

Inaugural address

of

Silas H. Jenison

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MESSAGE.

*Fellow Citizens of the Senate
and House of Representatives:*

We have assembled, in behalf of our constituents, to transact legislative business. Ours is a responsible station; and this responsibility constitutes one of the distinctive features of a republican government. Our frequent elections bring into immediate contact legislators and constituents, and enable the people themselves, the true source of all political power, annually to call their public servants to account. Our immediate duties confine us to our own State, not so exclusively, however, as to render us forgetful of the relation we sustain to the General Government.

Providence has smiled propitiously the past season upon the labors of the husbandman.

The favorable change which has taken place in the pecuniary affairs and business of our country, since the adjournment of the last General Assembly, is a subject of sincere congratulation. It may be matter of surprise and wonder to those unacquainted with American character, that we should so soon have recovered from the shock which paralyzed our entire business transactions and threatened with ruin many of our most useful citizens. From the nature of our institutions we had reason to expect the prompt interposition of the General Government, to aid in removing the causes of embarrassment, and restoring confidence throughout the country. These expectations were disappointed. The whole powers of the General Government appear to have been absorbed in their exertions to carry a favorite measure, which, in the opinion of a large majority of our citizens, would have been highly disastrous to our best interests. That attempt has resulted in a signal failure, since which, confidence has been reviving with astonishing rapidity, business is again returning to its accustomed channels, thus unequivocally evincing that the energies of a free people cannot, for any length of time, be restrained, by even the most untoward circumstances. It is but another example to be added to the many which occur in our history, showing the facility with which our people can accommodate themselves to any circumstances, and surmount any difficulties.

Ineffectual attempts have repeatedly been made to abolish imprisonment for debt. Although they have not resulted in the entire accomplishment of their object, they have, nevertheless, led to an investigation of the rights of creditor and debtor, highly favorable to a judicious, equitable and enlightened legislation upon the subject. If it be admitted that misfortune should not be visited with punishment as crime, and that punishment should not be left to be meted out by the creditor,—the person of all others most likely to do injustice in the case,—then the first object of the law should be to mark the distinction in a manner so plain that the unfortunate should never be mistaken for the criminal. The debtor, upon disclosing and surrendering his means for the discharge of his debts, should thereby disarm his creditor of all power to incarcerate his body. Our existing laws upon that subject, it may be said, are not oppressive in their operation; that the really poor debtor may always avoid imprisonment, by making a disclosure on the rendition of judgment. This may be true.—But, it may well be asked, does not our present law unnecessarily place the poor debtor in the power of a vindictive creditor, by permitting him to fix upon a distant day for trial, and, in the mean time imprison the poor debtor, if he fail to obtain the interposition of friends? Would it not be an act of humanity, as well as of justice, to provide, that the debtor, when unable to procure bail on *mesne process*, might demand a trial forthwith, or be permitted, before the proper authority, to make his disclosure and exonerate his body from imprisonment?

As civilization has advanced and the different grades of crime have been defined with more certainty, the rigor of punishment has been lessened. All experience shows that crime has not increased, but diminished, as the criminal laws of a country have become less barbarous and vindictive. Retaliatory punishments have in a great measure ceased, and the only sound and substantial reasons for the infliction of punishment are based upon the reformation of the criminal and the security of the public. That is evidently the policy of our laws in all cases, except in the infliction of the punishment of death. The right to inflict capital punishment is conscientiously doubted by many of our intelligent and philanthropic fellow-citizens. That number is constantly increasing. The right to destroy life, it is argued, does not belong to an individual, and consequently

could not be transferred to government on the formation of the social compact. Be that as it may, still it is feared that the ends of public justice, may, in some cases, fail to be answered; that jurors may, when empanelled for the trial of capital offences in some instances, be influenced to clear the guilty, by the consideration that a verdict of guilty would result in the death of a fellow being. The moral influence upon society, of inflicting punishment to deter from the commission of crime, does not so much depend upon its severity, as upon its certainty.

This is a subject upon which strong feelings and prejudices are known to exist, and I am induced to present it for your consideration from the fact that where convictions have recently been had in the state, a strong expression of public opinion has been put forth to arrest the arm of the law, and has seemed to demand a commutation or mitigation of the punishment. If, on examination of the subject, you should not come to the conclusion that it is expedient to abolish capital punishment entirely, yet it is respectfully submitted whether the demoralizing effects of public executions would not, to some extent, be avoided, by providing that all executions should take place within the walls of the prison.

In former communications to the General Assembly the importance of a geological survey of the State has been urged upon their consideration. The reports and opinions of committees upon the subject have been, without exception, favorable to the enterprise. The report of the committee, to whom the subject was referred at the last session, together with several accompanying communications, containing much useful information upon the subject, have been published in our journals, and very generally circulated throughout the state. It is known to all, whose attention has been drawn to the subject, that our mountains and soil indicate an abundance of mineral wealth, which a systematic and thorough examination can scarcely fail to unfold. A careful analysis of the great variety of soils, spread over the surface of our state, must also result in the discovery of many substances of a lightly fertilizing quality, inevitably adding to the prosperity of agriculture, the great and leading interest of our state. With few exceptions, our sister states have undertaken examinations of this character with the most favorable results. It is our true policy to adopt such measures as will foster the industry of our citizens, encourage the commencement of new branches of profitable employment, by developing the natural, mineral and agricultural resources of the country, and thus, placing within the reach of the young and ardent a reasonable prospect of competence and wealth—check the tide of emigration which is constantly draining us of a very desirable as well as enterprising portion of our population.

Our State House is understood to be fully completed and furnished in accordance with the original plan. For solidity, strength, symmetry, style and adaptation to the purposes for which it was erected, it is believed not to be surpassed by any structure of the kind in the Union. The building itself is the best commendation of the architect. The peculiar circumstances under which the work was commenced and prosecuted, against the expressed wishes of a strong minority in the Legislature, together with the fact that the expense of the building has far exceeded the estimates of the locating committee, have led to frequent enquiries into the manner in which it has been conducted; and the additional fact that committees, raised under those circumstances, have found no cause of censure, notwithstanding their dissatisfaction with the location and expensive style of the building, is the best guarantee of the capacity, integrity and faithfulness of those under whose superintendence the work has been prosecuted. The appropriations for this object have amounted to \$133,500, including \$15,000 paid by the inhabitants of Montpelier, of which, I am informed, a small balance remains unexpended. Mr. Young has apprised me that he will attend early in the session for the final adjustment of his accounts.

The disturbances which have recently taken place in the neighboring Provinces of Canada have caused much excitement among a portion of our citizens. Men of the best feelings and much moral worth participated largely in their sympathies with those whom they deemed oppressed. This state of things was to have been expected. Our institutions, habits and education lead to that result. Under this excited state of public feeling, many who were entrusted with the discharge of official duties were unjustly traduced. The measures, which a sense of duty impelled me to adopt, are known to my fellow citizens. Relying upon their intelligence and candor, and conscious of the purity of my intentions, I can hardly feel anxious for the result.

In compliance with a joint resolution of the last General Assembly, requesting me to appoint some person to investigate the facts, and ascertain whether this state has a claim upon the Government of the United States, for expenses incurred during the Revolutionary War, William Upham, Esq. was appointed, who, on account of ill

health, declined the appointment. The Hon. Asa Aikens of Windsor was subsequently appointed, whose report I have reason to expect during the present session of the Legislature.

In accordance with "an act for regulating and governing the militia of this state," I appointed Major General Francis E. Phelps of Windsor, Brigadier General Green Blackmer of Bennington and Brigadier General Truman B. Ransom of Norwich, a board of officers to organize the militia, and perform various other services connected therewith. Much time was consumed in procuring the preliminary information to enable the committee to commence their labors. A further delay was unavoidably occasioned by the resignation of Brigadier General Ransom in May last, whose place at the board was immediately supplied by the appointment of Brigadier General E.B. Chase of Lyndon, who was prevented entering upon the business of his appointment until June. A partial report of their doings was made in the early part of May, but it was deemed important by the board, in order to complete the business of their appointment in a satisfactory manner, that they should meet the officers of each regiment, to arrange and settle the details of their organization, before making a full report. That service was performed in June and July. Their final report has just been received. The duties of the board have been more laborious than was anticipated. By the force of circumstances, entirely without my control and from which I cannot perceive how blame can justly attach to any one, the completion of the organization has been delayed far beyond the time limited by the law. Under all the circumstances it is probable that the business could not have been satisfactorily brought to a close at a much earlier date, certainly not within the period fixed in the law. Should I omit to mention, in terms of approbation, the able and efficient manner in which the members of the board have performed the various duties assigned them, and the assistance and information which has been promptly rendered by the officers of every grade whom I have had occasion to call upon or consult, I should be wanting in respect to my own feelings. So far as I have learned, the law of the last session, with some small amendments, will be very acceptable to the individuals composing the militia. This feeling is the more to be prized as it affords an evidence of the prevalence of the opinion, that a well regulated and efficient militia is the surest safeguard to our republican institutions.

I feel bound to call the attention of the General Assembly to the condition of the several companies of cavalry which were disbanded by the operation of the present law. Upon the faith of the late law, troops of cavalry were organized in different parts of the State, the members of which, with a laudable and praise-worthy spirit, uniformed and equipped themselves at greater expense than any other corps. The present law not only renders their uniform and equipments valueless, but requires the enrollment of the non-commissioned officers and privates, in the standing companies. Theirs is a case of peculiar hardship and pecuniary loss, and in my opinion, calls loudly for the interposition of the General Assembly, either to provide that they may retain their former organization, with liberty to recruit from the standing companies, or that they be exonerated from further service in the militia.

By the same act it was made my duty to solicit from the proper authorities of the Government of the United States, the transmission of rifles, in lieu of muskets, for the balance of arms due this state under the act of 1808. In March last I addressed the head of the ordnance office on the subject, and, on the 10th inst. Received information that 682 rifles had arrived at the Champlain Arsenal, subject to my order. Measures will be taken to have them inspected and received without delay.

It was also made my duty to cause the state arms in the Arsenal to be put in complete repair. Quarter Master General Rich, to whom this service was assigned, on making arrangements to commence operations, found it difficult to procure a shop in which to prosecute the work. Upon request made to the Secretary of War, for the use of the United State's shop attached to the Arsenal, it was granted. Owing to the size of the building, the number of hands employed has been limited, and, consequently, the business will not be completed the present season. It was thought that the business could be more economically performed by employing hands by the day, than by contract as heretofore practiced. The result fully justifies the propriety of the course, as the arms are put in better condition than they have ever before been, and at less expense.

The result of the attempt to collect the arms, distributed among the several towns under the act of 1812, has shown a lamentable inattention to this species of public property, on the part of the selectmen of many towns. There appears to be a total loss to the state of more than two-fifths of the whole number. Those in the eastern part of the state were ordered to be collected and repaired at Windsor, under the superintendence of Gen.

Phelps, and those in the western, at Vergennes, under the care of Gen. Rich. The reports of these gentlemen are intended to be submitted to the General Assembly at the present session.

In conformity with “an act providing for the revision of the laws of this state,” Robert Pierpoint of Rutland, Samuel Swift of Middlebury, John Smith of St. Albans, Norman Williams of Woodstock and Lucius B. Peck of Montpelier were appointed. They will doubtless make report to you of their progress at an early period in the present session. The importance of having the laws, securing the rights and protecting the persons of individuals, stripped of their uncertainty and ambiguity and expressed in plain and intelligible language, cannot be too high appreciated. Forty years have elapsed since an entire revision of our laws, such as is now making, has taken place: within that time they have probably undergone greater and more frequent alterations than those of any other state in the Union, the certain and inevitable consequences of which are confusion and uncertainty. This confusion has been greatly increased, by the peculiar phraseology of the repealing clause of very many of our laws, making our statutes a book of mysteries, which few, but the initiated, can understand and explain. Laws gain much of their respect from their permanency. Prudent and wise legislators will hesitate before exchanging a law, simple in its provisions, well understood by the people, and which does not manifest injustice in its operation, for one, which, though it may appear perfect in theory, is yet problematical in its effects.

It will become your duty at the present session to elect a senator to represent this state in the Congress of the United States, for the term of six years, from and after the 4th of March next.

Since the adjournment of the last General Assembly, communications upon various subjects have been received by me from the Executives of several states of the Union, which will be laid before you.

It has been well said that “eternal vigilance is the price of liberty.” Our fathers showed their jealousy of overgrown wealth by their legislative enactments. We have no large monopolists among us to exercise a sway; no privileged classes to exert a controlling influence over our popular assemblies: But the inquiry may well be made, whether our institutions are perfectly safe in another direction and from a different class. There is occasion to fear, that the demagogue, under the pretence of sympathy, may urge to a participation in our elective privileges, whose who have sought an asylum among us, before they shall be qualified, either by length of residence, or attachment to our institutions, to exercise sacred right. The purity of our elections should be a matter of frequent and careful investigation.

Coming immediately from among the people, you must be intimately acquainted with their wants, and in the discharge of your duties, I can engage my cordial concurrence in all measures for the good of the people.

The responsible stations to which my fellow citizens have been pleased repeatedly to call me, entitle them to my most grateful acknowledgments; and this renewed mark of the public favor greatly increases my obligations.

SILAS H. JENISON.

Montpelier, Oct. 13, 1838.