A Brief Sketch of Parties, the British and American, as Connected with the American System: Together with an Account of the Extraordinary Doings of the Maine Legislature for 1831

Maine Legislature
A BRIEF SKETCH OF PARTIES,

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OF THE

MAINE LEGISLATURE

FOR 1831.

PORTLAND:
1831.
CHAP. I.

Preliminary—Origin of parties—The old division of Whig and Tory now existing under a different name—The principles these parties advocated before, and after the Revolution—The Whigs in favor of Independence as freemen, and manufacturers, the Tories contending for a submission to England—The war arose on these principles—One great cause of the Revolution was to establish the Independence of the American mechanic. Hence the origin of the American and British parties, as synonymous to Whig and Tory—Examination of the American and British parties—History of the American System—The manner in which all classes are protected—The effect upon the country.

We shall attempt in the following sheets to discuss the questions that are presented for our consideration with the candour, fairness, and impartiality that subjects of so much importance demand. Our object is not to pass condemnation on any party or parties, but to present to the public such a collection of facts as shall enable them to form opinions on political questions without the intervention of party animosity or political intrigue. God forbid that we should attempt to fan the embers of party, or to add fuel to that flame which is now desolating our country and consuming the Republic itself. We say to all politicians, who are reckless of the public good, but furious for their own, pause, for heaven’s pause, and reflect on what you are about. Are you sure that your own good is disconnected from the public good? Are you sure that by leaguing yourself to particular doctrines, and yielding your assent without examination, you are doing what duty bids, or what patriotism demands? Be it within our scope to avoid the recklessness we condemn. Let the public judge of our impartiality: let the reader ponder over our facts: let the intelligent man think for himself.

In the bewilderment to which our public presses are leading us; in the conflicting variety of opinions; in the mad rivalry in which gambling politicians are indulging; in the intrigues of partizans, and the claims of all men, and of
all principles to constitute what is termed the Republican party of the United States, it is difficult to come at the truth without resorting to first principles, and thus touching the key stone of politics. There, as from a fountain gushes out only pure streams of patriotism; and hence there will be the resort of every upright man, who desires the truth, and who is determined to frame an opinion unbiased by prejudice, or unincumbered with party gall. We purpose therefore to resort to those first principles, to inquire into the origin of parties, and by tracing the ever varying landmarks of each, to note which has been considered correct, which is correct, and which deserves the confidence of the People. Names change: men are ever passing away; opinions are fluctuating: what is popular to-day may be unpopular to-morrow: but there are certain doctrines so established by the fitness of things, and by the overwhelming testimony of the wise and good, that we have a right to consider them as axioms almost universally recognized, and upheld by such weight of authority as to merit earnest support. Our country at this moment presents a great variety of sects and parties under numerous titles: but it is not the business of a wise man unhappily to adopt any creed because its name happens to be popular. He will examine its principles: he will look into the party itself: he will watch the conduct of its great leaders, and thus by examining the great outlines, and not suffering himself to be bewildered by individual or minute cases, he will in the end arrive at the truth. Take no man's opinion, but read and judge for yourself. Your mind is better capable if you have the proper evidence, of making up your own opinions, than the mind of your neighbor.

The origin of the existing parties that now divide our country—strange as it may seem—can be traced to a period long before the old Revolution. The parties of Whig and Tory have existed in Great Britain for many years. The early settlers of our country in transplanting hither themselves and their children, transplanted also the political principles of the day. Thus the names of Whig and Tory were common words in the mouths of men before the outbreaking of the Revolution. Our old men now recollect this division of parties: they remember too that in the ever memorable contest which wrenched these colonies from the British crown, the Whigs were the staunch advocates
of American principles, Independence and freedom, while the Tories were clamorous for submission, and strenuously upheld the power and right of England to enslave us, and to keep us dependant upon her. The Whigs valorously resisted the efforts of Lord North to tax the Americans; they were the foremost champions in combining against the stamp act, and ever rebelled against the tyranny of the British governors, who were sent out to keep them in submission. The Tories on the other hand were commonly in favor of unconditional submission: they believed England had a right to tax us without allowing us a representation: they thought these colonies were in duty bound to be dependant upon the mother country, not only for their laws, but for their literature, and for manufactured articles of every description. Hence in the great contest that ensued all the Whigs were ranged in favor of the American Revolution, and the Declaration of Independence, while the Tories were in the ranks of the British, and often split their blood for the maintenance of their principles, bad as they were. We think the accurate observer will find many of the same principles existing at the present day; and though the Hancocks the Otises, the Lees have passed away, yet their principles are not dead: their words yet speak.

The Whig party in the British Parliament, though they could make but little effort against Lord North and his coadjutors, was yet supported by the splendid eloquence of Burke, Fox, and Sheridan. These three distinguished Whig orators took part with this country. The first was an intimate of Franklin. They were opposed by the Tories in Parliament, seconded by the Tories in America; and thus arose that great contest, which resulted in the dismemberment of the British Empire, and the establishment of American Independence.

It is often asked what this contest was for. Can we suppose it was for a paltry tax of three cents on tea? The man is grossly ignorant of history or fact who thinks so. Does any one suppose that our fathers threw up their lives and property, and waded ankle deep in blood for a paltry tax of three cents on tea! The origin of the conflict is more remote than that oppression. The train of insults had been laid for years, and the tax was only the torch that set fire to the powder. Constant, persevering, reiterated oppression had been pressing them down ever since they landed on
the rock at Plymouth. They bore the burthen as long as submission was a virtue, and then arousing in their wrath, dragged off with them the best colonies of the British Empire. Be it our duty to explain what this oppression was.

It had ever been the view of the British statesmen, even the best of them to keep these colonies in subjection: to discourage all literary or physical enterprise, and to make us wholly dependant upon the mother country for commerce and manufactures. Our whole trade must be with Englishmen: we must be their hewers of wood and drawers of water. The enterprise of Yankee manufactures was a constant source of annoyance. So long ago as 1719 the British commenced the restriction of our trade. In that year the House of Commons resolved that the erecting of manufactories in the colonies tended to lessen their dependence upon Britain. In 1731—'32 Parliament decreed "that no hatter should work at the trade unless he had himself served an apprenticeship of seven years, and should not employ more than two apprentices—that hats should not be laden upon a cart or other carriage to be carried to any other colony or other place whatever—that rolling and slitting mills should be abated as common nuisances." From these and other restrictions of the like description arose the Revolution. It was not the stamp act alone, nor the tax of three cents on tea, nor the Boston Port Bill that aroused the whole American people; but a connected series of oppressions, and of restrictions. One body of men argued, that England had a right to our trade and to impose what conditions she pleased: another that the colonies had a right to establish their own manufactures, and their political and physical independence. Hence arose the two great parties—the American and British parties, which under some modifications, but under different names, exist at the present day.

There are in the heart of our country, no doubt, many who are hostile to our institutions, many who would rejoice in the re-establishment of British dominion, many who like to see the progress and success of British manufactures, even at the expense of American industry. We must rank in the number of such, the nullifiers who threaten to dismember the Union, and such men as the intemperate Dr. Cooper, who, with a misguided zeal would persuade the South to make the Port of Charleston free to the British, in the teeth
of the law. Such partisans in the opinion of all Northern men of every party and sect, deserve no other appellation that British men. But there is another body of men, dissociated from the first, perhaps honest, but misdirected in their principles, who are striving to prostrate our manufactures and to make us dependent upon Britain as in the days antecedent to the American Revolution. To this party there has also been applied the appellation of British men.

But let us examine this American System in contradistinction to the British System, or, as it is often termed, let us examine the principles of the Tariff. We understand by the American System that system of laws which protects the Farmer, the Mechanic, the Manufacturer, the Fisherman, and the Merchant from the operations of foreign laws, giving them power to compete with foreign nations in the production and exportation of American goods.

The readers of history will see that the principles which were fought for in 1776 were liberty—not political liberty alone, but the liberty to manufacture, work and trade for ourselves. To understand then all the various operations of the American System we must see what has been its effect upon the country, trace its progress, and from what has happened, judge what will happen in future. If any man will take the trouble to turn over the files of papers published in 1760, '61, '62, '63, '64, '65, '66, '67, he will find nearly the same points of difference acting upon the contending parties of that day as actuate them now. Indeed the articles written by Otis, Adams, and others would answer as arguments to support the American System of 1831. The truth was, English merchants were deluging these colonies with British goods. Stores in our larger cities, such as New York and Boston were filled to overflowing with cottons, woollens, cutlery, &c., imported by British factors. The American mechanic could not withstand this inundation. He was turned out of employ, for articles of all sorts ready made could be imported from England cheaper than they could be made in this country. The consequence was, that cabinet makers, joiners, masons, blacks, and mechanics of every class suffered extremely. In this situation the mechanics of Boston were aroused to an appreciation of their rights. Great indignation was felt against the importers who deluged the country with British goods, and thus kept them out of employ. In 1767 a meeting was
called by the mechanics of Boston in Faneuil Hall under the following notice.

"The object of your meeting is for promoting industry, economy and manufactures—thereby as far as may be to prevent future imports of unnecessary European commodities, which have of late increased so fast as to threaten us with general poverty and ruin."

Similar language is found in the Providence Gazette of 1767.

"It is an argument in the mouths of almost every man, that the whole profits of our lives centre in Britain, and that 'tis folly for them to tax us to gain to themselves what they have already secured by a trade, the balance of which is wholly in their favor. * * * * We are rich within ourselves, and shall see it when necessity removes the film that at present clouds our sight. Let the land round our sea coast be pastured with sheep—let the interior supply the whole with bread, corn, flax, &c."

This distress pervading the country, united with the tyranny of Britain, stirred up the wrath of our fathers. The Revolution was the consequence. During this Revolution British goods being excluded, and the Tory importers driven off, American manufactures received a momentary impulse. Powder, shot, balls, and other munitions of war, of which our country was destitute at first, began to be made at home. The same might be remarked of other articles called for by the necessities of the times. After the Revolution succeeded the pacification of the world. Our ports were again opened, again inundated with British goods. Distress again lifted up its visage. Misery was stalking abroad. The mechanic found every thing he could manufacture yet cheaper in England. An English hat was on the head of every body. An English shovel, a hoe, or pitchfork in the hands of every farmer. Every thing was imported, from the shoes on the feet to the shirt on the back. And so far was the rage for English goods extended, that even shirts were imported ready made; or British shirting was dealt out by the importer to the suffering girl who was obliged to work it up at a contemptible price, or else starve for want of food. These were emphatically the days of open trade. England had full and unrestrained access to our ports. There was no protecting duty which could not be avoided, and the
consequence was, that the mechanic was starving; the farmer could find no consumers to pay him for his produce, and the American merchant no one to pay him for his goods. Then English statesmen boasted, that they were freed from the expense of supporting a government in America, while they had the whole trade to themselves, and while we were dependant upon them for every manufactured article.

During this state of things all men were alarmed. The fire of patriotism was again kindled. An American spirit was aroused so far as to resolve upon an American System. The liberty boys of Boston were again in the field. Fashion declared itself in favor of American goods. Associations of girls were actually formed, who declared they would not be courted only by beaux dressed in Yankee cloth. All these things every old man remembers, and all can be read by every one who will look over the papers of that day. The excitement spread like the fire on a prairie. The mechanics of Boston, of Salem, of New Haven, and of Portland too, were waked up. The same mechanics of Boston who were foremost in the achievement of American Liberty, compelled the British factors among them to shut up shop; they threatened to tar and feather them, if they did not. In this state of things a meeting was called in Boston. The following notice illustrative of the spirit of the times, may be found in the Boston Chronicle of April 8th, 1785.

"Friends and fellow Journeymen—In the day of approaching calamity, in the hour of impending danger, when destruction and poverty threaten the body politic: It becomes every lover of his country to be vigilant: every friend of the community to be awake: but the genius of Boston appears to sleep on his post: the guardian angels of the commonwealth have fled from earth.

"Indulge me for a moment to assume their places: This hour. I have liberty to address you: the next shall contemplate your ruin with pity: arouse then, ye patriots of Massachusetts, awake the band of honest mechanics, hear my reasoning with patience, examine its force with candour, and firmly deliberate,—RESOLVE TO LIVE.

"Does not every part of this metropolis severely feel the amazing importation of British manufactures, to the prejudice of home-made commodities? Are not all the different
classes of mechanics materially injured by the residence of English factors, who import and vend cheaper than our citizens can afford to sell, all the conveniences and luxuries of life. Hats, shoes, ready made clothes, and all other articles are daily brought in (via Halifax) and the sinews of your political existence cut off to make returns in Great Britain. A circulating medium is not at present to be found: the rapid sale of their accursed commodities present the whole of your cash a peace offering at the footstool of George the 3d: the hatter, the shoemaker, blacksmith, wheelwright, pewterer, tailor, and all other handicraft are now marching in solemn procession and begging charity at the hands of refugee factors. Think not the idea overcharged: would to heaven I held the trumpet of an arch angel, and could rouse you from the slumbers of political death. But remember I have warned you.

"Assemble then, unitedly assemble: place those patriots in the chair, and let all the people refuse to purchase of these hirelings, or barter the blood, the treasures of a dignified republic, for the gewgaws of luxury, or even the necessaries of life.

"Above all, be cautious, be guarded! I hate the bustle of mobs, but I venerate the glorious spirit of freemen, displayed in meetings to which authority gives a legal sanction: Call on the fathers of the town: they will grant the reasonable request: Study to discourage British traders, as their parliament have discouraged your commerce,—bid them depart in peace, their persons sacred, their property inviolate, but let them not remain to undermine the basis of our empire, by silently sucking the blood of each individual.

"Ten thousand suits of clothes have this day arrived from Halifax: ten thousand more are hourly expected. Your trade is dead, your mechanics are beggars, then rouse in the moment: awake or be forever lost.

"The Spirit of 1775."

* Under the articles of Confederation, Congress had not then the power to protect domestic industry,—and Governor Bowdoin urged the General Court to take the necessary measures for obtaining a convention from all the States, to confer this power on Congress. In their reply to the Governor's speech, the General Court professed a willingness to comply with his request, and accordingly passed resolutions—"That in their opinion the powers of Congress, as contained in the articles of Confederation, were not fully adequate to the great purposes they were originally designed to effect"—"and that it was necessary that a Convention of delegates should be had from all the States in
This meeting is said by the papers of the day to have been numerously attended, the streets being crowded with the assembled multitudes. But nothing effectual could be done to support the American System. The mechanics petitioned the General Court, but there was no help there, for every duty laid by them, could be avoided by importations into other states. At this time the confederation was talked of. The patriots of the Revolution were at work to perfect their undertaking by giving protection as well as freedom to the people. One of the powerful arguments used in favor of the constitution submitted by Washington and others, was the power it gave the General Congress to protect the mechanic, and the farmer from British rivalry. The constitution was adopted. While trade was thus languishing the first Congress met. Petitions for protection from almost every trade rushed in from every quarter. In April 18, 1789, a petition of the Mechanics and Manufacturers of the city of New-York, was presented to the House and read, setting forth that in the present deplorable state of trade and manufacturers, they look with confidence to the oper-

the Union, for the sole purpose of revising the confederation.” H. Bradford, 243.

This attempt was not at that time successful; and mark the result! The historian says,—page 248, “For want of prompt and uniform measures through the States to regulate commerce and to put a stop to large importations of foreign goods, with little returns but in specie, the embarrassments of the country continued, the people of all classes complained, and it was extremely difficult, in many cases impossible for them to pay the taxes which were assessed upon them. The people having applied to Government for protection, and being answered “we cannot protect you, we have not the power,” they then said “we must protect ourselves.”

A convention assembled at Hatfield, and soon after 1500 men, chiefly armed, assembled at Northampton and prevented the sittings of the Court of Common Pleas. Their attacks were made on the Courts, because the Courts enforced the payment of the taxes, which the importation of foreign goods deprived them of the power to pay. About 300 men armed, assembled, took possession of the Court House in Worcester, and would not permit the Judges to enter. The Governor was obliged to call out the militia. At Taunton the insurgents appeared in great numbers and obliged the Court to adjourn to a future day. They obstructed the Court in Middlesex county. It is well known that the result was a civil war in the heart of the State, and bloodshed at Springfield, and that nothing but the most rigorous exertion of the State succeeded in quelling the insurrection at that time.

The present Federal Constitution soon after appeared like a rainbow, to denote that the storm had subsided to rage no more. The powers given by it to Congress, enabled them to protect the citizens from the pernicious effects of foreign importation.
ation of the new government for a restoration of both, and for that relief which they have so long and anxiously desired; that they have both subjoined a list of such articles as can be manufactured in the state of New-York, and humbly pray the countenance and attention of the National Legislature thereto.

In April 28, 1789, a protecting duty was laid upon candles of tallow—of wax and spermaceti—on cheese—on soap—on boots 50 cts. per pair—on twine and pack thread—on salt—snuff—coal—pickled fish—dried fish—window glass—paper of all sorts—cabinet wares—buttons of metal—gloves—hats and caps of all sorts—saddles—millinery—canes—walking sticks and whips—on clothing ready made—on all wrought tin and pewter wares—on coaches, chariots, chaises, carriages, of all sorts—raw hides, furs and deer skins.

Thus the first impetus was given to the American System. Every politician of any note contributed to its formation. The bill was approved by Washington, and others of our most eminent statesmen. Among the distinguished supporters of the system as the system of the country, none were more conspicuous than Messrs. Jefferson and Madison. Mr. Jefferson in particular, as an advocate of what was then termed the Democratic policy of the country—a policy which is strong in favor of the American System, writes thus to Mr. Leiper:

"I have lately inculcated the encouragement of manufactures, to the extent of our own consumption, at least in all articles of which we raise the raw material. On this the federal papers and meetings have sounded the alarm of Chinese policy, destruction of commerce, &c., that is to say, the iron which we make must not be wrought here into ploughs, axes, hoes, &c. in order that the ship owner may have the profit of carrying it to Europe and bringing it back in a manufactured form, as if after manufacturing our own raw materials for our own use, there would not be a surplus produce sufficient to employ a due proportion of navigation in carrying it to market, and exchanging it for those of which we have not the raw material; yet this absurd hue and cry has contributed much to federalize New England; their doctrines goes to the sacrificing agriculture and manufactures to commerce, to the calling all our people from the interior country to the sea
shore to turn merchants; and to convert this great agricultural country into a city of Amsterdam. But I trust the good sense of our country will see, that its greatest prosperity depends on a due balance between agriculture, manufactures, and commerce; and not in this protuberant navigation, which has kept us in hot water from the commencement of our government, and is now engaging us in a war. That this may be avoided, if it can be done, without a surrender of rights, is my sincere prayer.

“(Signed)  
TH: JEFFERSON.”*

From 1783 to 1808, American manufactures but slowly advanced. The Embargo, and the consequent interruption of trade: the war (which found us almost without internal resources, and so dependant upon the British that we received of them the 6000 blankets that were presented to the Indians) all contributed to the encouragement of the manufacturing interest. American goods for a while began to take some stand. But the peace again opened our ports; British goods again inundated us. American manufactures were broken down; distress was prevalent on all sides; all interests were in a suffering state. Our population was emigrating to Ohio and the West, because there was no profitable employment at home. The Tariff of 1816 was then brought forward and advocated by some of our most distinguished men, particularly by those who were considered as belonging to the old Democratic party. The names of Clay, of Calhoun, of Lowndes, were conspicuous among its advocates. Judge Parris from our State supported it, and his address to his constituents on his return home, embodied the arguments of the day. The Tariff of 1824 was supported by both of our Senators in Congress. The Tariff of 1828 as at first adopted, was, perhaps, not the best for the in-

* In 1816, Mr. Jefferson said,—we must now place the manufacturer by the side of the agriculturalists. The grand inquiry now is, Shall we make our own comforts, or go without them at the will of a foreign nation? He, therefore, who is now against domestic manufacture, must be for reducing us either to dependence on that foreign nation, or to be clothed in skins, and to live like wild beasts in dens and caverns. I am not one of those. Experience has taught me that manufactures are now as necessary to our independence as to our comfort; and if those who quote me as of a different opinion will keep pace with me in purchasing nothing foreign, where an equivalent of domestic fabric can be obtained, without regard to difference of price, it will not be our fault if we do not soon have a supply at home equal to our demand, and wrest that weapon of distress from the hand which has so long wantonly wielded it.
ests of N. England; but it has been so modified that it now meets the cordial approbation of every intelligent and unprejudiced man. The obnoxious items were laid upon us by southern nullifiers to render the Tariff unpopular among the citizens of New England, but they have been taken off; and the whole country is now unusually prosperous under its action.

Perhaps no law ever passed any legislative body, which has been so much calumniated. Yet the effect of it has been such by invigorating trade and commerce, that thousands who were its violent opponents have now become its warmest advocates. Popular opinion on the seaboard of our State has been entirely changed, for the obvious reason, that our commerce has flourished under its operation, and the coasting trade in particular. Our imports and exports have increased. Our foreign tonnage has greatly increased since the Tariff of '28. More than 200,000 tons have been added to it since the Tariff of '24. But the most beneficial operation of a protecting Tariff is experienced by the coasting trade. Every thing that creates a market for the merchandize that the coaster transports is of immense benefit. Hence Boston supported as it is by manufactories in its vicinity—is able to make way with and to purchase the numerous articles brought there by Eastern coasters. Every manufactory is a consuming shop, for the benefit of the producer. Manufactories in truth are the life of the coasting trade. They demand vessels for the freighting of cotton, of iron, of dye stuffs, and of other raw materials, bulky, and weighty. They act as baggage wagons between the agriculturalist and the manufacturers. Maine with her numerous harbors, from which go out every day hundreds of coasters, would be mad to advocate any policy which should prove detrimental to such an interest. But the practical operation of the American System upon the coasting trade is the most visible. In 1807, when there were but few manufactories in the country, and consequently but little property, the coasting internal trade of the United States was only 366,834 tons, whereas now the quantity of coasting tonnage is almost treble. This vast increase results from the great internal trade carried on between the different States of the Union. The factories in Rhode Island and Massachusetts demand many freighting vessels for the transportation of cotton. These same fac-
tories need the wood, lime, and other articles carried to Boston by the Eastern coasters. In return they despatch off many vessels laden with their goods to merchants remote from these establishments. In fact it needs no demonstration that manufactures are the life of the coasting trade: they aid them in ten thousand ways only visible to those actively engaged in the business. Whoever doubts this influence, let him ask the fleet of three or four, or five hundred, or even six hundred coasters that are sometimes detained in the harbors of Boston and Portland, who or what make business for them? where their freight goes? or what make way with it?

This additional demand for coasting tonnage, of course, is a great help to the foreign trade. The more coasters demanded, of course the better the foreign trade, there being less competition. But the opponents of the system would break down this home trade, and turn so much shipping adrift. A proposition was even brought forward by Mr. McDuffie in Congress last winter, to reduce the bounty on pickled fish exported. He even threatened to go into the question of the bounty on tonnage.* Thus would the opponents of a protecting system strip the fisherman of his bounty, and in effect abolish our whole fishing trade, so valuable to hundreds of the citizens of Maine. Are fishermen ready to lose their $4 per ton, and 20 cts per barrel export duty on mackerel, because Mr. McDuffie and other British system members of Congress do not happen to have an interest in preserving the fishing trade of Maine?

The interests of the farmer are intimately connected

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* Extract from the National Intelligencer. Mr. McDuffie, from the committee of Ways and Means, reported a bill to reduce the bounty on pickled fish exported. The bill provides that until the 1st of January, 1832, the bounty on pickled fish exported, shall be fifteen cents per barrel; and after the 1st of January, 1832, ten cents per barrel. It was read a first and second time, when the following debate took place:

Mr. McDuffie said that the bill was one of great importance; and it was desirable that it should pass speedily, as fish that might be exported before the first of the month, were entitled by the present law to the full amount of the bounty which it was the object of the present bill to reduce. He moved, therefore, that it be engrossed for a third reading.

Some delay being urged, Mr. McDuffie said, if a delay is wished in this case, why, let it be granted; but, said Mr. McDuffie, I gave notice that on the further discussion of this subject, I may be induced to go into the question of the bounty on tonnage. I did hope that no opposition would have been offered to this measure, I am willing that it be postponed until Monday.
with the existence of a home trade. The great difficulty with
the farming interest of Maine is, that no sufficient market is
offered the farmer for his surplus produce. He can raise
corn, rye, pork, &c. &c. but he can find few cash purchas-
ers. The British exclude all American produce that they
can possibly dispense with—particularly what is raised in N.
England. We have no cotton, no rice, no tobacco, no flour,
no sugar, for which our farmers can find ready cash like
the farmers of the Southern and Middle States. What then
is the Yankee farmer to do with his surplus produce? where
can he export it? Great Britain and her colonies are shut
to him. What better can he do than to create a market
at home? The manufacturer and mechanic give him that
market. The coaster, the whaleman, and the fisherman
give him that market. All of them want his beef, his pork,
his meal, his lumber, &c., and all live by the American
System. Every farmer in the vicinity of a manufacturing
establishment, or of a village of mechanics, knows, that such
workmen give him a market, and are ready purchasers.
He knows too, that in proportion to the magnitude of such
factories or villages, the market is better. Real estate is
worth more in the vicinity of a manufacturing population.
A good neighboring market raises the price of a farm.
This is obvious doctrine, as every farmer knows, who
resides near Lowell, or Waltham, or Saco. But we need
not dwell on a question so clear. The single article of
wool, consumed in so many American manufactories, has
been wonderfully increased in value by the operation of the
American System. Every farmer who has sold a pound of
wool, or a pelt, knows that the additional price has been put
into his pocket by the American System.

But if there is any class peculiarly benefitted by the
American System, it is the mechanic. It is emphatically
the Workingman’s system. It was petitioned for by men
of his profession in our larger cities and towns, and by
their exertions was carried into operation. There is
not a branch of industry that is not aided by protecting
duties. There is scarcely a branch of industry that can
live without them. We have already remarked, there was a
time when every thing was imported from England. The
same state of things, without a protecting duty, must part-
ly return, unless our mechanics are willing to work for 6d
or 8d per day, the day wages of the foreign mechanic.
English labor is cheaper than American labor, for causes obvious to all: and so long as it is so, foreign work will undersell them, unless the country steps in and lays a protecting duty to help home industry. The hats, the shoes, the combs, &c. of foreign manufacture would otherwise usurp the places due to our own mechanics. To encourage native talent is the duty of every American; and what better way than to purchase American goods in preference to British goods? Instead of sending specie to China, or Manchester, or Birmingham, to purchase the works of foreigners, we should put it into the hands of the mechanic at home. Instead of sending our wool over the ocean, and paying an Englishman to work it up into cloth, we should do this at home, particularly when the mechanics of our country will take our provisions in pay. Only Englishmen can hold to any other doctrine.*

It has often been the cry of the British system men, that the Tariff is destroying America. No better confutation of this assertion is needed than the unexampled prosperity of the commerce of this country now—under the Tariff of '28. Vessels were never in better demand. Freights are seldom so good. American vessels are often employed in exporting American goods to the East Indies, and to South America. The manner in which the shipping interest is protected, is well explained in an extract from the Portsmouth Journal.

"No vessel, except American built can obtain an American Register. Merchants could get cheaper ships, in Norway and Sweden, than in the U. States; for timber and plank, labor and iron, are all cheaper there, than here. The owner of the forest, is then protected by a home market, for his timber and plank; and the American carpenter secured in his oc-

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* We subjoin a list of some duties which go to protect the Workingman of the U. States.

Cabinet Makers, duty of 30 per cent; Boot and Shoe makers, average, 50 do; Saddlers and harness makers, 25 do; Hatters, 30 do; Coopers, 30 do; Button makers, 25 do; Tailors, 33 1-2 do; Whip makers, 30 do; Chair makers, 30 do; Leather manufacturers, 30 do; Carriage and coach makers, 30 do; Brass founders and Brass Nail makers, 25 do; Manufacturers of Carpenters' tools, 25 do; Edge Tool makers, from 25 to 35 do.

But let us be more particular. Wearing apparel, 50 per cent; Axes, 35 do; Blank books, 30 do; Boots, 1,50 cts pr pair; Brushes, 15 per cent; Bridles, 30 do; Bureaus, Coaches, Carriages, 30 do; Confectionaries, 30 do; Gun Powder, 8 cts per yd; Saddles, 30 per ct; Stockings, 35; Umbrellas, 30 do; Types, 25 do; Harnesses, 30 do; Combs, 50 do.
cupation by the necessity of the merchant, who, if he will own a ship, must build it within the United States. Again. No American ship can be navigated, except the larger part of the crew, are American seamen: this policy appears hard for the merchant, who could get cheaper sailors from Ireland, Portugal and Spain; but by this wise provision of the Government, the American System secures permanent employment for the American sailor. But is this policy consistent with the freedom of trade? With the equitable distribution of favor? Must the merchant sacrifice his interest, that the land proprietor may sell his timber, and the carpenter and sailor find employment? Let us look a little further, to see if the merchant does not in his turn, want protection; whether free trade would not essentially injure him? The English Government will not permit an American ship to carry a cargo from Jamaica to London, not even from Liverpool to Cork; they reserve that business for their own vessels. To counteract this policy, the American government have secured the whole coasting trade of the United States, exclusively to the American merchant. Here is a vested monopoly; a British ship cannot carry a load of hay from Portsmouth to New Orleans, nor bring a cargo of cotton from Charleston to Boston. Now the farmer and the carpenter might complain of this restriction of trade, which favors the merchant. They might procure the sugar, molasses, and cotton of Louisiana, cheaper, if foreign vessels were permitted to compete in its transportation. If the merchant, the farmer, and the carpenter, will compare notes, they will find a mutual benefit in keeping at a distance foreign ships and sailors."

But there is one cry so often raised by agents who wish us to import foreign goods, that we will examine it for a while. "Protecting duties", they tell us, "are taxes." Suppose we grant it. Taxes must be paid for the support of every government; and who is not willing to pay them for the support of a free government?—which in addition, do so much for the benefit of every class in the community. But their answer to this is, protecting duties tax one part of the community to help another. We reply, an American System is calculated to protect all classes of the community. One man helps another, on condition that he shall help him in return. The mechanic is willing to pay a duty on wool, provided the farmer will buy
his boots, his chairs, his furniture, &c. of him, instead of sending to England for them. But the truth is, protecting duties are not taxes. The effect of the protecting duty, after a short time, is to lessen the price of an article to the consumer. The reason is, that the facilities for manufacturing it at home are so much increased, that in a short period of time the duties on articles become cheaper than ever, transportation, freights, commissions, and profits being saved. There is no better way of understanding this almost invariable operation of a duty than by reference to well known facts. One ounce of experience is worth a pound of theory. Let us select one particular article, and see what has been the effect upon that. Take for example the article of cottons. Everybody remembers the time when British cottons, thin, poor stuff, overloaded the American market, and sold for treble the price that American cottons now bring. They cost 25 or 30 cts per yard. American cottons far better in quality sell now for 8 or 10 cts. Now the duty on such imported cottons is 8 3-4 cts per yard. Take then the theory of the British system men, that "duties are taxes"; and apply it to this case. You find that this duty instead of operating as a tax has actually lessened the price, and cotton cloth is now sold less than the duty (8 3-4 cts) throwing the cost of the article out of the question. So with hundreds of other articles, which we have no room to mention. Duties instead of being taxes, have actually lessened them in price. Cut nails, for example, were sold in 1815 for 15 cts pr. pound; a duty of 5 cts pr. pound was laid upon them, and they now sell for 5 a 5 1-2 cts per pound. Window glass in 1816 sold for 15 dols. the hundred square feet, may now be had for 7,50 cts. Gunpowder which then cost 4,50 cts per pound, now costs 20 cts., or 10 a 12 cts. for the common kind. Alum is cheaper for the same reason. So are paper, cyphering slates, tumblers, glass ware of all sorts—in short, we know not a single article of American manufacture, which has been protected, that does not now cost less than formerly. Materials for building are cheaper. Clothing is cheaper. What more can be asked of a protecting Tariff, and how inconsistent are those, who call duties, "taxes"?

Such a system as this, which is working up the raw materials of our country, creating towns, forges, shuttles, spinning jennies,—making the wilderness hum with industry,—
building up villages like magic,—encouraging the farmer, supporting the mechanic,—increasing commerce, and sending the products of home industry to the far off Indias, to the South, and to the Mediterranean,—consummating our independence over all foreign nations, and sounding the Yankee name as a glory and a triumph, we are called by the British party to destroy,—to sweep off at one fell swoop! The British presses in England advise us to do it. Presses at home re-echo the advice. God forbid, that we should listen to it.

In the preceding remarks we have made no comments upon the designs of the nullifiers to break up the Union,—upon the late attacks upon the Supreme Court, seconded by only one representative from Maine, we rejoice to say,—upon the hostility manifested toward the National Bank, which has received the sanction of every Congress, and which has been supported by Washington, Hamilton, Jefferson, J. Adams, Madison, Monroe, Gallatin, Lowndes, Clay, and other lights of our Republic—we say nothing of all these things, for we have no wish to interfere more than we can avoid, with the politics of the day—but we ask, is there no danger to fear, that there is a party among us, no other than the relics of the old Tory party, who are hostile to our institutions, who wish to bring us back to colonial subjection, and to make us purchase of England, the necessaries of life—in short a party which has conspired to dissolve the Union, and which well deserves the appellation of the British Party?
CHAP. II.

The organization of the Legislature—Early appearance of party contests—Removal of old officers—The Healing act proposed—Confusion that ensued—Violent debates—Opinions of the Judges of the Supreme Court proposed to be taken—Refused—Furious debates renewed—Passage of the Healing act at midnight—Protest of the minority.

The second object of our history is to notice the extraordinary doings of the legislature of 1831. It will be our aim to speak of them in all due moderation. Facts, it is our intention to promulgate, leaving the inferences to the People themseves.

It is well known, that the strength of parties was well ascertained when the legislature met on the 5th of January, 1831. A large majority in the House, and a majority in the Senate, were well known to come under the designation of Jacksonmen. Hence there was none of that feverish anxiety, which usually attends bodies of doubtful political sentiments. It was hoped there would be a quiet organization. The political battle had been fought and won. The public good demanded action, business habits, and attention to the great concerns of the people. The session, it was hoped, would not be prolonged by petty wrangling, party squabbling, and political intrigue. Legislators, it was thought, should look above such party purposes, and set seriously about the business they were sent to do. It was then with some surprise, that we saw on the first day of the session a motion, introduced by the member from Kennebunk, "that a committee be appointed with instructions to examine the credentials, and to ascertain who appear to be duly elected", at once decided to be out of order! The yeas and nays on the question of order were called for, but it was decided, they could not be taken! The propriety of this motion cannot well be doubted. Indeed the propriety of it was demonstrated soon after, when it was ascertained, there were two members from one representative district, voting in the House, and who had been voting for some time. But the motion was supported by a party vote. This was the first appearance of the party contests, that agitated the legislature for three months. It may be termed the starting point of the session. The next day, the contest was re-commenced upon another point. It appears
that among the number of gubernatorial votes, the returns from the town of Gilead did not come in till the 10th of December; and the return from Dearborn not until the 16th of the same month. These votes having been sorted and counted,* motions were made both in the Senate and House to strike them from the report. It was argued in favor of this motion, that the constitution prescribes that the lists of votes should be returned to the office of Secretary of State thirty days at least before the first Wednesday in January. It was plain they were not returned within that time. It was stated that it had been the uniform practice of all preceding legislatures to reject votes received in this manner. Cases were cited in which such votes had been rejected, and one case in particular, where Mr. White of Monmouth, was on a committee, that rejected returns under the same circumstances. To this it was replied by the Jackson members that the electors had done their duty, but the town clerk was in default, and that his default ought not to destroy the rights of citizens. The reply to this was, that the constitution was imperative: legislators must comply with its requisitions; they have no right to show any favor, which the constitution forbids, and as the returns were not received till after the time prescribed by the constitution, the votes must be rejected. As the debate grew warmer it was thrown out, that it was the object of those who opposed the motion to count the votes in order to swell the majority of Gov. Smith. It was, they insinuated, the aim of the party to make up by force of a constitutional violation, the number of votes they had anticipated for Gov. Smith. As he had received only 668 votes over the number necessary for a choice, it was the object of his friends, they stated to swell this number without being very scrupulous about the means. This crimination perhaps resulted in part from the heat of debate, for on taking the question, many even of the Jackson members supported the motion for rejection. The vote was indeed a close one, yeas 71, nays 74. Among the nays were the most zealous Jackson men, such as Messrs. Parks of Bangor, Smith of Portland, Ruggles of Thomaston, and McCrate of Nobleboro'. It was noted at the time, that Mr. White of Monmouth was absent. Reflections might be indulged here, and the ques-

*Gilead threw 155 for Smith, and 139 for Hunton. Dearborn, 95 for Smith, and 17 for Hunton.
tion might be asked, what is the constitution worth, provided it can be twisted and turned to suit every party purpose? But we leave our readers to draw their own conclusions from the facts submitted.

After this wordy agitation, came the organization of the State government. Mr. Greene was chosen Secretary of State instead of Mr. Russell. Mr. Thompson, who was a federalist when that name was in use, was chosen Treasurer instead of Mr. Thomas. It was expected that Mr. Harris who had formerly been Treasurer of State, would receive this office, but the claims of Mr. Thompson were considered superior. This was termed by one side "proscription of good officers." It was even carried so far as to keep out the former messenger of the Senate. The Counsellors chosen were considered to be ultra-politicians,—and thus commenced the political warfare which engrossed a greater part of the whole session.

These preliminary movements being over, which engrossed the attention of the legislature more than a week, the appointment of the Valuation and Apportionment committees was announced. Dissatisfaction existed with these committees from the first whether justifiable or not, the future was to determine. The agricultural interest complained that they were not represented. Counties complained that their proportion of representatives in the counties was not assigned them. Various motions were made to enlarge that committee,—for a new division,—for the appointment of clerks to assist them,—upon which debates arose that occupied not a little time. But the greatest dissatisfaction was expressed against the apportionment committee as appointed by Mr. Ruggles the speaker. A motion was made by Mr. Herrick of Lewiston, to enlarge this committee, so as to take three representatives from each county. A party debate arose upon this question, the Jackson members opposing it. It was contended in favor, that as the apportionment of representatives was very important, it was proper to take a large committee, who should be well acquainted with all the interests of the State. Popular committees, it was added, were more consistent with the genius of government—particularly when the right of representation was involved. It was asked, if it was the object of the majority in appointing a small number, to Gerrymander the State for political
purposes. These arguments were all opposed; and the
motion for enlargement was refused by a party vote—yeas
58, nays 86. From this moment fears began to be felt, that
party intrigue would be permitted to interfere too much
with the classification of representative districts. How
these were realized will be developed in the progress of
this history.

The Legislature was proceeding in its ordinary course of
presenting orders, selecting committees, a majority of
which were always Jacksonmen, where political difficulties
were likely to occur, and in transacting other unimportant
affairs, that often resulted in a little political skirmishing,
but in nothing like party strife, when every thing was in-
terrupted, delayed, and disordered by an order introduced
into the Senate by Dr. Sweat of York county, the object of
which was "to select a joint committee to see whether, or
not, a law ought to be passed making valid the acts and
resolves of the last legislature". From the moment this
order was introduced, it engrossed the whole attention of
our legislature. It was the subject of conversation in the
legislative hall and by the fire side. Its object was canvass-
ed; the good to result from it was demanded. "To make
valid the doings of a past legislature!" 'tis impossible, was
the exclamation. In short, the Genius of Discord seating
himself on the legislative bench, could not have done more
to stir up party, to kindle animosity, to rouse up war, and
to prolong the session in useless debate than this order.
Business then seemed to be transacted only for form.
"The order, the order", was in the minds of all.

But it was not believed that the introducers of this order
could be serious, and that they were resolved to force a
passage of an act legalizing the doings of a preceding legis-
lature. It was thought to be a sort of alarm sounded by
the Jackson party to frighten the minority of the legisla-
ture. But it was soon ascertained that the projectors of
the order were in earnest. For some reason, Dr. Sweat,
the chairman of the committee, to whom the order was
committed, did not introduce the bill to the Senate, but
intrusted it to Mr. Knowlton of the House, who brought it
forward there on the 1st of February. The bill reported
by the committee commenced with a preamble, stating as
"great and serious doubts had arisen whether the acts and
resolves passed by the last legislature are obligatory"—and
"whether the official acts and doings of the executive department for the last preceding political year are efficacious"—therefore, "in order to remedy and prevent the manifold evils which might arise to the citizens of this State by reason of the unconstitutional acts and doings aforesaid"—"Be it enacted" &c. And then the bill proceeded to legalize what the preamble declared doubtful and unconstitutional. As soon as Mr. Knowlton handed this bill to the Speaker, a smothered laugh was heard from members of both political parties. The singular fact that Mr. Knowlton should be intrusted with a bill that pretended to settle questions of so much importance, instead of the Judiciary committee, to whom such bills were usually intrusted, created suspicion, anger, contempt, wordy warfare, and all the gall and bitterness of the warmest party times. When the bill was read by the Speaker, a motion was made to print it. The House then became a political caucus. A French assembly in the days of the Directory, was not more turbulent. We wish we could consistently pass over the disgraceful scenes that ensued, but the duty we have undertaken forbids it. Strange to tell, the motion to print was opposed by Mr. Parks of Bangor, in a speech of some length. Mr. Knowlton also opposed the printing on the ground of the expense. A retort was made upon him for this assertion, that he and his party had been very instrumental during the present session in procuring the printing of numerous documents to reward the Argus Printer for being of the same political faith. As proof, was mentioned the fact that a larger number of messages than usual had been printed, and that a large number of the constitution and census of the state had been printed; that many documents of small import in comparison with this had been printed without objection, but that this, the most extraordinary bill ever heard of or dreamt of by a legislative body, was refused publication! After much and violent recrimination of the like nature, 200 copies of the bill were ordered to be printed, Mr. Parks and Mr. Knowlton withdrawing their opposition.

The next question was the time for giving the bill a third reading. Here another contest ensued, one party contending for a distant day, so that the business of the session might be got through with, before the legislature was again turned into a caucus, the other party for an early day, so
that the doings of the last state government might be legalized as soon as possible. Finally, Thursday, the 3d, was agreed upon by a party vote.

On Thursday morning, the members of the House assembled in much excitement—one side angry that a bill so obnoxious, and only, as they thought, calculated for party purposes, should be permitted to interrupt the harmony of the session, the other, zealous to carry forward a measure which they pronounced necessary to the safety of the state. On the morning of this day, Mr. Holden of Brunswick, introduced an order, the purport of which was to consult the Judges of the Supreme Court on the necessity of passing a law like the one proposed. The first question was, can one legislature invalidate the acts of a preceding legislature? The second was, can one legislature confirm the acts of a preceding legislature? Mr. White the Jackson member from Monmouth, immediately moved a reference of the questions to a select committee. A debate ensued, when Mr. White withdrew his motion, and substituted instead, a motion for indefinite postponement. Mr. Bourne of Kennebunk, requested the gentleman from Monmouth to give some reasons in favor of his motion, but Mr. White made no reply. A furious debate now burst forth. It is out of our power to give any thing like a picture of the affray that ensued. Indeed, it was farcical and tragical—farcical that the legislators of a State should indulge in such electioneering slang, and thus ridicule, and blackguard one another, but tragical, that the great council of a State should so demean itself as to become more turbulent than any political caucus.

The motion to consult the Judges of the Supreme Court was urged with great pertinacity, on the ground that a decision by them would settle the necessity of such a law, and thus save a very unpleasant discussion. The Judges, as men learned in the law, it was thought, could throw light upon the subject: and if members were serious in their belief of the necessity of this healing act, as it was called, there was no better way to settle these "great and serious doubts." It was asserted also, that the distrust manifested by the proposers of this law, to a decision of the highest court, argued a fear on their part of taking advice. Sincerity should prompt them to obtain all possible information; and hence their reluctance to obtain light was
unaccountable unless, they feared that the opinion of the Court would knock their party schemes in the head. On the other side, it was contended there was no doubt of the necessity of such a law; that the Judges would certainly give their opinion in favor of it, since they had pronounced a part of the doings of the last legislature unconstitutional; that the opinion of the public had been made up and expressed at the September election; and that only delay would ensue by waiting for the consultation of the Judges. To all this, it was replied, if there was a certainty that the Court would pronounce a decree favorable to the bill, it was most unwise in the proposers of it not to obtain that sanction; that the idea of delay was absurd, for the legislature could go on with its usual business; that it was altogether untrue, that the Court had pronounced the doings of the last legislature unconstitutional, and if so, such an opinion did not reach this bill, which proposed first to nullify and then to confirm the doings of the Executive council "in a lump"; that the Court had acted under the direction of laws passed by the last legislature, and thus recognized them as valid, having even held a new term of the Supreme Court in the county of Lincoln; that the public required no such healing act, was evident from the fact, that not a single petition was on the speaker's table requesting the House to legalize the doings of the last legislature, whereas, if the public demanded such a law, the table would have been crowded. The opposers of the bill in the onset pronounced the healing act an after-thought, not emanating from the people, but from violent, electioneering party men,—"a creature" generated, and brought forth in Portland caucuses, by which political men hoped to ride into power. Indeed, it was attacked with all manner of weapons. Argument, ridicule, burlesque, sarcasm, and raillery, opened their batteries upon it. The most angry, and the most severe, in vain labored to suppress a laugh. It was called "a creature without head, hoof, or horns," "a healing plaster," "a patent medicine," "a political nostrum," got up legislative apothecaries, "none genuine" unless labelled and peddled by the gentleman from Montville. Finally, after a severely contested debate, the question was taken and decided by a party vote, 82 of the Jackson members refusing to consult the Judges, and 64 members requesting their opinions. A party vote, we pronounce this, and it was so, with the
exception of one or two Jackson members who voted with the other party.

No sooner was this question taken, than "the healing act" was again met with motions to postpone its further consideration to different days, from May to the day succeeding, upon all of which the yeas and nays were ordered by the minority. After long debates, and much preliminary manoeuvring, the next day (Feb. 4th), was assigned, when the question of passing the bill to be engrossed was to be taken.

On Friday morning, multitudes again assembled in the House to hear and witness the anticipated debate. Mr. Bourne of Kennebunk, introduced an order, that the journal of the Senate for the last year be sent for, and brought into the House. The speaker pronounced the motion out of order, as the order of the day had been called up, and he could not dispense with it, unless by permission of the House. Mr. Bourne requested this favor. It was denied. Mr. R. then complained of the unfairness of forcing men to vote without permitting them to examine the evidence upon which they were to form an opinion. No journals had been produced in the House, no evidence of anything illegal; and how, he asked, could members act without such evidence? He then inveighed with great force against "this healing plaster", pronounced it a caucus act, agreed upon in secret conclave—in midnight assemblies, when men were harangued, heated, and forced into a support of it. He charged the majority with having entered into an agreement out of the House to support the act in the House; and he had no doubt that members were to be illuminated with the sunshine of executive patronage, provided they would vote for it.* Mr Scamman, the highly respectable and valuable member from Pittston, opposed the act with much ability. We quote a part of the remarks he made on that occasion.

Mr. Scamman of Pittston, said—"I think I can with propriety appeal to the members of this House, to say if I have ever attempted to delay business by making long and frequent speeches. I have endeavored to keep silence unless

* Mr. Herrick, member from Alfred, and Mr. Hutchins, senator from Hancock and Waldo, have since been appointed Sheriffs. Mr. Ruggles has been appointed Judge. One member was chosen Major General. Two or three, we think, have been appointed County Commissioners.
I was specially interested, and then not to speak unless I might throw some little light on the subject under consideration.

"When the order referred to in the report of your committee, was first announced to this House, I could not bring myself to believe that three men could be found in this body, that would report a bill, any thing like the one now on your Honor's table. And when I heard the name of the honorable chairman of your committee on the part of the House, I was still more confirmed in this belief, because I well recollected having heard the gentleman say on this floor in a convention of the two branches the last year, that no healing act could at all affect the violations of constitutional provisions.

"The absurdity of an act making valid unconstitutional laws, seems to me an unanswerable objection to such a bill.

"The first act that we perform here is to hold up our hands and make oath that we will support the constitution of this State; now to make a law declaring an unconstitutional act valid, is in effect to repeal the provisions of the constitution so far as they bear against that act. Will any gentleman of this House presume we are clothed with this power? I think not, sir. How then can gentlemen vote for this bill, which is based on the supposition of unconstitutionality, without violating their oaths? Constitutional laws need no healing—unconstitutional laws cannot be healed.

"I believe two things are necessary in legislation. First, we should be satisfied of the necessity of the law—secondly, that the bill proposed meets the necessity in the best practicable manner. In view of these positions, I purpose to examine the provisions of this bill. Now what is the necessity? The committee tell us in the preamble, that the last legislature was not constitutionally constituted and organized. Then we had no Governor—no Council—no Secretary of State—no Treasurer. Now, sir, we derive our existence and organization from that corrupt fountain. The votes for Senators were sent to other persons than the Governor and Council of Maine. The Senators were notified by a private citizen. This House was qualified before other men than the Governor and Council. Now, sir, if these things be so, are we qualified to heal the doings of the last legislature, or that assemblage of men claiming to
be such? Would not the attempt bring us under the cen-
sure of the Jewish proverb, "Physician, heal thyself"? Can it be necessary for us to act where we have no pow-
er? But we are told that "great doubts exist whether those laws have any binding effect", and the object is to remove these doubts. Now, sir, I have no fears and doubts on this subject. And the community have not asked for aid in removing their "doubts". The Supreme Court have not refused obedience to these laws, nor asked us to spread a salve to heal their doubts. But suppose doubts exist? Does this bill remove them in the best practicable manner? Pass your bill, and will doubts really existing as to the constitutionality of these acts and resolves be removed? No, sir, new doubts will be excited. But why tamper in this way? Why not strike a blow at the root and repeal them? This would be, as is sometimes said, "taking the bull by the horns". Are gentlemen afraid if they should get such a bull by the horns, he would run away with them?

"The third section proposes to make valid the doings of the executive department. Retrospective legislation is known to every lawyer of this House to be unconstituen-
tial. It has uniformly been so decided by the Supreme Court, whenever questions of this kind have been brought before them. Such have been their decisions on the mar-
riage law of 1821, in the cases of Brunswick vs Litchfield; and Ligonia vs Buxton; also, Lewiston vs North Yarmouth. The retrospective provisions of this section go for nothing. Prospective they only remove doubts. But a better train is already in operation—viz: Removing bad men and putting in good, clothing them with power derived from a disorga-
nized legislature.

"The fourth section proposes validity to the possession of property derived from unconstitutional laws, and of course is liable to the same objections as the rest of the bill.

"Now sir, who ever heard of legislation to remove doubts, based on unconstitutional laws? Sir, this is mere quackery. An attempt to heal symptoms, while the disease is untouched.

"There must be some other end in view. There is an expression in the title of this bill that induces this belief. The expression is this: "and for other purposes,"—other purposes—not other purposes contained in this bill—but indefinitely, other purposes."
"These other purposes", Mr. Scamman called "political", which he ridiculed in an ironical manner. Mr. Deane, the representative from Ellisworth, who had so much distinguished himself in the investigation of the Northeastern boundary question, that the legislature, at the close of the session, gave him a half township of land, dissected the pretensions of the bill with peculiar ability. We have not space for his arguments, but we quote his opinions.

Mr. Deane said—"We cannot pass this bill without an exercise of judicial powers which are not given us by the constitution—it only adds to the evil it proposes to remedy. We cannot by this sweeping legislation give legal effect to invalid laws. The bill itself is subject to the same objection, which is made in it to the laws of the last session; it will be, if passed, "unconstitutional and void." For several years past it had been the practice of this legislature not to enact laws which were founded on an exercise of judicial power, or which tended to disturb vested rights, for this plain reason, the exercise of such powers are unconstitutional, and the laws made by such an abuse of power are void. All petitions and orders involving the same principles which are contained in this bill had been uniformly rejected. Gentlemen who advocated the passage of this bill, had, no doubt, this session in committee, rejected petitions and orders, and their decisions had been confirmed by the legislature, because they were founded precisely upon the same principles as the bill is, which is now under discussion.

"If we pass this bill, it will be a violation of the power given us by the constitution, and it cannot therefore have any effect. If the laws of the last session are unconstitutional, they are void, and this bill will not restore them for any lawful purpose. If gentlemen will not make the constitution "a nose of wax", to be moulded into any shape, fancy or will may dictate, but will make it a lasting and enduring instrument, for the preservation of our liberties, and the liberties of our posterity, the exercise of the different powers, given by it to independent bodies, must be kept distinct—but if one body usurp the rights of others, the time may come when all the powers of the government will be consolidated—and when that time arrives, there will be an end of our liberties.

"Where is our justification for passing this bill? Gentle-
men say the people call for it; where is the evidence of it? There has not been a petition presented on the subject—if the people had any anxiety on the subject, if they had been excited, we should have heard of it by way of petition or remonstrance. There is no justification. The principle assumed and acted upon in the bill, is of the highest importance to a free people, it strikes at the foundation of their rights, and he sincerely hoped the bill would not pass.”

To this we may add the opinion of Mr. Boutelle, the member from Waterville, and one of the ablest lawyers in this State. His opinions are valuable, and his well known character will preserve him from all party hostility.

Mr. Boutelle said—“But I say we have no right by the constitution to pass this law, because it involves the exercise of judicial power. On this ground, your committee on the Judiciary have this session, with the assent of two of the committee who reported this bill, given leave to withdraw in case of petitions for confirming and making valid the doings of towns, and their reports have been accepted—and such has been the uniform usage of the legislature in such cases for five years past. It is not competent for the legislature to legalize the doings of the most petty corporation in the State; and yet this legislature may legalize the acts, and resolves, and doings of all the branches of the last legislature, including the doings of the Governor and Council!

“And, I insist, if we can pass this law confirming these acts, we might, if it suited the will of the majority, pass a law nullifying the acts and doings of the last legislature, and of the Executive department. This power necessarily involves nullification with all its odious incidents. Instead of quieting the public mind, as is said to be the object—though I am not aware it needs quieting—it will tend to produce disquiet, disgust, and litigation. The bill asserts the unconstitutionality of the acts and resolves of the last legislature—and if this be true, no lawyer of this House, who should be applied to for legal advice by any one who had paid a tax, or whose interest had been in any manner injuriously affected by any such acts, would hesitate to say he might sustain his action in a court of law.”

After some further remarks Mr. Boutelle deprecated the passage of the act thus—

“I feel myself therefore warranted in saying, this mea-
sure was got up for party purposes, and with a view to outdoor effect—that it is suited to a caucus or convention of the people, rather than for a grave legislative body. And I would ask gentlemen to pause and reflect, before such a bill as this is allowed to go into our Statute Book. It will hereafter be a precedent fraught with the most mischievous consequences. The dominant political party of the day in our legislature, flushed with recent victory, will always find something in the acts and doings of their vanquished foes to find fault with—something to arraign and condemn. These acts and doings may be embodied in a bill like the one before us, and thus get a place in our Statute Book. Thus will there be no end to the work of crimination and recrimination, and the party effusions of the day, instead of being carried off through the common sewers to the ocean of oblivion, will find themselves carefully collected, preserved, and deposited, for all coming time, in your Statute Book—by the legislature."

The Jackson party advocated the bill on the ground of necessity, and the unconstitutionality of the doings of the last legislature. Messrs. Perkins of Kennebunk Pt, Parks of Bangor, Smith of Portland, Clifford of Newfield, McCrate of Nobleboro', and Knowlton of Montville, were the principal supporters of the bill.* We have read their speeches with much care, as reported in the Eastern Argus, but we find no other arguments than we have mentioned above—viz: "necessity and the unconstitutionality of the doings of the former legislature". We think we do them justice in thus embodying their speeches, though declamation, recrimination, and party assault were liberally indulged in, the publication of which is not necessary to a proper understanding of the act.

The debate continued without intermission all day. An evening session was called on Friday night, though the weather was stormy, and the Portland streets almost impassable, rendering it perilous for Representatives in infirm health to venture out on a night so dreary. The Representatives of the people again assembled for the conflict. The committees were all suspended in their business. The Senators were in almost constant attendance upon

* All the above named are young lawyers except Messrs. Perkins and Knowlton. Messrs. Perkins and Parks were members of the old Federal party.
the debates. In short, public business had been wholly delayed ever since the act was brought into the House,—a delay, which, as will be seen by the very long session of the legislature, cost the people thousands of dollars. The debate waxed warmer and warmer after dark. It grew late. Many members were sickened with the disgusting exhibition that this party act drew forth, and some of the majority desired to escape the responsibility of casting a vote. The faltering party men were rallied and roused by the harangues of Mr. Smith, who was among the last that advocated the bill. The dignified legislative hall was converted into a worse than political caucus, and different speakers trod the arena. The leaders of the majority moved onward, exhorting their partizans, till at last even watchfulness slumbered; patience was exhausted; duty had made every effort,—and the bill was passed to be engrossed at 12 o’clock at night. And this is the reason why some have given it the name of “the midnight act.”

The yeas and nays were as follows:


Every member who voted with the yeas is a Jackson man, except Mr. Wyman of Lovell, who stated, "that as the bill had not been sufficiently discussed, and no time nor opportunity given for the investigation of records, he had voted with the majority in order to move for a reconsideration." The Rev. Mr. Ricker of Minot, and Mr. Fillebrown* of Winthrop, dared not venture out on an evening so inclement, being in infirm health: but both were opposed to the bill. Mr. Holden of Brunswick, and Mr. Wells of Freeport, both opposed to the bill, were absent. Mr. Cummings of Albany, and Mr. Lawrence of Fairfield, though both Jacksonmen, but being opposed to the bill, absented themselves when the question was taken. Thus it appears that 83 were in favor of the act, and 63 were opposed to it.

The bill was sent from the House to the Senate to the obstruction of business in that body. Long and warm debates ensued, though conducted with much more dignity and moderation than the debates in the House. An amendment was proposed and carried. We note the fact, because no amendment proposed by the minority in the House was carried. Several amendments proposed by Mr. Parks, rendering the bill more obnoxious, and increasing the heat of debate, succeeded, but not one coming from the minority. Indeed this amendment was carried in the Senate by the vote of Mr. Hutchinson, a Jackson member, who, on this question seceded from his political friends. On the next day, however, he moved a reconsideration, and it was carried by a party vote—Mr. H. giving as a reason, that if the bill were amended it would go back again to the House, and thus create much discussion and loss of time: and he was willing if the bill passed at all, that it should pass with every thing appended to it by the House. The bill then after numerous amendments were proposed without success, and after continued debates, was passed to be engrossed in concurrence.

YeaS—Pike, Goodwin, Sweat, Megquier, Ingalls, Hall, Hutchins, Davee, Steele—9.
NayS—Eastman, Fuller, Drummond, Dole, Gardiner, Harding, Hinds, Morse, Kingsbery—9.

Mr. Hutchinson requested to be excused from voting,

* Mr. Fillebrown was one of the Electors who chose Mr. Jefferson President of the U. States, and yet Mr. Fillebrown is now called a federalist!
and was excused. It is well known that Mr. H. thought the act useless, and inoperative.

The votes then being equal, the casting vote of the President was necessary to decide the question, whereupon Mr. Dunlap voted for the bill, and it was passed to be engrossed.

Protest against 'the Healing Act.'

We now present our readers with the following Protest signed by sixty-three members of the House and nine members of the Senate. A Protest so well written, signed by so many respectable and valuable men, merits a place in our pamphlet, and earnest attention from the public.

"The undersigned members of the House of Representatives Protest against the act entitled "An Act making valid the Acts and Resolves passed by the Legislature of the year eighteen hundred and thirty, and for other purposes" passed on the seventeenth day of February, in the year of our Lord eighteen hundred and thirty one; and respectfully ask that this their Protest may be entered on the journals of the House.

"The preamble of this Act asserts, that great and serious doubts have arisen whether the acts and resolves, passed by the last preceding legislature of this State, are obligatory in consequence of the unconstitutional manner in which said legislature was constituted and organized—sundry doings thereto appertaining having been decided and determined by the Judges of the Supreme Judicial Court to be unconstitutional and void—and also asserts that the acts and doings of the Executive department of Government for the last political year are unconstitutional. The act then proceeds to declare the acts and resolves abovementioned to be valid to all intents and purposes—and that none of the rights of property real or personal, gained by any of the acts and doings of the Executive department, shall be set aside or made void by reason of the unconstitutionality of such acts and doings.

* This bill was smuggled through the House on the final question of enactment, when many of the members were absent at dinner. It finally received the approbation of the Governor, and is now a law in our Statute Book. It never met with much favor even from its own friends.
"We are at a loss to understand, whence these great and serious doubts have originated, inasmuch as there has not been a solitary petition or representation from any quarter made to this legislature intimating that the people are disquieted with doubt as to the acts and resolves of the last legislature, or the acts and doings of the Governor and Council of last year, or in any manner dissatisfied with the same. This assertion then, we consider as entirely gratuitous and without foundation.

"But if every thing asserted or insinuated in the preamble, be assumed to be true, we protest against the act for the following reasons:

"I. The reason alleged for this extraordinary piece of legislation, is, not that the acts and doings of the legislature or of the Governor and Council of the last year were not promotive of the public good, or were not calculated to advance the best interests of the State—for if this were the case, this legislature might apply the ordinary corrective of repealing the obnoxious acts and resolves and counteracting the doings of the Executive department—but that the legislature was not invested with power to do what they did, or rather that we had no legislature last year, clothed with power, to do any acts, nor any Governor and Council constitutionally competent to do any acts in consequence of the unconstitutional manner in which the legislature was organized.

"We believe this is the first instance in the history of legislation in our country, where a legislature has undertaken, for any purpose, to claim and exercise the right of examining into and adjudicating on the manner, in which any preceding legislature has been organized—and if it be competent for this legislature thus to do in relation to the last legislature, it is equally competent for them to inquire into the manner in which any other legislature since the adoption of our constitution has been organized, and, if found to be exceptionable, to proceed as in this instance, to denounce their acts and doings as unconstitutional. But the exercise of this power necessarily involves the right of examining the returns of votes for Senators, the elections of members of the House, and the votes for Governor as well as the proceedings of the Representatives and Senators in filling the vacancies in the Senate and in choosing Counsellors—and all this is indispensable to an intelligent exer-
cise of the right thus claimed. If, then, this legislature
were to undertake to exercise this power in regard to the
legislature of eighteen hundred and twenty-one, and upon
a scrutiny of their proceedings as to their organization,
should find, or fancy they had found, some latent defect
or imperfection in their proceedings, it would necessarily
follow, that this State has never had a legislature constitu-
tionally competent to pass laws, for the members of each
legislature are required by the constitution to be qualified
by certain officers of the next preceding legislature; but if
these officers had no legal existence, they are surely not
competent to qualify members of the succeeding legisla-
ture. It may, then, be enquired, whence this legislature
derives the right of passing sentence of condemnation on
the acts and doings of the last legislature and of the Gov-
ernor and Council, since this very sentence necessarily
carries with it the condemnation of this legislature, and
declares that it has no legal existence.

"But no such tremendous power exists. The constitu-
tion of our State, which in this respect, is a transcript of
the constitution of the U. States, has wisely determined that
'each House shall be the judge of the elections and qualifi-
cations of its own members and may determine the rules
of its proceedings.' This provision secures to each branch
the high prerogative of deciding definitely and conclusively
in relation to these subjects—makes it the supreme judge
in the last resort—expressly excludes the interference of
any other tribunal—so that neither the Judges of the Su-
preme Court, when exercising judicial power, nor any
other tribunal on earth, can, on any occasion, or in any
manner, or under any pretence, call in question the due
exercise of the powers conferred by this constitutional pro-
vision—or, in other words, can examine into or question
the manner in which any branch of the government was
organized. From the nature of the case as well as this
express provision of the constitution, it must be so, other-
wise interminable confusion would ensue. The House
might refuse to recognize the Senate on the alleged ground,
that some of its members had not been duly elected, or its
presiding officer properly chosen, or that there was some
defect or irregularity in its organization. The Senate
might question the authority of the House on similar grounds.
Our Supreme Court and other courts, and our Justices of
Peace might as well inquire into the constitutionality of our acts and resolves for the same reason—that is to say, not condemn the laws, but the manner of passing them.

"2. This act does not enumerate the titles or dates of the acts and resolves of the last legislature, or give the substance of the same, and does not profess to re-enact them. It is then, notwithstanding its imposing title, not properly an act, but a legislative declaration that these acts and resolves are unconstitutional, and that this legislature has only to speak the word, and they become healed or purged of this taint, and are, in future, to be received and accredited by the people and our courts of law, as good and wholesome laws. This, we say, is an attempt by this legislature to exercise judicial power, which is expressly forbidden by the constitution. If it is competent for this legislature to declare these acts and resolves unconstitutional, and to proceed to heal them or make them valid, it is equally competent for them to declare them unconstitutional and not to proceed to heal them. Does this legislature, then, rightfully possess the power to declare laws unconstitutional? if so, we may dispense with our Supreme Court for all purposes of constitutional law. This doctrine, it will be perceived, goes directly to break down the wholesome barriers erected by our constitution between the legislative, executive, and judicial departments, and tends to a consolidation of all the powers of government in the legislative department. It necessarily involves the doctrine of nullification with all its odious incidents. We have a written constitution, and we should regret, if nullification or any kind of extra legislation should be permitted to sap its foundation.

"3. This act or legislative declaration cannot, for the reasons already assigned, be effectual for any legitimate and fair purposes. Will it not then, cause infinite mischief by creating doubts in the minds of the people where none existed before, by giving rise to litigation and by superinducing a false belief in the public mind, that the legislature may rightfully exercise judicial power by simply declaring any of our laws to be unconstitutional and void—or to declare them such, and then proceed to declare them good and valid—and yet, for many years past, our courts and the legislature have been uniformly in the practice of declaring that all healing acts are useless and invalid; and
the legislature, this session, on numerous petitions of towns and other corporations, praying that the imperfections, defects or irregularities in their doings might be rectified, and their acts made good, have refused to grant their prayer, on the ground that the legislature has no constitutional power to pass such laws, and that, if it should pass them, such acts could not be efficacious to any useful purpose, as our courts would not recognize them as constitutional. And can any one suppose it transcends the constitutional power of the legislature to pass a law curing such defects or irregularities in the doings of the most petty corporations; and yet this legislature has the competency to infuse life and vigor into all the acts and resolves of the last legislature, which were before a dead letter, because unconstitutional—and all this by the magic of a simple declaration.

"4. All the reasons we have heard urged against the power this legislature to declare the acts and resolves of the last legislature good and valid for any useful purpose, apply with equal force to the 4th and 5th sections of this act, which go to declare the acts and doings of the Executive department of the government of last year unconstitutional, and then profess to make them good and valid.

"But the facts asserted or insinuated in the preamble of this act, are, as we believe, without foundation, and that any impartial and intelligent tribunal would, on the most rigid scrutiny, so pronounce them. We are not told by this act in what respect the legislature of last year was not properly organized, and are left on this subject, to the dim light of conjecture. It is easier, and sometimes more convenient to deal in insinuations or generalities, than to undertake the humble but honest task of specification. The two Houses of the legislature of last year, were organized in the accustomcd manner by choosing their presiding officers—16 Senators, being five more than a quorum, were declared duly elected. There is much reason to believe that the minority of the House and eight members of the Senate, from motives it does not become us to speak of, but of which the People will judge, had determined that the vacancies in the Senate should not be filled, the votes for Governor counted, and Counsellors chosen. Twenty-five days of the session having been consumed, and repeated motions having been made by members of the minority of the House to adjourn without day, the House proposed a
meeting of the members of the House and such Senators as had been elected, for the purpose of filling the vacancies in the Senate. A meeting was had in the mode proposed, eight members of the Senate joining with the members of the House in filling the vacancies. It is admitted, the mode of proceeding, on this occasion, was not according to the usage that had obtained before this time. It had been customary for the Senate, after it had become organized, to declare that certain vacancies existed in that body, and to notify the House thereof, and request a meeting of the two branches to fill such vacancies. All these things the Senate of last year neglected to do till more than twenty-five days of the session had passed away, when the House believed the exigency of the case required a departure from usage, if it could be done consistently with the provisions of the constitution. The course abovementioned was then adopted by the House for the purpose of filling the vacancies in the Senate; and this course, it is believed, was in strict accordance with the letter as well as the spirit of the constitution. The constitution provides that "in case the full number of Senators to be elected from each district shall not have been so elected, the members of the House of Representatives, and such Senators as shall have been elected shall," in the manner prescribed by the constitution, "elect by joint ballot the number of Senators required." The provision is not, that the two branches, as such, shall meet and fill the vacancies, but the "members of the House, and such Senators as have been elected," shall meet for this purpose. If the constitution had provided that the two branches of the legislature should meet and fill the vacancies, this could not be done, till both branches had become organized. But suppose it should so happen, that a quorum of the Senate should not be chosen and summoned, that branch could not be organized till the vacancies should be filled, and this could not be done, except by pursuing the course adopted on this occasion; or suppose eleven Senators, that number constituting a quorum should be elected and appear, but should neglect or refuse to organize by choosing a presiding officer—or having become organized, should, for political or other reasons, refuse to count the votes and declare the vacancies—or having done this, should refuse by vote to go into Convention, or meet the other branch
for the purpose of filling the vacancies—in all these cases, it will be perceived, the Government could not become organized by filling the vacancies in the Senate and choosing Councillors. From this it is apparent, that if six of the eleven Senators, in the case supposed, should be politically opposed to a majority of the House, they have only to refuse to organize by choosing a President, or, when organized, to neglect or refuse to count the votes, or having counted them to refuse to declare the vacancies, or, if all these things have been done, to decline to meet the House to fill the vacancies, and the constitution will thus be suffered to run down, and the Government be dissolved. The same results will take place, whenever a majority of the House shall happen to be politically oppose to a majority of the Senate, and by meeting in convention for filling vacancies, might be thrown into a minority. These contingencies, or some of them are likely to occur, if not every year, at least every few years. But the framers of the constitution anticipated that such contingencies might and probably would occur, and therefore did not leave it to depend for its existence on the consciences of the members of either branch, strongly tempted as they might be by party considerations to prevent an organization of the Government, but wisely inserted in this life-preserving provision, that “the members of the House of Representatives and such Senators as shall have been elected, shall elect, by joint ballot, the number of Senators required.” We therefore, feel entirely justified in declaring it as our deliberate opinion, that the course pursued by the legislature of last year in filling the vacancies in the Senate and choosing Councillors, was imperiously called for by the occasion, and fully justified by the provisions of the constitution. We may also add, that, in consequence of the course adopted by the presiding officer of the Senate of last year, none of the four gentlemen elected to fill the vacancies in that body, voted on the final passage of a single act or resolve passed by the last legislature; so that, if it were as clear that the course pursued in filling the vacancies was unconstitutional, as we deem it clear that it was constitutional, it is apparent there are no such great and serious doubts as to the constitutionality of the acts and resolves, as this bill asserts. We feel ourselves therefore constrained to say, we believe in our consciences this act has been got up and
carried through, not because it contains, as it professes, any healing qualities, or because it is calculated to allay doubts, which are supposed to exist, or that it will be efficacious for any useful purposes—it looks to other objects to be effected, but of which we may not be here permitted to speak.

"It establishes a precedent pregnant with evils innumerable, and mischiefs which cannot be too deeply deprecated by every virtuous citizen. It inflicts, as we believe, a wound on the character and honor of the State, which years will not heal. From the example thus set, future demagogues, who may happen to have an ascendancy in our legislature, may take occasion, through a general law thrust into our statute book, to collect and condense their political grievances, and throw obloquy and contempt on their predecessors—and thus our statute book will become, to a certain extent, a common sewer, through which the party effusions of the day will be transmitted down to posterity.

Joshua Lord
Samuel Emery
Edward E. Bourne
John Sanborn
David Furnald
Richard Shapleigh
John Powers
G. W. Holden
Nicholas Gilman
Joseph Smith
Obadiah Whitman
Oliver Pierce
Wm. Buxton
Lucius Barnard
David C. Magoun
Johnson Jaques
John Robinson
Moses Tibbets
Oliver Herrick
Wm. M. Reed
Wm. Frost

The names of nine members of the Senate are also appended to the same

Protest as follows:

Elisha Harding
James Drummond
Syms Gardiner

Joshua Hilton
Reuben Lewis
Manly Hardy
Joseph Bryant
John E. Baxter
Eliakim Scamman
Thomas Fillebrown
Lemuel Crabtree
John Manchester
Joseph Adams
Benj. Folsom
Elijah L. Hamlin
Ebenezer Meigs
Charles Dummer
Leonard W. Russell
E. Hoyt
Nathaniel Merrill
Timothy Boutelle
Gideon Cushman, jr.
Ezra Fisk
William Snow

Wm. Parsons, Jr.
Eleazer Coburn
Joseph Durrell
John Pierce
Benj. Wyman
Ebenezer Wells
Elijah Robinson
John G. Deane
Joseph Hamblen, 3d
Daniel Hall
George Ricker
Joseph Eaton
Benjamin Ralland
Charles Bradbury
Samuel Gray
John Francis
Jabez Mowry
Theophilus Nickerson
James Stanley
Abner H. Wade
Charles Miller
Elisha Morse
Samuel Eastman
Moses Fuller
CHAP. III.

Valuation Committee—Hired Clerks—The Apportionment Resolve—Its iniquities—Political carving.

The Healing act having been passed in both houses, and being approved by the Governor, it is almost needless to add that the demarcation of parties was well known, and that almost every question was decided by party,—questions too that in themselves had no connexion whatever with party politics. One of these questions was the propriety of appointing valuation clerks. Now clerks might, or might not be necessary to a Legislature in order to expedite the business of the session. As the session was prolonged by the healing act, and as nearly a month had passed without acting upon any important public business, we are inclined to think valuation clerks were necessary. True, this appointment of clerks, a thing so extraordinary, has been loudly condemned, and with much apparent justice. The party litigants on the floor of the House proclaimed it a party measure, and as intended to create offices to reward yet unrewarded partizans. The expense was pompously paraded, and one member with great force declared, that there were solid columns of idle members sitting around him, and receiving their two dollars per day, who were elected and paid by the people to work, and who could, if disposed, work on the valuation committee to advantage. But after all, considering the amount of business before this committee, the length of time elapsed in party debates, and the engagement of many members of the committee in attending evening caucuses for the selection and nomination of State, County, and other offices, we have no doubt, that the State gained in the end by intrusting the valuation of the State to hired clerks, joined with such of the committee as were not prevented by other engagements from attending the usual meetings. The selection of this committee, however, justified one of the predictions, for out of the ten clerks appointed, eight were distinguished as Jackson partizans.

But we must pass over these and other unimportant affairs precedent in point of time, leaving them for a subsequent discussion, and hasten to that most extraordinary,
and remarkable of all legislative acts, "The Apportionment Resolve". Unequivocally and without hesitation, we pronounce that bill unconstitutional, unjust, unequal, oppressive, dishonorable, and deceptive, indicating throughout no intention to promote the public good, but to promote the interests of a party. We know—at least, we have too much confidence in the rectitude of our Legislators to believe, that a Resolve so enormous could ever have received their sanction provided it had been understood. But the rapidity with which the dark parts of the Resolve were hurried over, the suspicion entertained by the majority that the minority were cavilling and complaining for party purposes, and above all the ignorance of the local situation of various towns in remote parts of the State, were causes that operated in favor of the Resolve, and procured its passage. Few men living in York or Oxford for example, knew the situation of towns in Penobscot, and so vice versa. Hence the framers of the Resolve presenting no party projects on paper, but simply a classification of the towns, with no map accompanying, and allowing little or no time during the excitement of debate to look at the census, and to compare the classification proposed with other towns in other places,—were allowed to carry their Resolve without a single amendment, except such as came from the chairman of the apportionment committee himself. This success no other bill of a nature so complicated ever met with in any legislative body; and therefore we give credit to the assertion often made in the House, and indeed undeniably there, that in caucus the Jackson members of the House agreed to carry the Resolve as reported, without a single amendment, unless sanctioned by the chairman of the committee. Many amendments were proposed, but not one succeeded, unless the chairman gave it his sanction. Truly this was wondrous success!

In selecting out items from this obnoxious Resolve, we shall develop the greatest injustice, we might say—the most unparalleled dishonesty. We cannot therefore, in speaking of them, use that moderate condemnation, with which we have spoken of other acts, for here there is no medium. Premeditated dishonesty admits no justification. But we wish to be understood as condemning the authors of the Resolve, those who understood it, and who intended to disfranchise whole towns, and to deprive the people of that glorious distinction of constitutional liberty, the right
of equal suffrage. It is in truth singular that while the Whig ministry of England are arousing their energies to abolish the borough-mongering representation of Great Britain, there should be found freemen ready, yea zealous to adopt such a system here. Often more representation is granted to Jackson towns than is due to them: yet oftener representation is unequal, and arbitrary. In short, the principles which send British members to the House of Commons, is as derogatory to freemen as the principles which send members to the legislature of Maine. Be it our duty to prove these assertions.

The particular reasons that induced the apportionment committee to select 186 as the number of Representatives instead of 200, the number allowed by the constitution, and which the rapid increase of population seemed to require,—the subsequent increase or decrease to be left to the people,—are extraordinary enough. The number of 186, as we shall immediately show, was selected because it was most advantageous to the Jackson towns, and most disadvantageous to the anti-Jackson towns. It would not be difficult to prove that the selection of this particular number was never contemplated by the framers of the constitution, and that it grossly violates the rule of proportion. Why was the number 186 selected instead of 173? The House has an increase of 36 members, and the Senate of only 5 by the present apportionment. A proportion which sets at defiance that part of the constitution (art. 4, part 2), which commands the increase of the Senate, “according to the increase in the House of Representatives.” The merest schoolboy, by the commonest rule in arithmetic, must see that the increase of the number of Representatives is greater in proportion to the increase of the number of Senators, than is contemplated by the constitution. Let us see then what induced the committee to take the magic number 186. Political considerations? yes, political considerations only!

To ascertain the peculiar motives which operated upon the committee, let us suppose the apportionment had allowed 200 instead of 186. Where then would the fourteen additional Representatives fall? With a view to solve this question, we have constructed the following table apportioning two hundred representatives upon the several counties. In this apportionment it will be found that there is one for 1983 and something over one tenth.
It may seem strange, that of the fourteen additional Representatives, two are allowed to Hancock, and none to Oxford and Penobscot. But the reason of this will soon appear, when it will be shown, that by the Resolve, Oxford and Penobscot have each, one more than their proportion, and Hancock one less. By the foregoing table it appears, that two of the additional Representatives must be given to York, three to Cumberland, two to Lincoln, two to Kennebec, one to Somerset, one to Waldo, two to Hancock, and one to Washington. Now, to find the political bearing of an increase of the number of Representatives to two hundred, let us see where the additional Representatives must be placed. In the county of Lincoln, the five largest towns not entitled to a Representative by the Resolve are Lewiston, New HELCAST, Woolwich, Richmond, and Phippsburg. All these towns are strongly opposed to Jackson. Both the additional Representatives in Lincoln would have been anti-Jackson. In Kennebec, the four largest towns not entitled to a Representative by the Resolve, are Windsor, Mount Vernon, Albion and Belgrade. All these towns threw a majority for Gov. Hunton at the last election. The town of Gardiner has almost 3750 inhabitants also. Both the additional Representatives from Kennebec would be Republicans. In Cumberland, one must have been given to Otisfield, one to Brunswick, and one to Portland. Two of these towns would elect anti-Jackson men, and though the Jackson men elected their ticket in Portland last year, it
is presumed they will be quite as likely to lose as win at another election. In the county of York, one must have been given to old York, and one to Saco, one upon each side. The Jacksonians would have been sure to gain one in Waldo. Somerset and Washington are both anti-Jackson counties, and as the Jacksonians have done the best they could for their party in both these counties, the anti-Jackson must have gained both of the additional Representatives. When it is considered, that Gov Hunton obtained a majority in the county of Hancock at the last election; that this county is now represented by six anti-Jackson to three Jacksonians; and that according to the Resolve, the Jackson party may fairly hope at the next election, to obtain for their party seven out of eleven! it may be supposed that any further distincting in that county would not be profitable for them. The anti-Jackson men must have gained one at least, if not two in Hancock. Thus it will be seen that the peculiar number of 186 was selected because it best answered the purposes of the Jackson party.

We purpose now to prove that one hundred and eighty-six Representatives provided for by the Resolve are not apportioned among the counties according to the principles of the constitution. The constitution declares that “the number of Representatives shall at the several periods of making enumeration, that is, once in five or ten years, be fixed and apportioned among the several counties as near as may be, according to the number of inhabitants, having regard to the relative increase of population.” The construction of this part of the constitution has been submitted to the Justices of the Supreme Judicial Court; and they gave their opinion, that the power given to the legislature, by the provision in question, had respect only to those fractions, which must necessarily exist in such general apportionments; and was to be exercised by duly estimating the relative increase of the population, and when the ratio of increase will allow, giving a just and proper effect to these fractions, by converting a fraction into a total as a basis of calculation.” That is as much as if they had said, in a county where population rapidly increases, instead of rejecting the fraction, the fraction shall be counted one, and a representative allowed for the fraction; but in a county where the population increases slowly, the fraction shall be rejected as nothing. Upon these princi-
pies, if in the apportionment, the fractions should be found to amount to six units, then an additional representative in lieu of the fractions, should be given to each of the six counties, which have the most rapidly increasing population. Let us apply these principles to the present apportionment.

The number of inhabitants in the State exclusive of aliens, is 396,632. That number, divided by 186, gives us 2132.5 nearly as the number allotted to a representative through the whole State. The following table is constructed to show the inequality of the apportionment among the counties. The first column shows the names of the counties; the second, the population; the third, 186 representatives apportioned exclusive of fractions; the fourth, shows the fractions in round numbers; the fifth, shows the ratio of increase of population for the last ten years; in the sixth column, six representatives in lieu of the fractions, are placed in those six counties whose population increases most rapidly; the seventh, shows 186 apportioned by the Resolve.

<table>
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<tr>
<th>Counties</th>
<th>Population</th>
<th>Fractions</th>
<th>Increase</th>
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<th>7</th>
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<td>51,685</td>
<td>24</td>
<td>500</td>
<td>11.7 pr ct.</td>
<td>24</td>
</tr>
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<td>27</td>
<td>2030</td>
<td>21.5</td>
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<tr>
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<td>56,823</td>
<td>26</td>
<td>1370</td>
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<td>52,371</td>
<td>24</td>
<td>1150</td>
<td>30.7</td>
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<tr>
<td>Oxford,</td>
<td>35,206</td>
<td>16</td>
<td>1080</td>
<td>29.9</td>
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<td>Somerset,</td>
<td>35,678</td>
<td>16</td>
<td>1550</td>
<td>64.2</td>
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<td>Penobscot,</td>
<td>31,180</td>
<td>14</td>
<td>1320</td>
<td>127.3</td>
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<td>Waldo,</td>
<td>29,694</td>
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<td>24,263</td>
<td>11</td>
<td>800</td>
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<td>20,128</td>
<td>9</td>
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<td>396,632</td>
<td>180</td>
<td>12,830</td>
<td>186</td>
<td>186</td>
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</table>

The fractions are sufficient for six Representatives. The question now arises, why the legislature did not convert these fractions into six totals, placing one in each of the six counties, that most rapidly increase, which, according to the table, appear to be Penobscot, Somerset, Hancock, Waldo, and Kennebec? This would have been according to the construction of the Supreme Court. But why did the legislature convert the fraction in the county of Penobscot into two, and the fraction into the county of Hancock, into nothing? The men who voted for this, will say, popu-
lation in the county of Penobscot increases very fast. True, it does; but which is according to the opinion of the Supreme Court in such cases, to convert the fraction into a total or into two? But if a fraction must be converted into two in the county of Penobscot, why not another fraction in the county of Washington, or another larger fraction in the county of Somerset? These three counties are increasing in population, out of all proportion to other parts of the State. The true reasons why a fraction is converted into two in the county of Penobscot, and not in the counties of Washington and Somerset, is because the county of Penobscot contains a large majority of Jackson voters, and by means of the "Jackson Hammer" and other contrivances, they could make almost as many Jackson representative districts as they chose; whereas the counties of Somerset and Washington are anti-Jackson, and they have already Gerrymandered these counties, till Gerrymandering would no longer be useful to them. If they put an additional representative in Penobscot, they were sure of their man; if in Somerset or Washington, they were sure to lose him.

But again, admitting it were right to give two additional representatives to the county of Penobscot, (which we do not admit) why was not one given to Kennebec or Hancock, which have the largest fraction and increase most rapidly? In either case the party must lose their man. The four largest towns not entitled to a representative in the county of Kennebec, are all anti-Jackson. In Hancock, at present, the anti-Jackson party have six to three; under the Resolve, admitting the vote should stand as it did last year, they could not expect more than four out of eleven. This is districting with a vengeance. The Jackson party could gain nothing in Hancock or Kennebec.

But why is the fraction converted into a total in the county of Waldo and not in the county of Hancock? The ratio of the increase of population is over thirty-six per cent in the latter county, and less than thirty-four in the former. It was because the Jacksonmen well knew that all the representatives from Waldo, more or less, always pipe the same tune. Will it be said, there was a large fraction in Waldo; so there was in Cumberland, but the fraction was disregarded. Again, does not the county of Waldo have an unequal share in the Senate, when compared with the other counties, except the county of Lincoln?
But why is the fraction converted into a total in the county of Oxford, where the ratio of increase is less than thirty per cent, and disregarded in the county of Kennebec, where the ratio of increase is more than thirty per cent? Why is Oxford more favored than Hancock, where the ratio of increase is more than thirty-six per cent? Will it be said that Oxford increases faster than Kennebec? This is false. Will it be said that Oxford has a larger fraction than Kennebec? This is false too. Will it be said that Oxford contains less population than Kennebec? This is admitted; but it is difficult to see, why this circumstance furnishes any reason for taking the representative from Kennebec and giving it to Oxford. But if it does, the same reasoning which allows Oxford more favor than Kennebec, because Oxford contains less population, would give Hancock the representative in preference to Oxford, because Hancock contains less population than Oxford; especially since the ratio of increase is six and a half per cent more in Hancock than in Oxford. But this right is taken away from Hancock, and given to Oxford, contrary to every principle of justice, contrary to the plain meaning of the constitution, and the construction given it by the Supreme Court, and even contrary to the very principles upon which the Resolve is founded. Oxford has increased less in proportion for the last ten years than any county in the State, except York, Cumberland and Lincoln. And why is Oxford thus favored? Because with the exception of three or four stubborn districts, which they could neither mutilate nor destroy in that county, the Jackson men could carve out almost as many Jackson districts as they chose. Why, even the town of Buckfield is allowed a representative with only fifteen hundred and nine inhabitants; and in some other districts, after they have put enough together to number 1540 inhabitants, they glue on three, four, five and even six more plantations. Is this fair? Is this equal? Is it according to the constitution?

But it is apprehended, that enough has been said to convince the reader, that one more representative ought to have been allowed to the county of Hancock, one more to Kennebec, one less to Oxford, and one less to Penobscot. It is equally evident, that the additional representative was given to Oxford, in preference to Hancock and Kennebec, from motives of party only.
Having thus disposed of the abstract part of this matter, and shown some of the obliquities of the Resolve, we proceed to develop yet greater enormities in the classification of particular towns. The Resolve seems to have been passed with the particular intention of disfranchising particular towns obnoxious to the Jackson party. The first object of the framers of the Resolve was to give Jackson towns having 1500, and even less than 1500 inhabitants, one representative. The next, by forming these classes in such a manner as to give Jackson voters the greatest possible representation. Various were the methods of effecting their object. One was by making the Jackson classes small, even reducing them to 1500 inhabitants or less; another was to take into Jackson classes anti-Jackson towns, and to swallow them up by a Jackson majority. Particular care was taken, never, (where it could be avoided) to let a Jackson town be swallowed up in an anti-Jackson class: the third method was by making the anti-Jackson classes as large as possible, that is, to require more anti-Jackson men to elect a representative than Jackson men. It will be found on examination, by averaging the population and the political strength of each town, that it takes 2240 anti-Jackson men to elect a representative, while 1924 Jackson men have that privilege. There is no equality in this: it is subversive of the plainest principles of Republicanism.

Now we enter upon the duty of examining the features of the Resolve as applied to particular towns. As there are twenty-four towns in the county of York, and the county is allowed by a Resolve twenty-four representatives, there was not of course an opportunity for political carving. We might produce instances of unequal apportionment, and by them prove that no system or ruling number was adopted; but as no great dissatisfaction has been particularly expressed, we shall come to the county of Cumberland.

County of Cumberland. In that county, the Resolve presents some singular items, which can be accounted for on no other principles than that of political apportionment. For example, Danville, a Jackson town, with a population of only 1128 persons, is allowed a representative, while Otisfield, an anti-Jackson town, with a population of 1273 persons is classed with Harrison, another anti-Jackson town, containing 1067 persons more. Thus it appears that 1128 persons in Danville, have just as much representation
as 2340 persons in Otisfield and Harrison. Now this is worse than British borough-mongering. No man in his senses will attempt to justify it. But this is not all. Brunswick which throws an anti-Jackson vote, with a population of 3536, has no more representation than Danville with a population of only 1128. Or in other words, three persons in Brunswick have not so much influence in the Legislature as one in Danville. This is highly iniquitous. There is not the vestige of Republicanism in it. Pownal, with a population of 1305, might have been classed with Danville, and then the aggregate population would be only 2433, which is less than the population of Brunswick by 1103, a fraction greater than the whole population of Danville. The Resolve is most enconomizing in distributing the Jackson materials, as for example—Sebago and Baldwin, both small Jackson towns, with an aggregate population of only 1533, are classed together. In short, there is not a spark of excuse for the unequal apportionment of towns in Cumberland. Voters have been disfranchised, and wrongfully deprived of their rights for no other reason than their unwillingness to vote with the Jackson party. Republicanism scorns such proceedings.*

* The following table shows how many more anti-Jackson than Jackson inhabitants it takes to elect a representative in the County of Cumberland.

<table>
<thead>
<tr>
<th>Jackson Classes</th>
<th>Pop.</th>
<th>Anti-Jackson Classes</th>
<th>Pop.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Baldwin</td>
<td>1533</td>
<td>Brunswick</td>
<td>3536</td>
</tr>
<tr>
<td>Sebago</td>
<td>1539</td>
<td>Cumberland</td>
<td>1558</td>
</tr>
<tr>
<td>Bridgton</td>
<td>1667</td>
<td>Freeport</td>
<td>2622</td>
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<tr>
<td>Cape Elizabeth</td>
<td>128</td>
<td>Gorham</td>
<td>2969</td>
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<tr>
<td>Danville</td>
<td>1725</td>
<td>Harpswell</td>
<td>1349</td>
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<tr>
<td>Durham</td>
<td>1063</td>
<td>Minot</td>
<td>2908</td>
</tr>
<tr>
<td>Falmouth</td>
<td>1575</td>
<td>North Yarmouth</td>
<td>2662</td>
</tr>
<tr>
<td>Gray</td>
<td>1916</td>
<td>New Gloucester</td>
<td>1680</td>
</tr>
<tr>
<td>Poland</td>
<td>1760</td>
<td>Windham</td>
<td>2184</td>
</tr>
<tr>
<td>Raymond</td>
<td>2164</td>
<td>Harrison</td>
<td>2340</td>
</tr>
<tr>
<td>Scarborough</td>
<td>2023</td>
<td>Otisfield</td>
<td>2340</td>
</tr>
<tr>
<td>Standish</td>
<td>3224</td>
<td>No. of anti-Jack. Rep's 10</td>
<td>23,808</td>
</tr>
<tr>
<td>Pownal</td>
<td>1305</td>
<td>Average without Portl'd</td>
<td>2380</td>
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</table>


Av. without Portl'd 1804

To 23,462 pop. of Jack. t's. To 23,808 pop. of anti-Jack. t's.

Add 12,192 pop. of Portl'd Add 12,192 pop. of Portl'd

Rep's 17 | 35,654

Rep's. 14 | 36,000


—283 difference. 767 would then be the difference.
LINCOLN COUNTY. Lincoln has been erroneously and dishonorably carved up to suit party purposes. The framers of the Resolve displayed great cunning in the distribution of the towns of this county. It is a wonderful piece of patch work, with a stripe of bunting here, and a calico square there. Let us look at it. Washington and Patricktown, both Jackson towns, with an aggregate population of only 1510, are allowed a representative, while Lewiston, an anti-Jackson town, with a population of 1544 is refused a representative, and is classed with Wales, having a population of 612. The only solution of this singular classification is, that an anti-Jackson voter in Lewiston was thought not to deserve so much influence as a Jackson voter in Patricktown or Washington. For Lewiston has 34 more inhabitants: and why should she not be entitled to as much representation? The only representation of Lewiston is seven years out of ten, the other three being given to Wales. We pronounce this without hesitation, unequal, unjust, and oppressive, and doubt whether on any principle of law or justice, such a disfranchisement of voters is legal. But again, New-Castle, an anti-Jackson town, with a population of 1536 is classed with Alna another anti-Jackson town, having a population of 1175, making an aggregate number of 2711 necessary to elect one representative. New-Castle is larger than Washington and Patricktown, but has less representation. Alna is larger than Danville in the county of Cumberland, but has less representation. Or in other language, it takes two anti-Jackson towns with a population of 2719 to be allowed one half as much representation as the Jackson towns of Patricktown, Washington, and Danville, with an aggregate population of 2638. Or in plainer language, 1536 persons in New-Castle are to have about one fourth as much representation as 2638 persons in three Jackson towns. Tell us where there is Republicanism here! But again. Woolwich, by the Marshal's return, has a population of 1484, but by a census

As Portland is a large town, and uncertain in its political character, we have first calculated the average of the classes in Cumberland without including Portland. By the table it will appear, that, in Cumberland, if Portland be laid out of the case, it will require 576 inhabitants more on the average to elect an anti-Jackson Representative than a Jacksonian; that if Portland be added to the Jackson towns, it will still require 283 more inhabitants to elect an anti-Jackson Representative than a Jacksonian; while if Portland be added to the anti-Jackson towns, it would then require 767 inhabitants more on the average to elect an anti-Jackson Representative than a Jacksonian.
taken by the town, it has 1639. Now Woolwich is allowed by the Resolve only five years representation in ten; yet Woolwich is larger than Danville, larger by a correct census than Patricktown and Washington, more than twice as large as Wales, which has three years out of ten, but, alas! Woolwich was an anti-Jackson town, and therefore must be deprived of its due right of representation. Edgecomb with a small anti-Jackson majority is classed with Westport, a Jackson town, making an aggregate population of 1812, and this was done to drown the anti-Jackson majority of Edgecomb in the Jackson majority of the small town of Westport. Richmond and Phipsburg with a total population of 2619, both strong anti-Jackson towns were linked together, as were New-Castle and Alna, because it was a part of the system of apportionment to put strong anti-Jackson towns together, while it was another part of the same system to link a town having a small anti-Jackson majority, with a Jackson town that should overwhelm it. What more disproportionate representation could be well arranged than by putting Patricktown and Washington with 1510 inhabitants on an equality with Bath having a population of 3773 (including aliens)? But there is another feature in this part of the Resolve, worthy of notice. Some towns petitioned for a separate representation, and when that representation did not interfere with party purposes contemplated by the framers of the Resolve, it was readily granted. Among the towns thus petitioning was the anti-Jackson town of Bremen; but no attention was paid to the petition, and Bremen is classed with Friendship and Cushing, both Jackson towns, in order to overwhelm her vote by the vote of her associates. This classification is very inconvenient, as every one sees by reference to the map of the State, and subjects the citizens of Bremen to much vexation and trouble. Once more; and we dismiss this part of this disgusting detail of political dishonesty. The joint population of the eight Jackson towns, Friendship, Cushing, Westport, Dresden, Washington, Patricktown, Georgetown and Wales, is 6803. Now the six first named towns have the power by the Resolve to elect four representatives, and the two last, eight years out of ten. The joint population of the eight anti-Jackson towns, Woolwich, New-Castle, Phipsburg, Richmond, Lewiston, Alna, Edgecomb, and Bremen, is 10,386—3583 more than the popu-
lation of the other eight. Now those towns elect but two representatives, and twelve years or twelve tenths in Lewiston and Woolwich. Thus the Resolve contrives in these sixteen towns to give 6803 inhabitants one representative and six years or six tenths more than 10,386 inhabitants,—and all this, notwithstanding the towns were small, and might have been equally classed. Indeed, by taking the whole of the county of Lincoln, it will be found that 1892 inhabitants can elect a Jackson representative, while it takes 2358 anti-Jackson inhabitants to do the very same thing. Think of this, ye who are attached to our sacred institutions. Away with all party prejudices, & calculate for yourselves.

KENNEBEC COUNTY. With joy we escape from the iniquity practiced upon the citizens of Lincoln. It pains us: it mortifies us to see so much dishonesty; but duty urges us on to a further examination. Let us now look into Kennebec. We shall soon find that the apportionment Resolve only left one act of iniquity to perform another yet greater. For example, Greene, a Jackson town with 1324 inhabitants is allowed a representative six years in ten, but Wind-

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<td>St. George</td>
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<td>Dresden</td>
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<td>Washington</td>
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<tr>
<td>Patricotown</td>
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<td>Edgecomb</td>
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<tr>
<td>Friendship</td>
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<tr>
<td>Cushing</td>
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<td>5 years</td>
</tr>
<tr>
<td>Wales</td>
<td>612</td>
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<td>Union</td>
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<td>Topsham</td>
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<tr>
<td>Now-Castle</td>
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</tr>
<tr>
<td>Alna</td>
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</tr>
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<td>Boothbay</td>
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<td>Phipsburg</td>
<td>2619</td>
<td>5 &quot;</td>
</tr>
<tr>
<td>Richmond</td>
<td>2619</td>
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<th></th>
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<tbody>
<tr>
<td>Jack. Rep's. 9.8</td>
<td>18,547</td>
<td>8</td>
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</table>

1892 av. for Jack. Rep. 1544 7 years
1892 av. for an anti Jack. Rep. 1484 5 "

466 difference average 2358

By this table it appears that the Jackson towns and classes in Lincoln elect nine representatives, and eight years or eight tenths over. It also appears that the anti-Jackson towns and classes elect sixteen representatives, and two years or two tenths over. It further appears, that in Lincoln, on the average, 466 inhabitants more are required to elect a representative in the anti-Jackson classes than in the Jackson classes.
sor with 1485 inhabitants, Albion and the unincorporated
country north of Albion, with 1468 inhabitants, are allowed
each a representative but five years in ten. How enormously unjust such an apportionment! The rule seems to be, the greater the population, the less the representation! Again. The Resolve pays no regard to the determination of towns for a separate representation, whenever such a determination would conflict with the political plots laid to disfranchise the people. Fayette, Mount Vernon, Belgrade, Dearborn, Chesterville, Vienna, and Rome determined upon a separate representation. In common legislatures the determinations of the people were thought to be worth consideration, but every one of these towns has been classed in the very teeth of their remonstrances. On the other hand, Wayne asked for no separate representation, but the Resolve saw fit to grant the boon. What can be the reason for all this? We will answer in part. Belgrade is an anti-Jackson town, and contains 1375 inhabitants. Dearborn is a Jackson town with 612 inhabitants. Now by refusing both towns a separate representation, and by classing them together, the framers of the Resolve saw they could elect a Jackson representative, for the Jackson minority in Belgrade united with the Jackson majority in Dearborn are supposed to be able to elect a Jackson man. This is a system of yoking towns and nullifying votes, which sets the constitution, justice, and equality at defiance. But again. The joint population of the ten anti-Jackson towns, viz, Windsor, Albion, Mount Vernon, Fayette, Winslow, Wayne, Chesterville, Vienna, Rome, and Belgrade, is 11,680, and the Resolve gives them four representatives, or one representative for 2920 inhabitants. Now the joint population of the three Jackson towns, Greene, Temple, and Dearborn is but 2734, and yet the Resolve enables them to elect two Jackson representatives, or one for 1367 inhabitants. Or in other words, in the thirteen towns, it takes 1553 more anti-Jackson men than Jackson men to elect a representative! British borough-mongering is not so bad as this. But once more; if this is not enough to show the everlasting dishonor that attaches to the framers of this Resolve. In this county there are four anti-Jackson classes, composed of nine anti-Jackson towns, and two Jackson classes, composed of one anti-Jackson and three Jackson towns. One of these lat-
ter classes, Belgrade and Dearborn, has but 1991 inhabitants, while Windsor and Albion, an anti-Jackson class, have 2953, Greene and Temple, the other Jackson class, have but 2122, and Chesterville &c. has 2528, Mount Vernon, 2888, and the remaining anti-Jackson class, 2412. Thus it will be seen, that the least populous anti-Jackson class, has nearly 300 more inhabitants than the most populous Jackson class—and the most populous anti-Jackson class about 1000 more than the least populous Jackson class. Now add up all the Jackson towns by themselves, and the anti-Jackson by themselves, and divide the sum total by the number of representatives allowed to each party, and it will be seen that it takes 2262 inhabitants to elect an anti-Jackson representative, and only 1998 to elect a Jackson representative. Or the Resolve requires 264, (the difference) more anti-Jackson inhabitants to elect a representative than Jackson men to do precisely the same thing.* Enough! enough! We have done our duty. We might go further—but let the people calculate for themselves. We know there is too much intelligence in the community to sustain such wicked proceedings.

Oxford County. In the other counties, the enormities of the apportionment Resolve, so far as population is con-

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<tbody>
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<td>Augusta</td>
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<td>2</td>
<td>Hallowell</td>
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<td>Greene &amp; Temple</td>
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<td>Sidney</td>
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<td>Dearborn &amp; Belgrade</td>
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<td>New Sharon</td>
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<td>Mount Vernon</td>
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<td>&amp; Fayette</td>
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<td></td>
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<td></td>
<td>Vienna &amp; Rome</td>
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<td>2262</td>
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<tr>
<td>1998</td>
<td></td>
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<tr>
<td>264 difference</td>
<td></td>
<td></td>
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</tr>
</tbody>
</table>

* COUNTRY OF KENNEBEC.

<table>
<thead>
<tr>
<th>Jack. Rep.</th>
<th>8</th>
<th>15,988</th>
</tr>
</thead>
</table>

anti-Jackson Rep. 16 | 36,202

average for an anti-Jackson Rep. 2262.
cerned, may not be so glaring, but the singular contrivances, by classification and the disregard of local convenience to effect the election of Jackson representatives, deserves an exposition. In Oxford county, which has 17 representatives assigned, six are chosen by single towns, and eleven are assigned to classes. Now where there are numerous small towns, and any regard is paid to a representative ratio, it would not be difficult to effect an equal apportionment. The framers of this part of the Resolve have so managed it, that they think they have secured out of the towns assigned to classes nine or perhaps ten Jackson representatives, giving only one certain, or two at the most, to the anti-Jackson towns. Their skill in carving must have been extraordinary to cheat their opponents out of every thing like a fair proportion. But let us see how they do it. The three anti-Jackson towns of Waterford, Albany, and Sweden, they tie up in a bunch, and thus dispose of them; Lovell, an anti-Jackson town, with a population of 698 is strung on to Fryeburg, Fryeburg Addition, Fryeburg Academy Grant, Eastman's and Bradley's Grant, Jackson towns, making a total population of 2444. Now this swallowing up of the anti-Jackson votes in Lovell might be passed over, were it not a fact, that the Resolve takes particular care to work up well the Jackson materials. Therefore they have allowed Brownfield and Denmark with 1890 inhabitants; Hiram and Porter with 1867 inhabitants; Buckfield with 1510, each a representative. They have buried up the anti-Jackson towns of Andover, Woodstock, Rumford, &c., and have formed a curiously shaped district, with a large population of 2299—thus:
Now there was no need of such a classification. No. 8, Andover, Rumford, and Howard's Gore might have made a far more convenient class, with a greater equality of population, but this would never do, as an anti-Jackson representative would probably be elected from a district thus formed. Anti-Jackson Jay is linked to Jackson Canton, and of course there is generated a Jackson representative. The towns of Fryeburg, Hiram, Waterford, Greenwood, Albany, & Hartford, decided upon a separate representation, but the framers of the Resolve having another districting in view paid no regard to this determination.∗

Somerset County. In this county but one town, viz. Fairfield, is given an entire representation, notwithstanding two other towns have over 1500 inhabitants each, viz. Norridgewock 1716, and Anson 1532, but these being anti-Jackson towns. Livermore, Norway, Waterford, Jay, Lovell, Sweden, Andover, Carthage, Hebron, No. 8, 1726, 697, 487, 399, 915, 200, respectively.

COUNTY OF OXFORD.

Another view of the injustice of the apportionment is exhibited in the following table:

<table>
<thead>
<tr>
<th>Towns</th>
<th>Pop.</th>
<th>Pop.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Jackson</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Paris</td>
<td>2307</td>
<td></td>
</tr>
<tr>
<td>Turner</td>
<td>2216</td>
<td></td>
</tr>
<tr>
<td>Bethel</td>
<td>1629</td>
<td></td>
</tr>
<tr>
<td>Bucksfield</td>
<td>1509</td>
<td></td>
</tr>
<tr>
<td>Hiram &amp; Porter</td>
<td>1867</td>
<td></td>
</tr>
<tr>
<td>Brownfield &amp;</td>
<td>1890</td>
<td></td>
</tr>
<tr>
<td>Denmark</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Fryeburg</td>
<td>1332</td>
<td></td>
</tr>
<tr>
<td>Rumford</td>
<td>1123</td>
<td></td>
</tr>
<tr>
<td>Fryeburg Ad. &amp;</td>
<td>289</td>
<td></td>
</tr>
<tr>
<td>Academy Grant</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Albany</td>
<td>387</td>
<td></td>
</tr>
<tr>
<td>Woodstock</td>
<td>573</td>
<td></td>
</tr>
<tr>
<td>Hamlin's Gore</td>
<td>77</td>
<td></td>
</tr>
<tr>
<td>Hartford &amp;</td>
<td>2296</td>
<td></td>
</tr>
<tr>
<td>Summer</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Canton</td>
<td>759</td>
<td></td>
</tr>
<tr>
<td>Weld</td>
<td>766</td>
<td></td>
</tr>
<tr>
<td>No. 1, 1st Range</td>
<td>223</td>
<td></td>
</tr>
<tr>
<td>Oxford</td>
<td>1101</td>
<td></td>
</tr>
<tr>
<td>Dixfield, Peru</td>
<td>1900</td>
<td></td>
</tr>
<tr>
<td>Mexico</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Gilead, Newry</td>
<td>1416</td>
<td></td>
</tr>
<tr>
<td>&amp; Greenwood</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Sum</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Jack. Rep.</td>
<td>13</td>
<td>23,721</td>
</tr>
<tr>
<td>1824 average</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Berlin and Howard’s Gore are omitted in the table, because these places gave an even vote in 1830. According to this table, the Jackson towns, containing 23,721 inhabitants, in effect are enabled to elect thirteen representatives or one for every 1824; while the anti Jackson towns, containing 9597 inhabitants, in effect are empowered to elect but four representatives, or one for 2399. The average is 575 against the anti-Jackson party.
Jackson towns, must be classed in violation of the constitution—while in Oxford county, Buckfield, with 1510, and in Penobscot, Orono, with only 1473, and deducting Indians about 1300, are each allowed a representative; but these are Jackson towns. The framers of the Resolve have taken particular pains to set at defiance the will of the People in their determination for a separate representation. The despots of Turkey could not have been more tyrannical, or have shown more contempt for the petitions and remonstrances of their subjects. Thirteen towns, viz. Norridgewock, Madison, Strong, Mercer, Philips, North Salem, Kingfield, Freemen, Milburn, Canaan, Embden, N. Portland, & Athens, determined upon a separate representation, but the framers of the Resolve have set their determination aside, and classed them all. Mercer and Starks containing 2681 inhabitants compose a representative district. Kingfield and Freeman containing but 1276 also compose a representative district. Reader, guess why this disproportion—Aye, you do guess. The former is an anti-Jackson district, and the latter is Jackson. Norridgewock, Anson, and Starks, each contains two hundred more inhabitants than the district of Kingfield and Freeman. And why were they not allowed a representative the whole time? Guess again, reader—because they were anti-Jackson? Verily so. Strong, an anti-Jackson town, having determined upon a separate representation, was classed with New Vineyard, a Jackson town, in order to overwhelm her vote in the vote of an opposing town, and thus to create a Jackson representative. Other classifications were intended for political purposes; but as these iniquities of the Resolve are of minor importance in comparison with numerous others we have yet to unfold, we omit to notice them.

Waldo being a strong Jackson county did not afford the framers of the Resolve an opportunity for the display of their skill in political carving: and therefore we omit to notice the apportionment of this county.

Hancock County. The magic skill of the Resolve triumphantly appears in the apportionment of this county. Ingenuity never achieved more, when there was so little to work upon. The districts here are very disproportionate in numbers, varying in population so high as 1400 and more. The districts are also far from being classed "as conveniently as may be"—some of the classes are unreasonably large and very inconveniently formed. See the
Would not common honesty here say that Bluehill and Surry should be formed into one representative district, and Penobscot and Orland into another? But common honesty had very little to do with the Resolve. Accordingly the framers of the Resolve connected Bluehill with Orland, two towns that have no local connexion, making a very "inconvenient" district. This was done for political purposes. By this means, the Jackson party were enabled to class Penobscot with Castine, on the south-west, Brooksville with Sedgwick, and Surry with Ellsworth on the north-east, and Eden with Trenton. Thus the weight of the anti-Jackson town, Castine, is lost in Penobscot, of Brooksville in Sedgwick, and of Ellsworth in Surry, and the Jackson party secure four representatives out of five in these ten towns. The towns might be much more conveniently classed, as well as more equally. The remedy proposed for the inconvenience of the classification in the Resolve, is to class Ellsworth with Trenton on the east of Orland and Surry, Castine with Brooksville on the southwest of the figure, as was done in 1821, and to class Orland with Penobscot, and Bluehill with Surry in the figure, and to give Sedgwick, which has a population of 1606, a representative alone. The largest district in this case would be the Penobscot district, which would contain a population less than Sedgwick class under the Resolve by four hundred and fifty-five. Thus would all the districts
have been very conveniently situated, and very equal in population, as may be seen by an examination of the map and the census. But then three of the five districts, the Castine district, the Bluehill district, and the Ellsworth district, would have been anti-Jackson, as may be seen by an examination of the return of votes for Governor in 1830. Here was too strong a temptation for British borough-mongers to resist. They preferred to do wrong. It is to be hoped, the people will right themselves and preserve their constitution.

This detestable cutting and carving, if the framers of the Resolve succeed in effecting all their intentions, will result in giving the Jackson party seven out of eleven representatives in the county of Hancock. Yet this county threw a majority for Gov. Hunton, and sent six anti-Jackson representatives to the last legislature. The framers of the Resolve never intended to allow that party more than four representatives, though the county is decidedly anti-Jackson. Bluehill and Orland, Bucksport, Mt. Desert, and Hancock, sending four representatives, are the only districts the anti-Jackson party can obtain, provided the votes hereafter shall remain as the votes in 1830—the other seven will send Jacksonians, provided the same vote is thrown: and this too from an anti-Jackson county! We have not language sufficiently indignant to portray our horror against such proceedings.*

* COUNTY OF HANCOCK.

Laying the unorganized plantations out of the case, the following table shows the whole population of the anti-Jackson and Jackson towns and plantations in the county:

<table>
<thead>
<tr>
<th></th>
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</thead>
<tbody>
<tr>
<td>Bucksport</td>
<td>2231</td>
<td>Deer Isle</td>
<td>2217</td>
</tr>
<tr>
<td>Mt Desert</td>
<td>1603</td>
<td>Vinalhaven</td>
<td>1784</td>
</tr>
<tr>
<td>Bluehill</td>
<td>1148</td>
<td>Sedgwick</td>
<td>1606</td>
</tr>
<tr>
<td>Castine</td>
<td>1089</td>
<td>Penobscot</td>
<td>1267</td>
</tr>
<tr>
<td>Brooksville</td>
<td>1363</td>
<td>Eden</td>
<td>957</td>
</tr>
<tr>
<td>Ellsworth</td>
<td>973</td>
<td>Trenton</td>
<td>790</td>
</tr>
<tr>
<td>Orland</td>
<td>875</td>
<td>Sullivan</td>
<td>529</td>
</tr>
<tr>
<td>Gouldsborough</td>
<td>647</td>
<td>Franklin</td>
<td>381</td>
</tr>
<tr>
<td>Hancock</td>
<td>159</td>
<td>Surry</td>
<td>537</td>
</tr>
<tr>
<td>Mariaville South</td>
<td>216</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Mariaville</td>
<td>109</td>
<td>Jack. Rep. 7</td>
<td>10,098</td>
</tr>
<tr>
<td>Amherst</td>
<td>125</td>
<td>average</td>
<td>1442</td>
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<tr>
<td>Hampton</td>
<td>3009</td>
<td></td>
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</tbody>
</table>

anti-Jack. Rep. 4 | 12,037 |

average 3009

1567 difference, against the anti-Jackson party—on the average.
Penobscot County. In Penobscot there are made 12 classes, exclusive of Madawaska. In 11 of these classes, there is a Jackson majority, or was last September; the votes then given being the criterion assumed in these antidemissions and the basis doubtless, of the apportionment throughout the State. The situation of some of these districts will be understood by reference to the following map.

We subjoin the aggregate population of these districts to make the whole more easy to be understood. Orono not having the requisite number of inhabitants, has a population of 1,473 and is allowed one representative.

According to this table, it appears, that the anti-Jackson towns, with a population of 12,037, in effect can elect but four representatives, or one for 3009 inhabitants; while on the other hand, the Jackson towns with a population of 10,098, can in effect control the election of seven representatives, or elect one for every 1442 inhabitants. The average is 1567 to a representative against the anti-Jackson party.
Dutton, Kirkland, Bradford, Boydstown, Milo, Brownville, and Williamburgh, with a population of 2,228
has only one representative.
Corinth, Levant, and Stetson has a representative
with a population of about 1,572
Kilmarnock, Maxfield, Howland, (a Jackson district),
with a population of 643, exclusive of unorganized plantations, or including an unorganized territory
with a population of 1140
is allowed a representative.
To these towns may be added Eddington, Jarvis' Gore,
Slinkhaze, Olammon, Argyle, and No. 4, (a Jackson district),
with a population of 1514
has a representative.
Brewer and Orrington, (an anti-Jackson district) with
a population of 2312
But Lincoln, a Jackson town, the only organized town
in a whole district, with a population of only 404, is
allowed a representative, to which however, to give the semblance of a constitutional number, “the inimitable Passadunkeag” is added—a territory which no man can tell what it includes—but the number of inhabitants in the whole is said to be about 1450
The reader will observe the extraordinary disproportion,
and will naturally ask, why so many towns are strung on, one after the other. This district has already become somewhat famous, and has been termed the “Jackson Ham
mer” thus distinguished, from its resemblance to a hammer.
By examining the votes thrown at the September elec
tion, it will be readily seen what caused the formation of this caucus hammer. Williamburgh, Milo, and Brownville are anti-Jackson towns, hence the necessity of hanging on Dutton, a strong Jackson town to be secure in knocking out a Jackson representative. Without Dutton, the district con
tained 1785 inhabitants, a district much larger than Orono, and some other Jackson districts. But a square district might have been formed, as the reader will see, with a population of 1916, provided Williamburgh, Brownville, Milo, and Sebec had been classed together. But the framers of the Resolve would never permit such a district, for it probably would elect an anti-Jackson representative.
We ask why the necessity in thus yoking seven flourishing towns into a district so extended? Is there any reason
under heaven but the determination to carve out a Jackson representative wherever it was possible? Is it not enough to disgust every honest man to see the People thus disfranchised in order to effect political purposes?

The aggregate population of Sunkhaze, Williamsburgh, Milo, Brownville, Kilmarnock, Brewer, Orrington, and Foxcroft, is 4387, but the Resolve has so managed as to allow this population but one representative, ingulphing the anti-Jackson towns with the exception of Brewer and Orrington into Jackson vortices. Now the town of Orono, a Jackson town with the population of 1473, is allowed a representative, though this is by no means the requisite number to entitle that town to separate representation. Corinth, Stetson, and Levant, Jackson towns, with a population of 1573, are also allowed a representative, while Williamsburgh, Brownville, Milo, Boydstown, Bradford, Kirkland, and Dutton, seven townships containing an aggregate population of 2228, are strung on one after the other, into a district 36 miles in length, and 12 miles at right angles, making a distance of not less than 40 or 45 miles from Williamsburgh to Dutton. Have we not reason to be shocked to see men thus violating the constitution, and consequently violating their oaths? But the iniquity of this apportionment is yet further displayed in the table and remarks included in the note.*

* COUNTY OF PENOBSCOT.

Another view of the iniquity of this Apportionment is presented by the following table, which shows how many more inhabitants it requires to elect an anti-Jackson representative than a Jackson representative, on the average.

<table>
<thead>
<tr>
<th>Jackson towns.</th>
<th>Pop.</th>
<th>anti-Jackson towns.</th>
<th>Pop.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Atkinson</td>
<td>418</td>
<td>Orrington</td>
<td>1232</td>
</tr>
<tr>
<td>Bradford</td>
<td>403</td>
<td>Brewer</td>
<td>1066</td>
</tr>
<tr>
<td>Charleston</td>
<td>859</td>
<td>Foxcroft</td>
<td>677</td>
</tr>
<tr>
<td>Carmel</td>
<td>228</td>
<td>Williamsburgh</td>
<td>219</td>
</tr>
<tr>
<td>Corinth</td>
<td>712</td>
<td>Brownville</td>
<td>401</td>
</tr>
<tr>
<td>Dover</td>
<td>1039</td>
<td>Milo</td>
<td>378</td>
</tr>
<tr>
<td>Dutton</td>
<td>443</td>
<td>Kilmarnock</td>
<td>137</td>
</tr>
<tr>
<td>Dexter</td>
<td>884</td>
<td>Sunkhaze</td>
<td>250</td>
</tr>
<tr>
<td>Dixmont</td>
<td>945</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Exeter</td>
<td>1438</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Etna</td>
<td>360</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Eddington</td>
<td>405</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Garland</td>
<td>621</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Guilford</td>
<td>655</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Hermon</td>
<td>526</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Howland</td>
<td>323</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Kirkland</td>
<td>249</td>
<td>anti-Jack dist. 3</td>
<td>9239</td>
</tr>
<tr>
<td>Levant</td>
<td>746</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Lincoln</td>
<td>404</td>
<td>average 3079</td>
<td></td>
</tr>
<tr>
<td>Maxfield</td>
<td>183</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

average 4360

4360

Bangor 2859
Hampden 2020

anti-Jack dist. 3 | 9239

average 3079


COUNTY OF WASHINGTON. In this county are presented some of the most curious specimens of the art of cutting out districts to effect political purposes. To Washington are assigned ten representatives. Eastport and Calais are each given one, and the remaining eight are divided among eight classes. Lubec, notwithstanding it has 1535 inhabitants, has another town classed with it. And the system of working up the Jackson materials to the best advantage, is in this county carried to its greatest extent in all the modes spoken of in other places. Hence we find that East Machias class contains but 1597 inhabitants, while the anti-Jackson class of Stenben, &c. contains 2514. Houlton, &c. a Jackson class, has only 1778, while Columbia, &c. has 2520. The least populous anti-Jackson class in this county has about 2015 inhabitants, while the most populous Jackson one, has but 1930, and even in this class the most populous anti-Jackson town is thrown in to be devoured. The apportionment of this part of the county to which we are alluding can be understood by reference to the following plate.

<table>
<thead>
<tr>
<th>Town</th>
<th>Population</th>
</tr>
</thead>
<tbody>
<tr>
<td>Newburg</td>
<td>623</td>
</tr>
<tr>
<td>Newport</td>
<td>887</td>
</tr>
<tr>
<td>No. 4</td>
<td>220</td>
</tr>
<tr>
<td>Orono</td>
<td>1467</td>
</tr>
<tr>
<td>Plymouth</td>
<td>491</td>
</tr>
<tr>
<td>Sebec</td>
<td>904</td>
</tr>
<tr>
<td>Sangerville</td>
<td>775</td>
</tr>
<tr>
<td>Stetson</td>
<td>114</td>
</tr>
</tbody>
</table>

Jack. districts 12 | 17,322

1443 average

In this table Madawaska is omitted, because the political opinions of the citizens have not been expressed at the ballot box. By this table, it appears, that in the twenty-eight Jackson corporations, 17,322 inhabitants may in effect elect twelve Representatives or one for every 1443; while the eight classed anti-Jackson corporations, with a population of 4560, can in effect elect but one Representative. Here it takes more than three times as many voters to elect an anti-Jackson, as it does to elect a Jackson Representative. If the two large towns, Bangor and Hampden, be averaged with the other anti-Jackson towns, the anti-Jackson party would still be able to elect but three Representatives for a population of 9239, or one for 3079. Throughout the county, in effect it requires more than twice the number of voters to elect an anti-Jackson representative, that it requires to elect a Jackson representative. Oh, ye Borough-mongers of the party, do ye not blush at your hypocrisy, when you call yourselves democrats?
The reader will here mark the extraordinary district of Dennysville, &c. with an aggregate population of 2179. Now guess, why such a district so monstrously shaped was formed. For what, but because Dennysville was an anti-Jackson town, and by fastening on Baileyville, and plantations organized and unorganized, Crawford, Alexander, &c. &c. all Jackson places, a Jackson representative might be elected? Then the vote of Dennysville becomes a nullity. Now look at the Perry and Baring district. How ill shaped! But poor Perry is an anti-Jackson town, and so Baring, Charlotte, &c., Jackson towns were tied on to bear down the voters in Perry. How convenient would have been the class of Perry, Dennysville, & Edmunds, with a
population of 1796; but such a district did not fit the framers of the Resolve, for it would send an anti-Jackson representative; and so they tie Dennysville and Baileyville together.

But the worst feature yet remains to be described. The formation of the Machias district has excited some attention; and it is so bad, that the Jackson representative from that quarter has found it necessary to disclaim all participation in the iniquity. But here we will annex another plate which though not exhibiting the situation of Machias Bay, will give a tolerably accurate view of this part of the apportionment.

The Machiases were formerly one town, which was divided into three, a few years ago; and it would have seemed a natural classification to have put them all into one class by themselves. But it so happened that two of the Machiases had Jackson majorities, yet the three united had an anti-Jackson majority; and something must be done to
work two Jackson representatives out of these towns in lieu of an anti-Jackson one. It so happened that the towns lying west of West Machias (the anti-Jackson Machias) were all anti-Jackson towns, and of course no help could be obtained from that side. What was to be done? Why, jump over another town to be sure, and catch a strong Jackson town and hook it on to West Machias and Machias Port. Accordingly two classes were made in this manner, viz. East Machias was united to the little town of Whiting, which lies at the southeast of it. Both of these, with certain plantations, contain but 1597 inhabitants. Southeast of Whiting lies the town of Cutler, which contains 454 inhabitants, all for Jackson. This town of Cutler, by means of the magic art, is whisked across Whiting, and clapped down by the side of West Machias, and a class is thus composed of the two westerly Machiases and Cutler, containing 2163, (including aliens, or 2104 without). Without Cutler, this class would have contained 112 more inhabitants than the East Machias class. Why then was Cutler brought from its natural position, across another town, and thrown upon West Machias? Why, evidently with an intention to crush and destroy her politically.

Such have been some of the exploits of the framers of the Resolve, in this county. In view of such enormities, well may we exclaim "God save the State of Maine."

* COUNTY OF WASHINGTON.

Laying the unorganized plantations out of the case, the following table shows the whole population of the Jackson and anti-Jackson towns and plantations in the county.

<table>
<thead>
<tr>
<th>Jackson towns</th>
<th>Pop.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Harrington</td>
<td>1110</td>
</tr>
<tr>
<td>Machias Port</td>
<td>652</td>
</tr>
<tr>
<td>East Machias</td>
<td>1018</td>
</tr>
<tr>
<td>Whiting</td>
<td>258</td>
</tr>
<tr>
<td>Cutler</td>
<td>426</td>
</tr>
<tr>
<td>Edmunds</td>
<td>267</td>
</tr>
<tr>
<td>Houlton</td>
<td>438</td>
</tr>
<tr>
<td>Hodgdon</td>
<td>139</td>
</tr>
<tr>
<td>Calais</td>
<td>1594</td>
</tr>
<tr>
<td>Cooper</td>
<td>885</td>
</tr>
<tr>
<td>Baileyville</td>
<td>161</td>
</tr>
<tr>
<td>Robbinston</td>
<td>550</td>
</tr>
<tr>
<td>Charlotte</td>
<td>694</td>
</tr>
<tr>
<td>Barre</td>
<td>142</td>
</tr>
<tr>
<td>Alexander</td>
<td>219</td>
</tr>
<tr>
<td>Crawford</td>
<td>165</td>
</tr>
<tr>
<td>Plant. No. 17</td>
<td>66</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>anti-Jackson towns</th>
<th>Pop.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Addison</td>
<td>734</td>
</tr>
<tr>
<td>Cherryfield</td>
<td>573</td>
</tr>
<tr>
<td>Columbia</td>
<td>654</td>
</tr>
<tr>
<td>Steuben</td>
<td>668</td>
</tr>
<tr>
<td>Jonesborough</td>
<td>804</td>
</tr>
<tr>
<td>Machias</td>
<td>936</td>
</tr>
<tr>
<td>Plant. No. 23</td>
<td>096</td>
</tr>
<tr>
<td>Trescott</td>
<td>450</td>
</tr>
<tr>
<td>Lubec</td>
<td>1535</td>
</tr>
<tr>
<td>Eastport</td>
<td>2450</td>
</tr>
<tr>
<td>Dennysville</td>
<td>816</td>
</tr>
<tr>
<td>Perry</td>
<td>713</td>
</tr>
<tr>
<td>New Limerick</td>
<td>167</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>anti-Jack. dist. 5</th>
<th>10,695</th>
</tr>
</thead>
<tbody>
<tr>
<td>average</td>
<td>2139</td>
</tr>
<tr>
<td>1657</td>
<td></td>
</tr>
</tbody>
</table>

average 1657

482 av. a

against the anti-Jackson party.
We rejoice that we have reached the end of the exposition of the Apportionment Resolve. We have shown that the Constitution has been violated in proportioning the number of Representatives: we have shown that the number is not equally apportioned among the several counties,—that the Legislature has classed unorganized plantations, that the determination of towns for a separate representation has been set at defiance; that the number of Representatives is not apportioned among the several towns, plantations, and classes, according to any rule of proportion,—but that many districts have been formed in the most inconvenient manner, for no other purpose under heaven than to promote the purposes of party. The framers of this Resolve expect to gain by this classification twenty Representatives, or about one ninth of the whole number, according to the following table.

<table>
<thead>
<tr>
<th>Counties</th>
<th>Rep.</th>
<th>Yrs.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Cumberland</td>
<td>2</td>
<td>0</td>
</tr>
<tr>
<td>Lincoln</td>
<td>3</td>
<td>0</td>
</tr>
<tr>
<td>Kennebec</td>
<td>1</td>
<td>6</td>
</tr>
<tr>
<td>Hancock</td>
<td>4</td>
<td>4</td>
</tr>
<tr>
<td>Washington</td>
<td>3</td>
<td>6</td>
</tr>
<tr>
<td>Penobscot</td>
<td>3</td>
<td>6</td>
</tr>
<tr>
<td>Oxford</td>
<td>2</td>
<td>2</td>
</tr>
</tbody>
</table>

Jackson gain by the Apportionment 20......4 Rep.

The public mind will undoubtedly revolt, and disappoint their expectations: but let it be remembered that our calculations are framed on the political situation of the towns as declared in the last September election. We say that the People have been disfranchised in a high-handed manner. They have been robbed of their rights. Unprincipled political men have violated the sanctity of an oath, and outrageously stripped them of their elective franchise. We sound the tocsin of alarm. Hurl then, as you value republican privileges, your constitution, or equal representation,—hurl such reckless politicians from their seats of power.

According to this table, it appears, that the anti-Jackson towns with a population of 10,695, in effect, can elect but five Representatives, or one for every 2139 inhabitants, while on the other hand the Jackson towns with a population of 8285, can in effect elect five more Representatives, or one for 1627 inhabitants. The average is 482 against the anti-Jackson party.

Thus does every view of the Resolve show, that it was constructed with reference to the political character of the towns in September, and without reference to the Constitution.
Protest against the Apportionment of Representatives.

HOUSE OF REPRESENTATIVES, March 18, 1831.

The Undersigned Members of the House of Representatives protest against a Resolve apportioning the Representatives among the counties, towns, plantations and classes at the second apportionment, passed March 2d, eighteen hundred and thirty-one, and respectfully ask that this their Protest may be entered at length on the Journal of the House.—And for the following reasons:—

First, because, in their opinion, the number of Representatives in said Resolve is less than the number required by the Constitution, according to the present population of the State. The Constitution requires the Legislature to ascertain the number of inhabitants within the State once in five years at least, and once in ten at most. And the number of Representatives shall at these periods be fixed according to the number of inhabitants, so that the increase of Representatives should correspond with the increase of population. Consequently, if the Constitution in eighteen hundred and twenty-one gave one hundred and fifty Representatives to two hundred and ninety-eight thousand inhabitants, the present population will give two hundred and Representatives.

A similar result will be produced by the operation of Sect. 3d, Art. 4th, Part 1st of the Constitution. It is there provided, that every town having fifteen hundred inhabitants may elect one Representative. There are in the county of York, eighteen such towns; in Cumberland, nineteen, one of which is entitled to four; in Lincoln, twenty, one of which is entitled to two; in Kennebec, sixteen, two of which are entitled to two each; in Oxford, six; in Somerset, three; in Penobscot, three; in Waldo, seven; in Hancock, five; in Washington, three.—making one hundred towns entitled to one hundred and six Representatives. It is further provided, that towns and plantations duly organized, not having fifteen hundred inhabitants shall be classed as conveniently as may be into districts containing that number, so as not to divide towns. As the object of this classification is to ascertain the whole number of Representatives required by the Constitution, the convenience should respect numbers and not location. Local convenience should be regarded when the Representatives of a county are apportioned, because the fifteen hundred may be too small or too large to apportion all the Representatives to the county. Of such districts, three might have been formed in York; ten in Cumberland and Lincoln; seven in Kennebec; fourteen in Oxford; eighteen in Somerset; sixteen in Penobscot; nine in Waldo; nine in Hancock; and nine in Washington, making ninety-five; which added to the one hundred and six make two hundred and one. Had those towns that petitioned for separate representation been heard, and their portion of fifteen hundred been assigned them, the number would have been still greater: but the Constitution limiting the number at two hundred, the undersigned think that is the number now required by the Constitution, and that the time has now arrived when it should be submitted to the People, whether that number shall be increased or diminished. The number of one hundred and eighty-six named in the Resolve, cannot in our opinion be the number required by the Constitution; and by assuming the number arbitrarily, the subject is kept from the People for ten years to come, contrary to the spirit and letter of the Constitution.

Second, because the districting some towns, and the assignment of representation to others as contained in that Resolve, are, in many unnecessarily inconvenient, unjust, and contrary to the wishes of the People therein. Many towns agreeably to the provisions of the Constitution determined against classification, and made application to the Legislature for the assignment of their proportion of representation. More than forty such applications have been refused, while other towns not making the request have had separate representation assigned them. Some districts formed by that Resolve include towns only cornering on each other, without
any communication between them, except by circuitous routes through other towns,—and in opposition to the expressed wishes of all such towns. Others embracing towns lying a straight line for the distance of thirty miles, which might have been classed into districts of one half the length, and in other respects quite as convenient. Some towns are associated with others, with which they are disconnected in feeling and interest, and this too in direct contrariety to their wishes: others having a constitutional number to send a Representative, have plantations or towns connected with them against their wishes, and without any other necessity, as we conceive, than the pleasure of the majority of this House.

The undersigned think, then, when all the towns in a district petition to have their proportion of representation assigned them, to refuse them is unreasonable, as well as unjust, and contrary to the intentions of our free and wholesome institutions and laws, which are designed to extend benefit collectively, and convenience individually, as far as can be done without infringing upon the rights of others: None can be affected in these cases, but those classed, and yet their wishes are denied, and their interest also, for they are unnecessarily subjected to much inconvenience and expense in notifying, effecting and ascertaining their elections, and sometimes totally defeated in their attempts to elect, and thereby prevented from being represented. In the county of Kennebec, the districts of Fayette and Mt. Vernon, Belgrade and Dearborn, Chesterville, Vienna, and Rome have been refused a separate representation, while Wayne, unmasking, has had its portion assigned, although it adjoins Fayette, with which it might have been as conveniently classed as any towns in the county, and with such a classification, the population of the district would be two hundred and eighty-seven nearer the fifteen hundred than it now is. Where assignments have been made, it would seem that regard to a just proportion has not been attended to, for the town of Windsor, with a population of fourteen hundred and eighty-five, has a Representative but five years in ten, while Greene with a population of thirteen hundred and thirty-four, has a Representative six years in ten. For this disproportion we see not a shadow of excuse, for Windsor and Temple, Greene and Winslow, could just as conveniently sent in rotation; and the results as to the number in each Legislature, and each district would be the same as it will now be. We believe, therefore, that the principles held out by the friends of the Resolve, viz—"That no town should have its portion assigned, unmasked, unless extreme necessity requires it, and that those who do ask, should be heard only when they are necessarily separated, so that it would be inconvenient for them to be districted together, local convenience being that named in the Constitution," have not been carried out in these cases as well as many others.

In the county of Somerset, sixteen towns asking for separate representation, have been refused, notwithstanding it was stated on the floor of the House, that two years since, one of these districts had seven different meetings for the choice of a Representative, and yet did not succeed and the town went unrepresented. Inasmuch as the request of these petitioners could have been granted without any expense or inconvenience to us, or injustice to other districts, the refusal implies something very different from liberality, or a due regard to the voice of the people.

In the county of Lincoln, these assumed principles have not been extended throughout the county, but others have been adopted, in our opinion more absurd, and attended with inconvenience and injustice. The town of Lewiston, with a population of fifteen hundred and forty-four, contrary to the wishes of the town, has seven years in ten assigned, the other three years in ten being assigned to Wales. There can be no pretense of extreme necessity in this case, for Wales having her representation assigned her, might have been put with some town petitioning, or with the district of Patricktown and Washington, which district has a less population than the town of Lewiston. Phipsburg unmasked has likewise had an assignment, although it might have been classed with Georgetown, without any another obstruction than crossing the Kennebec river, while Bremen that petitioned, is denied, and is associated with Friendship and Cushing, the obstruction of Waldoboro' bay intervening, which is more than seven times as great as that between Phipsburg and Georgetown. The petitions of Newcastle and Alma have also been negatived. The undersigned think
such denial unreasonable. — But legislating for others against their wishes is not only unreasonable, but without authority, and something more than a desire to promote the best interests and convenience of the People.

In the county of Hancock, it would seem that local convenience has not been consulted. Blushill might have been very conveniently districited with adjoining towns, but it is put with the town of Orland, the town of Penobscot intervening. Blushill and Orland have no more intercourse than the most distant towns in the county. Local convenience would have classed the plantations of Mariaville, &c., with Ellsworth rather than Hancock, for they now have to pass through Ellsworth to get to Hancock. An amendment was moved to remedy some of these evils, which, if it had been adopted, would have united those in a common interest, and at the same time, made the districts more equal in numbers, no district containing so many or so few inhabitants as were contained in the districts provided for in the Resolve. If the amendment had been adopted, no towns would have been separated by intervening towns, and none would have been compelled to travel from twenty-five to forty miles, and through other districts to examine the returns of votes for Representatives.

In the county of Washington also, we think regard to these principles has not been attended to. The petition of Addison has been refused. The districts formed are unnecessarily unequal in numbers, that is, the disproportion is three or four hundred greater than is necessary. The districts are also very inconvenient; some of them are from thirty to forty miles in extent, with no commonality of interest between the towns and plantations composing them, whereas the same districts might have been so formed as to be much more compact and convenient, and have embraced towns and plantations having more intercourse with each other.

Local convenience seems wholly abandoned in classing Cutler with Machias and Machias Port, instead of East Machias, to which it adjoins.

It is the opinion of the undersigned that the apportionment of the Representatives among the towns in a county, should be so near as may be agreeable to the wishes of the people therein. These wishes are here represented by their Representatives. But in the counties of Kennebec and Lincoln, the Representatives are nearly two to one against the apportionment in their counties, and yet their wishes cannot be heard. As the voice of the People has been thus disregarded, and their petitions rejected, and as the Resolve seems to have in contemplation ulterior views, of which we are not here permitted to speak, we deem it a duty which we owe to ourselves and our constituents to request that this our solemn Protest be entered on the Journal of the House.

Joshua Lord
Eliakim Scannman
Reuben Lewis
Elijah Robinson
Benjamin Wyman
Edward Bourne
Wm. Snow
Obadiah Whitman
Joseph Durrell
Joseph Hamlin, 3d
Andrew Witham
Richard Shapleigh
Joseph Adams
Abner H. Wade
Charles Dumner
John Robinson
Joseph Eaton
Elijah L. Hamlin
Gideon Cushman, jr.
Oliver Herrick
Lemuel Crabtree

John G. Deane
Nathaniel Merrill
Ezra Fisk
David C. Magoun
John E. Baxter
Joshua Hilton
David Fernald
Daniel Hall
Oliver Pierce
Nicholas Gilman
Thomas Fflielbrown
Timothy Boutelle
John Powers
Lucius Barnard
William Buxton
Moses Tebbets
Manly Hardy
Benjamin Folsom
George Ricker
E. Hoyt

Samuel Gray
Jabez Mowry
Eben. Wells
Ebenezer Meigs
John Francis
Joseph Bryant
John Pierce
Eleazer Coburn
Johnson Jacques
Benjamin Randall
James Stanley
William Frost
John Sanborn
Joseph Smith
Wm. Parsons, jr.
G. W. Holden
Theophilus Nickerson
Samuel Emery
Wm. M. Reed
Charles Miller
CHAP. IV.

Singular mode of Legislation—Inattention to the ordinary concerns of business—Personal bickerings—Futile topics of discussion—Party quarrels at the close of the Session—Party Reports to justify Removals from Office—A Law proposed respecting Removals from Office by the Governor—The Debate thereupon—Remarks.

Previous to the final passage of the Apportionment Resolve, various motions were offered for re-commitment, but they were opposed by the leading Jackson members of the House, and the consequence was, that they were all unsuccessful. Motions to amend met with no better fate, except when approved by the chairman of the apportionment committee. The Resolve was therefore passed as a party Resolve, both in the Senate and House; and has been approved by the Governor. It is our duty to acquit every anti-Jackson member from all participation in this iniquity. It may be well here to add, that a proposal to take the opinions of the Judges of the Supreme Judicial Court, as to the construction to be put upon certain articles relating to the Apportionment of Representatives was indefinitely postponed, every man who voted in the affirmative being Jacksonian.

It is almost an unnecessary remark to say that the political fever was now raging to a dangerous height. It was not in the nature of man to see such an Apportionment Resolve passed upon the people without keen expressions of indignation. The result of this excitement was an unusual interest in whatever was political, but a great want of interest in the performance of ordinary business. The progress of legislation was sometimes delayed by the want of a quorum. Often when bills were passed to be engrossed, after a long debate, a motion would be made for reconsideration. The reconsideration would be agreed to. Another long debate would arise, and probably the second disposal of the Resolve would be the same as the first. During one single day, five or six instances of this kind occurred. The order offered by Mr. Delesdernier, a Jackson member, and the proposal to remove the Seat of Government from Augusta to Portland, together with other proposals, occupied the attention of the legislature a week or more. Speeches were put forth of an almost interminable...
ble length, relating to subjects with which the legislature had nothing to do, or upon which it was impossible to act. The result of these proposals is well known. They came from members of the dominant party and ended in smoke: but they protracted the session, and were a secondary cause of its extreme length. The Bank Bill was passed one day and reconsidered the next. Then it was passed in the House and refused a passage in the Senate, again reconsidered, modified, and after being bandied about in a manner almost discreditable to boys, was finally passed. The truth is, but little interest was felt by the majority of the legislature in the affairs of the State. Party politics were more engrossing. Offices were wanted:—and many members were besieging the Governor for a crumb from the Executive table, instead of attending to their duties in the House. We cannot give the reader a better specimen of the manner in which some days were passed than by quoting from the speeches of the leading Jackson members. The subject of debate was the Bank Bill. Mr. Smith, the editor of the Argus, and Mr. Knowlton, the introducer of the Healing Act, seemed to be jealous of the influence of each other.

"Mr. Knowlton thought the gentleman from Portland had enjoyed himself very well in his remarks, else he would not have repeated the same thing over and over again. Mr. K. commented with much severity upon the remarks of the gentleman from Portland. He said he never knew a young or an old man make such remarks. Mr. K. then went into an examination of the bill. He declared, he was jealous of monied men, and if they were to refuse to renew their charters upon the present bill, the sooner they ran down the better.

"Mr. Smith of Portland, said—true he did repeat his remarks over and over again, and for the especial benefit of the gentleman from Montville. From experience, he had learned that it was necessary, in order to make that gentleman understand this bill or any other bill, to repeat it over and over again. He did make that repetition, and for the especial benefit of the gentleman from Montville. He knew it was necessary to make sure of him, in order to make sure of ten or fifteen others, who would be of his opinion. He did not know, but that the gentleman felt authorized to anticipate the votes of members of this House; he did not know but that he felt authorized to speak for the
whole public. From his declarations on the floor of this House, and the manner in which he expressed his opinion, he often thought the gentleman felt willing to take the whole public under his protection. (Here Mr. K. interrupted, saying he spoke only for himself.) Mr. Smith understood him then as speaking under authority.

"The gentleman from Montville, Mr. S. continued, always has a precedent for all his remarks. He says it was so in New Hampshire. No matter what may be the subject under discussion, the gentleman from Montville says 'it was so and so in N. Hampshire.' He always has a precedent there. And it would be very difficult to find any measure, which the former experience of that gentleman had not discussed and settled. Mr. Smith, after some further comments upon Mr. Knowlton's course, spoke of the merits of the bill."

Futile subjects of legislation often engaged the House of Representatives. One in particular deserves notice. We now refer to the attempt to prevent a dying man from giving his property to whom he pleases. Indeed, such was the delay attendant upon party legislation, that the Valuation Committee, though they had ten Clerks to aid them, did not make their report before the 29th day of March. At this late hour numerous party reports were crowded upon the attention of the legislature, and of course no time was left for Representatives to investigate the report of the Valuation committee. The report was passed as framed by the committee, and if it be correct, the public are indebted to them and their ten clerks, surely not to the Representatives. Among the party Reports introduced about this time, was one concerning the Tariff and Internal Improvements. The majority of the legislature refused to print the report, though they adopted its doctrines without consideration. We have never read it, and are therefore unable to explain its object. But there is a resolution connected with its history, to which we ask the attention of the public. The following resolution was presented by Mr. Dummer of Hallowell.

"Resolved, That it is expedient by wise laws to protect the industry of our country from foreign influence, foreign industry, and foreign skill."

A resolution of this nature, it was thought would command the approbation of every American. To protect the
industry of our country, to aid the mechanic and the farmer, have been primary objects with American Statesmen; but it is a most astonishing fact that this resolution was voted down by a party vote, every man in the majority being a Jackson man. Probably very few men would wish to record their hostility to such a resolution after an hour's reflection; but strange to tell, such records exist; they are, however, only the demonstrations of political phrenzy.

Another party report which made its appearance on the last days of the session, was in opposition to Mr. Russell, the ex-Secretary of State, who had been removed from office by the majority of the legislature. Removals from office for political purposes are not to be justified on any grounds: but when insult is added to injury, and to justify an injurious act, calumny and slander, and persecution are made use of as allies, the injury becomes doubly outrageous. Such were the facts in regard to Mr. Russell. He had been removed from office; and to palliate the act, a party report was framed, abusing and vilifying him for the character of his records. The Governor and Council put upon their records a collection of minute errors, which demonstrated that for want of better employment they were engaged in very small business.

But no sooner was one party report disposed of than another made its appearance. A report complimenting President Jackson, his policy toward the Indians, and approving his exertions to effect their removal, was then laid upon the table. It was passed by a party vote, after considerable debate.

All this, it appeared, did not afford politicians matter enough; but to finish the farce, yet another report made its appearance. Mr. Norton the Land Agent, had been removed from office by the Governor and Council. It was questionable whether the people would approve this removal. But to justify or palliate it, a report was passed condemning his administration as Land Agent, and insidiously attacking him, without affording any opportunity for reply. Of course the report was accepted, but not without debate, and by the aid of a party vote. Thus was the close of the session embittered by party warfare. Thus were passion, strife, and anger stirred up to the great detriment of the public good.
We may be permitted here to interrupt the regular narration by offering some remarks upon a law which was proposed by Mr. Boutelle of Waterville. The modern doctrine that "offices are the lawful spoils of victory", and that a President or a Governor has a right to "reward his friends and punish his enemies" is indeed startling enough. There was a time when such a doctrine would have been viewed by an American community with horror and disgust. But the moral sense is not now so keen as in former times. The numerous removals that have taken place all over our country, the wholesale reward and punishment of the National Administration, and other political occurrences, have made political gambling so common, that we cease to be astonished at the doctrine. Four years ago, if any man had contended in any legislative body, that the patronage of the Nation or of a State was in the hands of its Executive, and that he had a right to use it as a weapon to reward friends and punish enemies, that man would have been hooted at, and silenced by the concentrated indignation of the public. But the moral sense has now become so blunted, that its advocacy is a thing of every day occurrence, a distinguished instance of which is seen in the debate upon the law here with subjoined.

STATE OF MAINE.

In the year of our Lord one thousand eight hundred and thirty-one.

An Act additional to "An Act limiting the tenure of civil offices."

Be it enacted by the Senate and House of Representatives in Legislature assembled, That no civil officer heretofore appointed, or who may hereafter be appointed, by the Governor and Council, and whose office is limited by the act to which this is additional to the term of four years, shall, before the expiration of said four years, be subject to be removed from office unless the reasons of removal shall be stated and entered on the records of the Governor and Council, and a copy thereof furnished to such officer, that he may be admitted to a hearing in his defence, and that this act shall take effect from and after the first day of May next.

Mr. Boutelle had leave of the House to lay the above bill on the Speaker's table. It was taken up and read once, and on motion by Mr. Dummer to lay the same on the table, and that —— copies be printed for the use of the House, a debate ensued.

Mr. Boutelle said—Having introduced this Bill, it may be expected I should say something of the principles it contains, and of the evils it is intended to remedy. This, it
will be perceived, is an act additional to an act limiting the tenure of civil offices passed in 1824. The act to which this is additional, provides that civil officers shall hold their offices for the term of four years only, unless reappointed or removed before the expiration of that time by the Governor and Council. This act provides for a limitation of the power of the Governor and Council, by requiring, before any civil officer is removed within the four years, that the causes of removal shall be stated and entered on the journals of the Executive Department, and a copy thereof served on such officer that he may be admitted to a hearing in his defence. By the 6th section of the 9th article of the Constitution, it is provided, that “the tenure of all offices, which are not or shall not be otherwise provided for, shall be during the pleasure of the Governor and Council.” From this provision it is manifest, that the legislature has a right to pass a law, by which the hands of the Governor and Council shall be tied up and prevented from exercising the power of removal in any case and under any circumstances. This bill does not go thus far—it only regulates the manner in which this removing power shall be exercised—it only secures what would seem to be an act of common justice to every person holding an office, that, before he is removed, he shall be notified that there are charges or complaints against him, and that he may be admitted to a hearing in self-defence. That this restriction on the removing power is not unreasonable, is further evident from the fact, that, by the Constitution, every officer is subject to be removed by the Governor and Council on the address of the legislature; but in such cases, it is provided, as in this bill, “that the causes of removal shall be stated and entered on the journals, and a copy served on such officer, that he may be admitted to a hearing in his defence. It is not a little singular, that this very just limitation on the removing power of the legislature should be found in the Constitution together with a power conferred on the legislature, to limit by law the power of the Governor and Council in the same manner, and yet that no law of this kind has been introduced before. The reason, perhaps, is to be found in the new state of things which exists at this time. I allude particularly to the doctrine of “rewards and punishments,” as avowed and practised on by the General Government,
which I consider to be the vice of our times. The law, limiting civil offices to four years, has, I believe, been found beneficial in its operation, and has been very generally approved by all portions of the community. The incumbent, at the expiration of that term, is not rudely thrust out by the hand of violence, but is discharged by the silent operation of law. When he was appointed to the office, he knew and understood its tenure—that, instead of holding it for life, or for a long term of years, he could enjoy it for only the brief term of four years, and then he would be obliged to give an account of his stewardship—that if he abused the trust for private or selfish purposes, or in any manner misdemeaned himself—or even, if he failed to commend himself to the good opinion and good will of the public, he would be sure not to be reappointed. This provision, in the absence of higher and nobler principles of action, operates beneficially by addressing itself directly to the hopes and the fears of the incumbent.

This bill proposes not to tie up the hands of the Governor and Council absolutely as to removals; for flagrant cases of delinquency may occur, when this power ought to be exercised speedily and without delay, but so far to limit and restrain the removing power, as to have the reasons of removal stated, and to furnish the officer with a copy of these reasons. And why is not this a proper and just limitation of the exercise of this power? May not cases occur, where a valuable officer may become the victim of misrepresentation and calumny conveyed through secret channels to the Council Chamber? In these cases, if the party accused had an opportunity to appear and vindicate himself, he might manifest his innocence of the charges, and a faithful officer might thus be saved to the State. May there not also be cases, where the removing power may be capriciously, and perhaps arbitrarily, exercised? Shall the officer be denied even the humble privilege of knowing who are his accusers, or the reasons or causes of his removal? Shall he, when inquired of by his friends, or taunted by his enemies, in relation to his removal from an office, which gave him and his children bread, be obliged to hang his head in silence, and to confess to the former he knows not the reasons, and to the latter to admit, he has no means of refuting his insinuations or answering his reflections? If the causes of removal are good, and will
stand the test of public scrutiny, as it ought to be presumed they will, the Executive can surely have no objections to give publicity to these causes. If the reasons of removal are founded in private pique, in selfish considerations, or in a disregard of the public good, in order to make room for some political partizan or ambitious aspirant, then surely they ought to be reduced to writing and put on file, so that, when made public, the innocent man may stand justified, and those, who have thus removed a faithful officer, may answer for this abuse of power at the tribunal of the people. Those, who have been properly and for good cause turned out of office, cannot, if reproached at any distance of time with a want of fidelity, screen themselves under the plea that they were victims of persecution, or turned out for opinions’ sake—and those, who have lost their offices because they were politically opposed to those in power, and for no other reason, will be able to show to their friends and a discerning community the true and only causes of their removal, as they appear of record. I believe, sir, I have sufficiently explained the principles of the bill, and the evils intended to be remedied by it.

[Mr. Perkins and Mr. Parks, both quondam members of the old federal party, and conspicuous Jackson leaders in this legislature, addressed the House in opposition to the motion.]

Mr. B. I regret, sir, that I am compelled by the remarks which have fallen from gentlemen in opposition to the motion, again to ask the ear of this House. The gentleman from Kennebunk Port says, the provisions of this law imply distrust of the honesty of the Governor and Council—I suppose he means of the Governor and Council of this year. Sir, it will be perceived, this law, if passed, is not to take effect till the first day of May next. It is not, therefore, designed to arrest our present Executive in his “march of Reform”—it gives him abundant time to turn out all, who are obnoxious to his displeasure, or who, for “reasons of State” ought to be turned out—and all this without his condescending to the troublesome task of assigning reasons. This law, therefore, however salutary its provisions, will not operate as a check on the useful labors of our present worthy Governor and Council, in removing from office all unworthy incumbents. But the gentleman says, it trenches on the prerogatives of the Governor and Council. I
know, sir, we are accustomed to read of the prerogative and even "divine right" of Kings and Potentates; but, in our country, I hardly expected to hear such language from the lips of those who call themselves the "exclusive Republicans" of the day. The prerogatives of the Governor and Council? Whence, I should like to know, are these derived? Not surely from our Constitution and laws. Ours is emphatically a government of the people, and all its officers are servants deriving their authority from the constitution and laws, which confer prerogatives on no man or set of men. Again we are told by that gentleman, that the officers appointed by the Governor and Council are mere agents, and as such are responsible to their principal, and liable to be removed at pleasure. This illustration is certainly a most unfortunate one. The gentleman, as I am told, is a merchant, and of course, familiar with the law of principal and agent. But has the gentleman yet to learn that the Governor and Council are agents appointed by the people, with power to appoint certain other officers or agents—that the Governor and Council are not the principals of these officers, but they, as well as those appointed by them, are the agents of the people, and as such, accountable to their principal, the people? Sir, I am no friend to this doctrine of prerogative, or irresponsibility to the People. But the gentleman, still clinging to his favorite doctrine of prerogative, says, if the agent holds speculative opinions different from his principal, he will be very likely to carry such opinions into practice, and that, in such case, the principal ought at once to dismiss his agent. This, it will be perceived, assumes the fact that the Governor and Council are, in relation to officers appointed by them, their principals, and that the officers are responsible to them alone. This doctrine has in it certainly a spice of anti-republicanism. And are we to understand then, if any man holding an office, dares to entertain speculative opinions different from those of the Governor and Council, he ought to be removed? But the gentleman says these speculative opinions will be very likely to lead to correspondent practical conduct, and therefore such officer deserves to be removed? I leave the gentleman and his friends in the undisputed possession of doctrines like these, and at perfect liberty, if they please, to carry them into full effect, and should regret that this bill should obstruct them in their
progress. But this bill places no such barrier around the removing power—it leaves the Executive at perfect liberty to exercise it when and how he pleases, and only requires that he and his council shall leave their reasons on record. These reasons may be because the officer removed entertains speculative opinions different from those of the Executive, which, it is feared, may be carried into practice— or, in other words, that such officer may entertain different political opinions from the Executive, and may carry these into effect at the ballot box.

The gentleman from Bangor says this law is not warranted by the constitution—that the words “the tenure of all offices, which are not or shall not be otherwise provided for”, mean, which are not or shall not be otherwise provided for by the constitution. I should be pleased, if that gentleman or any other gentleman would tell us what is the meaning to be attached to the words, “which shall not be otherwise provided for”, if they do not contemplate that the legislature may, by law, provide that the tenure of all offices shall be for a term of years, longer or shorter—or impose an absolute or qualified restriction on the exercise of the removing power. If the construction contended for by the gentleman is sound, certain it is, the law of 1824 limiting the tenure of civil offices is not warranted by the constitution, because the legislature has no right to undertake, in any manner, to limit the tenure of civil offices. But the gentleman did not seem to have much confidence in his constitutional objection to this bill, and found it much more to his purpose to call in question my motives and conduct, and to raise a hue and cry against me personally, than by sound arguments, to prove the unconstitutionality or inexpediency of the provisions of this bill. He was pleased to say, I was supposed to have no considerable influence over the Governor and Council of last year; and puts this significant question, why I did not advise them to pursue a different course as to removals? Sir, I had last year the same humble but honorable station I occupy this year—a seat in this House—and it was then, as now, not my purpose or wish to share the responsibility of Executive appointments or removals. But I may be permitted to say, that of the three removals which took place last year, one, as I have always understood, was for causes too notorious to require to be put on file; and that, in relation
to the other two, the reasons are on file, and to the candid and intelligent portion of the community, I believe, are satisfactory. As to this, I may, however, have been misinformed. The gentleman says I said, when last up, "this doctrine of removal from office for opinions' sake, is the vice of the times—but he declares it as his conviction, that it is the virtue of the times." He says further, that the majority, through the Governor and Council, ought to exercise the power of removal, as suits their pleasure. The gentleman, then, intends we shall understand him as advocating the doctrines of the day, that it is right for those in power to "reward their friends and punish their enemies"—that "offices are the natural and lawful spoils of victory"—and that our State Government ought to be administered in conformity to these doctrines. If I state his doctrines too broadly, I wish him to correct me, as I desire to misrepresent no man. [Mr. B. here paused for Mr. P. to make any explanation he wished—Mr. P. made none.] I am then to understand, that these are the doctrines of this gentleman and those of this House, with whom he is politically associated. I can now perceive why the provisions of this bill are so unpalatable to certain gentlemen of this House. They would, I acknowledge, be a rather inconvenient check on the free exercise of the removing power, because, they would oblige the Governor and Council to put their reasons, good or bad, on file—instead of leaving it to their partizans and presses to assign such reasons as may suit their malice on the occasion. But Sir, I am, have been, and always shall be, altogether and decidedly opposed to such doctrines. Is it not this scramble for office growing out of these doctrines, which keeps in action the worst passions of human nature?—Which gives the bustling and least deserving portion of the community the best chance for office—which regards as of nothing worth the inquiry that used, a few years since, and ought still to be made, as to an applicant for office—"Is he honest, is he capable, is he attached to the constitution"?—and instead of this substitute the inquiry, How much can he do for our party—how many votes can he command? Under our first six Presidents, our country, though sometimes distracted by contending parties, was, for the most part, flourishing and happy. No such doctrines during this period were prevalent. Under Washington, only nine remo-
vals took place; under John Adams, ten; under Jefferson, thirty-nine; under Madison, five; under Monroe, nine; and under John Q. Adams, two. What a contrast does this present to the number of removals under President Jackson? [Here Mr. B. was called to order.] I forbear to mention the number—they are well known to every member of this House. But, Sir, it is for the purpose of allaying the bitterness of party spirit—to prevent, if possible, one portion of the community being arrayed against the other—not as it respects important principles of National or State policy, but in relation to the leaves and fishes of office—that I would have this law passed. And, if our present Governor and Council, after this law shall take effect, or any future Executive, shall choose to act on the doctrines advocated by the gentleman from Bangor, and shall believe they will stand justified with an enlightened public, they are at perfect liberty to assign as reasons for a removal, that the incumbent is politically opposed to the dominant party of the day, and therefore, ought to give place to another whose speculative opinions harmonize with the majority. This law, I repeat, does not seek to interpose obstacles to removals on these grounds. And if our present or any future Governor shall honestly entertain such doctrines, he has only to avow them; and when he removes faithful officers for opinions' sake put his reasons on record. This law does not touch the case of vacancies that occur from the expiration of the four years, or by death of the incumbent. In all these cases, the Executive is left at full liberty to make the appointments from among his political friends. It only seeks to check the Executive in his attempts to apply the bow-string to obnoxious officers. I allude, Sir, to the manner in which the removing power is wont to be exercised by the Grand Sultan. If any of his Pachas or other officers, from any cause, become obnoxious, he despatches a mute with instructions to apply the bow-string—or, in other words, to strangle the officer—and he never thinks in such cases, nor is he required by the constitution and laws of his Empire, to leave on record the reasons of his exercising the removing power.

The House refusing to lay upon the table and print, a motion was made for indefinite postponement by Mr. Knowlton, and prevailed by a party vote, as follows:


Thus it appears by this decision that a majority of the House of Representatives in Maine indirectly sanctioned the corrupt principle, that a President or Governor has a right to reward his friends and punish his enemies. Or in other words, that a man who is in office has a right to pay his partisans for their services out of the pockets of the People. We confess we look on such a principle with abhorrence. It is in violation of the plainest dictates of Republicanism, and proper only for a despotic form of government. It is a novel practice too, and unknown to every Administration previous to this.*

Under the State Administration of Gov. Hunton, only three removals were made; the first, the Commissioner of the Public Buildings, who was also Collector of Fatts, and who consequently had employment enough, and such employment as was inconsistent with the regular performance of his duties of a Commissioner; the second, the Land Agent, for cause; and the third, the Adjutant General, for cause. These causes have been avowed in the public prints, and were thought to be satisfactory. But since Gov. Smith entered upon his Executive duties, he has unceremoniously and without cause removed worthy and faithful officers. His removals have been numerous. First the Land Agent, Mr. Norton, was displaced to reward a political partizan. Next the Sheriffs, (whose political opinions were not in unison with his) have been removed, and Jackson men have been put in their

*It may not be uninteresting here briefly to exhibit the facts relating to removals by Presidents of the U. States, as drawn from the public archives, which have not and cannot be contradicted. During Gen. Washington's Administration, there were nine removals, viz—one in 1792, three in 1794, three in 1795 and '96, and one in 1797. One of these was a defaulter.

In President Adams' Administration of 4 years, there were ten removals—five in 1797, two in 1798, one in 1799, and two in 1800.

In President Jefferson's of 8 years there were thirty-nine—in 1802 twenty two, in 1803 seventeen.

In President Madison's of 8 years, there were five removals, of which three were defaulters.

In President Monroe's of 8 years, there were nine removals. Of these one was for dealing in slaves, (Guinea) two for failures, one for insanity, one for misconduct, and one for quarrels with a foreign government.

In President J. Q. Adams* there were two removals, both for causes.

In President Jackson's Administration, and in the first year of it, there have been 990 removals—230 principal officers, the remainder Postmasters and subordinates. Several of these were Revolutionary officers, and many of them Republicans, friends of Jefferson and Madison.


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Under the State Administration of Gov. Hinton, only three removals were made; the first, the Commissioner of the Public Buildings, who was also Collector of Bath, and who consequently had employment enough, and such employment as was inconsistent with the regular performance of his duties of a Commissioner; the second, the Land Agent, for cause, and the third, the Adjutant General, for cause. These causes have been avowed in the public prints, and were thought to be satisfactory. But since Gov. Smith entered upon his Executive duties, he has unceremoniously and without cause removed worthy and faithful officers. His removals have been numerous. First the Land Agent, Mr. Norton, was displaced to reward a political partizan. Next the Sheriff, (whose political opinions were not in unison with his) have been removed, and Jackson men have been put in their

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places. The Sheriff of Cumberland, Mr. Hinkley, has been punished to reward Mr. Dunham. The Sheriff of York, Mr. Spring, has been punished to reward Mr. Herrick. The Sheriff of Lincoln, Mr. Winter, has been punished to reward Mr. Fuller. The Sheriff of Somerset, Mr. Locke, has been punished to reward Mr. Parlin. The Sheriff of Hancock, Mr. Watson, has been punished to reward Mr. Hutchins. These and other things of the like nature were not expected by the friends of Gov. Smith, who declared they had "satisfactory evidence that he would not make his appointments exclusively from either of the existing political parties." But the Legislature was yet more zealous than he in removing men not agreeing to the political creed of the majority. Not only the Secretary of State, and the Treasurer of State were removed, but proscription descended so low as to remove the Messenger of the Senate. Surely this work is unbecoming the Representatives of a free people.

But we will dwell no longer on the dark part of our State History. We have attempted to narrate the proceedings of the last Legislature with all that moderation which justice would admit. Where so much excitement existed, and the pulse of party beat so strong, not much profitable business could be done, and not much was done. Though the Legislature was repeatedly engaged in debating Resolves, making appropriations to our Literary Institutions, Literature gained but little. After many attempts, Mr. Scamman of Pittston, succeeded in effecting the passage of a Resolve making an appropriation to the Wesleyan Seminary; but appropriations were refused to Waterville College, and Bowdoin College, by party votes, with but few exceptions. Education profited nothing the whole session. The subject was hardly considered, or if considered, was soon ingulphed in the more en-grossing topics of the political Maelstrom. Agriculture and Manufactures received no better encouragement. A bill proposing to assist in the formation of Agricultural Societies was indefinitely postponed. The Militia System with all its onerous burthens upon the poorer classes of the community yet remains. Adjutant General Ladd proposed a popular bill, which was passed through the Senate, but the party reports introduced into the House by Jackson members on the last days of the Session, banished all other topics of legislation, and therefore the bill was referred to the next Legislature. We do not wish to be uncharitable, but it does appear to us, that one hundred and seventy men were never engaged for one quarter of a year in more unprofitable business. Their wages swelled the State Tax, but their legislation was far from aggrandizing or profiting the State. The "Healing Act" stands as a monument of useless and trivial legislation, and the "Apportionment Resolve" of political iniquity. The members of the minority were embarrassed by the majority in every measure they undertook for the public good, while the majority could dictate as they pleased, or pass what laws they pleased. Upon the majority let all the responsibility rest. We ask now what but party warfare, what but electioneering squabbles does this whole History present? The Legislature met the first Wednesday in January, and adjourned the second of April. Their beginning was for party, their management for party, and their legislation for party. They worshipped this demon with all the adoration of the victim who throws himself prostrate under the car of Juggernaut.

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Fromton. On the 58th page two lines from the bottom, read, "they have buried up the anti-Jackson town (instead of towns) of Andover in Woodstock, &c." Other typographical errors may have been overlooked, particularly in the Chapter relating to the Apportionment. Alters have not always been ejected from the sun total.