

Executive Speech
of
Richard Skinner
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SPEECH OF GOV. SKINNER— 1820¹.

Gentlemen of the Council, and Gentlemen of the House of Representatives, – Having been called to that office, the duties of which I have now, in the presence of the General Assembly, sworn faithfully to perform; in conformity to ancient usage, and the requirements of the constitution; as the organ of the Supreme Executive Power; and to prevent unnecessary delay in the business of legislation; I have taken this early opportunity of inviting your attention to some of those subjects, the investigation of which is deemed important, and to present to your consideration, such ideas thereon, as have been suggested to my mind. The faithful services of those practical, able, and venerable politicians, and statesmen, who have preceded me in the office of chief executive magistrate of the State, and upon whom a similar duty has hitherto for many years devolved; forbid the expectation of proposing any measurement of moment, which shall be new and useful. My highest ambition will be gratified, in being convinced, that the public interest has not suffered by reason of the trust reposed in me: and be assured, its advancement demands, and shall receive, the unremitting exertion of all my faculties.

The frequent alteration of public statutes is justly considered an evil, seldom counterbalanced by the benefits resulting therefrom. The best evidence the representatives of the people can give, of their faithfulness, and intelligence, is a reluctant and careful approach at innovation. In the practical use of this doctrine, and to resist a false application of the principle, great watchfulness is necessary.

That our laws are susceptible of improvement, is not to be questioned; and that the influence of such as have an interest opposed to that of the community, should be exerted, in preventing salutary amendments to the laws, is as natural, as that it should be exercised, in procuring the passage of such as are unjust.

To provide for the impartial, speedy, and correct administration of justice, ought to be amongst the first objects of a Legislature; for in vain do the people submit to the imposition of taxes, raised to defray the expenses of a government, formed for the protection of their rights; and in vain do the representatives of the freeman enact laws against vice, immorality, and injustice, if adequate means are not provided for carrying them into effect.

Many complaints have been made, of the delay and expense, incident to prosecutions for redress in our Courts of Justice; and a determination has been repeatedly manifested by the Legislature, to suppress every attempt made for increasing costs, by passing useful laws to that end. Yet it is believed the principal evil has not, until the last session, been in any measure removed; and it still remains worthy of serious inquiry, whether a further remedy may not be applied. It is difficult to discover what possible advantage can result, from enabling suitors, to claim as a matter of *right*, on the trial of a question of fact, more than one verdict of a jury. There can be no presumption that a second panel will be more capable, or more disposed to impartiality. The privilege of New Trial, secures against accident, surprise and injustice. The extravagant expense, and great delay, occasioned under the former system, in which a party was required to obtain in his favor, two verdicts in three, before his right was established, has been checked; and it no longer remains an object to succeed in the first trial; consequently the delay and expense incurred, in requiring a party to commence, and pursue to judgment his suit, in a court where the judgment confers no benefit, appears useless.

The framers of the Constitution contemplated the erection of a Court of Chancery distinct; and there are many who consider it the duty of the Legislature to exercise the power conferred. Yet the necessity, and expediency, of the measure is questionable. That some further provision ought to be made, is apparent. The inconvenience experienced under the existing law, arises from the want of authority in the Judges of the Supreme Court, to perform any duty as Chancellors, excepting at the regular sessions; and the many intermediate steps, requisite to be taken in a suit in Chancery, necessarily protract the final hearing and decree to a period unwarrantable.

When it is understood, that the amount actually expended from time to time, in the prosecution of suits in the courts of justice, far exceeds all that is required to sustain every department of the government; and when it

¹ Printed *Assembly Journal* of 1820, pp. 11.

is recollected that the Bill of Rights declares that “every person ought to obtain right and justice freely, and without being obliged to purchase it; completely and without any denial, promptly and without delay,” the subject cannot fail to excite a deep interest; and any degree of solicitude may be manifested without reproach. The Judiciary is that on which the character of a State vitally depends, and the degree of confidence reposed in a government is measured by the rank it sustains.

The subject of taxation is one to which the attention of the Legislature has been frequently directed, and although it is generally believed that the intention to equalize the burden, by the act of the last session, is not effected; yet with little amendment, there can be no doubt, the system will have been greatly improved. A standard, by which the relative value of improved lands in the state may be ascertained, and the particular state of improvement which shall render it subject to assessment, seems to be indispensable.

The settlement of the estates of deceased persons, has become a matter of serious concern, inasmuch as the title to the greatest portion of real estate in the State, is bottomed on proceedings in our Courts of Probate; and the rights of widows and orphans are here deposited. A careful attention to the laws, regulating the settlement of testate and intestate estates, that they may be rendered as perfect as possible, is desirable. Much difficulty and embarrassment arises, from the circumstance that the whole system of our law on the subject, is, and ought to be, essentially different, from the laws of that government, whence we derive the common law. Our Judges of Probate ought to be men of ability and integrity; and no inconsiderable evil arises, from a frequent change of officers in that department.

It may perhaps be an useful enquiry, whether the general encouragement, that has been given, to pursuing, and returning of offenders, who have fled from justice to distant parts of the United States, and who frequently are transient persons, and violators of the laws of other governments as well as our own, is consistent with sound policy. And whether it would not be advisable, that a law should be passed hereafter requiring the sanction of some of the officers of the government; without which the State will not defray the expense.

The relation in which this State stands to the general government, its welfare being identified with that of the United States, all the important measure adopted by Congress, become highly interesting to us. Justice to ourselves dictates, and a long course of practice sanctions, the propriety of the Legislature’s expressing the sentiments, they entertain on subjects which essentially concern the nation; and more especially, of instructing their Senators, and advising the Representatives in Congress, as to the course they ought to pursue.

The act of the last session of Congress, authorizing the inhabitants of a portion of the territory of the United States, to form a state government, without a provision in its constitution, restricting the power of enslaving a part of the human family, has caused general surprise through the State, and excited feeling of sincere regret. The report of the committee on this subject, which was adopted by the House, and at the close of the last session dismissed, it is presumed, furnishes no evidence of the opinion of that respectable body. Indeed could I entertain a doubt, as to the feelings of the people of Vermont, I should not have troubled you with communicating my own.²

Whether at this period, it is advisable for the Legislature to adopt any measure on the subject, considering the question at rest; or in view of its being again agitated, on the constitution’s being submitted, for the sanction of Congress; or in view of any feature of that constitution, which may be opposed to those equal rights, and privileges, professed to be guaranteed, by the republican principles of the government, is submitted to the wisdom and discretion of the General Assembly.

The period has arrived, in which it becomes our duty to elect a Senator, to represent this State in the Congress of the United States. That we may possess that influence, and weight of character, at the seat of government; and sustain that rank in the Councils of the nation, which is desirable, and to which we are entitled; the first talents and ability ought to be sought to fill the office. It is also to be recollected, that the trust is not only of great moment, but of long duration; the character therefore to be selected, ought to be such, as by a long

² The Governor here referred to the Missouri question in Congress, and the failure of an attempt in the legislature of Vermont in 1819 to adopt anti-slavery instructions to the State’s delegation in Congress.

course of tried patriotism, and inflexible integrity, a pledge is furnished, that public interest will not be bartered to private gain. Electors of President and Vice President are also to be appointed.

In the election of officers to fill the several departments of the State government, we ought not only be guarded against the influence of that aspiring unwarrantable ambition which openly assails; but also of that which may be generated, by a restless, disappointed, envious spirit, which lurks in secret and attacks unawares.

There will probably be received from my predecessor in office, communications from the General and State governments, of a nature which ought to be submitted to the general Assembly, which, together with such other matters, as shall be my duty to lay before you, will be made the subject of a special message.

The hitherto enviable prosperity that has pervaded this State, the wisdom and prudence with which its councils have been distinguishingly marked, the urbanity, and sobriety which characterize the great body of its citizens, has rendered us a truly respectable and happy people; and may we not confidently hope, that by duly regarding the example of our venerable and worthy ancestors, and humbly, and religiously reposing our trust in that SUPREME BEING, who holds the destinies of nations in his hands, and directs their course, who searches all hearts and without whose agency the most minute act is not performed, we may not only hold fast the favors now enjoyed, but rise in prosperity as our years increase.

RICHARD SKINNER