

Inaugural address
of
Hiland Hall
As it appears in the
Journal
of the
House of Representatives
October Session
1858

Friday, October 15, 1858

Inaugural Address

FELLOW – CITIZENS OF THE SENATE

AND HOUSE OF REPRESENTATIVES:

We have come together in obedience to the directions of the constitution to consult upon the condition of the state and to adopt such measures of legislation, within the limits of the people's charter under which we are to act, as their wants and interests may seem to require. In the performance of this duty the labor as well as the responsibility devolves almost exclusively upon you. Our state government is emphatically a people's government, being more purely democratic in its character than any other in America, and probably in the world. To the immediate representatives of the people, of the several towns and counties in the state, is committed the absolute power of annually choosing all the officers, both executive and judicial, who are not annually elected by the people, and of enacting such laws as to the majority of them, assembled in their respective houses, shall seem meet.

To this power of legislation the governor has not, as in most of our sister states, even a qualified negative. His authority is of an advisory character merely. By interposing objections to a proposed measure he may cause a reconsideration of it, but if a majority of the two houses remain favorable to the measure, it becomes a law without the approval of the executive. The successful operation of the popular features of our system is a subject of just congratulation, furnishing the strongest evidence of the wisdom and foresight of its framers, as well as of the virtue and intelligence of those by whom it has been administered.

The past year has been one of unusual depression in the business of the country, in which the people of this state have shared to a considerable extent, though it is believed in a less degree than in many others. Although an immediate restoration of business to its former active and successful condition is not perhaps to be anticipated, we have still no occasion for despondency. The productions of our soil during the past season have been unusually abundant; our people have been blessed with an ordinary degree of health; are in the full enjoyment of civil and religious liberty, and the means of intellectual culture, as well as of comfortable bodily subsistence, are believed to be within the reach of all our citizens. With all those and numerous other blessings so bountifully showered upon us by a kind and beneficent Providence, we have abundant cause for thankfulness and rejoicing for the past, and also for hope and confidence in the future.

Coming newly into office and having had little recent experience in state legislation, I make this introductory communication rather in compliance with established usage, than in any very confident expectation of furnishing you with essential aid in the discharge of your various important duties. I shall however make such suggestions as occur to me on some subjects which I deem worthy of your notice, commending them to your candid consideration.

The report of the auditor of accounts, which, in conformity to the provisions of law, has just been published, shows the receipts and expenditures of the state, during the past political year, and the present condition of our state finances. From this report it appears that the balance in the treasury on the first of September 1858, was \$30,643 71, and that the amount of taxes uncollected was \$60,259 26, making together the sum of \$90,891 97 as the immediate available resources of the state, and that the indebtedness of the state, including orders unrepresented, the bank safety fund and the sums due to towns for United States surplus money, was \$143,904 07, exceeding the current available resources by the sum of \$53,012 10. It is to be observed that there has been expended in the construction of the new state house the sum of \$61,127 70, and that but for this extraordinary expenditure, made necessary by the accidental destruction of the old edifice, the sum in the treasury and the assessed taxes would exceed the state indebtedness by about the sum of \$8,000. The policy of the state from its first organization has been against the creation of a permanent state debt. Extraordinary and unexpected calls upon the treasury, like that now requiring the construction of a new capitol, have occasionally been provided for by temporary loans, but provision for their speedy payment has always heretofore been made. This policy has had a strong tendency to produce a judicious economy in our expenditures, and I trust is not to be departed from.

The report of the auditor of accounts also embraces the reports of the several officers having the charge and inspection, respectively, of the Vermont asylum for the insane, and of the state prison, and also the bank commissioner's report.

The report of the commissioner of the insane is highly complimentary to the conduct and management of the asylum, which, under the direction of its experienced superintendent and board of trustees, appears to be in very successful operation.

The reports of the directors of the Vermont state prison and its superintendent, are also of a favorable character. I would respectfully call your attention to the recommendation of the directors for reconstructing the cells of the prison, which the comfort as well as the preservation of the health of the inmates would seem to demand.

From the report of the bank commissioner, it appears that all the banks in operation in the state are considered to be in a sound condition, though the capital of some of them, by reason of losses, has been reduced below the chartered amount. It would also seem that many of the banks have violated some of their charter provisions. I beg leave to call to your attention to these violations, specified by the commissioner, and to submit to your consideration whether further legislation is necessary to prevent their repetition.

I have reason to believe that the geological survey of the state, under the superintendence of the eminent state geologist, is being judiciously and successfully prosecuted. His report will be laid before you at an early day, with such suggestions as shall then occur to me as important.

Reports are also expected from the superintendent of the state house, on the progress and present condition of the work on that edifice, and from the secretary of the board of education, showing the proceedings of the secretary and of the board during the past year, which reports will be severally communicated to you. On transmitting these reports, I shall take occasion to submit such remarks upon the different subjects embraced by them as shall seem to be required.

The subject of the condition and management of our railroads is one of the very highest importance to the state, but as it will come appropriately before you by the report, which is to be made to you by the railroad commissioner, I forbear to comment upon it.

The militia of the state have lately received more than usual public attention, and the subject will doubtless be before you for consideration. The condition of the militia has heretofore been deemed a matter of great importance. Our ancestors brought with them to this country a strong hereditary dread of standing armies, which successive events in the parent country continually served to strengthen and confirm. It was found that whenever such military force was not engaged in foreign wars, it was generally employed by the government in oppressing and attempting to enslave the people, and this whether the force was controlled by the crown, by parliament or a protector. This conviction of the danger of standing armies, and a belief in the safety and efficiency of a well regulated militia for purposes of defence and protection, were established political principles of our revolutionary fathers, and as such were incorporated into our state constitution.

The early settlers of New England were in the constant daily use of fire-arms for their protection against savages and wild beasts. Such arms were also required in the pursuit of game, which often furnished them with convenient and sometimes indispensable means of subsistence. The frequent attacks which were made upon their settlements by the Indians and afterwards by the French and Indians combined, the threatened dangers from the oppressions of the mother country, which immediately followed the close of the French war, and the actual hostilities of the revolutionary period, all stimulated the military spirit of our ancestors, and made them not only cheerfully submit to frequent and expensive drills and musters for their improvement in military discipline, but to feel an honest and patriotic pride in establishing and maintaining a high character for the efficiency of their military organization. This military spirit continued to prevail to a considerable extent until the war of 1812, during which the militia were frequently called out and often rendered valuable and important service to the country. But after the peace with England in 1815, the character and efficiency of the militia for parade and discipline suffered a marked and rapid decline. This apparent abatement of military ardor is doubtless mainly, if not wholly, to be attributed to the feeling which has extensively pervaded the community since that period, that all danger from foreign invasion had ceased, that little or none was to be apprehended

from domestic violence, and that consequently a military organization was unnecessary and useless. Under the influence of this feeling, our laws, which have required our citizens to furnish themselves with arms and equipments, to appear with them by companies for inspection and drill, and to attend regimental and other musters, have been looked upon as imposing expensive and unnecessary burdens, and all efforts of legislation for some years past, to give popularity and efficiency to such laws, have proved unavailing. I am not now considering the justice and propriety of this feeling, but merely stating the fact of its existence, a fact which ought not to be overlooked in any further attempt at legislation on the subject. For in our republican system, a law in order to be permanent and effectual must be sustained, or at least must not be condemned, by public sentiment.

By our present laws the militia is divided into two classes, denominated the enrolled and the uniformed militia. All persons liable to do militia duty by the laws of the United States and of this state, are to be annually enrolled by the listers of the several towns, and a return is to be made of their enrollment to the Adjutant and Inspector General. The enrolled militia is divided by territory into regiments, brigades and divisions, but its members as such are not liable to drill, muster or inspection.

The uniform militia consists of companies of volunteers from the enrolled militia, of which there may be one, and under certain restrictions, two to each regiment. These companies of volunteer militia are required to serve eight years unless sooner discharged; are, on proper security, to be furnished with arms belonging to the state; are at their own expense to furnish themselves with equipments and with uniform, as directed by the commander-in-chief; are subject to inspection, drill and muster; and each member of such company, who is returned uniformed and equipped, and who has performed three days military service, is entitled to receive three dollars annually from the state treasury.

The sparseness of our agricultural population is unfavorable to the organization of military companies, and it is probably only in some of our largest villages that they may be expected to be formed and supported. Several companies have recently been organized in the state, who met for voluntary drill and muster at Brandon, on the first and second of September, and were reviewed by the commander – in –chief. It is but justice to those volunteer companies to say, that their appearance and discipline were, under the circumstances, creditable to them and to the state.

The success of this muster of uniform militia appears to have in some degree awakened a military spirit in the community. It is understood that several new volunteer companies are in the process of organization, in different parts of the state, and that application for greater legislative encouragement for this class of militia than is now given, is likely to be made at the present session. I have thought it proper to take this rather lengthened notice of our militia history, and of the results of our previous legislation, in order to bring this subject fully before you. I trust you will give the matter a careful and judicious consideration, and that whatever action you may take, will be such as will be permanently beneficial to the soldier and to the community.

I feel it my duty to call your attention to our laws on the subject of the attachment of property on mesne process, and especially to that feature of them which give priority to the first attaching creditor. Whatever may have been the effect of this law at an early day when credit was comparatively limited, its present operation is, in my judgment, unfavorable to the business interests of the community. It operates harshly upon the honest debtor, by offering a premium to such creditor as shall first attach and deprive him of the possession of his property, and perhaps ruin his business; and it is unjust to creditors, by allowing the most greedy and unscrupulous one to obtain his whole debt from an insolvent, to the entire exclusion of all others. It furnishes also to the dishonest debtor a convenient mode of defrauding his creditors, by procuring his property to be secured to himself by a fictitious attachment. I would therefore earnestly recommend the passage of an act that shall provide for the equal distribution of the proceeds of property attached, among all the attaching creditors.

Forming a portion of the general government, we are deeply interested in the measures and character of its administration, and a few words in reference to them will not, it is believed, be deemed out of place in this communication.

The marked general feature of the national government for several years past, has been its entire disregard and abandonment of some of the most important principles, which were considered as political axioms by the framers of the constitution, and acted upon as such in the earlier and purer days of the government and indeed down to a very recent period. This has been more particularly manifested in reference to the subject of slavery. Thus, the principle of non-intervention, which applied the obligations of common honesty and fair dealing between individuals, to our transactions with other governments, has, with a view to the extension of the area of slavery, given place to the detestable doctrine that national convenience forms a sufficient justification for a forcible appropriation to our own use of a foreign territory and its people; and in accordance with which doctrine, countenance and encouragement have been given to the lawless invasion of such territory, and the most barbarous and cruel robbery and murder of its unoffending inhabitants. The power of congress to exclude slavery from the territories of the United States, which had been exercised without question, by frequent and repeated enactments from the foundation of the government down to 1848, has been recently declared to be without the pale of the constitution, and the extraordinary doctrine is now promulgated that the constitution itself legalizes slavery in the territories, and that congress has consequently no authority to prevent its introduction. This doctrine of the present executive of the general government is sought to be confirmed and established by the opinions of a majority of the judges of the supreme court of the United States the highest judicial tribunal of our country. Of these opinions of the judges the legislature of this state at the last session expressed by resolutions their decided condemnation, in which condemnation I fully concur. With a strong habitual reverence for judicial authority, when exercised within its appropriate sphere for the determination of individual rights, I confess I have not a high regard for it when sought to be extended to political questions. The history of our parent country furnishes many examples of judges, learned and eminent, whose extra-judicial opinions were sought and obtained by the government for the purpose of crushing out the rising spirit of liberty among the people. Indeed, for the character of the judicial ermine, it is to be lamented that judges, of distinguished legal attainments, have often been found giving countenance to oppression and wrong by ingenious and fanciful constructions, and that English liberty has been fixed upon its present firm foundations, not by the aid of judicial efforts, but by overcoming them. There is reason to hope that the extra-judicial opinions of the majority of the judges in the Dred Scott case, contrary as they are to the plain language of the constitution, to the facts of history, and to the dictates of common humanity, will meet the fate which has attended those of the judges in the parent country, and that liberty will be eventually established in spite of them.

The extraordinary persevering exertions which, during the past year, have been made by the chief magistrate of the nation to prevent the people of Kansas from excluding slavery from their soil, by imposing upon them a constitution which he well knew they loathed and abhorred, furnishes new and alarming evidence of the aggressive character of the slave power which controlled him, and shows that the principles of justice and of popular sovereignty stand no more in the way of its demands for political domination than do those of the constitution. The near approach to success, by congressional legislation, of this attempt to stifle the will of the great majority of the people of Kansas, is calculated to excite strong distrust in the continued success of our republican institutions; for if the principles of right and justice, by the influence of government patronage and party discipline, can be thus outraged and overcome, our boasted democracy will be but another name for despotism. It is, however, matter of just pride and congratulation, that these efforts to impose a slave constitution on an unwilling people, have as yet proved unsuccessful, and that the people of that rich and growing territory, boldly defying the threats of executive power and nobly spurning the offered bribes of government patronage and lands, have, by an overwhelming majority, declared their love of freedom and their abhorrence of slavery. The people of Vermont, mindful of the history of its early settlers in their struggle against injustice and oppression from without, have deeply sympathized in the extraordinary and protracted sufferings of the people of Kansas in the cause of liberty and right, and now greet them on the favorable prospect of a happy and successful termination of their patriotic labors.

But I must now bring this communication, which has already occupied more space than I had intended, to a close. In the exercise of the extensive powers, both of appointment and legislation, with which you are entrusted, I have no reason to doubt that you will be guided by a sincere desire to promote the happiness and welfare of the people; and bring with you from all parts of the state an intimate knowledge of their situation and

wants, I cannot but anticipate that the result of the labors of the session, which you are now about commencing, will be favorable to your constituents and honorable to yourselves.

EXECUTIVE CHAMBER,
Montpelier, Oct. 15, 1858

}

HILAND HALL.