultured parents often stands next to the child of parents who are ignorant and depraved; so that, early in life, the children in the public schools are called upon to test the lessons of obedience, self-control, and unselfishness learned in the home, and to see the value of the habits formed under the instruction of those who have had the care of their first years.

**172. Good Pupils Make Good Citizens.**—The value of these traits, to the citizen of the future, will be readily seen by those who have had occasion to consider the intellectual condition and moral quality of communities. It is believed that children who possess these elements will make good pupils. It is equally clear that good pupils will grow into good citizens, and that through these good citizens good laws will be made and wisely administered.



71°

70°

Longitude West

from Greenwich

67°

44

45

46

47

48

49

50

51

52

53

54

55

56

57

58

59

60

Longitude East

from Washington

68°

Scale of Miles  
0 5 10 20 30 40 50 60

MAINE

## CHAPTER IV

### THE TOWN

**173. Political Government.**—Up to this point we have considered the family and the school only. We now come to a more complicated system of affairs, since it embraces, not only the government of children and youth, but also that of men and women,—of communities and districts of people who have been trained to respect the law, and also those who know little of the value of restraint. With so many different conditions and needs, it is not difficult to understand that there must be many departments of government managed by different officers, and that to be efficient they must be skillfully directed by those who thoroughly understand the needs of the people. While it is true that few can be leaders, it is not necessary that those who are led should be ignorant. The safety of a people is insured when the governed are competent to sit in judgment upon the acts of their governors.

**174. The Town.**—A town is a political division of a county, organized for the purpose of local government. Certain officers are selected upon whom the burden of governing is laid, and who, when they properly discharge their duties, seek to promote the interests of the people. They provide means of punishment for minor offenses; they secure the protection of the law to all citizens, and form a tribunal to which the people may bring their disputes in certain cases.

Before, however, describing the town as a separate political division, it may be well to consider its evolution as a distinct municipality from a primitive settlement.

Local government is administered in very different ways in different parts of the Union. What is called the Town system prevails in New England, the County system in the Southern and some of the Western States, the Mixed system in the old Middle States and in most of the Western States. Maine, of course, falls under the first division.\*

**175. The Primitive Wilderness.**—There were in Maine, at the time of its separation from the parent commonwealth of Massachusetts, large areas of land in its original state. These tracts were surveyed into divisions six miles square called townships. Many of these townships were the property of individuals or of companies called proprietors, and the remainder were owned by the State. In many of these wilderness townships the proprietors sold lots to settlers; and the State, from time to time, set apart townships for settlement, and, having caused the land to be surveyed into lots, usually of 160 acres each, sold them to actual settlers for fifty cents per acre, to be paid for in labor on the roads of the township.

**176. Lands Sold for Settlement.**—Any settler wishing to purchase a lot from the State was given a certificate stating the number and range of the township, the number of the lot, its area, and the price to be paid for it. The certificate also stated that, if the settler should pay the sum named within three years

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\* B. A. Hinsdale, *The American Government*, pp. 38, 43, 397, 405.

from date, in road labor, under the direction of the land agent; should, within one year, make some improvement on the lot, and, within two years, establish his residence thereon and continue to reside on the lot for two years from date; and should clear fifteen acres of land, ten of which should be well laid down to grass, and build a house thereon,—he would be deemed an actual settler and be entitled to receive a deed of his lot from the State. And such is still the law.

**177. Plantation Organization.**—After a number of settlers have entered into such a wilderness township, it is natural that some sort of organization should be desired in order that they may be able to provide schools for their children and to enjoy the privileges of citizenship. To meet these conditions it is provided by law that three or more persons, resident in one of these townships and qualified to be voters, may make written application to the county commissioners, who shall issue a warrant to one of the applicants, requiring him to notify and warn the voters residing in the township to meet at a stated time and place for the purpose of organization. But in case the settlers make no application as thus provided, then, as soon as any township has two hundred inhabitants, the county commissioners shall issue a warrant to one of the principal citizens, requiring him to call a meeting of the voters for the purpose named. In either case, the person to whom the warrant is directed must post attested copies thereof in two public and conspicuous places, within the township, fourteen days before the day named for the meeting.



**178. The First Election.**—At the meeting thus called the following officers are chosen and sworn, viz.: Moderator, clerk, three assessors, treasurer, collector of taxes, constable, three members of the superintending school committee, and the minor officers provided for by law, and thus the township is organized into a plantation. The duties of these several officers being the same as in towns, they will be described at length under that head.

**179. Returns to the State.**—As soon as a plantation organization has been effected, the assessors immediately proceed to take an inventory of the polls and of the valuation of the property, and, on or before the fifteenth day of May following their election, return a copy thereof to the State treasurer, to form the basis of the State and county taxes to be assessed upon the plantation. The clerk also sends to the secretary of State a copy of the record of the meeting held and officers elected, who puts it on the State records.

**180. Powers of Plantations.**—Plantations may raise and expend money for the support of schools, for building and repairing schoolhouses, and for legal plantation expenses. They are not responsible for the aid or support of paupers within their limits. The aid or support of such persons must first be furnished by the nearest incorporated town, but the expense will be refunded to such town by the State. Nor are they responsible for the building and maintenance of roads and bridges within their limits. The responsibility for these improvements devolves upon the county.

**181. Transformation of a Plantation into a Town.**—When a plantation has increased in population and valuation of property to such an extent that its citizens are desirous of assuming the duties and responsibilities devolving upon a town, they send a petition to the Legislature asking that the township, giving number, range, and name as plantation, may be incorporated into a town, to be known by the name designated in the petition. If there is no reason why the prayer of the petitioners should not be granted, the Legislature passes an act of incorporation vesting the inhabitants of the new town with all the powers, privileges, immunities, and liabilities of other towns in the State. We will now consider the government of the town.

**182. Voters and Citizens.**—All qualified voters in a town have a voice in the selection of public officers, and have a right to demand the protection guaranteed to officers and citizens by the laws. It is the duty of every voter to exercise such care in the selection of public officers as will insure the election of men competent to administer the laws with justice and wisdom. Every citizen should perform all the duties laid upon him by the laws.

**183. Laws.**—All divisions and subdivisions of the State are governed by laws made by the Legislature. It is customary for these divisions also to have legislative and executive officers of their own. It will be seen farther on that the town, county, State, and Nation all declare the methods by which laws shall be made, interpreted, and executed. In towns, the people in their sovereign capacity as citizens make their local

laws, and select the officers who shall enforce them. In the city, the power of making laws is vested in the city council. In the State and Nation, it is given to the representatives of the people in the legislature and in Congress.

**184. Powers of Towns.**—A town is an organized portion of the inhabitants of the State, within certain defined limits of territory in the same county. The Legislature alone has a right to divide the territory of old towns and make new ones. The inhabitants of each town form a corporate body and possess certain corporate powers. First, they may sue and be sued, and appoint agents and attorneys; second, purchase and hold real estate within their own limits; third, make contracts and purchase such personal property and real estate as may be necessary to the exercise of their power; fourth, contract debts as well as release the same; fifth, purchase or sell such property as may be necessary to secure the debts due to the town.

**185. Elections.**—Annual elections are held in the towns on such days in the month of March as are agreed upon by the voters of the towns. The annual election, known as the town-meeting, is called to order by the town clerk of the preceding year, who reads the warrant and presides while the moderator is being elected. The moderator is sworn by the clerk, or by a justice of the peace, and presides during the remainder of the meeting. The first business is to elect the town officers. After the officers are all chosen, the usual business of the town is transacted. This consists of raising money for schools, for the poor, for town expenses, for roads and bridges, and

for all other purposes deemed necessary ; but no money can be raised for any purpose unless that purpose is stated in the warrant calling the meeting, nor can any business be transacted unless its object is stated in the warrant. The different items in the warrant are called articles, and are numbered 1, 2, 3, etc. The moderator has power to enforce order during the meeting, and may administer the required oaths to all officers chosen. His term of office does not extend beyond the final adjournment of the meeting at which he was chosen.

**186. Special Town Meetings.**—The selectmen are required to call a special town meeting upon the written request of ten or more qualified voters, who shall state in their petition the object for which the meeting is to be called and the articles they wish to have inserted in the warrant. In case the selectmen neglect or refuse to call a town meeting, or refuse to insert in the warrant an article, when so requested, then ten or more qualified voters may petition any justice of the peace in the county, and he shall issue his warrant to a constable, or other citizen of the town, ordering him to call a meeting.

**187. How Town Meetings are Called.**—All town meetings are called by the constable, or other person to whom the warrant is directed, by posting an attested copy of the warrant in some conspicuous place in the town seven days before the meeting is to be held. The usual form of warrant will be found at the end of this chapter.

**188. Selectmen.**—The principal magistrates of the town are the selectmen. The number varies with

the wish of the town, as expressed in town meeting, and may be three, five, or seven. The custom is to limit the number to three; the odd number insures a majority vote in case of difference of opinion. The general management of the public business is intrusted to this body. They may issue warrants for holding town-meetings; grant licenses and lay out highways; act as assessors and overseers of the poor, if selected for these offices by the town; serve as health officers, issue warrants isolating persons afflicted with contagious diseases, and provide for the removal of nuisances; listen to complaints when troubles of a public nature arise in the town; and represent the town in county and State matters. They may properly be said to stand at the head of the administrative department of the town government.

**189. Town Clerk.**—Next in importance to the selectmen is the town clerk. It is his duty to keep a record of all votes passed in town-meeting, and of the names of candidates, with the number of ballots given for each. He records intentions and issues certificates of marriage, records the births, marriages, and deaths in the town, makes record of bills of sale and mortgages of personal property when requested, and has charge of all matters of town record. He is authorized to administer the required oath to any legally elected town officer at any time, and makes return to the secretary of State of all votes cast at the State and National elections.

**190. Town Treasurer.**—The town treasurer has charge of all moneys received from the tax-payers, and of all other funds belonging to the town. He pays

the public expenses out of this money on orders signed by the selectmen, keeping an accurate account of all sums received and disbursed and making a report of such receipts and payments each year.

**191. Constables.**—Every town has one or more constables, who serve warrants issued by the selectmen or justices of the peace. They arrest criminals when so directed by competent authority, and may serve as collectors of taxes, although in most cases a special officer is chosen for this purpose.

**192. Assessors.**—In the larger towns, where the duties of selectmen are numerous, three or more assessors of taxes may be chosen by the town to make lists of real estate and personal property for the purposes of taxation, and to assess all taxes to be raised upon such property.

**193. Overseers of the Poor.**—Besides the above named officers, a town may elect three or more overseers of the poor, whose duty it shall be to care for all persons who may become charges upon the town as paupers, oversee the management of the almshouse, if there is one in the town, and hold such conferences with other towns as circumstances may demand in settling questions relating to the legal maintenance of paupers.

**194. Superintending School Committee.**—It is the duty of the superintending school committee to examine, certificate, and employ teachers; to select and purchase text-books, appliances, and apparatus; to provide fuel; to have charge of repairs; to direct truant officers in the performance of their duties, and to determine what description of scholars shall attend

each school, to classify them, and transfer them from one school to another. All the duties herein enumerated may be delegated to the town superintendent of schools by vote of the committee. The committee, however, has the following powers and duties which it cannot delegate to the superintendent: To suspend the operation of a school when the scholars are too few for its profitable maintenance; to determine the number, beginning, and length of school terms; to dismiss teachers who prove unfit, or whose services they deem unprofitable; to expel from school obstinately disobedient pupils; to recommend the abolition of schools or change their location; to provide plans for new school houses, and to fill vacancies in the committee or in the office of truant officer. At the March meeting, in 1898, every town elected three members of the superintending school committee. The persons so elected drew lots for terms of one, two, and three years, each. In each succeeding year the town will elect one member of the committee to serve for three years, one member retiring each year. Vacancies in the committee occurring in the interim between town meetings are filled by the remaining members, the appointment to continue until the next town meeting.

**195.** Superintendent of Schools.—Towns are authorized to elect by ballot a superintendent of schools, and in case they do not do so, it is the duty of the superintending school committee to elect such officer for the term of one year. The committee fixes his salary, which shall in no case be less than two dollars a day for each day's service. It is the duty of the

superintendent of schools to visit each school at least twice each term ; to make an enumeration of the number of persons in the town between four and twenty-one years of age, and report the same to the State superintendent; to make all other school returns required by law to the State superintendent ; and to provide for the transportation of children to and from school in all cases where they live at such distance from the school as to make such transportation necessary. He must also perform the duties that the school committee legally delegates to him.

**196. Other Town Officers.**—There are several minor officers in a town who are important to its welfare, but with whose names and duties the average citizen is not so familiar as with those already described. Mention may be made of the following:

The duty of the truant officer is to enforce the law in relation to compulsory attendance at school.

The town agent is the legal adviser of the town, and appears as its attorney in all suits to which it is a party.

It is the duty of surveyors of highways to see that the roads and bridges are kept in proper repair.

Field drivers are required by law to capture and deliver to the pound-keeper all beasts found at large on the highway without a keeper, and to notify the owner of the animals captured, if he knows him ; otherwise, to post a description of the animal in a conspicuous place, or cause a notice to be printed in the nearest newspaper. In the meantime, the pound-keeper feeds all animals placed in pound, until they are called for by their owners, and receives from them payment of all expenses incurred in their care.



When the occupants or owners of adjacent lands disagree respecting their rights in regard to partition fences, and their obligations to maintain them, they may make application to two or more of the fence-viewers of the town. These officers view the fences in dispute, consider the facts presented, and render a decision.

Surveyors of lumber, when called upon for that purpose, inspect and measure lumber offered for sale. The measurers of wood and bark do the same for those articles.

Sealers of weights and measures test the correctness of the corresponding instruments used in business, and may destroy such as do not conform to the standards adopted by the State.

The tithing-man may arrest any person causing a disturbance in any religious meeting or assembly.

The collector of taxes, in addition to the duties implied by his title, is also empowered to serve warrants on persons for the nonpayment of taxes, and to make public sales of the property of such persons as fail to pay the taxes due from them to the town; but before making such sales he must post notices advertising the property for sale, for at least six weeks previous to disposing of it.

**197. Compensation of Officers.**—Most town officers are paid for their services at a certain sum per day for the time actually employed. A few are paid by fees. The collector of taxes is usually paid a percentage of the sums collected by him. Compensation in most cases is fixed by law, but it so varies with different officers that it would consume too much space

to name the compensation of each one. The officers of the town are the

|                                  |                                  |
|----------------------------------|----------------------------------|
| Moderator,                       | Truant Officers,                 |
| Clerk,                           | Constables,                      |
| Selectmen,                       | Fence-Viewers,                   |
| Assessors,                       | Surveyors of Lumber,             |
| Treasurer,                       | Sealers of Weights and Measures, |
| Auditor,                         | Tithing-men,                     |
| Overseers of the Poor,           | Surveyors of Highways,           |
| Superintending School Committee, | Field-Drivers,                   |
| Superintendent of Schools,       | Pound-Keepers,                   |
| Collector of Taxes,              | Measurers of Wood and Bark.      |
| Town Agent,                      |                                  |

WARRANT FOR THE ANNUAL TOWN MEETING.

STATE OF MAINE.

To.....a Constable of the town of.....in the County of.....Greeting:

In the name of the State of Maine you are hereby required to notify and warn the inhabitants of the Town of.....qualified by law to vote in town affairs, to assemble at.....in said town on Monday, the 21st day of March, A.D., 1898, at 9 o'clock in the forenoon to act on the following articles: viz.:

1. To choose a Moderator to preside at said meeting.
2. To hear reports and allow accounts.
3. To choose all necessary town officers for the year ensuing.
4. To see what per cent the town will vote to pay for collecting taxes the ensuing year.
5. To see what discount the town will vote to allow on taxes paid before certain dates, and if so, how much discount and on what.

And twenty-six other items. The document in which this warrant is found is entitled "Annual Report of.....,"and it contains the selectmen's estimates for 1898, as follows:

|                                                     |         |
|-----------------------------------------------------|---------|
| District Schools.....                               | \$3,800 |
| High School.....                                    | 1,300   |
| Support of Poor.....                                | 1,200   |
| Incidental Account.....                             | 900     |
| To Pay Town Officers, including Road Commissioners. | 2,000   |
| Interest.....                                       | 2,500   |
| Collector.....                                      | 1,000   |

|                                                      |                   |
|------------------------------------------------------|-------------------|
| Discounts and Abatements .....                       | 1,000             |
| Opera House.....                                     | 10                |
| Text Books.....                                      | 600               |
| School House Repairs, and Apparatus and Appliances.. | 600               |
| Sinking Fund.....                                    | 950               |
| To Pay a Night Watch.....                            | 600               |
| Highways and Bridges.....                            | 5,000             |
| To Re-plank Covered Bridges.....                     | 125               |
| The document is signed by.....                       | Selectmen of..... |

## CHAPTER V

### THE CITY

**198. How a Town becomes a City.**—When the population of a town becomes too large to transact its municipal business at the general town-meeting, a different organization may be substituted. A petition signed by a majority of the citizens is presented to the State legislature, and, if it is satisfied that a majority of the tax-paying citizens have signed it, the legislature declares the town incorporated as a city. This gives the people a right to choose such officers as will enable them to conduct their local affairs in a better and more convenient way than is possible under a town organization. In addition to laying out, building, and preparing streets, furnishing protection against fire and disease, providing for the helpless poor, and organizing and maintaining schools, a city may provide for a water supply, the lighting of streets, and supplying efficient police protection.

**199. Charter.**—The charter of a city is granted by the legislature, and defines the powers and privileges of the city to which it is granted. In a limited sense, it serves the same purpose for the city that the constitution does for the State. The charter cannot contain provisions that are inconsistent with the State constitution. In case the charter and the statutes of the State are inconsistent, the charter is binding upon

the city. No charter contains any provision in relation to criminal matters. All criminals must be dealt with under the public statutes of the State.

**200. Wards.**—For convenience in voting, cities are divided into districts called wards. Each of these wards is a voting precinct, and each citizen must vote in his own ward. It sometimes becomes necessary to subdivide wards to facilitate voting when the Australian system is used.

**201. Elections.**—General elections for officers of cities are held annually on such dates as are fixed by their several charters. The most of the officers chosen are elected for the term of one year. The law requires the registration of all voters in cities, and the qualifications for voting are the same as those required in voting for State officers.

**202. Administrative Organization.**—The administration of the affairs of a city in Maine is vested in the mayor, a board of aldermen, and a larger board called the common council. These two boards together form what is known as the city council. The mayor and aldermen together constitute a board, and have substantially the same powers and duties as selectmen in towns. They have entire charge of police matters, and of appointing constables and police officers. They have charge of the jury lists and of drawing jurors. They issue warrants for ward meetings. They have the power to lay out and alter streets, though final action requires the concurrent vote of the common council. The city council attends to the raising, appropriating, and borrowing of money, the erection of public buildings, salaries of officials,

methods of securing public order and safety, and the creating of public offices.

**203. Election of Officers.**—The mayor is elected by a majority vote of all the legal voters of the city. The aldermen and members of the common council are elected by the voters of the several wards, one or more being chosen from each ward. In some cities the members of the superintending school committee are chosen in the same way as aldermen and councilmen; in others, they are chosen by the city council; and in still others, they are selected from the membership of the city council. Assessors of taxes, overseers of the poor, city treasurer, collector of taxes, street commissioner, chief engineer of the fire department, city physician, city solicitor, and an auditor of accounts are chosen either by joint ballot or concurrent vote of the two boards constituting the city council. At each election a warden and clerk are elected in each ward by the voters of that ward.

**204. City Ordinances.**—Every city has certain regulations by which its welfare and best interests are promoted. In towns these regulations are called by-laws, and in cities ordinances. Ordinances vary in number and subjects according to the needs and population of the city. They are explicit in their commands regarding the construction of sewers and drains, the removal of offal, the obstruction of streets by teams, the sale of meats, milk, fish, and vegetables. They require certain precautions against fires. They provide for the punishment of vagrants and truants, and protect public property from thoughtless or willful injury. These ordinances are framed and adopted by

the city council, but they must receive the endorsement of one of the justices of the supreme court of the State before they are valid.

**205. Legislative Department of City Government.**—The making of city ordinances, the appropriation of money for different kinds of expenditures, and the election of subordinate officers are acts of legislation. These acts are performed by the city council composed of the two co-ordinate branches, the board of aldermen and the common council. The city council is, therefore, the legislative department of a city government. The mode of making ordinances and appropriations is such that each branch holds a check upon the action of the other. As a further check upon hasty, ill-judged, or unwise action, the mayor may veto any ordinance, appropriation, or list of appropriations made by the city council.

**206. Meetings of City Council.**—The city council assembles for the transaction of business at stated periods, usually once a month. The two branches always meet separately in their respective rooms, and if business requiring the action of the two as one body—joint action—is to be done, a vote to meet in joint convention is had in each. Over such joint convention the mayor usually presides. At the first meeting after the annual city election each branch organizes by choosing one of its members president, and, when the city clerk is not *ex-officio* clerk of the board of aldermen, both branches elect clerks. The mayor is inaugurated in joint convention by taking the oath of office and reading an inaugural address; after which the joint convention is dissolved, each body

passes again into his own room and completes its organization by the appointment of the necessary committees belonging to it. Commonly at a subsequent adjourned meeting, the joint standing committees of the city council, consisting of a certain number of members selected from each branch by its president, are announced in each; and then in joint convention the subordinate city officers are elected.

**207. Making an Ordinance.**—The order of procedure in the making of a city law or ordinance is usually as follows: The ordinance, generally written out in the desired form, is proposed in either branch, by some member; it is then referred for consideration to the joint standing committee whose duty it is to consider all matters of the kind to which the ordinance relates; next it is considered and discussed in this committee, and, if a majority deems it worthy of further consideration by the city council, it is reported back to the branch in which it was proposed, with the recommendation that it be adopted. It is then carefully read, generally twice, in that branch, discussed if members desire to discuss it, voted upon, and, if a majority are in favor of its adoption, it is sent to the other branch to be acted upon there. Here it is again read and considered, and if a majority are in favor of its adoption, it is adopted in concurrence and sent to the mayor for his examination and approval. If it receive his approval and the approval of a justice of the supreme court, it becomes a law of the city and is as binding upon all parties concerned as any law made by the State legislature. All appropriations are made by a similar process,



except that they do not require the approval of the justice.

**208. Duties of the Mayor.**—The mayor is the chief executive officer of the city. It is his duty to see that the ordinances are enforced, and to direct the conduct of the subordinate officers. He may call special meetings of the city council, and make such suggestions and give such information as he considers necessary. He is the presiding officer at all meetings of the board of aldermen and common council, but has only a casting vote. His salary is fixed by vote of the city council. He has the power to veto any action taken by the board of aldermen, the common council, or the city council.

**209. City Clerk.**—The city clerk is usually *ex-officio* clerk of the board of aldermen. In addition to the several duties enumerated in the case of town clerks, he gives notice in the city papers of all ward meetings and performs such other duties as may be prescribed by the aldermen or common council.

**210. Assessors.**—The assessors exercise the same powers, perform the same duties, and are subject to the same liabilities as the assessors of towns.

**211. Collector.**—The collector collects the taxes assessed by the city government and apportioned by the State assessors and county commissioners, and pays them over to the city treasurer.

**212. Treasurer.**—The treasurer receives and cares for all moneys collected for or on account of the city, and is not allowed to pay out any money except upon an order signed by the mayor.

**213. Auditor of Accounts.**—The auditor exam-

ines all accounts against the city and approves them if he finds them to be correct.

**214. City Solicitor.**—It is the duty of the city solicitor to act as attorney in all cases at law where the city is a party; to give legal advice to city officials, and to draft such legal instruments as may be required in the conduct of city affairs.

**215. City Marshal.**—It is the duty of the city marshal to enforce the laws of the State and the ordinances of the city, within the limits of his jurisdiction, and to preserve the peace and good order of the community. He has general supervision of the police force of the city and in a majority of cases the appointment of its members.

**216. Street Commissioner.**—It is the duty of the street commissioner or of the board of street commissioners, as the case may be, under the direction of the board of aldermen, to lay out, discontinue, grade, widen, or otherwise alter any street or way, and to have supervision of the construction and repair of city streets.

**217. Chief Engineer of Fire Department.**—It is the duty of the chief engineer to have general supervision of the fire department, and to perform the duties of fire warden as prescribed by the laws of the State and ordinances of the city.

**218. City Physician.**—It is the duty of the city physician to care for all sick paupers, or those in charge of the city authorities, to notify the city officials of cases of infectious diseases, and to prepare a list of the mortality of the city.

**219. Overseers of the Poor.**—The board of overseers of the poor usually consists of three men.

It has charge of the expenditure of all appropriations made for the aid of the temporarily indigent, and for the support of those permanently unable to maintain themselves. It has general supervision of the city almshouse, makes rules for its management, and appoints its superintendent.

**220. Board of Health.**—Each town and city has power to appoint a board of health, consisting of not less than three nor more than nine persons. This board has charge of the sanitary conditions of the community, and adopts such precautionary measures against contagious diseases as may be necessary. It has power to isolate persons afflicted with contagious diseases, abate nuisances, suspend schools, refuse admission of pupils to the public schools, and to do such other things, not inconsistent with the laws of the State, as may be necessary to protect the health of the community.

**221. Board of Registration.**—A board of registration is established in every city in the State, whose duty it is to determine what persons are entitled to vote, and to make up, correct, and revise the list of voters. This board consists of three members, who must be residents and legal voters in the city in which they act. One member is appointed by the governor for a term of four years; the other two members are chosen from the political parties polling the highest and next to the highest number of votes for governor at the preceding election. They are nominated by the city committees of these respective parties and appointed by the mayor.

**222. Board of Education.**—The school commit-

tee, or board of education as it is more frequently termed, has the same general powers and duties as in the town, and may have special powers conferred upon it by the city charter. The number of members composing the board is generally fixed by the city charter, and varies in different cities. If the charter does not contain provisions relating to the duties of the board and the number of members composing it, then it consists of the same number of members, and has exactly the same powers and duties, as the school committees of towns.

**223. Other Officers.**—Besides these officers, there are numerous minor officials appointed by the city council or by the mayor and aldermen. Among them are undertakers, commissioners in charge of cemeteries, water-works, and public libraries, inspectors of wood, lumber, coal, leather, meats, fish, and milk, fence-viewers, field-drivers, pound-keepers, and tithing-men. The duties of these officers have been explained in the chapter on the town, or their titles sufficiently indicate what their duties are.

**224. Salaries.**—The compensation of city officers is fixed by the city council. Some receive stated annual salaries, some are paid by the day for services actually performed, and some are paid in whole or in part by fees or commissions. Salaries of the same grade of officers so vary in different cities that no definite schedule of them can be made.

**225. Oaths and Bonds.**—All city officers elected either directly by the vote of the people, or by the city council, are required to take the usual official oath to support the constitution and laws of the State and of

the United States, and to perform their duties according to law. Certain of them who are responsible for the collection, custody, or disbursement of city funds give bonds in sums fixed by the city council for an honest accounting of the funds passing through their hands. These bonds are in sums proportional to the responsibilities of those giving them, and so vary that no definite statement concerning them is practicable.

**226. Points of Comparison and of Contrast.—**

It will be noticed that the city legislative power is vested in a city council instead of being exercised by all the voters, as in the town. The executive powers are vested in the mayor and aldermen in substantially the same way that they are vested in the selectmen of the town. The minor officers are chosen by the city council instead of by the people. The voters meet in wards instead of in one body. The reasons for these changes are found in the fact that, in large communities, the people can be better served by representatives than by bringing them together in one body, and allowing each voter an equal voice in the administration of affairs. In short, the essential difference between the town and city governments is, that the former is nearly a pure democracy while the latter is a representative government.

The principal officers of a city are:

|                      |                                    |
|----------------------|------------------------------------|
| Mayor,               | City Solicitor,                    |
| City Clerk,          | Street Commissioner,               |
| Aldermen,            | Chief Engineer of Fire Department, |
| Councilmen,          | City Physician,                    |
| Assessors,           | Overseers of the Poor,             |
| Collector,           | Members of Board of Health,        |
| Treasurer,           | Members of Board of Registration,  |
| Auditor of Accounts, | Members of Board of Education.     |
| City Marshal,        |                                    |

## CHAPTER VI

### THE COUNTY

**227. The County Defined.**—A county is a portion of the State containing a number of towns, its boundaries and territorial extent being fixed by legislative enactment. The county, like the town, is a corporate body. It can sue and be sued, and may hold property. It builds the courthouse and jail, has charge of them, and keeps them in repair. It also has charge of the construction and repair of county roads.

**228. County Government.**—In Maine the county government has the three departments corresponding to the three departments of the State and National governments. The legislative functions are performed by the county commissioners; the executive powers are vested in the sheriff and his deputies; the judicial powers are given to the courts.

**229. County Seat.**—Each county contains a shire town, or county seat, in which are located the courthouse and jail. The official business of the county is transacted at the county seat, and all public records are kept in the county buildings. The records include the wills of deceased persons, deeds, mortgages, and all court documents of public interest and importance.

**230. Officers and their Elections.**—All county officers are elected by the people of the county. The county commissioners are elected for a term of six years; the probate judge, register of probate, county

clerk, and register of deeds, for four years; the county treasurer, county attorney, and sheriff for two years each. These officers are elected at elections held on the second Monday of September. All county officers are required to take an oath of office, and to give bonds for the faithful discharge of their duties. These bonds vary in amount with the different officers, and in different counties for the same officers.

**231. County Commissioners.**—In each county a board of three commissioners, residents in the county, is elected by the voters of the county for a term of six years. The terms of offices are so arranged that one commissioner retires at each biennial election. If a vacancy occurs through the death or resignation of a member, the governor, with the consent of his council, appoints a successor, who serves until the next election of county officers.

**232. Powers and Duties.** — The powers and duties of county commissioners are numerous and involve large interests. They have charge of erecting the county buildings and providing for the repair of the same. They have charge of the county buildings, and the care of all county property. They apportion the county tax among the towns; lay out and discontinue public highways; represent the county in lawsuits; audit and settle accounts against the county; let contracts for the work of prisoners confined in the county jail; and attend to many other matters relating to the general interest of the county. For these services they receive such compensation as is voted them by the State legislature.

**233. County Clerk.**—The county clerk is clerk of

the supreme judicial court held in his county; he is also clerk of the board of county commissioners, and is required to keep a record of all business transacted by them. It is his duty to have charge of all documents filed in cases tried before the judicial court, to keep a careful record of its proceedings, and to issue all papers served by the sheriff, his deputies, and authorized officers of the probate and municipal courts of the county. He is elected for a term of four years, and his compensation is fixed by the legislature.

**234. Register of Deeds.**—In each county a register of deeds is elected by the people for a term of four years. His compensation is fixed by the legislature. In books prepared for the purpose, the register keeps a correct record of all deeds and mortgages presented to him for that purpose. His office must be in the shire town. The purpose of making an official record of all conveyances of property is to give legal notice of all legal transfers of the same.

**235. County Treasurer.**—The treasurer is elected by the people for a term of two years. It is his duty to receive and pay out, under the direction of the county commissioners, all moneys belonging to the county. The receipts include sums paid as county taxes and the payment of fines in different courts. A set standard of weights and measures is placed in his charge by the State for the use of the county, and sealers of weights and measures have access to them for the purpose of testing the weights and measures used by dealers in the towns. It is his duty to make an annual statement of the financial condition of the county, showing in detail all moneys received, and all



sums paid out of the treasury, and such other facts and statistics as are necessary to make a true exhibit of the finances of the county.

**236. Sheriff.**—The sheriff is elected by the people of the county for a term of two years. This office is one of the oldest and most important, and its incumbent is popularly known as high sheriff. He is empowered to appoint deputies, and is responsible for their acts. It is the duty of the sheriff to keep the peace in his county. To do this, he may arrest and put in prison all disturbers of the peace. He is required to enforce all laws passed by the State, to pursue and overtake all criminals. He has immediate charge of the county jail, and may act as jailer or appoint a deputy for the purpose. In the performance of any of these duties, he may demand assistance, and any one thus called upon is liable to fine if he refuse the aid required. The sheriff attends all county courts, and during their sessions he has charge of the prisoners on trial, the witnesses, and the jurors. It is a part of his duty to see that the sentences imposed by the court are executed. He is required to serve all writs and processes issued by any of the courts of justice within his county.

**237. County Attorney.**—The county attorney is elected by the people of the county for a term of two years. It is his duty to prosecute all civil and criminal actions in which the county is a party. He conducts the defense in all suits against the county, and enforces the collection of all debts, fines, and forfeitures accruing to the State in his county; represents the county in all matters of law; investigates claims, and

is the legal adviser of the county officials; instructs and is the advising officer of the grand jury of the county.

**238. Judge of Probate.**—A judge of probate is elected by the people of the county for a term of four years. It is his duty to attend to the settlement of all estates belonging to deceased persons, to secure correct accounts from executors, administrators, and guardians, to appoint guardians of minors and persons of unsound mind. He has charge also of the settlement of the affairs of insolvent debtors and the discharge of the same.

**239. Register of Probate.**—This officer is elected by the people of the county for a term of four years. It is the duty of the register of probate to make and keep an alphabetical record of all wills approved, letters of administration or guardianship granted, bonds approved, accounts allowed, and such orders and decrees of the judge as he directs. He must make out and certify to the register of deeds a true copy of all wills within thirty days after they have been approved and allowed in the probate court, with such information concerning them as he can obtain.

**240. Coroner.**—A coroner is appointed for each county by the governor and his council for the term of two years. The law authorizes the appointment of more than one coroner for each county, if in the judgment of the appointing power such appointments are necessary. It is the duty of the coroner to inquire into the cause of the death of persons who die suddenly, mysteriously, or by violence. To make such investigation, a coroner has power to summon a jury,

to examine witnesses, and determine, as far as possible, the cause of the death of the deceased. The finding of the coroner's jury must be reported to the county clerk. The coroner has the same power as a justice of the peace to issue his warrant for the arrest of any person charged by the jury with being accessory to the death of the person upon whose body inquest has been held.

The principal county officers are:

|                                |                   |
|--------------------------------|-------------------|
| Board of County Commissioners, | Sheriff,          |
| County Clerk,                  | County Treasurer, |
| Judge of Probate,              | County Attorney,  |
| Register of Probate,           | Coroner.          |
| Register of Deeds,             |                   |

## CHAPTER VII

### STATE GOVERNMENT.—LEGISLATIVE DEPARTMENT

**241. The State.**—The State is the highest form of local government. The subdivisions of the State possess such powers only as are necessary to meet local needs. But to protect and promote the interests of the people common to all communities, a more comprehensive system of local government is needed, with laws and officers whose authority extends over the entire commonwealth. The general plan of a State government is substantially the same as that of the National government, and we find many of the provisions embodied in the constitution of the United States incorporated in our State constitution.

**242. Branches.**—The State, as well as the National, government is administered through three departments or branches, viz., the legislative, the executive, and the judicial. The legislative is the law-making power; the executive is the law enforcing power; the judicial is the law interpreting power. These departments are practically independent of each other. We find in the town, the city, and the county, departments that, to an extent, correspond with these divisions of the State government. In the town the laws are made by the people, enforced by the selectmen and constables, and interpreted in part by local justices and in part by the courts. In the county the commissioners have certain legis-

lative powers, the court has a limited jurisdiction in the interpretation of the laws that the commissioners make, and the sheriff and his deputies enforce them. So it will be seen that the most striking characteristics of the State and Nation are found in a modified form in the local forms of government.

#### I.—LEGISLATIVE DEPARTMENT

**243. Where Vested.**—The legislative power of Maine is vested in the State legislature, consisting of the House of Representatives and the Senate.

**244. Time and Place of Meeting.**—The State legislature meets at Augusta, the capital of the State, once every two years, the opening session being held on the first Wednesday after the first day of January. These meetings occur on the odd numbered years, 1897, 1899, etc. On extraordinary occasions, the governor may call the legislature together in extra session. The length of the session is not fixed by law, but as the compensation is a stated sum for the two years for which the representatives and senators are elected, the regular sessions are usually not more than three months in length. The legislature which met in 1897 was the sixty-eighth.

**245. Powers of Each House.**—Each house possesses certain powers that it may carry into effect without the consent of the other one. These powers are the following :

1. Each house elects its own officers.
2. Each house is the judge of the elections and qualifications of its members.

3. Each house adopts its own rules, subject to the limitations of the constitution of the State.

4. Each house may punish its own members for disorderly conduct.

5. Each house may punish other persons for disorderly conduct in its presence.

6. Each house may expel a member by a two-thirds vote of all the members elected.

7. Each house is co-ordinate with the other in general legislation.

8. The House of Representatives has the sole power of preferring articles of impeachment against public officers.

9. The Senate, acting as a jury, tries all impeachments preferred by the House of Representatives.

**246.** Oaths.—Before entering upon their duties, the members of each house must take an oath, or make an affirmation, that they will support the constitutions of Maine and of the United States, and that they will faithfully discharge the duties of their office.

**247.** Compensation. — Each member of the Senate and House of Representatives receives \$150 for the regular session of the Legislature, and is entitled to \$2 for every ten miles traveled from his place of residence to the capital of the State, once each session. The president of the Senate and the speaker of the House of Representatives receive \$300 each for each session, and the same fees for mileage as other members.

**248.** Quorum.—A majority of the whole number of members of either house constitutes a quorum

for the transaction of business; but a smaller number may adjourn from time to time and compel the attendance of absent members.

## II.—HOUSE OF REPRESENTATIVES

**249. How Composed.**—The House of Representatives is composed of 151 members, elected by the qualified voters of the legislative districts of the State. They are distributed among the several counties of the State as follows: Androscoggin, 11; Aroostook, 12; Cumberland, 21; Franklin, 4; Hancock, 9; Kennebec, 13; Knox, 8; Lincoln, 5; Oxford, 6; Penobscot, 17; Piscataquis, 4; Sagadahoc, 4; Somerset, 7; Waldo, 6; Washington, 10; York, 14.

**250. Qualifications of Representatives.**—A representative must possess the following qualifications: First, he must have been for five years a citizen of the United States; second, he must be at least twenty-one years of age; third, he must have been a resident of the State at least one year; and fourth, he must have been a resident of the district which he represents three months next preceding his election, and must continue to be a resident of the district which he represents during his term of office. Representatives are elected for a term of two years.

**251. Apportionment.**—The constitution provides that the number of representatives shall be apportioned among the several counties, as nearly as may be, according to the number of inhabitants, having regard to the relative increase of population. Each town having 1,500 inhabitants may elect one repre-

sentative, and districts are arranged upon this basis as nearly as a grouping of towns will permit, as the law does not provide for the division of towns in making up legislative districts. The apportionment is made by the legislature every ten years, at the session next following the decennial enumeration or census of population made by the National Government.

**252. Certificates of Election.**—Representatives are elected biennially on the second Monday of September of the even years. The town clerks transmit to the secretary of State, at least thirty days before the first Wednesday of January, the returns of votes cast in their towns for representatives. The governor and council examine the lists, and twenty days before the first Wednesday of January issue to those having received a plurality of votes a summons to attend and take their seats.

**253. Vacancies.**—Whenever the seat of a member is vacated by death, resignation, or otherwise, the vacancy may be filled by a new election.

**254. Organization of the House of Representatives.**—The constitution provides that the legislature shall assemble on the first Wednesday of January. At that time the members gather in the Hall of Representatives, where they are called to order by the clerk of the preceding House, who presides until a speaker is chosen.

**255. House Officers.**—The principal officers of the House are a speaker, clerk, assistant clerk, messengers, mail carriers, folders, official reporters, and chaplain. Of these officers the speaker only is a member of the House.



## III.—THE SENATE

**256. How Composed.**—The Senate is composed of not less than twenty and not more than thirty-one members, who are elected for two years by the qualified voters of the counties. The Senate is composed of thirty-one members at the present time.

**257. Qualifications.**—To hold the office of senator in Maine, a person must have attained the age of twenty-five years, and in all other respects his qualifications must be the same as are required to become a member of the House of Representatives.

**258. Apportionment.**—The constitution provides that the legislature shall apportion the senators among the several counties once every ten years. The districts shall conform to county lines, and senators shall be apportioned according to the number of inhabitants in the county. The following is the order of the counties as senatorial districts and number of senators apportioned to each for the decade 1892-1902: York, 3; Cumberland, 4; Oxford, 2; Androscoggin, 2; Franklin, 1; Sagadahoc, 1; Kennebec, 3; Somerset, 2; Piscataquis, 1; Penobscot, 3; Lincoln, 1; Knox, 1; Waldo, 1; Hancock, 2; Washington, 2; Aroostook, 2.

**259. Election.**—Senators are elected at the same time as Representatives, and certificates of election are forwarded to them in the same manner as to Representatives.

**260. Vacancies.**—In case of a vacancy in the membership of the Senate, the members of the House of Representatives and the qualified members of the

Senate elect by joint ballot a person to fill the vacant position.

**261. Organization.**—The Senate is organized in the same manner as the House. Its presiding officer is called the president, and the recording officer the secretary.

**262. Committees.**—At the opening of each session of the legislature, the presiding officers of the two houses appoint certain joint committees to listen to the arguments presented by interested persons on the matters upon which legislation is desired, and to report the action that the committees believe should be taken thereon. In addition, each house has its own standing and special committees, appointed by its presiding officer, whose duty it is to consider all subjects referred to them and report thereon.

#### IV.—LEGISLATIVE PROCEEDINGS

**263. Work of the Legislature.**—The specific work of the State legislature is the making and establishing of laws and regulations for the defense and protection of the people of the State. It is the duty of the legislature to define crimes and authorize punishment for the same. It establishes educational, reformatory, and remedial institutions, and makes laws regulating the traffic of railroads, express companies, and other corporations. It appropriates money to maintain and control the institutions and organizations that it establishes.

**264. Passing Bills.**—A bill is a proposed law. A bill on any subject may originate in either house, and it may be passed, amended, or rejected by the

other. No bill can become a law until both houses have concurred in passing it, and it has been approved and signed by the governor. The course of procedure in enacting a bill—making it a law—is very like that in making a city ordinance as already described. (1) When introduced, it is referred to the proper joint standing committee; (2) is considered and then reported back to the house in which it originated, with the recommendation either that it pass or do not pass; (3) is then ordered printed and a time assigned for its consideration; (4) is read thrice at assigned times, discussed, passed to be engrossed—that is, to be printed in large type in its final perfected form after receiving amendments—, and (5) is sent to the other house for concurrence. (6) Here it is read, debated, and amended, if need be, in the same manner as in the other house, and (7) is finally passed to be engrossed in concurrence. (8) After engrossment it is “finally passed” by both houses in concurrence; (9) is signed by their presiding officers, and (10) is sent to the governor for his examination and signature. (11) If he approve it, he signs it and it becomes a law; (12) if not, he returns it to the house in which it originated, with his objections. (13) These objections are entered upon the journal; (14) if, after reconsidering it, two-thirds of the members of that house agree to pass it, it is sent to the other house, with the objections stated by the governor, and (15) if approved by a two-thirds vote of that house, it has the same effect as if the governor had signed it. Should the governor fail or neglect to return any bill within five days after it is sent to him,

Sundays excepted, it becomes a law without his signature. The governor also signs all resolutions which require the concurrence of both houses, except on questions of adjournment, if he approves them. A law becomes effective thirty days after the final adjournment of the legislature passing it, unless a different date is named therein.

**265. Publication of Laws.**—At the close of the legislature, the secretary of State causes the public laws to be printed by the publishers of every newspaper in the State on extra sheets. He also causes all the public and private laws, and all resolves which have been passed by the legislature and have become laws, to be printed in book form and placed in charge of the State librarian for distribution, free to certain persons and institutions named in the laws of the State, and sold at a prescribed price to all other persons calling for them.

## CHAPTER VIII

### THE EXECUTIVE DEPARTMENT

**266.** The Governor.—The supreme executive power of the State of Maine is vested in the governor, who is chosen biennially by the qualified voters of the State. There are also many subordinate executive officers, a full list of whom will be found at the end of this chapter.

**267.** Qualifications.—The governor must be:

1. Not less than thirty years of age;
2. A natural born citizen of the United States;
3. A resident of the State for five years;
4. At the time of his election, and during the term for which he is elected, a resident of the State.

**268.** Powers and Duties.—The governor is commander-in-chief of the army and navy of the State, and of the militia, except when called into the actual service of the United States. He may, with the advice of his council, grant reprieves, pardons, and commutations to convicts. This power does not extend, however, to cases of impeachment. With the consent of his council, he appoints certain judicial officers, all coroners and notaries public, and many subordinate executive officers. He must give the legislature information, from time to time, concerning the condition of the State, and recommend for their consideration such measures as he may deem expedient. He may, on extra occasions, convene the legislature.

If the two houses cannot agree as to the time of adjournment, he may adjourn them to such time as he thinks proper, but not beyond the time of the next biennial meeting. If he considers the usual place of meeting unsafe, owing to the prevalence of contagious disease, or for other reasons, he may direct the sessions to be held at some other convenient place within the State. He signs all acts and resolves passed by the legislature which he approves, and all warrants upon which money is drawn from the State treasury.

**269. Governor's Council.**—Seven councillors, citizens of the United States and residents of the State, are chosen biennially by the legislature to advise the governor in executive matters, and their advice is recorded and signed. The governor has full power to assemble his council, and with them to order and direct the affairs of the State according to law.

**270. Secretary of State.**—The secretary of State is chosen biennially by joint ballot of the Senate and House of Representatives. If the office becomes vacant during the recess of the legislature, the governor appoints a suitable person to act until his successor is elected by the legislature. He is required to give a bond for the faithful discharge of his duties, and to take the oath prescribed by the constitution. The duties of the secretary are to keep the records of the State and have charge of the State seal. He has in his possession all stationery and supplies for the use of the several departments. He keeps in his custody the laws of the State, and attends to having them published. He furnishes to county and town officers blanks for election returns; also blank forms for re-

ports of corporations. He provides officers of the courts with registers that they are required to fill out, and that must contain the name and residence of every officer, date of his commission, and the district for which he is commissioned.

**271. State Treasurer.**—The State treasurer is chosen in the same manner as the secretary of State. He must give a bond of \$150,000, with sureties to the satisfaction of the legislature, for the faithful discharge of his trust. He is not eligible to this office for more than six successive years, and cannot during his term of office engage in any trade or business. He keeps all bonds, notes, and other securities belonging to the State, and may, with the consent of the governor, make such investments as are deemed advisable. He has charge of all the money accruing to the State, but cannot pay it out except on the warrant of the governor and council, and in consequence of appropriations made according to law. A regular statement and account of receipts and disbursements of all public moneys must be published by him at the beginning of the session of each legislature.

**272. Attorney General.**—The attorney general is elected in the same manner as the secretary of State and the State treasurer. It is his duty to attend all terms of the law courts and to act as prosecuting attorney in all capital trials. He instructs the county attorneys in the discharge of their duties. He is required to make an annual report to the governor and council of the official work performed by him, with whatever suggestions he may deem necessary concerning the criminal laws of the State.

**273. Superintendent of Public Schools.**—The superintendent of public schools is appointed by the governor, with the consent of his council, for the term of three years. He has general supervision of the public schools of the State. He advises and directs town school committees in the discharge of their duties. He grants State certificates to those who pass satisfactory examinations, visits the public schools and makes an annual report to the governor and his council of the condition of the schools, with such suggestions and recommendations as, in his judgment, would promote the best interests of education in the State. He must prepare blank forms for all returns required by law, and forward the same to the municipal officers and superintendents of schools, together with blanks and registers for the use of teachers in making out annual school returns. He is, by virtue of his office, a member of the board of trustees of the State normal schools.

**274. State Boards.**—Since it is impossible for the governor to superintend directly all the departments of the State, much of the executive work is intrusted to boards created by acts of the legislature and composed of persons appointed by the governor and answerable to him, or to single officers similarly appointed.

**275. Railroad Commissioners.**—This board consists of three members, appointed by the governor and his council for three years. Two of them must be experienced in the construction and management of railroads, and one of them must be a civil engineer. These commissioners have general supervision of the



location and construction of all steam, electric, and horse railways, and secure such information concerning their condition as the public safety and convenience demand. They must notify the officers of these corporations of any repairs or improvements that are necessary, and the officers must furnish them with such information concerning their business as they may demand. They also inspect the roads for the purpose of ascertaining if they are in proper condition, determine the manner and conditions of crossings, and approve or reject locations for rail and electric roads.

Charters for both steam and electric roads are granted by the railroad commissioners when they decide that public convenience demands that such roads be built.

**276. Insurance Commissioner.**—The insurance commissioner is appointed by the governor and his council for the term of three years. It is his duty to make personal examination of the condition of all companies engaged in insurance business in the State, and, to assist him in the discharge of his duties, he has access to their books and papers. No insurance company is allowed to do business in the State without a license from the insurance commissioner. Whenever he deems a company insolvent, he takes legal measures to force it to discontinue its business in the State. He keeps a written statement of the condition of every company, and reports annually to the governor and council concerning the condition of the companies examined, with such suggestions as to future legislation as he deems necessary. He also keeps a record of all fires

occurring within the State and may, when deemed necessary, personally supervise an inspection of the cause of any fire.

**277. Bank Examiner.**—The governor and his council appoint an examiner of banks, who holds his office for three years. He examines, at least once a year, the transactions of all savings banks, loan and building associations, and trust companies doing business under the laws of Maine, and makes such inquiries as he deems necessary to ascertain their condition and ability to fulfill their engagements, and for that purpose he may summon and examine under oath all bank officials. He may take legal measures to restrain further business on the part of any bank that he deems insolvent, and makes an annual report to the governor and his council.

**278. Inspectors of Prisons and Jails.**—Three inspectors of prisons and jails are appointed by the governor and his council for a term of not more than four years. They have general control and supervision of the State's prison. They prescribe the quality, quantity, and articles of food for the convicts, make rules for the government of subordinate officers and employees, have charge of the prison property, and manage the financial interests of the prison. In connection with the warden, they let contracts for convict labor, and make a report to the governor and his council of the condition of the buildings and their inmates. They are required, also, to visit all jails in the State at least once in three months, and inquire into the management and conduct of the same and have a general oversight of them. The State's prison

is under the immediate charge of a warden, who is the resident executive officer and treasurer. He performs his duties under the direction of the inspectors. He is appointed by the governor and his council for a term of not more than four years, and while holding this office is not allowed to engage in any other business.

**279. Board of Agriculture.**—This board consists of the president and the professor of agriculture of the University of Maine, with one person from each county elected by ballot by the county agricultural or horticultural society. The members hold their office for a term of three years. This board looks after the general agricultural interests of the State. The secretary of the board publishes annually a report of its doings, and the results of his labors and investigations in regard to the methods and needs of practical husbandry. He makes such arrangements for the holding of farmers' institutes as, in his judgment, will best promote the interests of agriculture in the various sections of the State.

**280. Commissioners of Inland Fisheries and Game.**—The governor and council appoint three persons to serve as commissioners of inland fisheries and game, one of whom shall be the land agent of the State; the other two members hold office for three years and until their successors are appointed and qualified. They have charge of the inland fisheries and game of the State, and of the distribution of fish for the stocking of streams, and attend to the prosecution of all violations of the fish and game laws. They make an annual report to the governor of their labors

and the condition of the State property placed under their charge.

**281. Commissioner of Sea and Shore Fisheries.**—The governor and council also appoint a commissioner who has general supervision of the sea and shore fisheries and shell fish, and holds office for the term of three years and until his successor is appointed and qualified.

**282. Liquor Commissioner.**—The governor, with the consent of his council, appoints a commissioner to furnish the municipal officers of the towns and cities of the State and authorized agents in other States with pure, unadulterated, intoxicating liquors, to be sold only for medicinal, mechanical, and manufacturing purposes. This officer must reside and have his office in this State; he holds his office for the term of four years, unless sooner removed by the governor with the advice and consent of his council. It is his duty to sell only such liquors as have been tested by a competent assayer and found to be pure.

**283. Board of Assessors.**—This board is chosen biennially by joint ballot of the Senate and House of Representatives, and consists of three members, not more than two of whom shall be taken from the same political party. The term of office is six years, one member retiring with each session of the legislature, It is the duty of this board to attend to the assessing and taxing of railroad corporations and associations, and all corporations or companies engaged in telegraph, telephone, or express business in the State. These assessors constitute a State board of equalization for the purpose of equalizing State taxes among

the towns and unorganized townships and fixing the valuation of real and personal estate on which the State and county taxes are levied. They must visit officially every county in the State, at least once in two years, at such times and places as they may deem necessary, to secure information that will enable them to make a just and equal valuation of taxable property in the State. Town assessors are required to attend these meetings and exhibit their latest valuation lists and answer under oath such questions as the State assessors may ask of them. In fixing the valuation of unorganized townships, the lands and other property of owners may be valued and assessed separately. All owners of wild lands must appear before the board in person or by agent, render to them a list of all lands thus owned, and answer such questions as the board may deem necessary in obtaining a full knowledge of the value of such lands. This board may correct all clerical errors in the apportionment of taxes, and upon certificate of the State treasurer that property has been doubly taxed, may abate the balance remaining unpaid.

**284. State Librarian.**—The State librarian is appointed by the governor and his council for a term of three years. He has charge of the books, maps, and charts belonging to the State library, makes a catalogue of all books belonging to the State, and purchases such volumes as the governor may direct. He also attends to the distribution of the reports of the several departments and other State documents. By advice of the governor and council, he distributes books to free libraries throughout the State, and has

charge of the apportionment of State stipends to those libraries. He also effects exchanges of books with other State libraries.

**285. Militia.**—The active militia, known and designated as the National Guard of the State of Maine, is composed of volunteers, and, on a peace footing, consists of not more than twenty-four companies of infantry, one battery of light artillery, two troops of cavalry, an ambulance corps, and a signal corps. There are numerous companies distributed over the State, having armories for meeting and drilling purposes in the cities and larger towns. The governor, who is commander-in-chief, exercises his authority largely through his staff, which consists of an adjutant general and inspector general, a commissary general, surgeon general, judge advocate general, inspector general of rifle practice, two aids, and a military secretary. These officers are appointed by the governor without the advice and consent of his council. The enrolled militia includes all male citizens of the State between the ages of eighteen and forty-five years, except idiots, lunatics, paupers, common drunkards, and persons convicted of infamous crimes. It is the duty of the assessors of the several towns and plantations to make an enrollment of all such citizens biennially in April. If any of these are by law exempt from military duty for any cause, or are members of the National Guard, the assessors must so note on the enrollment opposite their names. Those not thus exempt are subject to military duty, and may be called into active service only in case of war, to prevent or repel invasion, to suppress insurrection or

riot, or to aid civil officers in the execution of the law.

**286. Land Agent.**—The governor and council appoint the land agent, who holds his office during their pleasure. He superintends and manages the sale and settlement of the public lands, and cannot, when appointed or while in office, be directly or indirectly concerned in the lumber business on the State lands, or in the purchase thereof, or of any timber or grass growing or cut thereon. He receives all moneys and securities accruing to the State from the sale of lands, timber, and grass, and pays the same over to the State treasurer. He executes all deeds on behalf of the State conveying lands sold or granted by the legislature, collects interest on all notes, and has a general supervision of all matters relating to the public lands of the State.

**287. Forest Commissioner.**—The land agent is by law made forest commissioner of the State of Maine. It is his duty to make a collection and classification of statistics relating to the forests of the State, to inquire to what extent they are being destroyed by fire and by wasteful cutting of timber, and to ascertain, as far as he can, the diminution of the wooded surface of the land and its effect upon the water-power and the climate of the State. The information thus obtained, together with his suggestions in relation thereto, are embodied in his annual report to the governor.

**288. Cattle Commissioners.**—The governor may, when he deems it expedient, appoint commissioners with power to make all necessary regulations, and to

issue summary orders, for the treatment and extirpation of any contagious disease among cattle, and to direct municipal officers to enforce and carry them into effect. Any officer or other person refusing or neglecting to enforce or comply with any regulations of these commissioners, is subject to a fine of not exceeding \$500 or to imprisonment not exceeding one year. The commissioners are required to keep a record of their doings, and to make report thereof to the legislature, on or before the tenth day of January annually, unless sooner required by the governor, such report to be printed in the annual volume of Transactions of the State Board of Agriculture. The governor, with the advice and consent of the council, may terminate the commission when, in his judgment, the public safety permits.

**289. Commissioners of Pharmacy.**—Three commissioners of pharmacy are appointed by the governor and council, each to hold office for the term of three years, unless removed for cause or until a successor is appointed and qualified. The duty of the commissioners is to examine all persons who desire to carry on the business of an apothecary, and to give certificates to such as are found skilled in pharmacy, authorizing them to engage in the business, but such certificate must be signed by at least two of the commissioners. They are required to register in a suitable book, to be kept in the office of the secretary of State, the name and place of residence of all to whom they issue certificates and the date thereof. They make a report of their proceedings to the governor and council annually.



**290.** Commissioner of Industrial and Labor Statistics.—This commissioner is appointed by the governor and council on the first Wednesday in February, biennially, and must be some person who is acquainted with the industrial and labor interests of the State. He has power to enter any public institution of the State, and, at reasonable hours when open for business, any factory, workshop, mine, or other place where labor may be employed for the purpose of inspection. All State, county, city, and town officers are required to furnish the commissioner, upon his request, statistical information, together with other facts obtained from any source, to be embodied in his annual report.

**291.** Inspector of Factories, Workshops, Mines, and Quarries.—This officer, formerly called the deputy commissioner of labor, is appointed by the governor and council and holds office for two years, or until his successor is appointed, unless sooner removed. It is his duty to inquire into violations of the laws regulating the hours of labor and the employment of women and children in manufacturing or mechanical establishments, and to assist in the collection of statistics and other information required for the use of the bureau of industrial and labor statistics. He is also required to have a general oversight of the sanitary condition of factories, workshops, mines, and quarries, and to see that the laws for the protection of laborers therein are duly enforced. He is required to report annually to the commissioner of industrial and labor statistics, and his report is incorporated in the annual report of that bureau.

**292. State Pension Clerk.**—The law provides that any person who served by enlistment in the army or navy of the United States in the war of 1861, on the quota of Maine, and who has been disabled by wounds or injury received in the line of his duty, shall receive from the State a pension not exceeding \$8 a month, provided he is unable from his own resources and a United States pension to obtain a livelihood. The widow and dependent children, or dependent parent or sister, of deceased soldiers or seamen are, under certain restrictions, granted the same pension. The execution of this law devolves upon the governor and council; they appoint a pension clerk, whose duty it is to have general charge of the State Pension Department, keeping all its records and attending to all its details.

**293. State Board of Health.**—The State board of health consists of seven members, six of whom are appointed by the governor and council, the seventh being elected by the board as its secretary. The six members appointed by the governor and council hold office for six years, the term of one member of the board expiring each year. The secretary is the executive officer of the board and holds office during good behavior, but may be removed from office for just cause at any time by a majority of the board. The board has the general supervision of the interests of health and life of the citizens of the State. The members are required to study the vital statistics of the State, make sanitary investigations respecting the causes of disease, and especially of communicable diseases and epidemics, and of everything relating to

the health and mortality of the people. They also have a general direction of the enforcement of the laws respecting the preservation of health, and make an annual report to the legislature of their doings and investigations.

**294.** Superintendent of Public Buildings.—The governor, with the advice and consent of the council, appoints a superintendent of public buildings, who has charge of the buildings belonging to the State at the capital. It is his duty to see that the several apartments are at all times kept properly cleansed and ventilated, and that all the property of the State contained therein is preserved from injury and kept in proper condition. He must, also, at all suitable hours, personally attend visitors at the State House, free of expense. He has the care of the public grounds, fences, and trees, and of all property pertaining to the public buildings. Under the direction of the governor and council, he superintends and causes all necessary repairs to be made upon the public buildings, and everything pertaining thereto, and makes all purchases of furniture, lights, fuel, and everything necessary for the use and convenience of all the apartments of the State House. He is required to give bond to the State in the sum of \$2,000 for the faithful discharge of his trust.

The executive and principal department officers of the State government are as follows :

|                                  |                                 |
|----------------------------------|---------------------------------|
| Governor,                        | Board of Assessors,             |
| Council,                         | State Librarian,                |
| Secretary of State,              | Militia,                        |
| State Treasurer,                 | Governor's Staff,               |
| Attorney General,                | Land Agent,                     |
| Superintendent of Public         | Forest Commissioner,            |
| Schools,                         | Cattle Commissioners,           |
| Railroad Commissioners,          | Commissioners of Pharmacy,      |
| Insurance Commissioners,         | Commissioner of Industrial and  |
| Bank Examiner,                   | Labor Statistics,               |
| Inspectors of Prisons and Jails, | Inspector of Factories, Work-   |
| Board of Agriculture,            | shops, Mines, and Quarries,     |
| Commissioners of Inland Fish-    | State Pension Clerk,            |
| eries and Game,                  | Board of Health,                |
| Commissioners of Sea and Shore   | Superintendent of Public Build- |
| Fisheries,                       | ings.                           |
| Liquor Commissioner,             |                                 |

## CHAPTER IX

### JUDICIAL DEPARTMENT

The constitution of Maine grants to the legislature the power to organize such courts as it may think advisable. The judicial department of Maine accordingly consists of numerous courts established by the laws of the State, with their powers carefully defined.

**295. Supreme Judicial Court.**—The supreme judicial court consists of one chief justice and seven associate justices, who are appointed by the governor and his council for a term of seven years. This court has cognizance of all offences against the laws, and all civil actions between parties and between the State and individuals. It has the general superintendence of all inferior courts and control of all documents in custody of its clerks.

**296. Law Courts.**—The State is divided into three districts, in each of which an annual session of the supreme court is held as a law court. Certain cases only, specified by the statute, and those in which questions of law are to be adjudicated, can come before this court; and those include no original actions.

**297. Trial Courts.**—The supreme court, by one of its justices, holds trial courts in every county, under the direction of the chief justice. Two or more terms are held in each county each year, and the times of holding the sessions are prescribed by law. Civil and

criminal actions come before these courts for trial, and certain other business is transacted by them.

**298. Superior Courts.**—The counties of Cumberland and Kennebec have each a superior court. The former is held in Portland and consists of one justice, who must reside in that city during his continuance in office. The latter is held in Augusta and Waterville and consists of one justice, who must be an inhabitant of Kennebec county. These courts have exclusive jurisdiction of civil appeals from municipal and police courts and trial justices, and certain other powers granted by statute.

**299. Probate Court.**—A court of probate is established in each county. It consists of a judge elected by the voters of the county for the term of four years. These courts have jurisdiction of the probating of wills and of all business relative to the settlement of estates of deceased persons, of the appointment of guardians for minors and others, and the settlement of cases of insolvency.

**300. Police and Municipal Courts.**—Police and municipal courts, consisting of one justice, are established in certain cities and larger towns. These courts have jurisdiction of minor offences for which the punishment is but a small fine or a short imprisonment. Daily sessions of these courts may be held. The trials are not by jury, and hence in all cases appeals may be taken to the supreme court, or to the superior courts in the counties in which they are established, if the cases are such as to come properly within their jurisdiction.

**301. Trial Justice Courts.**—A trial justice is

appointed by the governor and his council in towns where such appointment is required, for a term of seven years. He has all the powers of a justice of the peace and quorum, but his jurisdiction is limited to the county in which he resides. He is authorized to try certain minor cases, both civil and criminal. He can sentence vagrants to the county jail, and incorrigible and habitual truants to the State Reform School. He can impose fines upon parents and guardians for failure to send children under their control to the public schools, as required by law. He may try cases of search and seizure of intoxicants kept for illegal sale, and of single sales of such intoxicants, and impose the legal penalties therefor. He may make preliminary examination of accusations of criminal acts, and remand accused persons for trial by a higher court.

**302. Justices of the Peace.**—Justices of the peace and notaries public are appointed by the governor and his council for a term of seven years, if they so long behave themselves well. At the expiration of the term they may be reappointed. There are two grades of justices of the peace recognized in Maine: Justices of the peace and justices of the peace and quorum. Their powers are practically the same. They have the power to solemnize marriages, take acknowledgment of deeds, take depositions, etc. Justices of the peace and quorum are commissioned to act for and within the county,

**303. Notaries Public.**—A notary public is an officer whose attestation of deeds and other writings is recognized in other States and countries, as authenti-

cating them. He is required to keep a record of his official acts, and to make all his attestations with an official seal, which must contain the name of the notary and also the word "Maine."

**304. Dedimus Justice.**—A dedimus justice is one to whom special authority is given to do certain things mentioned in his commission or writ; such as to administer the oath of office to State officials, to take testimony in specified cases, and to perform other acts usually in the province of a judge.

**305. Juries.**—The State constitution guarantees to every person charged with an offense punishable by loss of life liberty, or property, the right of trial by jury. Certain civil causes involving property rights are also tried by jury, under our laws. The jury, therefore, is an essential part of the judicial machinery. A jury is a certain number of men possessing qualifications prescribed by law, selected to decide upon the fact of innocence or guilt in criminal causes, or to determine the rights involved in civil causes. They are sworn to determine these facts and rights, in accordance with the evidence submitted to them and with the law as interpreted to them by the justice presiding in the trial of the cause. Juries are of two kinds, viz., grand juries and petit juries. A grand jury consists of twenty-three men, a petit jury of twelve men.

**306. Drawing Jurors.**—In every town a box is kept called the jury-box, containing the names of a certain number of persons qualified for jury duty. This box is in the custody of the town clerk, and can be opened for the putting in or drawing out of names only in the presence of the municipal officers and



assembled voters of the town. When jurors are required a notice from the court, called a writ of *venire*, is served upon the municipal officers of the towns in the county in which the court needing the service of jurors is to be held, requiring the towns to furnish each a designated number of persons for the service. The municipal officers thereupon issue their warrant for the voters to assemble at a designated time and place for the drawing of the jurors required, and at the date and place named the jury-box is opened and the names of the required number of persons are drawn from it by lot. The persons whose names are so drawn are then formally summoned to report on a designated day and hour, at the place of holding the court in which they are to serve as jurors. The aggregate number of jurors drawn from all the towns is always in excess of the number actually required, because cases are liable to come before the court for trial in which some of the persons drawn can not, for some reason or reasons, properly act as jurors.

**307. Impanelling Juries.**—Juries are organized, or impanelled as it is called, by being sworn in open court, and then sent to rooms set apart for their use, to complete their organization by choosing one of their number foreman to preside over their deliberations, and to speak for the jury in announcing their findings in the cases coming before them. But one grand jury is impanelled in any county, and it serves for all regular sessions of the court held during the judicial year. Two petit juries are usually impanelled, in order that there may be one at liberty to sit while

the other is deliberating upon the evidence in a case upon which it has been sitting. These are designated as the first and second juries. When the two have been impanelled, those persons summoned to serve who have not been placed upon either, are usually excused from further attendance upon the court until needed. If it should be found necessary to impanel a special jury to try any case, these supernumerary jurors, as they are termed, are liable to be called into service.

**308. Office of the Grand Jury.**—The grand jury deals wholly with criminal offenses, and does not try cases to determine all the actual facts, and render verdicts of guilt or innocence. Its sole office is to ascertain and decide whether there exists evidence enough to show the probable guilt of one charged with a criminal offense. Finding such evidence, its duty is to bring the case formally before the court for trial by a petit jury—to present an indictment of the accused person. In the performance of its duties its deliberations are secret, and its members are sworn to to keep secret the evidence submitted. Only the county attorney, as the prosecuting officer of the court, can be present at its sessions and have knowledge of its proceedings. It is among the duties of his office to appear before it, present accusations of offenses, and submit evidence to show the probable guilt of those accused. If, after hearing such accusations and evidence, a majority of the jury decide by vote that the evidence submitted shows the probable guilt of the accused, an indictment is made out in legal form by the county attorney, is properly signed and

attested, and reported to the court, and the accused is then held for trial. In some cases, also, the court instructs the grand jury to inquire into the existence of suspected offenses against the laws, and to submit its findings as grounds for further proceedings.

**309. Office of the Petit Jury.**—When the grand jury has found an indictment against a person or persons accused of an offense, such person or persons must stand trial before a petit jury. In such trial the county attorney appears as prosecuting officer. In capital cases, however, the attorney general of the State is usually called in to act with the county attorney. The accused is defended by an attorney or attorneys selected and employed by himself; or in case of inability to employ one, by an attorney selected and appointed by the presiding justice and paid by the State. It is the duty of the jury before whom the case is tried carefully to weigh all the evidence submitted on both sides. To aid them in this, when all the evidence has been submitted, the attorneys on both sides make their arguments, each reviewing the evidence in such way as to bring out the strong points in favor of his side, and to obscure or weaken those on the other side. Next, to aid them further the presiding justice gives a charge to the jury, in which he instructs them regarding the legal principles to be applied in weighing the evidence submitted and reaching a decision or verdict. Then the jury retire to their room under the charge of the sheriff, and are kept behind locked doors until they have agreed, or found themselves unable to agree, on either a verdict of innocent or guilty. Finally, the jury are

required to make report in open court of the verdict found, or of their failure to agree. The foreman makes the report, every juror being required to state his assent to it, and a record is made of it. If the verdict is not guilty, the accused is discharged and cannot be tried again upon the same charge or charges; if it is guilty, he is remanded for sentence—that is, is given into custody of the sheriff till sentence is pronounced. If the jury have failed to agree, he is remanded for a new trial, and must remain in custody till such trial can be held. In civil cases tried before a jury, the course of procedure is practically the same as in criminal cases. The verdict rendered, however, differs in form, stating usually the jury's decision as to the rights involved. If the case, whether criminal or civil, be such as to consume much time in its trial, the jury, after reporting their finding, are generally given a recess, or are permanently discharged from further attendance.

**310. Attorneys at Law.**—Attorneys at law, or lawyers as they are commonly called, while not officers of the court, are very important functionaries in the administration of judicial affairs, and stand in very intimate relations to the judicial department of the government. They must have pursued a prescribed course of legal study, have passed a satisfactory examination in open court before a justice of the supreme court, have been formally admitted to practice before the courts of the State, and a record of the fact been made. They are, therefore, in a sense members of the court, having special privileges in it and owing certain duties to it.

The judicial department consists of :

|                                                           |                              |
|-----------------------------------------------------------|------------------------------|
| Senate: as a Court to try Im-<br>peachments,              | Police and Municipal Courts, |
| Supreme Judicial Court,                                   | Trial Justice Courts,        |
| Trial Courts,                                             | Justices of the Peace,       |
| Law Court,                                                | Notaries Public,             |
| Superior Courts of Cumber-<br>land and Kennebec counties, | Dedimus Justice,             |
| Probate Court,                                            | Grand Jury,                  |
|                                                           | Petit Jury,                  |
|                                                           | Attorneys at Law.            |

## CHAPTER X

### RIGHTS AND DUTIES OF CITIZENS

**311. Declaration of Rights.**—The first article of the constitution of Maine is known as the Declaration of Rights, and is devoted to setting forth certain rights of citizens. These may be mentioned briefly as embodying the following principles :

1. The right of the people to assemble in order to consult upon such matters as pertain to the public welfare and to seek redress of grievances.

2. The right to worship God according to the dictates of conscience.

3. The right of freedom of speech and the interchange of opinions.

4. The security of home and property from any demand of government.

5. The right to appeal to the courts of justice to secure protection of life, property, or reputation.

6. The right to be considered innocent until proved guilty.

**312. Duties of Citizens.**—While it is just that the rights of the citizen should be carefully guarded, his property protected, and his interests served, yet it is quite as just that the government should demand a return for such care and protection. Every citizen owes a political duty to the community in which he lives. He must not only obey the law, but he must use his influence to secure wise and faithful officers to

serve the public. He must encourage every movement that has for its object the advancement of education and the general welfare. He must identify himself with the government in such a way as to hasten the enactment of such laws as will foster morality, safety, and progress.

**313. Citizenship.**—America, in a greater degree than any other nation, tends to develop individuality in her citizens. The personal responsibility of every inhabitant and his right to free speech and free thought tend to build up a nation, whose foundation is laid upon the loyalty of the people, their independence of thought and action, and their own self-control rather than control by an arbitrary government. In the fourteenth amendment to the National constitution we read: "All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside." By this clause we understand that no person can be solely a citizen of the United States or of his own State; he must be a citizen of both or of neither.

**314. Suffrage.**—Suffrage is the right to vote. This right is conferred as a special privilege upon a certain class. Not every citizen has the right of suffrage. Women and children are citizens; yet the latter never vote, and only a few States grant the privilege to the former. The State constitution and laws confer the right of suffrage, and also determine the qualifications of voters. The constitution of the United States contains but little on the subject; reference is made to it three times. The first

passage says that electors of National representatives "in each State shall have the qualifications requisite for electors of the most numerous branch of the State legislature." This clause entitles any one to vote for a representative in congress who may vote for a member of the lower house of the State legislature. If women, by the State law, can vote for State representatives, they can vote for representatives in Congress, since the same qualifications are prescribed for one as for the other. The *fifteenth amendment* says: "The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of race, color, or previous condition of servitude." This clause does not state any qualifications of the voter, but simply forbids certain facts to be made tests of suffrage.

We see, therefore, that it is left for each State to prescribe the qualifications of its voters, the National government reserving only a general supervision and control over the election of members of Congress.

**315. Voting as a Duty.**—Since ours is a government "of the people, by the people, and for the people," it is to the people that we look for all that makes our laws wise, just, and helpful. It is the people who must institute reforms and see that suitable officers are elected to carry out the same. This brings the duty of voting home to every citizen. The refusal to exercise the right of suffrage is like taking the best things that can be provided and making no return. No man can argue that he has no part in the government. Every man who walks or drives on the public roads, who has the security from danger to him-



self or his property that makes life endurable, and who enjoys the luxury of well lighted streets, well regulated fire departments, or healthful sanitary arrangements, and all the educational advantages provided for his children, is receiving all these benefits directly from the government, his duty towards which he cannot consistently ignore. The government helps every one within reach of its laws to lead a broader, happier, and more helpful life than could be possible if there were no laws. It therefore becomes the imperative duty of every intelligent citizen to recognize his obligation to vote, to vote for good men, to vote for good laws, and to vote for the advancement of every good cause.

## CHAPTER XI

### ELECTIONS IN MAINE

**316. Time of Holding.**—The general election is held in Maine once in two years, on the second Monday in September. The election years are 1896, 1898, 1900, etc.

**317. Place.**—The municipal officers, sixty days before any election, may divide towns of more than 4,000 inhabitants and wards of cities into convenient polling districts, which shall contain not less than 300 voters each. They must also, ten days before any election, appoint a warden and ward clerk for each polling place other than the one in which the warden duly elected for such ward shall reside.

**318. Qualifications of Voters.**—It is prescribed by the laws of the State that the voter must possess the following qualifications: (1) The voter must be a male. (2) He must be twenty-one years of age. A young man does not reach his majority until he has arrived at the age of twenty-one years. Previous to that time he is under the control and guidance of his parents or guardian, and is not deemed sufficiently mature in his judgment to consider wisely the questions which come before the people at the elections. (3) He must have resided in the State three months before an election. This serves as a check against illegal voting. (4) He must be able to read the constitution in the English language and write his name. All per-

sons possessing the above qualifications are entitled to vote at any election held in Maine.

**319. Residence Explained.**—A man votes in the place where his residence is established. The State constitution provides that one does not gain or lose a residence (1) by virtue of being employed in the service of the State or the United States; (2) by virtue of being a student at any seminary of learning; (3) by virtue of being an inmate of the poor-house at public charity. Students and State and National officers must vote at the place of their permanent residence. If a man's place of business is in one locality and his family resides in another, he must vote at the latter place. Paupers, persons under guardianship, and Indians who are not taxed are denied the right of suffrage in Maine.

**320. Protection to Voters.**—The constitution provides again that electors (meaning voters) "shall, in all cases except treason, felony, or breach of the peace, be privileged from arrest on the days of election during their attendance at, going to, and returning therefrom." This prevents voters from being placed under arrest on groundless charges by unprincipled partisans, to secure their own ends or to defeat the will of the people.

**321. Polls.**—The polls, or voting places, may be opened at eight o'clock in the morning, and shall not be held open later than five o'clock in the afternoon of the day of any election.

**322. Ballot Boxes.**—The officers presiding at any election shall use a check list, and one ballot box to be furnished at the expense of the town. These

boxes are covered at the top with a slide only, and must be kept shut except when open to receive a ballot; but they may contain any mechanical device which tends to prevent fraud at elections, provided it in no way interferes with the rights of the voters.

**323. Check List.**—In every town and city lists of persons qualified to vote are prepared and corrected. This is done in towns by the selectmen or assessors, and in cities by the board of registration. These lists are arranged alphabetically, and are deposited in the office of the town or city clerk between the eleventh and eighteenth days of August of each gubernatorial year and similar lists are posted in one or more public places in the town or city. Certain days are prescribed by law when the officers meet in open session to make corrections, as to add the names of those qualified to vote, who have been omitted in the preparation of the lists.

**324. Returns.**—The clerk of each town shall cause the returns of votes given in his town to be delivered to the secretary of State within thirty days after the election, and at the same time shall forward a statement of the number of votes cast for the different officers, which shall be opened and filed by the secretary and kept for public examination.

**325. Australian Ballot System.**—In accordance with public sentiment, Maine, in 1891, adopted the Australian ballot system, which seeks to prevent corruption in voting, and insures to the voter the privilege of voting as he desires, uninfluenced by the knowledge or dictation of any other person. This

system provides for a secret ballot, which is supposed to be favorable to independence in voting.

**326. Nominating Candidates.**—Any convention of delegates, and any caucus or meeting of qualified voters, representing a political party that polled at least one per cent. of all the votes cast at the last election, may nominate candidates for public offices. The certificate of nomination must be duly filed with the secretary of State, and must contain such a statement of facts as may be required for its acceptance. It must be signed by the presiding officer, or by the secretary of the convention or caucus, and also by the person nominated.

**327. Certificates Filed and Certified.**—Certificates of nomination for offices to be filled by the voters of a division larger than a city, must be filed with the secretary of State at least thirty days, exclusive of Sundays, before the election. For other nominations certificates must be filed with the city clerk at least seven days, exclusive of Sundays, before the election. The certificates of nomination, when filed, shall be opened and kept open, under proper regulations, to public inspection; and the secretary of State and the town and city clerks shall keep them in their respective offices not less than one year.

**328. Booths.**—Screened booths or compartments are provided at each polling place. These are furnished with such supplies as are needed by the voter to prepare his ticket. A guard rail is so constructed that only such persons as are inside the same can approach within six feet of the ballot boxes. No person other than election officers and persons voting are

admitted within the inclosure, and not more than one person is allowed to occupy a compartment at the same time.

**329. Form of Ballot.**—Each ballot contains the names of all the candidates whose certificates of nomination have been properly filed. The names of the candidates of each party are grouped, each group being headed by the name of the party making the nominations. After each name a blank space is left large enough for a written name.

**330. Distribution of Ballots.**—The secretary of State is required to send, separately and at different times, or by different methods, two sets of ballots, together with specimen ballots and cards of instruction, to the several city, town, and plantation clerks, so as to be received by them, one set seventy-two hours at least, and the other set forty-eight hours at least, previous to the day of election. Upon receipt of the packages, the several clerks are required to send receipts to the secretary of State, which receipt he must preserve for the period of one year.

**331. Method of Voting.**—Any person desiring to vote shall give his name, and, if requested, his residence, to one of the ballot clerks, who thereupon announces it in a clear and audible tone, and if his name is found in the check list the voter is allowed to enter the space enclosed by the guard rail. The ballot clerk gives him a ballot, and, without leaving the inclosed space, he retires alone to one of the compartments and prepares his ballot by marking in the appropriate margin or place a cross (×). If he desires to vote for some one not named in the ballot,

OFFICIAL BALLOT FOR ——— PL., SEPTEMBER 12, 1898.

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THE CIVIL GOVERNMENT OF MAINE

|                                                                                                                                                                                                                                     |                                                                                                                                                                                                                                   |                                                                                                                                                                                                                                                    |                                                                                                                                                                                                                                              |                                                                                                                                                            |
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| <div style="border: 1px solid black; width: 100px; height: 100px; margin: 0 auto;"></div> <p>REPUBLICAN.</p> <hr/> <p>For Governor.<br/>* * * *</p> <hr/> <p>For Representative<br/>to Congress.<br/>* * * *</p> <hr/> <p>Names</p> | <div style="border: 1px solid black; width: 100px; height: 100px; margin: 0 auto;"></div> <p>DEMOCRAT.</p> <hr/> <p>For Governor.<br/>* * * *</p> <hr/> <p>For Representative<br/>to Congress.<br/>* * * *</p> <hr/> <p>Names</p> | <div style="border: 1px solid black; width: 100px; height: 100px; margin: 0 auto;"></div> <p>PROHIBITION.</p> <hr/> <p>For Governor.<br/>* * * *</p> <hr/> <p>For Representative<br/>to Congress.<br/>* * * *</p> <hr/> <p>of other Candidates</p> | <div style="border: 1px solid black; width: 100px; height: 100px; margin: 0 auto;"></div> <p>PEOPLE'S.</p> <hr/> <p>For Governor.<br/>* * * *</p> <hr/> <p>For Representative<br/>to Congress.<br/>* * * *</p> <hr/> <p>follow in order.</p> | <div style="border: 1px solid black; width: 100px; height: 100px; margin: 0 auto;"></div> <p>NATIONAL DEMOCRAT.</p> <hr/> <p>For Governor.<br/>* * * *</p> |
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“Shall the constitution be amended as proposed by a resolution of the legislature providing that vacancies in the Senate, arising from death, resignation, removal from the State, or like causes, shall be filled by an immediate election in the unrepresented district?”

YES.

NO.

he may make such changes as he sees fit by writing in the names of the persons for whom he desires to vote. If he wishes to vote for all the candidates found in any one of the several lists printed on the ballot, he may do so by simply placing a cross in the space found at the top of the column containing the names of the persons for whom he wishes to vote. Before leaving the compartment, he folds the ballot so as to conceal its face, and finally deposits it in the ballot box with the official endorsement uppermost. If, for any reason, a voter is not able to prepare his own ballot, the clerk may prepare it for him as he shall direct.



## CHAPTER XII

### POLITICAL PARTIES

**332. Origin of Parties.**—Ever since this country became a Nation there have been different views as to methods of sustaining it and promoting its welfare. Leading men have studied the same questions, and have arrived at entirely opposite conclusions. These men have had supporters in those agreeing with their ideas, identifying themselves with them, and have in this way formed political parties. Each party believes that its views, if carried out, will, more than those of any other party, tend to the advancement of the Nation and the good of the people. Each voter, therefore, advocates the principles of his own party, and seeks to nominate men for office who, he believes, will sustain those principles, and works diligently to defeat the party holding opposite opinions.

**333. Classes of Officers.**—If the topics of preceding chapters are recalled, it will be remembered that to make and administer the laws of the Nation requires many officers. There are town and village, city and county officers, besides the large number required for the government of the State and Nation. As each party is obliged to nominate candidates for all these positions, it necessarily involves much labor and wise management.

**334. Party Organization.**—It would be impossible for the parties to accomplish this task without a

thoroughly organized system. It is necessary that arrangements be made for the nomination of candidates, the management of the campaign, and the continuance of the organization. To accomplish these purposes committees are appointed, canvassers employed, and suitable persons put in charge of each division of the work.

**335. National Committee.**—The National convention appoints a committee of one or more from each State to take charge of the campaign to elect National officers. This committee has charge of the funds contributed for the campaign, employs and assigns speakers, and has general supervision of the entire work of the campaign.

**336. State Committee.**—The State convention appoints a committee, usually of one from each county, which committee has charge, under the direction of the National committee, of the campaign in its own State.

**337. Other Committees.**—The county committee is appointed by the county convention to attend to the canvass for county officers. This committee is made up of the members from the different towns in proportion to the majorities given for the party represented by the committee. Each town has also a town committee chosen at the regular caucus of the party, which attends to all party details in its own town and works in harmony with the State and county committees.

**338. Conventions.**—Candidates for office to be supported by the voters of a party are not selected directly by those voters, except in case of members of

the House of Representatives, and not then in large cities. It is customary to hold conventions to present the names of candidates. Delegates are chosen by voters of the towns or cities to attend these conventions. The meeting held to choose delegates is termed a caucus. Besides choosing delegates the caucus may instruct them in regard to the candidates to be supported by them, and in other matters to be settled in the convention they are to attend.

**339. State Convention.**—The delegates making up the State convention adopt a platform, usually containing the general principles laid down by the National convention, and a statement of the party position on such State matters as may become issues in the election, nominate candidates for State officers, and may select delegates to attend the National convention. These delegates are, however, usually chosen at another convention held just before the regular State nominating convention.

**340. Other Conventions.**—District conventions are held to nominate candidates for representatives in Congress. They are made up of delegates from all the towns in the Congressional district. County conventions, composed of delegates from all the towns in the county, select candidates for State senators and the county offices to be filled by election. Class conventions are held to select candidates for representatives in the legislature. In large cities, these conventions are usually made up of delegates selected in the wards. In representative classes made up of a large number of small towns, delegate conventions are sometimes held. In general, however, by mutual agreement

among the towns, each has the privilege of sending a representative in its turn; and in such case the candidate is nominated in a convention of all the party voters in the town whose turn it is to send. Nominations are made in the smaller cities and larger towns not classed in similar mass conventions.

**341. The Canvass.**—The campaign does not begin until candidates have been nominated. Then each party strives to secure the election of its candidates. Speeches are made, political documents distributed, and all honest means adopted to secure a sufficient number of votes to insure success.

**342. Political Duties.**—Since so much is involved in party management, it is most emphatically the duty of every citizen to attend the caucuses and conventions of his party. If honest and trustworthy men conduct these meetings, faithful and reliable officers will be chosen, wise measures adopted, and the wishes and best interests of the people served; but if good and patriotic citizens persist in neglecting to attend the caucuses of their several parties, it follows that men actuated by less worthy motives are able to control them in their own interests.

## CHAPTER XIII

### REVENUE AND TAXATION

**343.** Objects of Taxation.—The subject of taxation is one which sooner or later confronts all classes of people, and it is one which is not always understood. If, however, we stop to consider, we shall see that in every town or city certain things are done for the comfort and benefit of all. Roads and bridges are made and kept in repair, schoolhouses built and teachers paid, fire companies organized, public libraries supported, and the poor provided for. In Maine the money raised for these purposes is supposed to be paid by the inhabitants of the municipality, each one contributing a certain share called a poll tax and another share proportioned to the property which he possesses. Fiske says: "Taxes are portions of private property which a government takes for its public uses." And further: "A government is not worthy of the name, and cannot long be kept in existence, unless it can raise money by taxation and use force, if necessary, in collecting its taxes."

**344.** Kinds.—Taxes are of two kinds—direct and indirect. Those that are levied upon persons or property and are paid by the person upon whom they are assessed are direct taxes. Taxes collected on articles of consumption are indirect taxes. Customs and the taxes on liquors, tobacco, and beer belong to this class. The National government is supported

almost entirely by means of indirect taxation, though it has power to levy direct taxes.\* The taxes assessed and collected in Maine for State and municipal purposes are direct taxes.

**345. Necessity for State Taxes.**—In order that the officers of the State, the town, and the city may be paid, public buildings erected, roads kept in repair, and many other things done for the common good that require large sums of money, it is necessary to make some provision for raising the funds required to do these things. The State has no other way than by taxation, and it is just that a fair return should be made by citizens who enjoy the benefits obtained by having the use of these rights and privileges. The State, therefore, is legally authorized to levy a tax upon all property, real or personal, to be used in support of the government or payment of the State debt, and for such purposes as will best advance the interests of the State.

**346. Sources of Revenue.**—All personal property and real estate are subject to taxation, save property belonging to a city, a county, the State, or the United States. Real and personal property of literary, charitable, and scientific institutions incorporated by the State, and houses of religious worship, are exempt from taxation. Revenues are received also from licenses from corporations, peddlers, etc.

**347. Assessment.**—It is necessary to know the amount of taxable property before a tax levy can be

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\* The name "direct tax" has a special meaning, however, in the constitution of the United States. See B. A. Hinsdale, *The American Government*, p. 197.

made. For this purpose assessors are appointed in cities, towns, and villages having corporate powers, to prepare lists of all taxable property, and to give its valuation, which is usually assessed at less than its actual value. In Maine the State assessors are laboring to bring about, as nearly as possible, a uniform valuation of property in the different towns and counties.

**348. Tax Rates.**—The rate per cent of taxation is determined by the authorities after the amount of taxable property has been ascertained, and the amount necessary to be raised has been decided upon. There are certain limitations imposed by the State, beyond which it is impossible to go.

**349. Taxes Assessed by the State.**—Certain taxes are assessed directly by State authorities and are paid directly into the State treasury. Such are fees fixed by law to be paid by certain persons for licenses to do business in the State at large, by trial justices, justices of the peace, and notaries public for their commissions or certificates of appointment, and by manufacturing and other corporations organized under State laws for making record and issuing certificates of organization. These are devoted exclusively to the defraying of State expenses. Of the same sort are certain *pro rata* taxes assessed on the average annual deposits in savings banks and similar institutions, and on the estimated value of the franchises of steam and electric railways, and of telegraph, telephone, express, and insurance companies doing business in the State. A part of the revenues arising from these sources is devoted directly to the expenses of the State; a part goes, for certain purposes, to the towns. For

instance, one-half of the tax on savings banks is distributed to the towns to aid in the support of public schools.

**350. Taxes Assessed by Towns.**— Taxes to defray town, county, and the major part of State expenses are assessed and collected by the town authorities. When the legislature has determined the amount required to defray the expenses of the State government not otherwise provided for, it apportions this amount among the towns according to their valuation as fixed by the State assessors, and the sum so apportioned to any town is its State tax, to be assessed upon the polls and property of its citizens, and, when collected, to be paid by the town treasurer into the State treasury. In a similar way the estimated sums needed to defray the expenses of each county are apportioned by the legislature among the towns in the county, and are therein assessed, collected, and paid into the county treasury. Finally, the town at its annual meeting votes such taxes as it is required by law to assess for local purposes, and as the voters deem necessary to defray the expenses of the town for the ensuing year. The aggregate of all these various sums is the amount to be assessed upon the polls and property in the town, and collected and paid into the town treasury by the town collector.

**351. Method of Assessment.**— Every male citizen qualified to vote in town affairs is subject to an annual poll tax not exceeding three dollars, unless excused by the town from the payment thereof by reason of age or some other disability. In making the annual assessment of taxes, the assessors deduct from the



whole amount to be assessed the part thereof to be assessed upon the polls. They then, as authorized by law, add to the remainder so found such a sum, not exceeding five per cent thereof, as may be necessary to provide for any subsequent abatements made by the town, and as will give the most convenient practicable tax rate. This sum is called an overlay. Then the whole amount thus found is assessed *pro rata* on the personal and real estate, situated in the town, of all resident citizens, and on the real estate therein of persons resident elsewhere. A list of the amounts so assessed on each individual, including his poll tax, is then made out and committed for collection to the town collector. In a book made and kept for the purpose a complete record of the entire transaction is entered. This record states the several and total amounts to be assessed, the rate and amount of assessment on polls, the total amount, including overlay, assessed on estates, the amounts of personal and real estate respectively and in the aggregate, the rate per cent. of assessment, the total amount committed for collection, and the amounts assessed on each taxpayer.

**352.** Collection.—The collector is authorized and directed to make collection of the taxes committed to him and pay his collections into the town treasury within one year from the date of commitment. He furnishes bonds for the honest discharge of his duty, and is usually paid a commission on the amount collected. Any person refusing or neglecting to pay his taxes when due may, after proper notice, be compelled to pay them with certain costs additional. For non-

payment of his poll tax, he can be arrested and lodged in the county jail until payment is made or the tax is abated. For non-payment of his property tax, his property, or such part of it as may be necessary, may be distrained and sold at auction.

## CHAPTER XIV

### STATE INSTITUTIONS

The principal institutions of Maine that are wholly or partially controlled and supported by the State, are the University of Maine, the Castine, Gorham, and Farmington Normal Schools, Madawaska Training School, the State's Prison, Reform School, Insane Hospital, School for the Deaf, Industrial School for Girls, Soldiers' Orphans' Home, Maine General Hospital, and Central Maine General Hospital. In addition to these, the following institutions outside the State are patronized by the State, viz.: The American School for the Deaf at Hartford, Conn., the Perkins Institution and Massachusetts School for the Blind, South Boston, Mass., and the School for the Feeble-Minded at Waltham, Mass.

**353. University of Maine.**—The affairs of this institution are under the supervision and direction of a board of trustees, consisting of eight members, each appointed for seven years by the governor and council; one of the eight is appointed at the suggestion of the Alumni Association. The president of the university and the superintendent of the United States experiment station are *ex-officiis* members. The board has charge and direction of the financial interests of the institution, elects its president and faculty, and performs such other duties as usually devolve upon such boards. It makes an annual report to the governor and council.

**354. State Normal Schools.**—The four of these institutions, wholly supported and controlled by the State, namely, the Farmington, Castine, and Gorham State Normal Schools, and the Madawaska Training School, are under the control and direction of a board of trustees consisting of seven members. The governor and the state superintendent of public schools are *ex officio*s members of it, and the five other members are appointed by the governor and his council, each for a term of three years. Their powers and duties with reference to these schools are practically the same as those of the trustees of the State University.

**355. State's Prison.**—The State's Prison is located at Thomaston, Knox County. The details of its management are given somewhat at length under the head, Inspectors of Prisons and Jails.

**356. Reform School.**—The State Reform School, for the instruction, employment, and reform of juvenile offenders, is located in the town of South Portland, formerly Cape Elizabeth, in the county of Cumberland. The government of the school is vested in a board of five trustees, appointed by the governor, with the advice and consent of the council, and commissioned to hold their offices during the pleasure of the governor and council, but not longer than four years under one appointment. Any boy between the ages of eight and sixteen, who is convicted before any court or trial justice of an offense punishable by imprisonment in the county jail or in State's prison, not for life, may be sentenced to the Reform School or to other punishment provided by law for the same offense. If for any reason other than discharge he does

not serve his full sentence in the Reform School, he is then liable to the alternative punishment. For aggravated offenses of a lesser grade, a boy may be sent to the Reform School during his minority.

**357. Insane Hospital.**—The Maine Insane Hospital is located at Augusta, on the east side of the Kennebec River, nearly opposite the State House. Its government is vested in a board of six trustees, one of whom is a woman. They are appointed and commissioned by the governor, with the advice and consent of the council, to hold their offices during the pleasure of the governor and council, but not longer than three years under any one appointment. The duties of the trustees are to have the general care and management of the institution; to see that it is conducted according to the rules provided for its government; to hold in trust any money or other property given or bequeathed to the institution, and apply the same for the support, comfort, or improvement of the insane, and the general use of the institution; and to have power to bring actions, in the name of the treasurer, for all sums due the institution, and to defend all suits brought against it. They are required to appoint a superintendent, a steward, and a treasurer, subject to the approval of the governor and council, and to hold office during their pleasure. A thorough examination of the hospital is made monthly by two of the trustees, quarterly by three, and annually by a majority of the full board, and at other times when it is deemed necessary. The superintendent must be a physician, must reside constantly at the hospital, and have general superintendence of the hospital and

grounds and charge of the patients. The steward is the treasurer of the hospital, and under the direction of the superintendent and trustees makes all purchases, hires assistants, has the care and cultivation of the farm and grounds, and a careful oversight of such patients as are employed thereon. A committee of special visitation is appointed by the governor annually, consisting of two members of the council, with whom is associated one woman. This committee has power to visit the hospital at their discretion, to ascertain if the inmates thereof are treated humanely, and they are required to report promptly every instance of abuse or ill treatment to the trustees and superintendent, who must cause all offenses to be punished. The committee of visitors report to the governor and council annually on the first day of December and whenever the welfare of the patients or the public good requires it.

**358. General Hospital.**—The Maine General Hospital, at Portland, and the Central Maine General Hospital, at Lewiston, are institutions for the care of the sick and are governed by their several corporations. Both these institutions are beneficiaries of the State, appropriations being made toward their support by the legislature at each session. An efficient corps of physicians, surgeons, and nurses is maintained at each of these hospitals.

**359. School for the Deaf.**—The Portland School for the Deaf is a public school of the city of Portland, designed for the instruction of those children in the city whose hearing is so seriously affected as to render them incapable of receiving instruction in the com-

mon schools. It is sustained by State and city aid, and is open to all deaf children in the State of Maine. The combined system of instruction is used, which includes all known methods of teaching the deaf, especial attention being given to speech and lip-reading. The course of instruction includes all the English branches, and every pupil is taught a trade before leaving the school. Applicants for admission must be between the ages of five and twenty-one, and free from any constitutional malady that may render them incapable of receiving instruction. No child is denied admission because of the inability of his parents or guardians to meet the expense, as the legislature makes provision for the instruction and maintenance of all State pupils. Because of the aid that the State contributes to its support, and the privilege it has of sending children from other parts of the State to it for instruction, the governor and council have the right to visit it at their pleasure and inspect its condition and working. The governor, with the approval of the council, may send such deaf persons as he may deem fit subjects for instruction at the expense of the State to the American Asylum at Hartford, Conn.

**360. Industrial School for Girls.**—This institution is a corporation composed of the original incorporators and associate members. By them its affairs are committed to a board of managers. The State is represented on the board by the governor, secretary of State, and superintendent of public schools. The State has provided by statute for the custody and education of wayward and exposed girls therein, and

aids in their material support. It is not a house of correction, but is designed as a refuge for girls between the ages of seven and fifteen years, who, by force of circumstances and associations, are in manifest danger of becoming outcasts from society. It is not a place of punishment to which its inmates are sent as criminals by criminal process, but a home for the friendless, neglected, and vagrant children of the State, where, under the genial influences of kind treatment and physical and moral training, they may be won back to ways of virtue and respectability, and be fitted for positions of honorable self-support and lives of usefulness. The school is located at Hallowell, Kennebec county.

**361. Soldiers' Orphans' Home.**—This institution is located at Bath, Sagadahoc county, and is supported by the State and by charitable contributions. Its affairs are governed by a board of seven trustees, four of whom are appointed by the State and three by the corporation. Orphans of deceased soldiers are admitted, nurtured, educated, and cared for until suitable positions are found for them.

**362. Perkins Institution for the Blind.**—This institution is located at South Boston, and the governor of Maine, with the approval of the council, may send such children there at the expense of the State as he may think proper. In the exercise of their discretionary power, they are allowed to make no distinction on account of the wealth or poverty of the parents or guardians of the children to be sent. The sums necessary for the support, aid, and instruction of such pupils, including all traveling expenses, are paid by



the State; but parents or guardians are allowed to bear the whole or a part of the expense of any pupil, if they are able and willing to do so.

**363. Massachusetts School for the Feeble-Minded.**—This school is located at Waltham, Mass., and the governor of Maine, with the consent of the council, may, under certain conditions, send feeble-minded children and youth there as beneficiaries of the State.

## CHAPTER XV

### MISCELLANEOUS TOPICS

A few topics of interest and importance still remain unclassified. These are considered in this chapter under various heads.

**364. Interest.**—The legal rate of Interest in Maine is 6 per cent, unless otherwise agreed upon in writing. If no rate of interest has been mentioned, only 6 per cent can be collected.

**365. Weights and Measures.**—To avoid inconvenience in the exchange of articles of trade, it is necessary to have a fixed standard of weights and measures. The different States of the Union adjust the standard of all articles of produce, although Congress has power to fix a standard of weights and measures. The laws of Maine provide that the State treasurer shall procure at the State's expense, and preserve as public standards, a set of accurately adjusted weights : a bushel, half-bushel, peck, half-peck, ale quart, wine gallon, half-gallon, quart, pint, half-pint and gill ; also one ell and one yard. These standards are kept in the State House, at Augusta, and all weights and measures throughout the State are required to be adjusted so as to agree with them.

**366. Public Safety.**—All public houses where guests may lodge, all buildings for trade and manufacture requiring the presence of workmen above the first story, and all places of public amusement must

be provided with suitable fire escapes, outside stairs, or ladders from each story above the level of the ground, and these must be easily accessible to all inmates in case of fire. The doors of all school houses and buildings for public use, intended for egress, must open outward.

**367. Travel.**—Public roads must be kept in repair, so as to be safe and convenient for travelers with horses, teams, and carriages. At all crossings of highways, or where one public highway enters another, guide-posts must be erected, with guide-boards, on which shall be plainly printed the name of the next town on the route, with the number of miles. In railroad travel, great care is taken to protect the public. Roadbeds, bridges, cars, and crossings must be kept in good condition, and companies are liable for damages for injury to persons or property caused by the negligence of their employés.

**368. Adulteration of Food and Drink.**—The State legislature has passed laws for the protection of the people against the adulteration of foods and drinks. The manufacture of any imitation of butter or cheese, unless marked with its true name, subjects the offender to fine or imprisonment. Also the introducing of foreign substances into sugar, vinegar, or molasses is a direct violation of the law, and renders the person guilty of such offense liable to the punishment provided for adulterations.

## PART III

# The Government of the United States

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## CHAPTER XVI

### THE MAKING OF THE GOVERNMENT

*The American Government. Sections 66-222 inclusive.*

The United States, both as forty-five individual States and as a Nation, are an outgrowth of the Thirteen English Colonies planted on the eastern shore of North America in the years 1607-1732. The process by which this change was effected, will be briefly described in this chapter.

**369.** **The Colonial Governments.**—The Kings of England gave to the companies, proprietors, and associations that planted the Colonies certain political powers and rights. These powers and rights were formally granted in documents called charters and patents; they were duly protected by regular governments, and so became the possession of the people of the Colonies. While differing in details, these governments were alike in their larger features. There was in every Colony (1) an Assembly or popular house of legislation; (2) a Council, which served as an upper house of legislation in most of the Colonies and as an

advisory body to the governor in all of them; (3) a Governor, and (4) Courts of Law. The members of the assembly were chosen by the qualified voters. The members of the council and the governors were elected by the people in Connecticut and Rhode Island, and were appointed by the proprietors in Maryland and Pennsylvania, and by the king in the other colonies. The judges were generally appointed by the king or his representatives. Powers of local government were distributed to local officers in every Colony.

**370. The Home Government.**—The Kings who granted the charters and patents, for themselves and their descendants, guaranteed to their subjects who should settle in the Colonies and their children, all liberties, franchises, and immunities of free denizens and native subjects within the realm of England. Previous to the troubles that led to the Revolution, the Home government commonly left the Colonies practically alone as free states to govern themselves in their own way. Still they were colonies. The charters enjoined them not to infringe the laws of England, and Parliament passed an act expressly declaring that all laws, by-laws, usages, and customs which should be enforced in any of them contrary to any law made, or to be made, in England relative to said Colonies, should be utterly void and of none effect. Moreover, the power to decide what was so contrary the Home government retained in its own hands.

**371. Dual Government.**—Thus from the very beginning the Colonies were subject to two political authorities; one their own Colonial governments, the other the Crown and Parliament of England. In other words, government was double, partly local and partly general. This fact should be particularly noted, for it is the hinge upon

which our present dual or federal system of government turns. The American, therefore, as has been said, has always had two loyalties and two patriotisms.

**372. Division of Authority.**—In general, the line that separated the two jurisdictions was pretty plainly marked. It had been traced originally in the charters and patents, and afterwards usage, precedent, and legislation served to render it the more distinct. The Colonial governments looked after purely Colonial matters; the Home government looked after those matters that affected the British Empire. The Colonies emphasized one side of the double system, the King and Parliament the other side. There were frequent disagreements and disputes; still the Colonists and the Mother Country managed to get on together with a good degree of harmony until Parliament, by introducing a change of policy, brought on a conflict that ended in separation.

**373. Causes of Separation.**—The right to impose and collect duties on imports passing the American custom houses, the Home government had from the first asserted and the Colonies conceded. But local internal taxation had always been left to the Colonial legislatures. Beginning soon after 1760, or about the close of the war with France, which had left the Mother Country burdened with a great debt, Parliament began to enforce such taxes upon the people directly. These taxes the Colonies resisted on the ground that they were imposed by a body in which they were not represented or their voice heard. Taxation without representation they declared to be tyranny. At the same time, the acts relative to American navigation were made more rigorous, and vigorous measures were taken to enforce them. In the meantime the Colonies had greatly increased in

numbers and in wealth, and the idea began to take root that such a people, inhabiting such a country, could not permanently remain dependent upon England but must become an independent power. The Stamp tax was one of the objectionable taxes.

**374. Independence.**—The Home government dropped or changed some of its obnoxious measures, but still adhered to its chosen policy. New and more obnoxious measures were adopted, as the Massachusetts Bay Bill and the Boston Port Bill. The Congresses of 1765 and 1774 protested, but to no real purpose. Some of the Colonies, like Massachusetts, began to take measures looking to their defense against aggression; and the attempt of General Gage, commanding the British army in Boston, to counteract these measures led to the battle of Lexington, April 19, 1775, and immediately brought on the Revolutionary war. All attempts at composing the differences failing, and the theater of war continuing to widen, the American Congress, on July 4, 1776, cut the ties that bound the Thirteen Colonies to England. After eight years of war the British government acknowledged American Independence.

**375. The Political Effects of Independence.**—The Declaration of Independence involved two facts of the greatest importance. One was the declaration that the Colonies were free and independent States, absolved from all allegiance to the British crown. The other was the formation of the American Union. The original members of the Union as States and the Union itself were due to the same causes. The language of the Declaration is, "We, the representatives of the United States of America, in general congress assembled, do, in the name, and by the authority, of the good people of these Colonies, solemnly publish and declare" their independence.

The States took their separate position as a nation among the powers of the earth. Thus, before the Revolution there were Colonies united politically only by their common dependence upon England; since the Revolution there have been States united more or less closely in one federal state or union.

**376. The Continental Congress.**—The body that put forth the Declaration of Independence, known in history as the Continental Congress, had, in 1775, assumed control of the war in defense of American rights. It had adopted as a National army the forces that had gathered at Boston, had made Washington its commander-in-chief, and had done still other things that only governments claiming nationality can do. And so it continued to act. First the American people, and afterwards foreign governments, recognized the Congress as a National government. But it was a revolutionary government, resting upon popular consent or approval, and not upon a written constitution. A government of a more regular and permanent form was called for, and to meet this call Congress, in 1777, framed a written constitution to which was given the name, "Articles of Confederation and Perpetual Union." Still Congress had no authority to give this constitution effect, and could only send it to the States and ask them for their ratifications. Some delay ensued, and it was not until March 1, 1781, that the last ratification was secured and the Articles went into operation.

**377. The Confederation.**—The government that the Articles provided for was very imperfect in form. It consisted of but one branch, a legislature of a single house called Congress. Such executive powers as the Government possessed were vested in this body. The States appointed delegates in such manner as they saw fit, and had an equal voice in deciding all questions. Nine States were



necessary to carry the most important measures, and to amend the Articles required unanimity. In powers the Government was quite as defective as in form. It could not enforce its own will upon the people, but was wholly dependent upon the States. It could not impose taxes or draft men for the army, but only call upon the States for money and men ; and if the States refused to furnish them, which they often did, Congress had no remedy. Much of the disaster and distress attending the war grew out of the weakness of Congress, and when peace came, the States became still more careless, while Congress became weaker than ever. Meantime the state of the country was as unsatisfactory as that of the Government. The State governments were efficient, but they looked almost exclusively to their own interests. Commercial disorder and distress prevailed throughout the country. As early therefore as 1785 the conviction was forcing itself upon many men's minds that something must be done to strengthen the Government or the Union would fall to pieces.

**378. Calling of the Federal Convention.**—In 1785 Commissioners representing Virginia and Maryland met at Alexandria, in the former State, to frame a compact concerning the navigation of the waters that were common to the two States. They reported to their respective Legislatures that the two States alone could do nothing, but that general action was necessary. The next year commissioners representing five States met at Annapolis to consider the trade of the country, and these commissioners concluded that nothing could be done to regulate trade separate and apart from other general interests. So they recommended that a general convention should be held at Philadelphia to consider the situation of the United States, to devise further pro-

visions to render the Articles of Confederation adequate to the needs of the Union, and to recommend action that, when approved by Congress and ratified by the State Legislatures, would effectually provide for the same. This recommendation was directed to the Legislatures of the five States, but copies of it were sent to Congress also and to the Governors of the other eight States. So in February, 1787, Congress adopted a resolution inviting the States to send delegates to such a convention to be held in Philadelphia in May following. And the Legislatures of all the States but Rhode Island did so.

**379. The Constitution Framed.**—On May 25, 1787, the Convention organized, with the election of Washington as President. It continued in session until September 17, when it completed its work and sent our present National Constitution, exclusive of the fifteen Amendments, to Congress. In framing this document great difficulties were encountered. Some delegates favored a government of three branches; others a government of a single branch. Some delegates wanted a legislature of two houses; some of only one house. Some delegates wished the representation in the houses to be according to the population of the States; others were determined that it should be equal, as in the Old Congress. Differences as to the powers to be exercised by Congress were equally serious. There were also controverted questions as to revenue, the control of commerce, the slave trade, and many other matters. Furthermore, the opinions that the delegates held were controlled in great degree by State considerations. The large States wanted representation to be according to population; a majority of the small ones insisted that it should be equal. The commercial States of the North said Congress should control the

subject of commerce, which the agricultural States of the South did not favor. Georgia and the Carolinas favored the continuance of the slave trade, to which most of the other States were opposed. But progressively these differences were overcome by adjustment and compromise, and, at the end, all of the delegates who remained but three signed their names to the Constitution, while all the States that were then represented voted for its adoption. What had been done, however, was to frame a new constitution and not to patch up the old one. The body that framed it is called the Federal Convention.

**380. The Constitution Ratified.**—The Convention had no authority to make a new constitution, but only to recommend changes in the old one. So on the completion of its work, it sent the document that it had framed to Congress with some recommendations. One of these was that Congress should send the Constitution to the States, with a recommendation that the Legislatures should submit it to State conventions to be chosen by the people, for their ratification. Congress took such action, and the States, with the exception of Rhode Island, took the necessary steps to carry out the plan. Ultimately every State in the Union ratified the Constitution; but North Carolina and Rhode Island did not do so until the new Government had been some time in operation. Nor was this end secured in several of the other States, as Massachusetts, New York, and Virginia, without great opposition.

**381. Friends and Enemies of the Constitution.**—Those who favored the ratification of the Constitution have been divided into these classes: (1) Those who saw that it was the admirable system that time has proved it to be; (2) those who thought it imperfect but still be-

lieved it to be the best attainable government under the circumstances; (3) the mercantile and commercial classes generally, who believed that it would put the industries and trade of the country on a solid basis. Those who opposed it have been thus divided: (1) Those who resisted any enlargement of the National Government, for any reason; (2) those who feared that their importance as politicians would be diminished; (3) those who feared that public liberty and the rights of the States would be put in danger; (4) those who were opposed to vigorous government of any kind, State or National.<sup>1</sup>

**382. The New Government Inaugurated.**—The new Constitution was to take effect as soon as nine States had ratified it, its operation to be limited to the number ratifying. When this condition had been complied with, the Continental Congress enacted the legislation necessary to set the wheels of the new Government in motion. It fixed a day for the appointment of Presidential Electors by the States, a day for the Electors to meet and cast their votes for President and Vice-President, and a day for the meeting of the new Congress. The day fixed upon for Congress to meet was March 4, 1789; but a quorum of the House of Representatives was not secured until April 1, and of the Senate not until April 6, owing to various causes. On the second of these dates the Houses met in joint convention to witness the counting of the Electoral votes. Washington was declared elected President, John Adams Vice-President. Messengers were at once sent to the President- and Vice-President-elect summoning them to New York, which was then the seat of government. Here Washington was inaugurated April 30. The Legislative and Executive branches of the Government were now in motion.

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<sup>1</sup>G. T. Curtis: *History of the Constitution*, Vol. II, pp. 495, 496.

## CHAPTER XVII

### AMENDMENTS MADE TO THE CONSTITUTION

*The American Government. Sections 457-460; 467-474; 536-537; 604-607; 623-652.*

It was anticipated that amendments to the Constitution would be found necessary, and a method was accordingly provided for making them. This method embraces the two steps that will now be described.

**383. Proposing an Amendment.**—This may be done in either of two ways. First, Congress may propose an amendment by a two-thirds vote of each House; secondly, Congress shall, on the application of the Legislatures of two-thirds of the States, call a convention of the States for that purpose. The first way is evidently the simpler and more direct of the two, and it is the one that has always been followed.

**384. Ratifying an Amendment.**—This also may be done in one of two ways. One is to submit the amendment to the Legislatures of the States, and it becomes a part of the Constitution when it is ratified by three-fourths of them. The other way is to submit the amendment to conventions of the States, and it becomes binding when three-fourths of such conventions have given it their approval. Congress determines which of the two ways shall be adopted. The first is the simpler and more direct, and it has been followed in every instance.

**385. Amendments I-X.**—One of the principal objections urged against the Constitution when its ratification was pending in 1787-88, was the fact that it lacked a bill of rights. Such a bill, it may be observed, is a

statement of political principles and maxims. The States had fallen into the habit of inserting such bills in their constitutions. At its first session, Congress undertook to remedy this defect. It proposed twelve amendments, ten of which were declared duly ratified, December 15, 1791. These amendments, numbered I to X, are often spoken of as a bill of rights.

**386. Amendment XI.**—Article III of the Constitution made any State of the Union suable by the citizens of the other States and by citizens or subjects of foreign states. (See section 2, clause 1.) This was obnoxious to some of the States, and when such citizens began to exercise their right of suing States a movement was set on foot to change the Constitution in this respect. An amendment having this effect was duly proposed, and was declared ratified January 8, 1798.

**387. Amendment XII.**—According to the original Constitution, the members of the Electoral colleges cast both their ballots for President and neither one for Vice-President. The rule was that the candidate having most votes should be President, and the one having the next larger number Vice-President, provided in both cases it was a majority of all the Electors. In 1800 it happened that Thomas Jefferson and Aaron Burr had each an equal number of votes and a majority of all. The Democratic-Republican party, to which they belonged, had intended Jefferson for the first place and Burr for the second. The election went to the House of Representatives, and was attended by great excitement. Steps were taken to prevent a repetition of such a dead-lock. This was accomplished by an amendment declared ratified September 25, 1804.

**388. Amendment XIII.**—Slavery was the immediate exciting cause of the Civil War, 1861–65. In the course

of the war President Lincoln, acting as commander-in-chief of the army and navy of the United States, declared all the slaves held in States and parts of States that were engaged in the war against the Union free. The other Slave States, Delaware, Maryland, Kentucky, Tennessee, and Missouri, and parts of Louisiana and Virginia, his power did not reach as they were not in rebellion. The conviction grew strong throughout the country that slavery should not survive the war. This conviction asserted itself in Amendment XIII, which took effect December 18, 1865.

**389. Amendment XIV.**—At the close of the Civil War Congress was called upon to deal with the important question of readjusting the States that had seceded from the Union. It was thought necessary to incorporate certain new provisions into the Constitution. So an elaborate amendment was prepared and duly ratified. It was declared in force July 28, 1868. The most far-reaching of the new provisions were those in relation to citizenship contained in the first section.

**390. Amendment XV.**—Down to 1870 the States had fixed the qualifications of their citizens for voting to suit themselves. At that time most of the States, and all of the Southern States, denied suffrage to the negroes. The emancipation of the slaves, together with Amendment XIV, made the negroes citizens of the United States and of the States where they resided. But the negroes had no political power, and so no direct means of defending their civil rights. To remedy this state of things a new amendment was proposed and ratified, bearing the date of March 30, 1870. It declared that the right of citizens to vote should not be abridged, either by the United States or by any State, on account of race, color, or previous condition of servitude.

## CHAPTER XVIII

### THE SOURCE AND NATURE OF THE GOVERNMENT

*The American Government. Sections 223-262; 610-613; 615-620; 655-658; 763-772.*

The source of the Government of the United States, and some of its leading features, are either stated or suggested in the first paragraph of the Constitution. This paragraph is commonly called the Preamble, but it is really an enacting clause, since it gives the instrument its whole force and validity.

**391. The Preamble.** — “We, the people of the United States, in order to form a more perfect union, establish justice, insure domestic tranquillity, provide for the common defense, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity, do ordain and establish this Constitution for the United States of America.”

The following propositions are either asserted or implied in this language :—

1. The Government proceeds from the people of the United States. They ordain and establish it. It is therefore: a government of the people, by the people, and for the people.

2. The ends for which it is ordained and established are declared. It is to form a more perfect union, establish justice, etc.

3. It is a constitutional government. It rests upon a written fundamental law. On the one part it is opposed



to an absolute government, or one left to determine its own powers, like that of Russia; and on the other, it is opposed to a government having an unwritten constitution, consisting of maxims, precedents, and charters, like that of England.

4. The terms Union and United States suggest that it is a federal government. The peculiarity of a federal state is that local powers are entrusted to local authorities, while general powers are entrusted to general or national authorities. How this division of powers originated, and how it affected the country in 1785-1789, was pointed out in the last chapter. The government of a State has been described in Part II. of this work. Part III. is devoted to the Government that is over all the States.

5. The same terms suggest that the Government is one of enumerated powers. It must be remembered that when the Constitution was framed thirteen State governments were already in existence, and that no one dreamed of destroying them or of consolidating them into one system. The purpose was rather to delegate to the new Government such powers as were thought necessary to secure the ends named in the Preamble, and to leave to the States the powers that were not delegated, unless the contrary was directly specified.

**392. The Constitution in Outline.**—The Constitution is divided into seven Articles, which are again divided into sections and clauses.

ARTICLE I. relates to the Legislative power.

ARTICLE II. relates to the Executive power.

ARTICLE III. relates to the Judicial power.

ARTICLE IV. relates to several subjects, as the rights and privileges of citizens of a State in other States, the surrender of fugitives from justice, the admission of

new States to the Union, the government of the National territory, and a guarantee of a republican form of government to every State.

ARTICLE V., a single clause, relates to the mode of amending the Constitution.

ARTICLE VI. relates to the National debt and other engagements contracted previous to 1789 and the supremacy of the National Constitution and laws.

ARTICLE VII., consisting of a single sentence, prescribes the manner in which the Constitution should be ratified, and the time when it should take effect.

The fifteen Amendments relate to a variety of subjects, as has been explained in Chapter XXVIII.

**393. The Three Departments.**—It has been seen that the Constitution distributes the powers of government among three departments, which it also ordains and establishes. This was done partly to secure greater ease and efficiency of working, and partly as a safeguard to the public liberties. Absolute governments are simple in construction, concentrating power in the hands of one person, or of a few persons; while free governments tend to division and separation of powers. In the words of Mr. Madison: “The accumulation of all powers, legislative, executive, and judiciary in the same hands, whether of one, a few, or many, and whether hereditary, self-appointed, or elective, may justly be pronounced the very definition of tyranny.”<sup>1</sup>

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<sup>1</sup> *The Federalist*, No. 47.

## CHAPTER XIX

### THE COMPOSITION OF CONGRESS AND THE ELECTION OF ITS MEMBERS

*The American Government. Sections 263-301; 324-330.*

**394. Congress a Dual Body.**—From an early time, the English Parliament has consisted of two chambers, the House of Commons and the House of Lords. Such a legislature is called bicameral, as opposed to one that is unicameral. The words mean consisting of two chambers and of one chamber. The great advantage of a bicameral legislature is that it secures fuller and more deliberate consideration of business. One house acts as a check or balance to the other; or, as Washington once put it, tea cools in being poured from the cup into the saucer. Countries that Englishmen have founded have commonly followed the example of the Mother Country in respect to the duality of their legislatures. Such was the case with the Thirteen Colonies, but such was not the case with the American Confederation from 1775 to 1789. In the Convention that framed the Constitution, the question arose whether the example of England and of the Colonies, or the example of the Confederation, should be followed. It was finally decided that all the legislative powers granted to the new Government should be vested in a Congress

which should consist of a Senate and a House of Representatives.

**395. Composition of the Two Houses.**—The House of Representatives is composed of members who are apportioned to the several States according to their respective numbers of population, and are elected for two years by the people of the States. The Senate is composed of two Senators from each State who are chosen by the Legislatures thereof, and each Senator has one vote.

The composition of Congress at first sharply divided the Federal Convention. Some members wanted only one house. Others wanted two houses. Some members were determined that the States should be represented in the new Congress equally, as had been the case in the old one. Others were determined that representation should be according to population. These controversies were finally adjusted by making two houses, in one of which representation should be equal and in the other proportional. This arrangement explains why New York and Nevada have each two Senators, while they have respectively thirty-four members and one member in the House of Representatives. This equality of representation in the Senate is the most unchangeable part of the National Government. The Constitution expressly provides that no State shall, without its own consent, ever be deprived of its equal suffrage in the Senate, which is equivalent to saying that it shall never be done at all. No such provision is found in relation to any other subject.

**396. Qualifications of Representatives and Senators.**—A Representative must be twenty-five years old, and must be a citizen of the United States of at least

seven years' standing. A Senator must be thirty years of age and must be nine years a citizen. The Representative and the Senator alike must be an inhabitant of the State in which he is elected or for which he is chosen. Previous absence from the State, even if protracted, as in the case of a public minister or consul to a foreign country, or a traveler, does not unfit a man to sit in either house. Representatives are not required by law to reside in their districts, but such is the custom.

No person can be a Senator or Representative, or an Elector of President and Vice-President, or hold any office, civil or military, under the United States, or under any State, who having once taken an oath as a member of Congress, or as an officer of the United States, or as a member of any State Legislature, or as an Executive or Judicial officer of any State, to support the Constitution of the United States, has afterwards engaged in insurrection or rebellion against the same, or given assistance to their enemies. But Congress may remove this disability by a two-thirds vote of each house.

**397. Regulation of Elections.**—The times, places, and manner of electing Senators and Representatives are left, in the first instance, to the Legislatures of the States, but they are so left subject to the following rule: “Congress may, at any time, by law, make or alter such regulations, except as to the places of choosing Senators.” Defending this rule in 1788, Mr. Hamilton said: “Every government ought to contain in itself the means of its own preservation; while it is perfectly plain that the States, or a majority of them, by failing to make the necessary regulations, or by making improper ones, could break up or prevent the first elections of the Houses of

Congress." The right to name the places where Senators shall be chosen is denied to Congress for a very sufficient reason. If Congress possessed that power it could determine, or at least largely influence, the location of the State capitals.

**398.** Elections of Senators.—Previous to 1866, the Legislature of every State conducted these elections as it pleased. Sometimes the two houses met in joint convention, a majority of the whole body determining the choice. Sometimes the two houses voted separately, a majority of each house being required to elect. It is obvious that the two methods might operate very differently. If the same political party had a majority in both houses, the result would probably be the same in either case; but if the two houses were controlled by different parties, then the party having the majority of votes on a joint ballot would probably elect the Senator. If the second plan was followed, and the two houses differed in regard to a choice, there were delays, and elections were sometimes attended by serious scandals. So Congress, in 1866, passed a law providing that the Legislature next preceding the expiration of a Senator's term, in any State, shall, on the second Tuesday after its meeting and organization, proceed to elect a Senator in the following manner:—

1. Each house votes, *viva voce*, for Senator. The next day at twelve o'clock the two houses meet in joint session, and if it appears from the reading of the journals of the previous day's proceedings that the same person has received a majority of all the votes cast in each house, he is declared duly elected.

2. If no election has been made, the joint assembly proceeds to vote, *viva voce*, for Senator, and if any person receive a majority of all the votes of the joint

assembly, a majority of all the members elected to both houses being present and voting, such person is declared duly elected.

3. If a choice is not made on this day, then the two houses must meet in joint assembly each succeeding day at the same hour, and must take at least one vote, as before, until a Senator is elected or the Legislature adjourns.

4. If a vacancy exists on the meeting of the Legislature of any State, said Legislature must proceed, on the second Tuesday after its meeting and organization, to fill such vacancy in the same manner as in the previous case; and if a vacancy occur when the session is in progress, the Legislature must proceed, as before, to elect on the second Tuesday after they have received notice of the vacancy.

**399. Vacancies.**—When a vacancy occurs in the recess of the Legislature of a State, owing to death or other cause, the Governor makes an appointment that continues until the next meeting of the Legislature, when the vacancy is filled in the usual manner. In all cases of vacancies the appointed or newly elected Senator only fills out the term of his predecessor.

**400. Division of Senators.**—The Senators are equally divided, or as nearly so as may be, into three classes with respect to the expiration of their terms, as follows:

Class 1, 1791, 1797.....1893, 1899

Class 2, 1793, 1799.....1895, 1901

Class 3, 1795, 1801..... 1897, 1903

The two Senators from a State are never put in the same class; and as the terms of the first Senators from a State now admitted to the Union expire with the terms of the classes to which they are assigned, one

or both of them may serve less than the full term of six years.

**401. Electors of Representatives.**—The persons who may vote for the most numerous branch of the State Legislature in any State, or the house of representatives, may also vote for members of the National House of Representatives. Usually, however, a State has only one rule of suffrage; that is, a person who may vote for members of the lower house of the State Legislature may vote also for all State and local officers. Practically, therefore, the rule is that State electors are National electors; or, in other words, the Constitution adopts for its purposes the whole body of the State electors, whoever they may be. In Wyoming, Colorado, and Utah women vote on the same terms and conditions as men. In Massachusetts, Connecticut, Maine, and Mississippi there is an educational qualification for the suffrage. But in most of the States males only twenty-one years of age and upwards, having certain prescribed qualifications, are permitted to vote.

**402. Apportionment of Representatives in the Constitution.**—The Constitution provides that members of the House of Representatives shall be apportioned among the several States according to their respective numbers. The original rule for determining these numbers was that all free persons, including apprentices or persons bound to service for a term of years, but excluding Indians not taxed (or Indians living in tribal relations), and three-fifths of all other persons, should be counted. The "other persons" were the slaves. The abolition of slavery and the practical disappearance of apprenticeship have considerably simplified matters. The Fourteenth Amendment to the Constitution provides that Representatives shall be apportioned according to



population, counting the whole number of persons in a State, excluding Indians who are not taxed. This rule is applied to the people of the States regardless of age, sex, color, or condition. The Constitution further provides that the number of Representatives shall not exceed one for every 30,000 people, but that every State shall have one Representative regardless of population.

**403.** The Census.—The Constitution of 1787 fixed the number of members of the House of Representatives at 65, and apportioned them among the States as best it could, using the information in respect to population that was accessible. It also provided that an actual enumeration of the people should be made within three years of the first meeting of Congress, and that it should be repeated thereafter within every period of ten years. This enumeration was also called the census. In conformity with this provision, eleven decennial censuses of the United States have been taken, 1790, 1800, . . . 1890.

**404.** Method of Apportionments.—The decennial apportionment of members of the House is made by Congress, and that body has performed the duty in different ways. The apportionment of 1893 was made in the following manner: First, the House was conditionally made to consist of 356 members. Next, the population of the country, not counting the Territories, was divided by this number, which gave a ratio of 173,901. The population of every State was then divided by this ratio and the quotients added, giving 339. The numbers of Representatives indicated by these quotients were then assigned to the several States, and one Representative each in addition to the seventeen States having fractions larger than one-half the ratio, thus making the original number, 356. The admission of Utah has added one more.

When a new State comes into the Union, its Representative or Representatives are added to the number previously constituting the House.<sup>1</sup>

**405. Elections of Representatives.**— For fifty years Congress allowed the States to elect their Representatives in their own way. The State Legislatures fixed the times and the places and regulated the manner of holding the elections; the elections were conducted without any regulation or control whatever being exercised by the National Government. Very naturally there were considerable differences of practice. In 1842 Congress first exercised its power of regulation. Three points must be noted:—

1. In 1842 Congress provided by law that, in every case where a State was entitled to more than one Representative, the members to which it was entitled should be elected by districts composed of contiguous territory equal in number to the number of Representatives to be chosen, no district electing more than one. It is, however, provided that when the number of Representatives to which a State is entitled has been diminished at any decennial apportionment, and the State Legislature has failed to make the districting conform to the change,

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<sup>1</sup> The Numbers of the House and the Ratios of Representation are set down in the following table, with the period:

| Period.         | Size of House. | Ratio.  |
|-----------------|----------------|---------|
| 1789-1793 ..... | 65 .....       |         |
| 1793-1803 ..... | 105 .....      | 33,000  |
| 1803-1813 ..... | 141 .....      | 33,000  |
| 1813-1823 ..... | 181 .....      | 35,000  |
| 1823-1833 ..... | 212 .....      | 40,000  |
| 1833-1843 ..... | 240 .....      | 47,700  |
| 1843-1853 ..... | 223 .....      | 70,680  |
| 1853-1863 ..... | 234 .....      | 93,503  |
| 1863-1873 ..... | 241 .....      | 127,941 |
| 1873-1883 ..... | 292 .....      | 130,533 |
| 1883-1893 ..... | 352 .....      | 151,911 |
| 1893 .....      | 357 .....      | 173,901 |

the whole number shall be chosen by the State as a unit and not by districts. It is also provided that if the number apportioned to any State is increased, and the Legislature fails to district the State, the old districting shall stand, but that the additional member or members shall be elected by the State as a whole. Representatives elected on a general ticket, and not by district tickets, from States having more than one member, are called Representatives-at-large. Since 1872 Congress has prescribed that the districts in a State must, as nearly as practicable, contain an equal number of inhabitants. Congress has never constituted the Congressional districts, as they are called, but has always left that duty to the State Legislatures. As a rule the division of the States into districts, when once made, is allowed to stand for ten years, or until a new apportionment is made; but not unfrequently it is changed, or the State is re-districted, as the saying is, for the sake of obtaining some political advantage. The operation called "gerrymandering"<sup>1</sup> is only too well known in American history.

2. In 1871 Congress enacted that all votes for members of the House of Representatives should be by printed ballots, and that rule has continued until the present day.

3. In 1872 Congress prescribed that the elections should be held on the Tuesday next after the first Monday in November in every even numbered year, 1874, 1876, 1896, 1898, etc. Later legislation exempted from the

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<sup>1</sup>The *Century Dictionary* gives the following history of this word: "*Gerrymander*. In humorous imitation of *Salamander*, from a fancied resemblance of this animal to a map of one of the districts formed in the redistricting of Massachusetts by the Legislature in 1811, when Elbridge Gerry was Governor. The districting was intended (it was believed, at the instigation of Gerry), to secure unfairly the election of a majority of Democratic Senators. It is now known, however, that he was opposed to the measure. "

operation of this rule such States as had prescribed a different day in their constitutions. Accordingly Oregon elects her Representatives the first Monday of June, Vermont hers the first Tuesday of September, and Maine hers the second Monday of the same month.

In nearly every case, if not indeed in every one, the State elects State officers at the same time that the elections of the National House of Representatives are held. Moreover, the elections of Representatives are conducted by the same officers that conduct the State elections. These officers count the votes and make the returns required by law. The Representative receives his certificate of election from the Governor of his State. If a vacancy occurs in any State, owing to any cause, the Governor issues a proclamation, called a writ of election, appointing a special election to fill the vacancy.

**406. Compensation of Members of Congress.**—Senators and Representatives receive a compensation from the Treasury of the United States. Congress fixes by law the pay of its own members, subject only to the President's veto.<sup>1</sup>

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<sup>1</sup>The compensation at different times is exhibited in the following table:

|                |                 |
|----------------|-----------------|
| 1789-1815..... | \$ 6.00 a day.  |
| 1815-1817..... | 1500.00 a year. |
| 1817-1855..... | 8 00 a day.     |
| 1855-1865..... | 3000 00 a year. |
| 1865-1871..... | 5000.00 a year. |
| 1871-1873..... | 7500.00 a year. |
| 1873-1896..... | 5000.00 a year. |

Save for a period of only two years, Senators and Representatives have always received a mileage or traveling allowance. At present this allowance is twenty cents a mile for the necessary distance traveled in going to and returning from the seat of government. The Vice-President, the President *pro tempore* of the Senate, and the Speaker of the House of Representatives now receive each a salary of \$8,000 a year.

**407.** Privileges of Members of Congress.—In all cases but treason, felony, and breach of the peace, Senators and Representatives are exempt from arrest during their attendance at the session of their respective houses and in going to and returning from the same. In other words, unless he is charged with one or more of the grave offenses just named, a member of either house cannot be arrested from the time he leaves his home to attend a session of Congress until he returns to it. Further, a Senator or Representative cannot be held responsible in any other place for any words that he may speak in any speech or debate in the house to which he belongs. This rule protects him against prosecution in the courts, even if his words are slanderous. Still more, speeches or debates, when published in the official report called "The Congressional Record," are also privileged matter, and the speakers cannot be held accountable for libel. This freedom from arrest and this exemption from responsibility in respect to words spoken in the discharge of public duty, are not privileges accorded to the Senator and Representative in their own interest and for their own sake, but rather in the interest and for the sake of the people whom they represent. If they were liable to arrest for any trivial offense, or if they could be made to answer in a court of law for what they might say on the floor of Congress, the business of the country might be interfered with most seriously. The rights of legislative bodies must be rigidly maintained. The one rule given above is necessary to protect the freedom of representation, the other to protect the freedom of debate.

**408.** Prohibitions Placed Upon Members of Congress.—No Senator or Representative can, during the time for which he was elected, be appointed to any civil

office under the United States that is created, or the pay of which is increased, during such time. Appointments to many offices, and to all of the most important ones, are made by the President with the advice and consent of the Senate. Moreover, the President is always interested in the fate of measures that are pending before Congress, or are likely to be introduced into it. There is accordingly a certain probability that, if he were at liberty to do so, the President would enter into bargains with members of Congress, they giving him their votes and he rewarding them with offices created or rendered more lucrative for that very purpose. This would open up a great source of corruption. A Senator or Representative may, however, be appointed to any office that existed at the time of his election to Congress, provided the compensation has not been since increased. Still he cannot hold such office while a member of Congress. On the other hand, the Constitution expressly declares: "No person holding any office under the United States shall be a member of either house during his continuance in office."

**409. Length of Congress.**—The term Congress, is used in two senses. It is the name of the National Legislature as a single body, and it is also the name of so much of the continuous life of that body as falls within the full term of office of the Representative. We speak of Congress, and of a Congress. Thus there are a First, Second, and Fifty-fourth Congress, filling the periods 1789-1791, 1791-1793 . . . 1895-1897. The length of a Congress was fixed when the Convention of 1787 made the Representative's term two years. The time of its beginning and ending was due to an accident. The Old Congress provided in 1788 for setting the new Government in operation; it named

the first Wednesday of March, 1789, as the day when the two Houses of Congress should first assemble, which happened to be the fourth day of that month. Thus a point of beginning was fixed and, as the rule has never been changed, our Congresses continue to come and go on the fourth of March of every other year. The present procedure is as follows: Representatives are chosen in November of every even year, 1892, 1894, 1896, while their terms, and so the successive Congresses, begin on March 4 of every odd numbered year, 1893, 1895, 1897.

While Representatives come and go together at intervals of two years, Senators come and go in thirds at the same intervals. The result is that while a House of Representatives lasts but two years, the Senate is a perpetual body.

**410. Meeting of Congress.**—Congress must assemble at least once every year, and such meeting is on the first Monday of December, unless by law it names another day. Hence every Congress holds two regular sessions. Furthermore, Congress may by law provide for special sessions, or it may hold adjourned sessions, or the President, if he thinks it necessary, may call the houses together in special session. As a matter of fact, all of these things have been done at different times. As the law now stands the first regular session of Congress begins on the first Monday of December following the beginning of the Representative's term, and it may continue until the beginning of the next regular session, and commonly does continue until midsummer. The second regular session begins the first Monday of December, but can continue only until March 4 of the next year, or until the expiration of the Representative's term. It is the custom to call these the long and the short sessions.

## CHAPTER XX

### THE ORGANIZATION OF CONGRESS AND ITS METHOD OF DOING BUSINESS

*The American Government. Sections 275; 293-294; 312-323;  
331-340.*

**411. Officers of the Senate.**—The Vice-President of the United States is President of the Senate, but has no vote unless the Senators are equally divided. The Senate chooses its other officers, the Secretary, Chief Clerk, Executive Clerk, Sergeant-at-Arms, Door Keeper, and Chaplain. The duties of these officers are indicated by their titles. The Senators also choose one of their number President *pro tempore*, who presides in the absence of the Vice-President or when he has succeeded to the office of President. The Senate is a perpetual body, and is ordinarily fully organized, although not in actual session, at any given time.

**412. Officers of the House of Representatives.**—The House chooses one of its members Speaker, who presides over its proceedings. It also chooses persons who are not members to fill the other offices, the Clerk, Sergeant-at-Arms, Postmaster, and Chaplain. The Speaker has the right to vote on all questions, and must do so when his vote is needed to decide the question that is pending. He appoints all committees, designating their chairmen, and is himself chairman of the important Committee on Rules. His powers are very great, and he is sometimes said to exercise as much



influence over the course of the Government as the President himself. The Speaker's powers cease with the death of the House that elects him, but the Clerk holds over until the Speaker and Clerk of the next House are elected, on which occasions he presides. It is common to elect an ex-member of the House Clerk.

**413. The Houses Judges of the Election of their Members.**—The Houses are the exclusive judges of the elections, returns, and qualifications of their members; that is, if the question arises whether a member has been duly elected, or whether the returns have been legally made, or whether the member himself is qualified, the house to which he belongs decides it. In the House of Representatives contested elections, as they are called, are frequent. As stated before, the Governor of the State gives the Representative his certificate of election, which is duly forwarded to Washington addressed to the Clerk of the House next preceding the one in which the Representative claims a seat. The Clerk makes a roll of the names of those who hold regular certificates, and all such persons are admitted to take part in the organization of the House when it convenes. Still such certificate and admission settle nothing when a contestant appears to claim the seat. The House may then investigate the whole case from its very beginning, and confirm the right of the sitting member to the seat, or exclude him and admit the contestant, or declare the seat vacant altogether if it is found that there has been no legal election. In the last case, there must be a new election to fill the vacancy. The Governor of the State also certifies the election of the Senator. A Senator-elect appearing with regular credentials is admitted to be sworn and to enter upon his duties, but the Senate is still at liberty to inquire into his election and qualifi-

cations, and to exclude him from his seat if, in its judgment, the facts justify such action. In respect to qualifications, it may be said that persons claiming seats, or occupying them, have been pronounced disqualified because they were too young, or because they had not been naturalized a sufficient time, or because they have been guilty of some misconduct. From the decision of the Houses in such cases there is no appeal.

**414. Quorums.**—The Houses cannot do business without a quorum, which is a majority of all the members; but a smaller number may adjourn from day to day, and may compel the attendance of absent members. Whether a quorum is present in the House of Representatives or not, is determined by the roll-call or by the Speaker's count. If a quorum is not present, the House either adjourns or it proceeds, by the method known as the call of the House, to compel the attendance of absentees. In the latter case officers are sent out armed with writs to arrest members and bring them into the chamber. When a quorum is obtained, the call is dispensed with and business proceeds as before. In several recent Congresses a rule has prevailed allowing the names of members who were present but who refused to vote to be counted, if necessary, for the purpose of making a quorum.

**415. Rules of Proceedings.**—Each house makes its own rules for the transaction of business. The rules of the Senate continue in force until they are changed, but those of the House of Representatives are adopted at each successive Congress. Still there is little change even here from Congress to Congress. Owing to the greater size of the body, the rules of the House are much more complex than the rules of the Senate. The rules of both Houses, like the rules of all legislative

assemblies in English-speaking countries, rest ultimately upon what is known as Parliamentary Law, which is the general code of rules that has been progressively developed by the English Parliament to govern the transaction of its business. Still many changes and modifications of this law have been found necessary, to adapt it to the purposes of Congress, and especially of the House of Representatives.

**416. Power to Punish Members.**—The Houses may punish members for disorderly behavior, and by a vote of two-thirds may expel members. These necessary powers have been exercised not unfrequently. In 1842 the House of Representatives reprimanded J. R. Giddings, of Ohio, for introducing some resolutions in relation to slavery; while the Senate in 1797 expelled William Blount, of Tennessee, for violating the neutrality laws, and in 1863 Mr. Bright, of Indiana, for expressing sympathy with the Southern secessionists. From the decisions of the Houses in such cases there is no appeal.

**417. Journals and Voting.**—The Houses are required to keep a full history of their proceedings in records called journals, and to publish the same except such parts as in their judgment require secrecy. But as the House of Representatives always sits with open doors, the provision in respect to secrecy has no practical effect in that body. It is also null in the Senate except in executive sessions. These are secret sessions held for the transaction of special business sent to the Senate by the President, as the consideration of treaties and nominations. The yeas and nays must be called, and must be entered on the journal, when such demand is made by one-fifth of the members present. The object of these rules is to secure full publicity in regard to what is done in Congress. On the call of the roll, which is the only

form of voting known in the Senate, members are entered as voting yea or nay, as absent or not voting. In the House votes are taken in three other ways: by the *viva voce* method, the members answering aye or no when the two sides of the question are put; by the members standing until the presiding officer counts them; by the members passing between two men called tellers, who count them and report the numbers of those voting on the one side and on the other, to the Chair.

**418. Mode of Legislating.**—A bill is a written or printed paper that its author proposes shall be enacted into a law. Every bill that becomes a law of the United States must first pass both Houses of Congress by majority votes of quorums of their members. Still more, this must be done according to the manner prescribed by the rules, which on this subject are very minute. For example, no bill or joint resolution can pass either house until it has been read three times, and once at least in full in the open house. The presiding officers of the two Houses certify the passage of bills by their signatures. When a bill has thus passed Congress it is sent to the President for his action, who may do any one of three things with it.

**419. Action of the President.**—1. The President may approve the bill, in which case he signs it and it becomes a law.

2. He may disapprove the bill, in which case he sends it back to the house that first passed it, or in which it originated, with his objections stated in a written message. In such case he is said to veto it. This house now enters the message in full on its journal and proceeds to reconsider the bill. If two-thirds of the members, on reconsideration, vote to pass the bill, it is sent to the other house, which also enters the message

on its journal and proceeds to reconsider. If two-thirds of this house also vote for the bill, it becomes a law notwithstanding the President's objections. The bill is now said to pass over the President's veto. In voting on vetoed bills the Houses must vote by yeas and nays, and the names of those voting are entered on the journal. If the house to which the bill is returned fails to give it a two-thirds vote, the matter goes no farther; if the second one fails to give it such vote, the failure is also fatal. In either case the President's veto is said to be sustained.

3. The President may keep the bill in his possession, refusing either to approve or disapprove it. In this case, it also becomes a law, when ten days, counting from the time that the bill was sent to him, have expired, not including Sundays. However, to this rule there is one important exception. If ten days do not intervene between the time that the President receives the bill and the adjournment of Congress, not counting Sundays, it does not become a law. Accordingly the failure of the President to sign or to return a bill passed within ten days of the adjournment defeats it as effectually as a veto that is sustained by Congress could defeat it. The President sometimes takes this last course, in which case he is said to "pocket" a bill or to give it a "pocket" veto.

**420.** Orders, Resolutions, and Votes. — Every order, resolution, or vote to which the concurrence of both Houses of Congress is necessary, save on questions of adjournment, must be sent to the President for his approval. This rule prevents Congress enacting measures to which the President may be opposed by calling them orders, resolutions, or votes and not bills. Still the resolutions of a single house, or joint resolutions that merely declare opinions and do not enact legislation, are not subject to this rule. Nor is it necessary for the Pres-

ident to approve resolutions proposing amendments to the Constitution of the United States.

**421. The Committee System.**—To a great extent legislation is carried on in both Houses by means of committees. These are of two kinds. Standing committees are appointed on certain subjects, as commerce, the post-office, and foreign affairs, for a Congress. Special committees are appointed for special purposes. The House of Representatives has more than fifty standing committees; the Senate not quite so many. All House committees are appointed by the Speaker. Senate committees are elected by the Senators on caucus nominations. The standing committees of the House consist of from three to seventeen members; of the Senate from two to thirteen. The committees draw up bills, resolutions, and reports, bringing them forward in their respective houses. To them also bills and resolutions introduced by single members are almost always referred for investigation and report before they are acted upon in the house.

**422. Adjournments.**—The common mode of adjournment is for the two Houses to pass a joint resolution to that effect, fixing the time. The President may, in case of a disagreement between the Houses respecting the time of adjournment, adjourn them to such time as he thinks proper; but no President has ever had occasion to do so. Neither House, during the session of Congress, can, without the consent of the other, adjourn for more than three days, or to any other place than the one in which Congress shall be sitting at the time. It is therefore practically impossible for the two Houses to sit in different places, as one in Washington and the other in Baltimore. As is elsewhere explained, the Senate may sit alone to transact executive business, if it has been convened for that purpose.

## CHAPTER XXI

### THE IMPEACHMENT OF CIVIL OFFICERS

*The American Government. Sections 302 311; 484.*

**423. Impeachment Defined.**—In the legal sense, an impeachment is a solemn declaration by the impeaching body that the person impeached is guilty of some serious misconduct that affects the public weal. In the United States, the President, Vice-President, and all other civil officers are subject to impeachment for treason, bribery, or other high crimes and misdemeanors. In England, military officers and private persons may be impeached as well as civil officers. The other crimes and misdemeanors mentioned in the Constitution are not necessarily defined or prohibited by the general laws. In fact, few of them are so treated. Impeachment is rather a mode of punishing offenses that are unusual, and that, by their very nature, cannot be dealt with in the general laws. Thus Judge Pickering was impeached in 1803 for drunkenness and profanity on the bench, and Judge Chase the next year for inserting criticisms upon President Jefferson's administration in his charge to a grand jury, while President Johnson was impeached in 1867, among other things, for speaking disparagingly of Congress. But none of these acts were prohibited by the laws. Senators and Representatives are exempt from impeachment.

**424. The Power of the House.**—The House of Representatives has the sole power of impeachment, as

the House of Commons has in England. The following are the principal steps to be taken in such case. The House adopts a resolution declaring that Mr. — be impeached. Next it sends a committee to the Senate to inform that body of what it has done, and that it will in due time exhibit articles of impeachment against him and make good the same. The committee also demands that the Senate shall take the necessary steps to bring the accused to trial. Then the House adopts formal articles of impeachment, defining the crimes and misdemeanors charged, and appoints a committee of five managers to prosecute the case in its name, and in the name of the good people of the United States. These articles of impeachment are similar to the counts of an indictment found by a grand jury in a court of law.

**425. The Power of the Senate.**—The action of the House of Representatives settles nothing as to the guilt or innocence of the person accused. The Constitution places the power to try impeachments exclusively in the Senate, as in England it is placed exclusively in the House of Lords. So when the House has taken the first step described in the last paragraph, the Senate takes the action that is demanded. It fixes the time of trial, gives the accused an opportunity to file a formal answer to the charges that have been made against him, and cites him to appear and make final answer at the time that has been fixed upon for the trial. The Senators sit as a court, and when acting in such a capacity they must take a special oath or affirmation. When the President is tried, the Chief Justice presides. No person shall be convicted unless two-thirds of the Senators present vote that he is guilty of one or more of the offenses charged. As the Vice-President would have a personal interest in the issue should the President be put on trial, owing to



the fact that the Vice-President succeeds to the presidency in case of the removal of the President, it would manifestly be a gross impropriety for him to preside in such case. He would be in a position to influence the verdict.

**426. The Trial.**—The Senate sits as a court, as before explained. The ordinary presiding officer occupies the chair on the trial, save in the one excepted case of the President. At first the House of Representatives attends as a body, but afterwards only the five managers are expected to attend. The accused may attend in person and speak for himself; he may attend in person, but entrust the management of his cause to his counsel; he may absent himself altogether, and either leave his cause to his counsel or make no defense whatever. Witnesses may be brought forward to establish facts, and all other kinds of legal evidence may be introduced. The managers and the counsel of the accused carry on the case according to the methods established in legal tribunals. When the case and the defense have been presented, the Senators discuss the subject in its various bearings, and then vote yea or nay upon the various articles that have been preferred. The trial is conducted with open doors, but the special deliberations of the Senate are carried on behind closed doors. A copy of the judgment, duly certified, is deposited in the office of the Secretary of State.

**427. Punishment in Case of Conviction.**—The Constitution declares that judgment in cases of conviction shall not go further than to work the removal of the officer convicted from his office, and to render him disqualified to hold and enjoy any office of honor, trust, or profit under the United States. It declares also that all persons who are impeached shall be removed from office

on conviction by the Senate. Here the subject is left. It is therefore for the Senate to say whether, in a case of conviction, the officer convicted shall be declared disqualified to hold office or not, in the future, and this is as far as the discretion of the Senate extends. Whatever the punishment may be, it is final and perpetual. The President is expressly denied the power to grant reprieves and pardons in impeachment cases. This is because such power, once lodged in his hands, would be peculiarly liable to abuse. But this is not all. If the crimes or misdemeanors of which an officer has been convicted are contrary to the general laws, he is still liable to be indicted, tried, judged, and punished by a court of law just as though he had not been impeached.

**428. Impeachment Cases.**—There have been but seven such cases in the whole history of the country. William Blount, Senator from Tennessee, 1797–98; John Pickering, District Judge for New Hampshire, 1803–1804; Samuel Chase, Justice of the Supreme Court, 1804–1805; James Peck, District Judge for Missouri, 1829–1830; W. W. Humphreys, District Judge for Tennessee, 1862; Andrew Johnson, President of the United States, 1867; W. W. Belknap, Secretary of War, 1876. Only Pickering and Humphreys were found guilty.

## CHAPTER XXII

### THE GENERAL POWERS OF CONGRESS

#### *The American Government. Sections 341-418.*

In a free country the legislative branch of the government tends to become the most powerful of all the branches, overtopping both the executive and the judiciary. This is true in the United States. The powers of Congress are divisible into general and special powers, of which the first are by far the more important. The general powers are described in section 8, Article 1, of the Constitution, and occupy eighteen clauses. They will now be described.

**429. Taxation.**—Revenue is the life blood of government. The first Government of the United States failed miserably, and largely because it could not command money sufficient for its purposes. When the present Government was constituted, good care was taken to guard this point. It was clothed with the most ample revenue powers. Congress may, without limit, lay and collect taxes to pay the debts and provide for the common defense and general welfare of the United States. These taxes are of two kinds, direct and indirect. Direct taxes are taxes on land and incomes and poll or capitation taxes. Here the taxes are paid by the person owning the land or enjoying the income. Taxes on imported goods, called custom duties and sometimes imposts, and taxes on liquors paid at the distillery or brewery, and on cigars and tobacco paid at the factory, are indirect taxes. Here the tax is added to the price of the article

by the person who pays it in the first instance, and it is ultimately paid by the consumer. Taxes of the second class are collectively known as internal revenue to distinguish them from customs or duties, which might be called external revenue. The term excise, used in the Constitution, but not in the laws, applies to this great group of taxes. They are collected through the Internal Revenue Office in the Treasury Department. Direct taxes have been levied only five times by the National Government. Customs and internal revenue have always been its great resources.

**430. Special Rules.**—In levying taxes Congress must conform to several rules that the Constitution prescribes. All taxes must be uniform throughout the United States. In legislating on commerce and revenue, Congress must take care not to show a preference for the ports of one State over those of another State. Direct taxes, like Representatives, must be apportioned among the States according to population. And finally, no tax or duty can be laid on any article of commerce exported from any State.

**431. Borrowing Money—Bonds.**—Public expenditures cannot always be met at the time by the public revenues. It becomes necessary in emergencies for governments to borrow money and contract debts. Congress borrows money on the credit of the United States. The principal way in which it exercises this power is to sell bonds. These bonds are the promises or notes of the Government, agreeing to pay specified amounts at specified times at specified rates of interest. During the Civil War more than five billion dollars of such bonds were sold, many of them to replace others that were cancelled. At the present time a large amount of Government bonds is outstanding.

**432. Treasury Notes.**—Congress also authorizes the issue of Treasury notes, called by the Constitution “bills of credit.” They are paid out by the Treasury to meet the expenses of the Government, and while they continue to circulate they constitute a loan that the people who hold them have made to the Government. Such notes were occasionally issued before the Civil War, and since that event they have played a very important part in the history of the National finances. In 1862 Congress authorized the issuance of Treasury notes that should be a legal tender in the payment of all debts, public and private, except duties on imports and interest on the National debt. These notes were not payable on demand, or at any particular time; they did not bear interest, and were not for the time redeemable in gold or silver, which, since 1789, had been the only legal-tender currency of the country. In 1879 the Treasury, in obedience to a law enacted several years before, began to redeem these notes in gold on presentation, and it has continued to do so until the present time. Still they have never been retired from circulation, or been cancelled on redemption, but have been paid out by the Treasury the same as other money belonging to the government. They are popularly called “greenbacks.”

**433. Commerce.**—Congress has power to regulate commerce with foreign nations, among the States, and with the Indian tribes. The exclusive control of commerce by the States, under the Confederation, was a principal cause of the hopeless weakness of that government. (See Chap. XX.) It may indeed be said that the commercial necessities of the country, more than anything else, compelled the formation of the new Government in 1789. Tariff laws, or laws imposing duties on imported goods, are regulations of commerce, and so are laws

imposing tonnage duties, or duties on the carrying capacity of ships, and laws prescribing the manner in which the foreign trade of the country shall be carried on. The construction or improvement of harbors, the building of lighthouses, surveys of the coasts of the country, and laws in relation to emigration all come under the same head. In order the better to regulate commerce among the States, Congress created the Interstate Commerce Commission, and it has passed a law in relation to the subject of trusts. The Constitution lays down the rule relating to Interstate commerce that vessels bound to or from one State to another shall not be required to enter or clear, or to pay duties.

**434. Naturalization.**—All persons born or naturalized in the United States and subject to their jurisdiction are citizens of the United States, and of the State in which they reside. Citizenship, or the state of being a citizen, is membership in the state, or body politic. Congress has provided that a foreigner, unless he belongs to the Mongolian race, may become a citizen, or be naturalized, as the saying is, on his compliance with certain terms and conditions. A residence of five years is necessary. Two years before his admission to citizenship the alien must declare on oath, before a court of record, his intention to become a citizen. On the expiration of the two years, he must prove to this court, or some other one having the same jurisdiction, that he has resided in the United States at least five years, and in the State or Territory at least one year; that he is a man of good moral character; that he is attached to the Constitution, and that he is well disposed to the United States. He must also swear to support the Constitution, must renounce all allegiance to any foreign state or prince,

and lay aside any title of nobility that he has held. He then receives a certificate stating that he is a citizen of the United States, and he becomes entitled to all the rights of a native-born citizen, except that he can never be President or Vice-President. His wife and his children under twenty-one years of age also become citizens. All laws in relation to naturalization must be uniform. The States may confer political rights upon foreigners, as the right to own land and vote within the State, but they cannot confer citizenship.

**435. Bankruptcies.**—A person who is insolvent, or unable to pay his debts, is termed a bankrupt; and a law that divides the property of such person among his creditors and discharges him from legal obligation to make further payment, is termed a bankrupt law. Congress has power to pass uniform laws in relation to this subject. It has passed three such laws, one in 1800, one in 1840, and one in 1867. The last one was repealed in 1878. The States sometimes pass insolvent laws, having somewhat the same effect as bankrupt laws, but they are always subject to the National bankrupt law when there is one in force.

**436. Coinage of the United States.**—Congress coins money and regulates its value and the value of foreign coin circulating in the country. This power, taken in connection with other powers, enables Congress, if it chooses, to regulate the whole subject of money. At the present time the National mints are open to all persons for the coinage of gold. Depositors of standard gold are charged merely the value of the copper used in alloying the coin. The gold coins of the Government are the double-eagle, eagle, half-eagle, quarter-eagle, three-dollar piece, and one-dollar piece. These coins are legal tender in payment of all debts, public and

private.<sup>1</sup> Silver coins are now struck at the mints only on account of the Government, and not on account of private persons. These coins are the half-dollar, quarter-dollar, and dime, which are legal tender for debts not exceeding ten dollars. The Government also strikes coins of base metal for small change; the five-cent piece and the one-cent piece, which are legal tender in sums not exceeding twenty-five cents. At different times still other coins have been struck, and some of them are still in circulation. Mention may be made of the dollar, the trade dollar, the two-cent piece, and the half-dime.

**437. The Silver Dollar.**—The silver dollar was the original money-unit of the United States. It was coined, though never in very large quantities, from the founding of the mint in 1792 until 1873, when it was dropped from the list of legal coins. This fact is expressed in the phrase, “silver was demonetized.” The minor silver coins, however, were produced as before. Congress also authorized for several years a new coin, called the trade dollar. In 1878 Congress restored the old silver dollar to the list of authorized coins, and instructed the Secretary of the Treasury to purchase silver bullion for the Government and to coin it into dollars, not less than \$2,000,000, nor more than \$4,000,000, a month. These dollars were also made a legal tender. In 1890 Congress passed a further act instructing the Secretary to purchase 4,500,000 ounces of silver a month on Government account, as before, and to coin it after July, 1891, at his discretion. In 1893 Congress repealed the purchase clause of the previous act, and the further

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<sup>1</sup> Legal-tender money is money with which a debtor can legally pay a debt; that is, if he offers or tenders this money to his creditor, and his creditor refuses to take it, he is not obliged to make other payment.



coinage of silver dollars was discontinued. At no time since 1873 have private persons been permitted to deposit silver at the mints for coinage.

**438. Fineness and Weight of Coins and Ratio of Metals.**—The gold and silver coins of the United States are nine-tenths fine; that is, nine parts of the coins are pure metal and one part is alloy. This is called standard metal. Since 1834, the gold dollar has contained 23.2 grs. of pure metal and 25.8 grs. of standard metal. Since 1792 the silver dollar has contained  $371\frac{1}{4}$  grs. of pure metal, and since 1837,  $412\frac{1}{2}$  grs. of standard metal. It is common to call the last named coin the  $412\frac{1}{2}$  gr. dollar. The amount of pure silver in a dollar's worth of the minor coins is 347.22 grs., and of standard silver 385.8 grs. The ratio of the gold dollar to the silver dollar is popularly said to be 1 to 16. Exactly it is 1 to 15.988. This has been the legal ratio since 1834. When it was established Congress assumed that 16 grs. of silver (nearly so) were equal to one grain of gold in value.

**439. Gold and Silver Certificates.**—To dispense with the necessity of handling so much metallic money, Congress has provided for the issuance of gold and silver certificates. One of these certificates is simply a statement that in consequence of the deposit of — dollars of gold or silver, as the case may be, in the Treasury, the Government will pay the holder of the certificate the corresponding amount. These certificates pass as money, but are not a legal tender.

**440. Counterfeiting.**—Congress provides by law for punishing counterfeiting the coin and securities of the United States, its notes, bonds, etc. The term counterfeiting includes (1) manufacturing or forging coins or paper securities; (2) putting forged coins or securities in circulation; and (3) having them in possession for

that purpose. A person guilty of any one of these three offenses is punishable on conviction by a fine of not more than \$5,000 and by imprisonment at hard labor for not more than ten years. Counterfeiting the notes of the National banks, letters patent, money orders, postal cards, stamped envelopes, etc., is punishable by severe penalties; as is also counterfeiting the coins and securities of foreign governments.

**441. The Independent Treasury.**— Previous to 1846, save for a short period, the Government had no treasury of its own, but kept its money in the banks and checked it out as it had occasion. In the year named a treasury was established in the Treasury Building at Washington, provided with rooms, vaults, and safes, and a Treasurer was appointed. Subtreasuries were also established in the principal cities of the country and put in charge of officers known as Subtreasurers. Subtreasuries are now to be found in New York, Boston, Charleston, Philadelphia, Baltimore, Cincinnati, Chicago, St. Louis, and San Francisco.

**442. The National Banks.**—In 1863 and 1864 Congress provided for the creation of the present system of National banks, which have played so important a part in the business of the country. These banks are directly managed by boards of directors chosen by their stockholders, but they are supervised by the Comptroller of the Treasury, whose office is established in the Treasury Department. Their notes or bills, which are fully secured by National bonds belonging to the banks that are deposited in the office of the Comptroller at Washington, constitute a National currency.

**443. Weights and Measures.**—Congress has power to fix the standard of weights and measures, but has never fully exercised the power. In general the standards in

use are the same as those in use in England. The English brass Troy pound is the legal Troy pound at the mints, while the Imperial avoirdupois pound and the wine gallon rest upon usage. Congress has authorized the use of the metric system of weights and measures, but has not made it compulsory.

**444. The Postal Service.**—Congress has created the vast postal system of the country, the cost of which in the year 1894 was more than \$84,000,000. The mails are carried by contractors. Postmasters paid \$1,000 or more a year are appointed by the President for a term of four years; all others by the Postmaster-General at his pleasure. A great majority of the postmasters do not receive regular salaries, but a percentage on the income of their offices. Towns having gross post-office receipts of \$10,000 or more have free mail delivery by letter-carriers. In towns of 4,000 inhabitants or more letters bearing a special 10-cent stamp are delivered by a special carrier immediately on their receipt. Letters may also be registered to secure their greater safety in delivery on payment of a 10-cent fee. Money orders are also sold by certain post-offices called money-order offices, which to a limited extent take the place of money in the transaction of business.

**445. Rates of Postage.**—There are four classes of domestic mail matter bearing different rates of postage. All postage must be pre-paid in the form of stamps.

1. Letters, postal cards, and other written matter, and all packages that are closed to inspection. Save on postal cards and drop letters mailed at non-delivery offices, the rate is two cents an ounce or fraction of an ounce.

2. Periodicals, magazines, etc. The rate on matter of this class when sent from a registered publishing

office, or a news agency, is one cent a pound; when sent otherwise, it is one cent for every four ounces.

3. Books, authors' copy accompanying proof-sheets, etc., are charged one cent for two ounces or fraction of the same.

4. Merchandise limited to 4-pound packages is charged one cent an ounce.

**446. Copyrights and Patent Rights.**—For promoting science and the arts, Congress provides that authors may copyright their works and inventors patent their inventions for limited times. The author of a book, chart, engraving, etc., by means of a copyright, enjoys the sole liberty of printing, publishing, and selling the same for twenty-eight years, and on the expiration of this time he, if living, or his wife or his children if he be dead, may have the right continued fourteen years longer. An inventor also, by means of letters patent, enjoys the exclusive right to manufacture and sell his invention for seventeen years, and on the expiration of that period the Commissioner of Patents may extend the right, if he thinks the invention sufficiently meritorious. Copyrights are obtained from the head of the Library of Congress, patent rights from the head of the Patent Office, both at Washington. The cost of a copyright is one dollar and two copies of the book or other work. The cost of a patent right is \$35.00. Every article that is copyrighted or patented must be appropriately marked.

**447. Piracies and Felonies.**—Congress defines the punishment of piracies and felonies on the high seas, and offenses against the Law of Nations. In a general sense piracy is robbery or forcible depredation of property on the seas, but Congress has by law declared some other acts, as engaging in the slave trade, to be piracy.

Felonies, strictly speaking, are crimes punishable by death. The Law of Nations is a body of rules and regulations that civilized nations observe in their intercourse one with another. The high seas are the main sea or ocean, which the law of nations limits by a line drawn arbitrarily at one marine league, or three miles, from the shore.

**448. Powers of Congress in Relation to War.**— Congress has the power to declare war, which in monarchical countries is lodged in the Crown. It raises and supports armies. It provides a navy. It makes rules for the government of the army and navy. It provides for calling out the militia of the States to execute the laws of the Union, to suppress insurrection, and repel invasion. It provides for organizing, arming, and disciplining the militia, and for the government of such of them as may be called into the service of the United States; but the States have authority to appoint the officers and to train the militia according to the discipline that Congress has prescribed. These powers are very far-reaching. Acting under the laws of Congress, President Lincoln, in the course of the Civil War, called into the service of the Union fully 3,000,000 men. A navy counting hundreds of vessels was also built. At present the army consists of 25,000 officers and enlisted men. The navy consists of 38 vessels in commission for sea service. At present the highest title in the army is General, the highest in the navy Rear-Admiral. The soldiers of the United States are divided into the regular troops and the militia. The former are in constant service; the latter are the citizen soldiery enrolled and organized for discipline and called into service only in emergencies. In the fullest sense of the word, the militia are the able-bodied male citizens of the States

between the ages of eighteen and forty-five, The President cannot call them into active service for a longer period than nine months in any one year. In service, they are paid the same as the regular troops.

**449. The Federal District.**—Previous to 1789 the United States had no fixed seat of government, and Congress sat at several different places. The resulting evils led the Convention of 1787 to authorize Congress to exercise an exclusive legislation over a district, not more than ten miles square, that particular States might cede and Congress might accept for a capital. The cession of Maryland and the acceptance of Congress made the District of Columbia the Federal District, and an act of Congress made Washington the Capital of the Union. The various branches of the Government were established there in 1800. The District is now governed by a board of three commissioners, two appointed by the President and Senate, and one an engineer of the army who is detailed by the President for that purpose. Congress pays one-half the cost of government, the people of the District the other half. Congress also has jurisdiction over places within the States that have been purchased for forts, arsenals, magazines, dock-yards, and other needful public buildings.

**450. Necessary Laws.**—It must be borne in mind that the government of the United States is a government of delegated powers. Still these powers are not all expressly delegated. There are powers delegated by implication, as well as powers delegated in words. Congress is expressly authorized to make all laws that are necessary for carrying into effect the powers that have been described above, and all other powers that the Constitution vests in the Government of the United States, or any department or officer of that Government.

Congress, improves harbors, erects lighthouses, builds post-offices and custom houses, and does a thousand other things that are not particularly named in the Constitution, because in its judgment they are necessary to the execution of powers that are particularly named. The power to establish post-roads and post-offices, for example, or to create courts, involves the power to build buildings suitable for these purposes. This is known as the doctrine of implied powers.

Looking over the general powers of legislation that are vested in Congress, described above, we see how necessary they are to a strong and efficient government. They are the master power, the driving force, of our whole National system. If these eighteen clauses were cut out of the Constitution, that system would be like a steamship without an engine.

## CHAPTER XXIII

### ELECTION OF THE PRESIDENT AND THE VICE-PRESIDENT

*The American Government. Sections 446-474.*

It is the business of the Executive Department of the Government to enforce the laws that the Legislative Department makes. Government in a free country begins with law-making, but it ends with law-enforcing. We are now to examine in two or three chapters the National Executive.

**451. The Presidency.**—Congress consists of two Houses, and each house consists of many members, but the Executive office is single, entrusted to one person. The Constitution vests the executive power in the President of the United States. This difference is due to the nature of the things to be done. Legislation demands varied knowledge, comparison of views, and deliberation. Administration calls for vigor, unity of purpose, and singleness of responsibility. The burden of National administration is imposed upon the shoulders of one man.

**452. Presidential Electors.**—The President and the Vice-President are elected by Electors appointed for that purpose. Each State appoints, in such manner as its Legislature may determine, a number of Electors equal to the whole number of its Senators and Representatives in Congress. Early in the history of the Government, different modes of appointing Electors were followed. Since the Civil War, with a single exception, there has been only one mode. All the States now proceed in the same way. This is to submit the question to



the people of the States at a popular election. With this point clearly in mind, we shall go forward to describe the whole series of steps that are taken in electing the President and the Vice-President of the United States.

**453. Presidential Nominations.**—Government in the United States, as in other free countries, is carried on by means of political parties. These party organizations desire to elect the President and control the Government. They hold National conventions, generally in the period June–August of the year before a President is to take his seat, to nominate candidates for President and Vice-President, and to adopt a statement of party doctrines or principles called a platform. These conventions are constituted under fixed rules, and are convoked by National committees. The Republican and Democratic conventions consist each of four delegates-at-large from every State, and twice as many district delegates as the State has members in the House of Representatives. As a rule the delegates-at-large are appointed by State party conventions, and the district delegates by district conventions. In the Republican convention a majority vote suffices to nominate candidates; in the Democratic convention the rule is two-thirds.

**454. Electoral Tickets.**—The next step is to make up the State Electoral tickets. First, State conventions name two Electors for the State called Electors-at-large, or Senatorial Electors. The conventions that name the delegates-at-large to the National conventions may, and often do, name also the candidates for Electors-at-large. Next district Electors are put in nomination, one from a Congressional district, generally by district conventions. The names of the candidates put in nomination by a given party brought together constitute the State

party ticket. No Senator or Representative, or other person holding an office of trust or profit under the United States, can be appointed an Elector.

The two steps that have been described belong wholly to the field of voluntary political action. The Constitution and the laws have nothing whatever to do with them.

**455. Choice of Electors.**—Congress fixes the day upon which the Electors are chosen. It is the same in all States, Tuesday following the first Monday of November, the day on which members of the House of Representatives are generally elected. Persons who may vote for State officers and for Representatives may also vote for Electors. State officers conduct the election, and the Governor gives the successful candidates their certificates of election. The appointment of the Electors is popularly called the Presidential election. It is so in fact but not in law. In point of law the people do not elect the President and the Vice President, but only Electors who elect them. In point of fact, as we shall soon see, they do both. All that the National authority has done up to this point is to fix the time of the appointment of Electors. Hereafter that authority directs every step in the process.

**456. Meeting of the Electors.**—On the second Monday of January, following their appointment, the Electors meet at their respective State capitals to vote for President and Vice-President. They name in their ballots the person for whom they vote as President, and in distinct ballots the person for whom they vote as Vice-President. No Elector can vote for persons for both offices from the same State that he himself resides in: one at least of the two candidates must belong to another State. The voting over, the Electors make distinct lists

of all persons voted for as President, and of all persons voted for as Vice-President, and of the number of votes for each, which lists they sign, certify, and seal. Three copies of these lists are made. Two of them they send to Washington addressed to the President of the Senate, one by mail and one by a special messenger. The other copy they deliver to the Judge of the United States District Court for the district in which they meet and vote. Congress by law names the day on which the Electors give their votes, and it must be uniform throughout the Union. The casting of their ballots by the Electors is the formal but not the real Presidential election.

**457. Counting the Electoral Votes.**—On the second Wednesday of February, the day named by Congress, the Senate and the House of Representatives meet in the hall of the House to witness the counting of the Electoral votes. The President of the Senate presides, the Speaker of the House sitting by his side. He opens the certificates of votes and hands them to tellers appointed by the Houses, who read and count the votes. The President of the Senate declares the result. The person having the greatest number of votes cast for President, if a majority of all, is declared President; the person having the greatest number of votes for Vice-President, if a majority of all, is declared Vice-President.

**458. Election of the President by the House.**—If no person has received for President the votes of a majority of all the Electors appointed, the House of Representatives must immediately choose the President from the three candidates who have had the most votes for that office. This election is by ballot. The votes are taken by States, the Representatives from a State having one vote. Nevada balances New York, Delaware Pennsylvania. A quorum to conduct the election consists of a member

or members from two-thirds of the States, and a majority of all the States is necessary to a choice. Twice has the House of Representatives chosen the President, Thomas Jefferson in 1801 and John Quincy Adams in 1825. Both of these elections were attended by great excitement.

If the House fails to choose a President, when the choice devolves upon that body, by March 4 following, then the Vice-President acts as in the case of death, removal, or resignation of the President.

**459. Election of the Vice-President by the Senate.**—If no person voted for as Vice-President has a majority of all the Electors appointed, then the Senate shall choose to that office one of the two candidates standing highest on the list of candidates for the Vice-Presidency. A quorum for this purpose consists of two-thirds of the whole number of Senators, and a majority of all the Senators is necessary to a choice.

**460. Miscellaneous Provisions.**—The Electors appointed from a State are often called a college; the Electors from all the States the Electoral colleges. Most of the States have empowered their colleges to fill vacancies that may occur in their number. In 1887 Congress passed an act to provide for and regulate the counting of votes for President and Vice-President, and the decision of questions arising thereon. This law gives the States jurisdiction over disputed appointments of Electors. It also prescribes the method of proceeding when plural returns are made from any State and in cases where objections are made to a single return.<sup>1</sup>

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<sup>1</sup> The method of electing President and Vice-President outlined above, is that prescribed by the Constitution as originally framed, together with the Twelfth Amendment. For the change introduced by this Amendment, see the Amendment in connection with Article II, section 1, clause 3, of the Constitution at first framed.

**461. The Electoral System.**—When the framers of the Constitution devised the method of election by means of Electoral colleges, they assumed that the Electors would be picked bodies of men, who would vote for the best men for President and Vice-President, regardless of popular feeling and private interest. It may be said that in the case of Washington the plan worked as they expected, but since his second administration it has never done so. No other part of the Constitution has proved so disappointing as the method of electing the President. In 1804 the Constitution was amended to correct evils that had declared themselves in the election of 1800; but the Twelfth Amendment, while accomplishing its immediate purpose, did not prevent the whole plan becoming a miserable failure. The men of 1787 did not foresee the part that politics and political parties would play in American affairs. As we have seen, the President and Vice-President are really named by one of the two great political conventions. The Electors are not chosen to exercise their own best judgment, but to cast their ballots for the party candidates. When once elected, the Electors are not legally bound to vote for these candidates, for the Constitution and laws make no mention of parties and conventions; but they are bound as party men and as men of honor, for they have consented to be elected on this understanding. As the system works, they have no free will whatever, and practically the Electoral colleges are pieces of useless political machinery.

## CHAPTER XXIV

### THE PRESIDENT'S QUALIFICATIONS, TERM, AND REMOVAL

*The American Government. Sections 450; 476-482.*

**462. Qualifications.**—The President must be a natural-born citizen of the United States. He must have attained the age of thirty-five years, and have been a resident of the country fourteen years at the time of his election. The Vice-President must have the same qualifications as the President.

**463. Length of Term.**—The term of office of both the President and the Vice-President is four years, and the two officers are eligible to successive re-elections. It has often been contended that it would be better to give the President a term of six or seven years, and then make him ineligible to a second election.

**464. The President's Salary.**—This is fixed by Congress. From 1789 to 1873 it was \$25,000 a year; since 1873 it has been \$50,000. Congress also provides the President the furnished house known as the White House for an official residence. The President's salary can neither be increased nor diminished after he has entered on the duties of his office. The first of these two prohibitions makes it impossible for him to enter into bargains with members of Congress, whereby they shall receive something that they deem desirable, at the same time that his compensation is increased. The second prohibition makes it impossible for Congress to reduce his compensation, and so to make the President its dependent or creature. All changes in the salary must therefore be prospective. Still further, the President cannot, during

his continuance in office, receive any other public emolument than his salary, such as a gift or present from the United States or from any State. The salary of the Vice-President is \$8,000.

**465. The President's Oath.** — Before entering on the duties of his office, the President must take the following oath or affirmation: "I do solemnly swear (or affirm) that I will faithfully execute the office of President of the United States, and will, to the best of my ability, preserve, protect, and defend the Constitution of the United States." This oath is in general a definition of the President's duties. He is exclusively an executive officer. The occasion on which the President takes this oath is popularly called his inauguration, and is marked by a good deal of parade and ceremony. The custom now is to conduct the inauguration on the East Front of the Capitol at Washington. The Chief Justice administers the oath, and the President delivers an address called his inaugural address. With the exception of the oath, none of these ceremonies are required by the Constitution or the laws, and they might be dispensed with. It is also customary for the Vice-President to take his oath in the Senate Chamber and to deliver a short speech to the Senators.

**466. The Vice-President.** — The only reason for creating the office of Vice-President was to have a proper officer at hand who could succeed to the Presidency in the case of a vacancy. The Vice-President becomes President when the President is removed, dies, resigns, or is unable to discharge the powers and duties of his office. The President can be removed only by conviction on impeachment. If he resigns he must file his resignation in writing in the office of the Secretary of State. Just what inability to discharge the duties of his office is, has never

been settled. President Garfield performed but one executive act from July 2, 1891, to his death, which occurred September 19 following. It was much discussed at the time whether a case of inability had arisen, but with no practical results. Four Vice-Presidents have become Presidents by succeeding to the office. When the Vice-President becomes President, he succeeds to all the powers, dignities, responsibilities, and duties of the office for the unexpired portion of the term and ceases to be Vice-President. The Constitution provides that the Vice-President shall be the President of the Senate, but this is merely for the purpose of giving dignity and consequence to an officer who, for the most part, would otherwise have nothing to do.

**467.** The Presidential Succession. — Who shall succeed to the Chief Executive office in case both the President and Vice-President die, resign, are removed, or are unable to perform the duties of the office? The Constitution says that Congress shall by law provide for such a case, declaring what officer shall act as President until the disability be removed or a President be elected. The present law, which dates from 1886, declares that first the Secretary of State shall succeed, then the Secretary of the Treasury in case of his death, removal, etc.; afterwards the Secretary of War, the Attorney-General, the Postmaster-General, the Secretary of the Navy, and the Secretary of the Interior in this order. No one of these officers, however, can succeed unless he has been confirmed by the Senate and has all the qualifications that are required of the President. If one of them succeeds he fills the unexpired portion of the term the same as the Vice-President. However, a case of the removal, etc., of both the President and the Vice-President has never yet occurred.



## CHAPTER XV

### THE PRESIDENT'S POWERS AND DUTIES

*The American Government. Sections 483-511.*

As is remarked in another place, the oath that the President takes on his inauguration is a general definition of his duties. Still the Constitution declares further that he shall take care that the laws be faithfully executed, and shall commission all officers of the United States. More than this, it describes his duties with more or less detail.

**468. Army and Navy.**—The President is commander-in-chief of the army and navy of the United States, and of the Militia of the States also when they are called into the National service. The effective control of the National forces requires unity of judgment, decision, and responsibility. It is obvious that a congress or a cabinet would be a very poor body to place at the head of an army. The power entrusted to the President is a great one, but he cannot well abuse it so long as Congress alone can declare war, raise and support the army, provide the navy, make rules for the government of the military and naval forces, and provide by law under what conditions the President may call out the militia. The President delegates to chosen officers his authority to command the army and the navy in actual service.

**469. The Pardoning Power.**—Power to try, convict, and pass judgment upon persons charged with crimes and offenses under the laws of the United States is lodged in the courts alone. But courts sometimes commit mis

takes, and sometimes special circumstances arise that make it proper to exercise clemency towards persons who are undergoing punishment for crime. Again, it may be wise to exercise clemency while the offender is on trial, or even before trial begins. So the President is authorized to grant reprieves and pardons for offenses against the United States, except in cases of impeachment. A reprieve is a temporary suspension of punishment that has been decreed; a pardon is a full release from punishment either before or after it has been decreed. Commonly, however, a pardon comes after conviction.

**470. Treaties.**—A treaty is a solemn engagement or contract entered into between two or more sovereign or independent states. They relate to such subjects as commerce and trade, the rights of citizens of one country in the other, etc. Treaties also deal with the graver subjects of peace and war. The power to enter into a treaty properly belongs to the executive branch of government, as dispatch, secrecy, and unity of purpose are called for. As it might be dangerous in a republic to lodge the power exclusively in the Executive's hands, it is provided that the President, by and with the advice and consent of the Senate, shall have power to make treaties with foreign states.

**471. Mode of Making a Treaty.**—Commonly the steps that are taken are the following: First, the treaty is negotiated or agreed upon by the powers. The negotiation is conducted on the part of our Government by the Secretary of State, a minister residing at a foreign capital, or a minister or commissioner appointed for the purpose. The President, acting through the Department of State, directs the general course of the negotiation. Secondly, the treaty, when it has been negotiated, is wholly in the President's hands. If he disapproves

of it, he may throw it aside altogether. If he approves it, or is in doubt whether he should approve it or not, he submits it to the Senate for its advice. Thirdly, the treaty is now wholly in the Senate's hands, except that the President may at any time that he chooses withdraw it from the Senate's further consideration. The Senate may approve or disapprove the treaty as a whole, it may propose amendments, or it may refuse to act at all. If the Senate amends the treaty it is practically a new one, and both the President and the foreign power must assent to it in its new form. The fourth step is an exchange of ratifications. This is a formal act by which the powers concerned signify that all the steps required to make the treaty binding have been taken. Finally, the President publishes the treaty and by proclamation declares it to be a part of the law of the land. The Senate considers treaties in executive session, and its advice and consent in most cases is merely approval or disapproval of what the President has done. A two-thirds vote of the Senate is necessary for the ratification of a treaty.

**472.** Appointment of Officers. — The President nominates, and by and with the advice and consent of the Senate, appoints ambassadors, other public ministers, and consuls, judges of the Supreme Court, and all other officers of the United States that are provided for by law, unless the Constitution itself provides for them. Congress may, however, place the appointment of such inferior officers as it thinks proper in the President alone, in the heads of Departments, and in the courts. The President appoints his private secretary and clerks. The appointment of a somewhat larger number of officers is placed in the courts, while the appointment of a very great number is vested in the heads of the Executive

Departments. Thus, the appointment of all postmasters whose salary is less than \$1,000 is placed in the hands of the Postmaster-General. When all these exceptions have been made, a large number of appointments still remains to be made by the President and the Senate.

**473. Mode of Appointment.**—The first step to be taken in filling an office is for the President to make a nomination in writing to the Senate, specifying the office and naming the officer. The Senate refers the nomination to its proper committee, as of a judge to the Committee on the Judiciary, or of a foreign minister or consul to the Committee on Foreign Relations. The committee investigates the subject and reports the nomination back to the Senate, either with or without a recommendation that the nomination be confirmed. The Senate then grants or withholds its confirmation, as it is called. The Senate acts in such a case, as in the case of treaties, in executive session. If the Senate refuses to confirm, the President makes a second nomination, and so on until the place is filled. The Senate sometimes refuses to confirm a nomination if the Senators from the State where the office is, or one of them, objects to it. This is especially the case when the Senator or Senators belong to the political party that for the time has a majority of the body. This custom, which is wholly without support of law, is known as the courtesy of the Senate.

**474. Ambassadors and Other Public Ministers.**—Public ministers are representatives that one state or nation sends to another to look after its interests. Ambassadors are the highest rank of ministers. The other grades are envoys extraordinary or ministers plenipotentiary, ministers-resident, commissioners, and *chargés d'affaires*. The United States now have ambassadors at the capitals of England, France, Germany, and Italy, and represent-

atives of inferior grade at many other capitals. The salaries paid these representatives, who are collectively called the diplomatic service, range from \$5,000 to \$17,500. The duties and rights of ministers are defined by the Law of Nations, called also International Law.

**475. Receiving Ministers.**—It is the duty of the President to receive ambassadors and other public ministers sent by foreign powers to our Government. This ceremony involves the recognition of the power from which the minister comes, and also his own recognition as a man acceptable to the United States. The President can refuse to receive a minister because he is personally objectionable, and can dismiss him for the same reason.

**476. Consuls.**—The duties of consuls are fixed by treaties and by the municipal law of the nation appointing them. In general it may be said that they look after the commercial interests of the country at large, and assist their countrymen in obtaining commercial rights and privileges. They also perform many other duties. They are business agents and do not rank as ministers. Sometimes, however, diplomatic duties are entrusted to them. A consul-general exercises supervision over the consuls of his country within the country to which he is sent, or within some designated portion of it. The President appoints about 30 consuls-general and about 300 consuls. The highest consular salary is \$6,000. Many consuls receive their compensation in the form of fees.

**477. Military and Naval Officers.**—Unless otherwise provided by law, military and naval officers are appointed in the same manner as civil officers. Still the President, as commander-in-chief, has exclusive control of the commands to which they are assigned. He assigns officers to their places of duty, and removes them for what he deems sufficient reasons. Since 1866 the law

has been that no officer in the military or naval service shall, in time of peace, be dismissed from service except upon, and in pursuance of, the sentence of a court-martial, or in commutation thereof.

**478. Removal from Office.**—The President has the power of removal as well as of appointment. When the Senate is in session a removal is made in the following way: The President sends to the Senate a nomination, just as though the office were not already filled. If the Senate confirms this nomination, the President then commissions the officer and he enters upon the duties of his office. The former incumbent holds the office until the last of these steps has been taken. If the Senate refuses to confirm, the President must send in a second nomination or allow the incumbent to remain undisturbed. In a recess of the Senate a removal is made in a somewhat simpler way. The President now appoints directly, and at the same time gives the appointee his commission, who enters upon his office at once. When the Senate meets at its next session, the President must send to that body, for its action, the name of the appointee. If the Senate confirms the nomination, that is the end of the matter. If it refuses to confirm, the President must then make a second nomination. In either case the removal of the former incumbent is final and absolute.

**479. Vacancies.**—When a vacancy in any office occurs while the Senate is in session, the President makes a nomination, and matters proceed just as explained in the last paragraph. When the vacancy occurs in a recess of the Senate, the President appoints and commissions the officer, and the Senate acts on the nomination at its next session just as in the case of a removal made in the recess.

**480. The Civil Service.**—The persons who serve the Government in civil or non-military capacities are collectively called the civil service. They are divided into two classes called officers and employés. The two classes are not separated by any consistent rule or practice. Officers, who are much inferior in numbers to employés, are appointed and removed. Employés are employed and discharged, not appointed and removed. Laborers in the navy yards, arsenals, and the like are employés; so are many persons in continued service at custom houses and in other offices as well as many clerks. In 1893 the civil service consisted of about 200,000 persons. Of these 69,000 were postmasters and 40,000 others served in the Post-office Department. Twenty-two thousand were workmen. The others were distributed among the other Departments of the Government.

**481. Civil Service Reform.**—Until a short time ago it was the custom for the President and others who were clothed with the appointing power to make appointments and removals of officers for political reasons. The same practice prevailed also in respect to employés. On a change of the administration, and especially when it involved a change of party, great numbers of officers and employés would be removed or discharged to make room for others. A Democratic administration was expected to turn out the Republicans, and a Republican administration to turn out the Democrats. This was called the spoils system. Soon after the Civil War the civil service began to attract the attention of the country. Men saw that the spoils system was accompanied by great abuses and corruption. In 1882 an act was passed under which the service has been materially reformed. This act does not apply to any office where the joint action of the President and

Senate is required to make an appointment. It provides that in the Departments at Washington, and in custom-houses and post-offices where as many as fifty clerks are employed, appointments shall be made by reason of merit or fitness. Competitive examinations are held, and when a new appointment is to be made in any Department or office, as to fill a vacancy, it must be filled from the four persons standing highest on the list of those who have passed the examinations. This is called the eligible list. Every State or Territory is entitled to its fair share of the appointments, and no person can be finally appointed until he has served a probation of six months. This is called the merit system. The President, in the exercise of his discretion as the executive head of the Government, has extended this system to many classes of officers and employés that the law does not in terms include. Mention may be made of the Government Printing Office and of the Postal Railway Service.

**482.** *The President's Message.*—The President is required to give Congress information of the state of the Union from time to time, and to recommend to its consideration such measures as, in his judgment, are necessary and expedient for the good of the country. At the opening of each session of Congress, he sends to the Houses a written communication that is styled a message, conveying such information and making such recommendations. He also sends in from time to time special messages, conveying special information or recommendations as occasion requires. The communications in which the President makes nominations, transmits treaties to the Senate, and assigns his reasons for refusing to sign bills are also known as messages. The heads of the several Departments make



annual reports to the President, and these the President transmits at the same time that he sends in his annual message. Collectively they are called the Executive Documents.

**483. Special Sessions of Congress.**—The President, on extraordinary occasions, may call the Houses of Congress together in special session. In such cases he transmits a message explaining why he does so, and recommending such action as he thinks necessary to be taken. He may also convene either House of Congress alone, and it is the custom for the President, just before retiring from office, to issue a proclamation calling the Senate together immediately following the inauguration of his successor. This gives the new President an opportunity to nominate his Cabinet and such other officers as he thinks important to appoint at that time. No President has ever found it necessary to call the House of Representatives by itself.

## CHAPTER XVI

### THE EXECUTIVE DEPARTMENTS

*The American Government. Sections 511-524.*

The executive business of the Government is transacted through the eight Executive Departments, that Congress has by law created. The President's office in the White House exists only for his personal convenience and is not an office of record. All the public records are kept in the Departments through which the business is transacted. The Departments are established in Government buildings in Washington. The names of the Departments, with the dates of their establishment, are as follows: State, Treasury, War, Justice, formerly called the Office of the Attorney General, and Post-Office, 1789; Navy, 1798; Interior, 1849, and Agriculture, 1889. The heads of these Departments all receive the same salary, \$8,000 a year.

**484.** Department of State.—At the head of this Department stands the Secretary of State, who is considered the head of the Cabinet. There are also three Assistant Secretaries of State. Under the direction of the President, the Secretary conducts the foreign and diplomatic business of the country. The originals of all treaties, laws, and foreign correspondence are in his custody. He also has in his possession the seal of the United States, and affixes it to public documents that require it, and also authenticates the President's proclamations with his signature. The business of the Department is conducted through various bureaus, such as Archives

and Statistics, the Diplomatic, and the Consular Bureaus, etc.

**485.** Department of the Treasury.—The Secretary of the Treasury proposes plans for the public revenues and credit, prescribes the manner of keeping the public accounts, superintends the collection of the revenue, issues warrants for the payment of moneys appropriated by Congress, and makes an annual report of the state of the finances. The several auditors of the Department examine the accounts of the different branches of the public service; the comptrollers certify the results to the Register, who has charge of the accounts and is the National book keeper. The Treasurer has the moneys of the Government in his custody, receiving and disbursing them. The Commissioner of Customs looks after the customs, the Comptroller of the Currency after the National Banks, and the Commissioner of Internal Revenue after that part of the public service. There are also directors of the Mint, of Statistics, and of Printing. The head of the Department is assisted by three Assistant Secretaries.

**486.** Department of War.—The Secretary of War directs the military affairs of the Government. He has charge of the army records, superintends the purchase of military supplies, directs army transportation and the distribution of stores, has the oversight of the signal service and the improvement of rivers and harbors, and looks after the supply of arms and munitions of war. The Department contains ten bureaus: The offices of the Adjutant, Quartermaster, Commissary, Paymaster, and Surgeon Generals, the Chief of Engineers, the Ordnance and Signal Office, the Bureau of Military Justice, and the Military Academy at West Point. There is also an Assistant Secretary of War.

**487. Department of Justice.**—The head of this Department is the Attorney-General, who is the responsible adviser of the President and the heads of the other Executive Departments on matters of law. He and his assistants look after the interests of the Government in the courts, prosecuting or defending law suits to which the United States are a party, and passing upon the titles of all lands purchased by the Government for forts or public buildings. There are in the Department a Solicitor General, four Assistant Attorney-Generals, two Solicitors of the Treasury, a Solicitor of Internal Revenue, a naval Solicitor, and an Examiner of Claims for the Department of State. The District Attorneys in the different judicial districts are also under the direction of the Attorney-General.

**488. Post-Office Department.**—Subject to the President, the Postmaster-General is the head of the vast postal service of the country. He has a larger number of subordinates than all the other heads of Departments together. The First Assistant Postmaster-General has charge of salaries and allowances, free delivery, money-orders, dead letters, and correspondence. The Second Assistant has charge of the transportation of mails, including contracts, inspection, railway adjustments, mail equipment, railway mail service, and foreign mails. The Third Assistant has general charge of the finances of the department, including accounts and drafts, postage stamps and stamped envelopes, registered letters and classification of mail matter, special delivery and official files and indexes. The Fourth Assistant has general charge of appointments, including bonds and commissions, appointment of post-office inspectors, deprecations on the mails, and violations of the postal laws.

**489.** Department of the Navy.—The Secretary of the Navy stands to this Department in the same relation that the Secretary of War stands to the War Department. There is one Assistant Secretary. The several bureaus of the department are: Yards and Docks, Equipment and Recruiting, Navigation, Ordnance, Medicine and Surgery, Provisions and Clothing, Steam Engineering, Construction and Repairs. The Military Academy at Annapolis is also subject to the Secretary of the Navy.

**490.** Department of the Interior.—The business intrusted to the Department of the Interior is much more miscellaneous and diversified in character than that intrusted to any other Department. The Secretary has general oversight of the Patent Office, Census Office, General Land Office, and Pension Office, Indian affairs, Public Buildings, and the Bureau of Education. The most extensive of these subordinate offices is that of Pensions, which disburses \$140,000,000 annually. The Commissioner of Education collects facts and statistics in regard to education and publishes them in an annual report. There are two Assistant Secretaries of the Interior.

**491.** Department of Agriculture.—It is the duty of the Secretary of Agriculture to diffuse among the people useful information on the subject of agriculture, in the most general and comprehensive sense of that term. He has the supervision of all quarantine regulations for the detention and examination of cattle exported and imported that may be subject to contagious diseases. The Weather Bureau, over which "Old Probabilities" presides, is in this Department. There is one Assistant Secretary.

**492.** The Cabinet.—The heads of the eight Departments constitute what is called the Cabinet. This name, however, is a popular and not a legal one. The

law creates the Departments and defines the duties of their heads. The Constitution empowers the President to call for the opinions in writing of these officers on matters relating to their several duties. The heads of Departments are responsible to the country so far as their duties are defined by law; for the rest they are responsible to the President. They meet frequently with the President to discuss public business. The President defers more or less, as he pleases, to the views that they offer, as he does to the views that they expressed singly in writing or in conversation, but the Cabinet as such has no legal existence and is not responsible. No official record is made of its meetings. The Constitution makes the President alone accountable for the faithful execution of the laws. Heads of Departments hold their offices subject to the President's will; but he holds, with exceptions given, four years.<sup>1</sup>

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<sup>1</sup> See the Cabinet and the President's responsibility. See *The American Government*, paragraphs 522, 523, 524, and *Note*.

## CHAPTER XVII

### THE JUDICIAL DEPARTMENT

*The American Government. Sections 525-577.*

The third of the independent branches of the Government of the United States created by the Constitution is the Judiciary. Its functions and organization will now be described.

**493. Judicial Power Defined.**—It is the business of the judiciary to interpret the law and apply it to the ordinary affairs of life. The judiciary does not make the law, but it declares what is law and what is not. This it does in the trial of cases, popularly called lawsuits. A case is some subject of controversy on which the judicial power can act when it has been submitted in the manner prescribed by law. It is particularly to be noted that the judicial power is strictly limited to the trial and determination of cases. Some cases involve questions of law, some questions of fact, some questions of both fact and law, and all come within the scope of the judicial power. A court is a particular organization of judicial power for the trial and determination of cases at law.

**494. Vesting the Judicial Power.**—The judicial power of the United States is vested in one Supreme Court and in such inferior courts as Congress sees fit to ordain and establish. The Constitution thus creates the Supreme Court, and it also provides that its head shall be the Chief Justice of the United States. At the present time the inferior courts are the District Court, the Circuit Court, the Circuit Court of Appeals, the

Court of Claims, and the Courts of the District of Columbia and the Territories.

**495. Extent of the Judicial Power.**—The judicial power is co-extensive with the sphere of the National Government. It embraces all cases that may arise under the Constitution and the laws of the United States, and the treaties entered into with foreign nations. It includes all cases affecting ambassadors, other public ministers, and consuls; all cases of admiralty and maritime jurisprudence; cases to which the United States are a party; cases that arise between two or more States, or between a State and foreign states; cases between citizens of different States, and cases between citizens of the same State who claim lands granted by different States, and cases between citizens of a State and foreign states, citizens, or subjects.

**496. Kinds of Jurisdiction.**—A court has jurisdiction of a case or suit at law when it may try it, or take some particular action with regard to it. There are several kinds of jurisdiction. A court has original jurisdiction of a case when the case may be brought or begun in that court. It has appellate jurisdiction when it may re-hear or re-examine a case that has been decided or has been begun in some inferior court. The methods by which this is done are called appeal and writ of error. An appeal brings up the whole question, both law and fact, for re-examination; a writ of error, the law only. A court has exclusive jurisdiction of a case when it is the only court that can try it or can dispose of it in some particular manner. Two or more courts have concurrent jurisdiction of a case when either one may try it, provided the case comes properly before it.

**497. The District Court.**—Congress has created seventy-two Judicial Districts, in each one of which a Dis-



trict Court is organized. There is at least one district in every State, and in the most populous States there are two or more. There are only sixty-six District judges, as a few of the judges preside over two districts. Each district has its own District Attorney, who is the local law officer of the Government, a Clerk who keeps the records of the court and issues legal papers under its seal, and a Marshal who is the executive officer of the court. A District court must hold at least two terms every year. It has a limited range of jurisdiction in civil cases, and especially in admiralty and maritime jurisprudence; that is, in matters relating to shipping and navigation. It also has jurisdiction of many crimes and offences committed in the district.

**498. The Circuit Court.**—The seventy-two districts are grouped in nine Circuits. The first circuit contains four States and four districts, the second three States and five districts, and so on. One of the justices of the Supreme Court is assigned to each circuit, and is called the Circuit Justice. There are two Circuit judges in some circuits, and three in others. The Circuit court sits from time to time in every district that the circuit contains. It may be held by the Circuit Justice, by one of the Circuit judges, or by the District judge of the district where the court is for the time sitting, or by any two of these sitting together. The district attorneys, clerks, and marshals mentioned before serve these courts also. The Circuit court has original jurisdiction in civil cases where the amount in controversy is \$2,000, not counting costs, in copyright and patent cases, and many others. It has original jurisdiction in criminal cases, and in capital cases an exclusive one. Once it was also a Court of Appeals from the District court, but its appellate jurisdiction has been abolished.

**499. The Circuit Court of Appeals.**—In every circuit there is also a Circuit Court of Appeals. It consists of three judges, of whom two constitute a quorum. The Circuit Justice, the Circuit judges, and the District judges of the circuit are competent to sit in this court. The last, however, can sit only for the purpose of making a quorum in the absence of the Circuit Justice or of one or both of the Circuit judges. The law designates the places where these courts shall be held. First circuit, Boston; second, New York; third, Philadelphia; fourth, Richmond, Virginia; fifth, New Orleans; sixth, Cincinnati; seventh, Chicago; eighth, St. Louis, and ninth, San Francisco. The Circuit Court of Appeals can review many decisions made by the Districts and Circuit courts. In patent, revenue, criminal, and admiralty cases its decisions are final. These courts are exclusively courts of appeals, and they were created expressly to relieve the Supreme Court of a part of its business.

**500. The Court of Claims.**—The Government of the United States carries on vast business operations, and, as is natural, points of dispute are constantly arising. Formerly a person having a claim against the Government that the Executive Departments could not or would not pay, had no redress but to go to Congress for relief. This was unsatisfactory both to claimants and to the Government. To meet this difficulty, the Court of Claims was created and was given jurisdiction over certain classes of claims against the Government. The methods of procedure is for the claimant to enter a suit in court, which is regularly tried and determined. If judgment is rendered against the Government, Congress appropriates money to pay it. This court consists of a Chief Justice and four Associate Justices, and sits only in Washington. Congress has also vested a limited

jurisdiction in respect to claims in the District and Circuit courts also.

**501. The Federal District and the Territories.**—Congress has established special courts for the District of Columbia and the Territories. The Supreme Court of the District consists of a Chief Justice and five Associate Justices, any one of whom may hold a court with power similar to that exercised by the District judges in the States. The Territorial judicial system is similar to this, but the judges are fewer in number.

**502. The Supreme Court.**—The Supreme Court consists of the Chief Justice of the United States and eight Associate Justices. It holds one regular term each year at Washington, beginning the second Monday of October. This court has original jurisdiction in all cases relating to ambassadors and other public ministers and consuls, and those to which a State is a party. It has appellate jurisdiction, both as to law and fact, in all cases originating in the inferior courts, save such as Congress by law shall except. Nearly all the cases that the Supreme Court passes upon are appellate cases. Appeals may be made to it, and writs of error lie to it, from the District and Circuit courts, from the Court of Appeals, and from the Supreme Courts of the Federal District and the Territories.

**503. Appointment of Judges.**—The National judges are appointed by the President by and with the advice and consent of the Senate. The appointments are for good behavior, by which expression official behavior is meant. Nothing is more necessary to a judicial system than the independence of the judges. If they were elected by the popular vote, they might court the popular favor to secure an election. If they served for fixed periods, they might court the Senate and President to

secure re-appointment. The courts of the Federal District and of the Territories do not come within the Constitutional provisions. However, Congress has made the tenure of the first good behavior, and of the second a term of four years.

**504. Pay of the Judges.**—The salary of a judge can not be diminished while he continues in office, but it may be increased. If Congress could reduce the judge's salary after he had entered upon his term, it might control his action and make him dependent upon its will. The salary of the Chief Justice is \$10,500; of the Associate Justices, \$10,000; of the Circuit Judges, \$6,000; and of District Judges, \$5,000. Any judge who has held his commission ten years and has attained to the age of seventy, may resign his office and continue to draw his salary during the remainder of his life.

**505. Concurrent Jurisdiction of National and State Courts.**—The Constitution gives the Supreme Court an original jurisdiction in cases affecting public ministers and consuls, and cases to which a State may be a party. Congress has gone further and declared the jurisdiction of the National courts in certain cases to be an exclusive one. Patent and admiralty cases, for example, are of this class. Outside of this exclusive jurisdiction, Congress has given the State courts a civil jurisdiction concurrent with that of the National courts. Still more, some criminal offenses under the National laws may be prosecuted in the State courts, as those arising under the postal laws.

**506. Appeals from State Courts.**—The Constitution, laws, and treaties of the United States are the supreme law of the land. If the constitution or the laws of a State conflict in any way with this supreme law, such constitution or laws, so far as the confliction extends,

are null and void. Moreover, the power to decide what is, and what is not, a confliction with the National authority rests with the National judiciary. Hence, any case arising in the courts of a State that involves the National authority may be appealed to the National courts. Such cases are said to involve Federal questions. To this extent, therefore, the courts of the United States are the final and authoritative interpreters of the constitutions and laws of the States.

**507. Rules Regulating Trials.**—A jury system like that found in the States is a part of the National judiciary. All crimes, save in cases of impeachment, must be tried by an impartial jury of the State and judicial district where they have been committed. Crimes committed in the Federal District or in a Territory must be tried in the District or Territory. Crimes committed on the sea are tried in the district in which the accused is arrested, or into which he is first brought when the ship returns to the United States. No person can be put on trial for a capital or infamous crime until he has first been indicted by a grand jury; in such case the trial must be a speedy and public one, and the accused must be informed of the accusation made against him. He shall have the benefit of the compulsory power of the court to compel the attendance of witnesses, and shall also have the assistance of a lawyer for his defense. Excessive bail can not be required, or excessive fines be imposed, or cruel or unnatural punishments be inflicted. No person who has once been tried for an offense and found innocent, can be put on trial for that offense the second time. In a criminal case no man can be compelled to testify against himself, nor can any person be deprived of life, liberty, or property until he has been adjudged guilty according to the common course of the

law. In any civil suit at common law where the amount in controversy is more than twenty dollars, the right of trial by jury is also preserved. Rules like these will be found in the jurisprudence of the several States. These rules, however, relate exclusively to the National tribunals. The Fourteenth Amendment declares that no State shall deprive any person of life, liberty, or property without due process of law.

**508. Military Courts.**—Cases arising in the military and naval service are tried in special courts called courts-martial. This is true of the militia also when they are employed in the public service in time of war or public danger. In all such cases as these the rule in regard to an indictment by a grand jury has no application.

**509. Treason.**—Treason against the United States is either making war against them, or siding with their enemies, rendering them aid and comfort. No person can be convicted of this crime, which is considered the greatest of all crimes, except on the testimony of two witnesses to the same offense, or on his own confession of guilt in open court. Congress has enacted two modes of punishment for treason at the discretion of the judge trying the case. The traitor shall suffer death; or he shall be imprisoned at hard labor for not less than five years, be fined not less than \$10,000, and be pronounced incapable of holding any office under the United States.

## CHAPTER XVIII

### NEW STATES AND THE TERRITORIAL SYSTEM

*The American Government. Sections 584-597.*

The Territorial System of the United States has played a very important part in their history. It is proposed in this chapter to show how it originated, and to describe its principal features.

**510. The Original Public Domain.**—At the time of the Revolution seven of the thirteen States claimed the wild lands lying west of the Alleghany Mountains and extending to the Mississippi River and the Northern Lakes. These were then National boundaries. In time these States yielded their claims. When the Constitution was framed in 1787, the country northwest of the Ohio River had already come into possession of the Old Congress. The Southern cessions were made later. In general, the cessions to the Nation included both soil and jurisdiction—the ownership of the land and the right to govern the territory. The Northwestern cessions constituted the first Public Domain of the United States; that is, a territory belonging to the Nation in common. The Constitution gave Congress the power to dispose of the National territory, and to make all needful rules and regulations for its government. Before this, however, Congress had established a government over the existing domain, which was styled the Northwest Territory.<sup>1</sup>

**511. Annexations.**—Seven annexations of territory have been made to the United States: Louisiana purchase,

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<sup>1</sup> See Chapters V and VI.

1803; Florida, 1819; Texas 1845; Oregon, 1846; the two Mexican annexations, 1848 and 1853, and Alaska, 1867. These annexations, with a single exception, were additions to the public domain and became at once subject to the control of Congress. This exception was Texas, which had been an independent power and was admitted to the Union as a State at once without passing through the Territorial probation. Subsequently Texas sold that part of her dominion which now forms the eastern part of the Territory of New Mexico to the United States.

**512. Provision for New States.**—The claimant States made their cessions of Western territory on the condition that, as rapidly as it became ready, such territory should be divided into new States to be admitted to the Union on an equality with the old ones. So a provision was inserted in the Constitution that authorized Congress to admit new States to the Union. But this was not all; some controversies had already arisen concerning the formation of new States out of old ones. So it was provided that no new State should be formed within the jurisdiction of any State nor should any new State be formed by uniting two or more States, without the consent of the Legislatures concerned as well as of Congress.

**513. Territories of the United States.**—In a broad sense the whole dominion of the United States is their territory, States and Territories alike. But in common usage the term territory is limited to so much of the whole dominion as has not been formed into States. Still further, as thus limited the word is employed in two senses. An organized Territory is a part of the dominion having prescribed boundaries and a fully developed Territorial Government. Arizona, New Mexico, and Oklahoma are the only Territories of this class. An unorganized



Territory either has no government at all, or has a very rudimentary one carried on by officers sent from Washington. Thus civil government is administered in Alaska, which is an unorganized Territory, by a Governor and Commissioners appointed by the President and Senate.

**514. Government of an Organized Territory.**—Such a government is set up by Congress. The Governor, Secretary, and Territorial Judges are appointed by the President for four years, and are paid from the National Treasury. The Legislature consists of a house of representatives and a council, the members of which are elected by the qualified voters of the territory. The Legislature legislates on subjects of local concern, subject to the Constitution and laws of the United States. For example, it may establish counties and townships and local self-government for the people. It may also establish a Territorial system of schools. The Governor exercises powers similar to those exercised by the Governor of a State, while the Secretary performs duties similar to those performed by a State Secretary of State. There are also a District Attorney and a Marshal appointed by the President. A Territory can not be represented in Congress or participate in the election of President and Vice-President. Still an organized Territory is permitted to send a delegate elected by the people to the House of Representatives, who may speak but not vote. It will be seen that the status of a Territory is in all respects inferior to that of a State. A Territory is an inchoate State.

**515. Admission of New States.**—This subject has been committed wholly to the discretion of Congress. Congress makes the boundaries of the State, fixes the conditions of admission, gives the State its name and

determines the time of admission. Congress settles some of the details in the act creating the Territory, and still others in a law providing for its admission called an Enabling Act. The principal steps to be taken are the following: First, the people of the Territory elect the members of a convention to frame a State constitution. Secondly, the convention thus elected performs the duty duly committed to it. Thirdly, the constitution is submitted to the people for their approval. Fourthly, Representatives and Senators are elected to represent the new State in Congress. Fifthly, comes the formal act of admission, which is sometimes performed by the President, who issues a proclamation to that effect in compliance with a law previously passed, and sometimes is performed by Congress passing an act called an act of admission.

**516. States Admitted.**—Thirty-two new States have been admitted to the Union. Vermont, Maine, West Virginia, Kentucky, and Tennessee were formed from old States and were never Territories. The facts in regard to Texas have been stated already. The other States, twenty-six in number, have been formed from the public domain; and, save California alone, have passed through the Territorial probation.

**517. Indian Territory.**—Some sixty years ago this Territory was set apart and dedicated by Congress as a home for so-called civilized tribes of Indians. Many tribes and portions of tribes were removed there from east of the Mississippi River. The Indians keep up their tribal organization of government, but they are subject to the general oversight of Congress. There is a United States court in the Territory, which exercises jurisdiction over offenses committed against the laws of Congress so far as they are applicable.

**518. The Public Lands.**—Beginning in Southeastern Ohio, in 1786, the Government has caused the public lands to be surveyed according to a practically uniform system. They are first cut up into townships six miles square, and then these are subdivided into sections of 640 acres, which again are divided into lots of 160, 80, and 40 acres. The sections are now numbered, back and forth, in the following manner:

|    |    |           |    |    |           |
|----|----|-----------|----|----|-----------|
| 6  | 5  | 4         | 3  | 2  | 1         |
| 7  | 8  | 9         | 10 | 11 | 12        |
| 18 | 17 | <b>16</b> | 15 | 14 | 13        |
| 19 | 20 | 21        | 22 | 23 | 24        |
| 30 | 29 | 28        | 27 | 26 | 25        |
| 31 | 32 | 33        | 34 | 35 | <b>36</b> |

Such a township as this is called a Congressional township. As a rule, the States have based their divisions of counties and townships on the Government surveys, and it is this fact that gives the maps of the Western States such a checker-board appearance. In general Congress has followed a very liberal policy in respect to the public lands, selling them at low prices, giving them away as bounties to soldiers and to settlers under the homestead law, and granting them to States and railroads and other corporations to stimulate education and public improvements.

**519. School Lands.**—Beginning with Ohio, admitted to the Union in 1803, and continuing to Wisconsin, ad-

mitted in 1848, Congress gave section No. 16 in every Congressional township to the people of the township for the use of common schools. Beginning with California, in 1850, and continuing to the present, it has given sections 16 and 36 in every township for that purpose. Congress has also given every public-land State, or State formed out of the domain, two townships of land for the support of a State university, and some of them more than two. It has also given lands for agricultural colleges and normal schools, and for other educational purposes.

**520. New States.**—The following table contains the names of the new States, and the dates of their admission to the Union:

|                                 |                                |
|---------------------------------|--------------------------------|
| Vermont, March 4, 1791.         | Wisconsin, May 29, 1848.       |
| Kentucky, June 1, 1792.         | California, September 9, 1850. |
| Tennessee, June 1, 1796.        | Minnesota, May 11, 1858.       |
| Ohio, February 19, 1803.        | Oregon, February 14, 1859.     |
| Louisiana, April 8, 1812.       | Kansas, January 29, 1861.      |
| Indiana, December 11, 1816.     | West Virginia, June 19, 1863.  |
| Mississippi, December 10, 1817. | Nevada, October 31, 1864.      |
| Illinois, December 3, 1818.     | Nebraska, March 1, 1867.       |
| Alabama, December 14, 1819.     | Colorado, August 1, 1876.      |
| Maine, March 15, 1820.          | North Dakota, Nov. 2, 1889.    |
| Missouri, August 10, 1821.      | South Dakota, Nov. 2, 1889.    |
| Arkansas, June 15, 1836.        | Montana, November 8, 1889.     |
| Michigan, January 26, 1837.     | Washington, Nov. 11, 1889.     |
| Florida, March 3, 1845.         | Idaho, July 3, 1890.           |
| Texas, December 29, 1845.       | Wyoming, July 10, 1891.        |
| Iowa, December 28, 1846.        | Utah, January 4, 1896.         |

## CHAPTER XIX

### RELATIONS OF THE STATES AND THE UNION

*The American Government. Sections 419-445; 578-583; 598-603; 608-620; 623-631; 644-654; 763-772.*

Part II of this work describes the government of a single State. The preceding chapters of this Third Part describe the Government of the Union in its general features. It is very obvious that either one of these governments, by itself, would be very imperfect. It is equally obvious that they supplement each other. Each one is essential to the other and to society, and neither one is more essential than the other. The two together make up one system of government. The governments of the States are part of the Government of the Union, and the Government of the Union is a part of the governments of the States. The citizen is subject to two jurisdictions, one State and one National. Both of these jurisdictions have been created by the American people, and each one is exclusive and independent within its sphere. In other words, the United States are a federal state, and their Government is a federal government. Moreover, experience shows that such governments are complicated and delicate, and that they will not work well unless the two parts, local and general, are well adapted each to each like the parts of a machine.

**521.** **The State Sphere.**—The sphere of the State is well marked off. Matters of local and State concern are committed to its exclusive authority. Within its sphere,

the State is perfectly free to do what it pleases, taking good care not to infringe upon the sphere of the Union. It is the great business of the State government to preserve the peace and good order of society within its borders. It defines civil and political rights; defines and punishes crime; protects the rights of property, of person, and of life; regulates marriage and divorce; provides schools and education for the people, and does a hundred other things that it deems necessary to promote the physical, intellectual, and moral well-being of the people.

**522. The National Sphere.**—This is equally well defined. Matters of general, common, or National interest are committed to the Union. Here are the powers to levy taxes and borrow money for National purposes; to regulate foreign commerce; to conduct war; to carry on the post-office; to manage foreign relations, and to exercise the many other powers that are delegated by the National Constitution. It will be seen that these are matters in which the whole American people are interested. Within its sphere, the Nation is just as free and unlimited as the State is within the State's sphere.

**523. The State and the Union.**—Neither one of these jurisdictions is, strictly speaking, limited to matters purely local or purely national. The State does more than merely to look after local interests. The Union does more than merely to see to National affairs. Either authority does some things that, at first thought, might seem to belong exclusively to the other. In this way, great strength is imparted to the whole system, and it is made to do its work more thoroughly. This a series of paragraphs will show.

**524. National Functions of the States.**—The State participates directly in carrying on the Government of

the Union. It defines the qualifications of electors, establishes Congressional districts, conducts the elections of Representatives, elects members of the United States Senate, and appoints Presidential Electors. All these things are purely voluntary. The States cannot be compelled to do them, but if they should refuse or neglect to do them the whole National system would fall into ruins. But, more than this, the Union employs the State militia, and imposes duties upon the governors and judges of the States.

**525. Prohibitions Laid on States.**—The successful working of the National system makes it necessary that certain prohibitions shall be laid on the States. No State can enter into any treaty, alliance, or federation; coin money, issue paper money, make anything but gold and silver a tender in payment of debts, pass any law interfering with contracts, or grant any title of nobility. No State, without the consent of Congress, can levy duties or impostson imports and exports, beyond what is necessary to pay the cost of its inspection service. No State can, without the consent of Congress, lay any tonnage tax on ships, keep troops or ships of war in time of peace, or enter into any compact or agreement with another State or a foreign power. No State can engage in war, unless it is actually invaded or in immediate danger of invasion.

**526. Duties of State to State.**—If the National System is to work smoothly, it is obvious that a good understanding among the States is necessary. The Constitution accordingly lays various commands upon the States in respect to their relations one to another. The acts, records, and judicial processes of any State are respected by every other State, so far as they can have any application. For example, a marriage contracted or a

divorce granted in one State is a marriage or a divorce in every other State. Citizens of one State passing into another State are entitled to all the rights and privileges that the citizens of such State enjoy. If a person who is charged with any crime in one State flees from justice and is found in another State, it is the duty of the Governor of the State to which he has fled to surrender him on the demand of the Governor of the State from which he has fled, that he may be brought to trial and, if guilty, to punishment.

**527. Privileges and Immunities of Citizens.**—Section one of Amendment XIV. declares all persons born and naturalized in the United States and subject to their jurisdiction, to be citizens of the United States and of the State wherein they reside. It contains also the following declarations: “No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.”

The Union owes several important duties to the State.

**528. Republican Form of Government.**—The Union guarantees to every State a republican form of government. If a non-republican government should be established in any State by revolution or otherwise, it would be the duty of the Union to interfere and see that republican government be re-established. Power to decide in such cases what a republican form of government is, belongs to Congress. •

**529. Invasion and Domestic Violence.**—The Union must also protect the States against invasion, and in emergencies against domestic violence. These duties are



the more necessary because the Constitution denies to the States the right to keep troops and ships of war in time of peace. If any State is invaded it is the duty of the President to call out the National forces to repel the invasion. In the first instance it is the duty of the State authority to suppress domestic violence within its borders, but if such authority in any case thinks the assistance of the United States to be necessary or advisable, it has the right to call for such assistance. The Legislature, if it be in session, and otherwise the Governor, makes the call. This call is addressed to the President, who takes such steps as he thinks necessary to accomplish the object.

**530. The National Authority and the Public Peace.**—There are, however, certain emergencies in which the President can act directly to suppress domestic violence. When such violence interferes with the operations of the National Government, he need not wait for the State Legislature or Governor to call for assistance, but is in duty bound to act at once to protect the operations of the Government and so to restore the public peace. Thus, when the United States mails and inter-State commerce were interrupted in Chicago in 1894, President Cleveland ordered the National forces to protect the mails and the railroads.

**531. Supremacy of the Union.**—The Constitution, laws, and treaties of the United States are the supreme law of the land. They supersede State constitutions and laws whenever these constitutions and laws encroach upon the supreme law. To secure this end, the judges of the State courts, in interpreting and declaring the law, must side with the United States, rather than with the State, in all cases of conflict. To secure this supremacy the more completely, Senators and Representatives

of the United States, members of the State Legislatures and all executive and judicial officers, both of the United States and of the States, must take an oath or affirmation to support the Constitution of the United States. But no religious faith, opinion, or rite can be made a qualification for holding any office of public trust under the United States.

There are also many prohibitions laid upon the National authority. Several of these have been dealt with already in other places; others will be mentioned in this place.

**532. Writ of Habeas Corpus.**—In countries where this writ is recognized, a sheriff or other officer, or even a private individual, who has a person in his custody whom he is depriving of his liberty, can be made to show cause why he holds him. The person who is held as a prisoner, or other person in his interest, appeals to a court of competent jurisdiction for a writ of *habeas corpus*, which commands the officer or other person to bring his prisoner into court. If he can show no sufficient cause for holding him, the prisoner is set at liberty. This writ is one of the great bulwarks of personal liberty, and the Constitution provides that the privilege of the writ shall not be suspended unless in time of rebellion or invasion when the public safety requires it.

**533. Bills of Attainder and Ex Post Facto Laws.**—A bill of attainder is a legislative act that inflicts punishment of some kind upon a person without a judicial trial. An *ex post facto* law is a law that places some punishment upon an act that was not placed upon it when the act was done. Both the State Legislatures and Congress are forbidden to pass any bill of attainder or *ex post facto* law.

A statement of several restrictions that are imposed upon the States or the Union, or both States and Union, may fitly close this work.

**534. Titles of Nobility.**—These would plainly be out of character and be corrupting in tendency in a republican country. Republicanism assumes the equality of citizens. So it is provided that neither the United States nor any State shall grant any title of nobility. Furthermore, no officer of the United States can, without the consent of Congress, accept any present, office, or title from any king, prince, or foreign state.

**535. No National Church.**—Congress can pass no law in relation to a state church or establishment of religion, or prohibit the free exercise of religion. All churches and religions are, so far as the National authority is concerned, put on the same level. The separation of Church and State is a fundamental principle of American polity.

**536. Freedom of Speech and the Right of Petition.**—Congress can pass no law abridging the freedom of speech or of the press, or denying or limiting the right of citizens peaceably to assemble and to petition the Government for a redress of grievances. This provision, however, is no defense of license of speech or printing, such as slander or libel, or of public tumult and disorder.

**537. Soldiers in Private Houses.**—Tyrannical rulers have often accomplished their purpose of oppression by quartering soldiers in the houses of citizens, to overawe and intimidate them. In the United States soldiers can not be quartered in private houses without the consent of the occupants in time of peace, and not in time of war save in a manner that is prescribed by law.

**538. The Militia.**—Tyrannical governments have often found it necessary, in order to accomplish their purpose, to suppress the citizen soldiery, or to deny the people the right to keep and to bear arms. Our Constitution provides that, since a well regulated militia is necessary to the security of every state, the right of the people to keep and bear arms shall not be infringed.

**539. Searches and Seizures.**—Oppressive rulers have often, or generally, held themselves at perfect liberty to search the papers and persons of citizens or subjects, in order to find evidence for criminating them or for establishing their own tyranny the more thoroughly. Our Constitution provides that the right of the people to be secure in their persons, houses, papers, and effects against unreasonable searches and seizures, shall not be violated. Warrants for the purpose of making such seizures shall not be issued by magistrates unless there is probable cause for issuing them, which must be sworn to by the complainant; and even then they must particularly describe the place to be searched and the persons and things to be seized.

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