

Inaugural address

of

Silas H. Jenison

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

Again it becomes my duty to address you upon our public concerns. Our official duties are various and responsible, and we shall best subserve the object of our appointment, and most effectually promote the prosperity of our country by an honest, faithful and wise discharge of them. All legislation, having in view the virtue and permanent happiness of the people, will ultimately result in the common welfare.

Under our happy form of government, the rights of the humblest citizen are as sacredly secured as those of the most favored; and every act, which shall, unnecessarily limit or abridge those rights, in a positive contravention of the letter of our constitution and indirect violation of the spirit of our civil institutions. To encourage the practice of virtue, to prevent the commission of crime, to foster the interests of education, to promote the industry and improvement of the country, and to protect the personal liberty and rights of our citizens, are among our legitimate and proper duties, as legislators.

In popular governments, law depends, for its efficacy, mainly upon the convictions of the people of its necessity and expediency. Without public opinion in its favor, legislative enactment becomes a dead letter upon our statute book, and is not only disregarded of itself, but in some measure weakens the force of salutary and necessary laws, and, consequently, lessens the respect paid to them. We ought, therefore, to pause and examine with great caution, before adopting propositions for altering the principles or details of laws, which have received a judicial construction, and with whose provisions the people have become familiar.

The very careful revision of our laws, at the last session of the General Assembly, brought under examination most of the important provisions of our statute law. Time has scarcely been afforded, since its promulgation, to test the operation of the various modifications and amendments therein introduced, and the necessity of any immediate alterations will, doubtless, be obvious and plain, before you will feel called upon to make it.

Our revenue, derived almost entirely from a direct tax on the people, presents a constant admonition to frugality and economy in expenditure, and should lead to frequent enquiry into the operation of our system of taxation. This system is based, mainly, on income; and it is due to those who defray the expenses of government, that all productive property and profitable pursuits, should bear their relative proportion of the public burdens.

From frequent applications to me for the remission of small fines, imposed by the County Courts, for assault and battery, and other breaches of the peace, I have been led to the inquiry whether an alteration in the law on that subject might not save considerable sums to the State, without weakening the claims of justice or lessening public security. Judging of the character of the offence, by the amount of fine imposed, the presumption is strong, that respondents, in some cases, have been bound over to the County Court by Justices of the Peace, more on account of the inability of the offender to pay a fine and costs, where the town in which the offence was committed might have had an interest, than by reason of enormity of the offence. In a majority of cases, presented for the exercise of Executive clemency, the fine has been five or ten dollars with costs varying from fifteen to sixty. Nor is the payment of enormous bills of cost, the whole charge to the State. Respondents, in cases of this character, being, usually, irresponsible and unable to procure bail, are consequently confined in jail, and the State charged with their support, as State prisoners. On conviction, a sentence to pay a fine of a few dollars and costs of prosecution, operates as severely as a sentence of perpetual imprisonment, to the offender, and a perpetual charge on the State for his support, unless relieved by executive interference. If no other alteration should be deemed expedient, it would better accord with the humane spirit of our laws, to provide that the sentence, in such cases, should be in the alternative, either fine, or imprisonment for a limited time, when the fine is not paid. But I would respectfully suggest, as worthy of inquiry, whether a remedy might not be found, by providing, that, on conviction of certain inferior offences and misdemeanors, the fine should be

paid into the town treasury, and whether it might not be expedient to enlarge the jurisdiction of Justices of the Peace for their trial.

By a salutary provision in the constitution of the United States, any person, committing crime in one state and escaping into another, shall, on demand of the Executive of the State having jurisdiction of the case, be removed there for trial. This provision should be carried into effect in good faith. Some of the States have made the act of procuring goods under false pretences an indictable offence. Cases are believed to have occurred where men, smarting under the loss of property, have been led to make oath to facts, an *ex parte* hearing, which fully justified the commencement of a public prosecution for crime, where the real object was, evidently, to effect a compromise with a debtor, or extort money from his friends in satisfaction of a precarious debt. The executive warrant, when obtained, is used, not to bring a public offender to justice, but for individual benefit. The evil complained of might, perhaps, be prevented, were it made an indictable offence to compromise with, and permit to go at large, any person arrested on an executive warrant, issued at the request of the Governor of the State where the crime is charged to have been committed.

The condition of our common schools and seminaries of learning is always deserving your careful attention. In my last annual message, I urged the application of the income of the State school fund to purposes of education, and beg leave respectfully to refer to the suggestions there made.

We are practically an agricultural people. To the successful prosecution of this pursuit, are our citizens principally indebted, for the necessaries, and many of the luxuries, of civilized life. Although an interest of such vast importance to the prosperity of the State, it has heretofore received but little encouragement from the action of the government. Great improvements have been made, within the last half century, in this important branch of industry, owing, mainly, to the successful application of science in the development of the properties of our various soils, and consequent adaptation of the same to the different products of agriculture. This is a matter, interesting, not only to the philosopher in his inquiries into cause and effect, but also furnishes an object of intense interest to the legislator and political economist. I feel justified in again urging upon the favorable consideration of the General Assembly, the propriety of a geological survey of the State. Much valuable information on this subject may be found embodied in the reports made to the three last sessions of the Legislature.

The difficulties which have beset the business transactions of the country since 1836, are, by a large majority of the people of this State, considered as having grown out of the improvident measures of the general government. Many of our most enlightened and sagacious statesmen clearly foresaw and predicted the result; a majority of the community, notwithstanding, deceived by the plausible reasoning and specious promises of interested and designing men, and by the apparent prosperity and success with which most kinds of business were then pursued, were led, for a season, to give them their support. The people, however, are now engaged in a fearful strife to remove from the administration of the federal government those, who, in the discharge of their official trusts, they believe, have wantonly disregarded the best interests of their constituents. As the struggle progresses, the final result appears less and less doubtful. The recent elections indicate, with a certainty almost unerring, that the great mass of our population, whose only interest in government is, to have it wisely and frugally administered, are becoming convinced of the ruinous tendency of some of the leading measures of the administration. This result is the more to be prized, affording, as it does, indubitable evidence of that honesty of purpose and purity of intention, which have ever characterized the great body of the American people. It can hardly be otherwise, while the interest of the great majority of each of the political parties, into which the country is at present divided, is the same, the greatest good of the greatest number. It furnishes a sure guarantee for the durability of our institutions, and a serious admonition to our rulers, that they will always receive a rebuke at the hands of the people, whenever they make the success of partizan measures an object paramount to the general good.

The subject of the currency will, doubtless, claim a share of your attention. The hostility to banks and a paper medium, for the transaction of the business of the country, has been carried on in an unrelenting, and in some instances, vindictive spirit. While some openly assail, and would at once abolish them, thereby compelling a resort to an exclusive specie currency, others, with a pretended conviction of their utility and necessity, covertly attempt their destruction, by taking from them all their ability for usefulness. Among other

charges, it has been said, that the operations of banks have induced high prices. Has the farmer, the artizan, or the merchant, suffered in consequence? High prices and a ready sale are great encouragements to individual industry and enterprise. Low prices operate to the reverse. It is alleged, that they have given a fictitious value to property. Be it so; under this state of things, and during their existence, immense indebtedness and liabilities have been incurred, in the purchase of property, in investments in manufacturing establishments and machinery, and in permanent and valuable improvements in the condition of the country. Would it be just, ir humane, or honorable, for the same government, which authorized the establishment of banks, and gave them power to exert this influence over the business of the community, by encouraging liberal discounts in aid of these enterprises, at once to annihilate these institutions, or, what is equivalent, to discredit their issues, and thus bring the property of the country to what is claimed to be its real specie value? While thus unsettling the value of property, and the relative condition of our whole population, it must be remembered, that indebtedness cannot be reduced, but, on the contrary, it will be increased in the same ratio in which the price of property is reduced, and the means for payment lessened. The control of the whole property of the country would thus soon be placed in the hands of capitalists and money lenders.

I would not be understood as being an advocate for an irresponsible or unsafe banking system. But, believing, as I do, that the facilities heretofore afforded by banks and the credit system, have eminently contributed to foster and carry forward the great interests of our county, I hold it to be our duty, our imperative, duty, as conservators of the public welfare, to sustain a safe and efficient banking system, as the best, if not the only, means of securing and promoting the pecuniary prosperity of our constituents.

I have no hesitation in saying that banks have been chartered with too great facility, and upon improper principles, in some sections of the Union; perhaps, to some extent, in this State. Much of the prejudice, now existing against these institutions, has arisen from this fact, and from their improper management. Where banks have been established upon solid capital, in places whose *bona fide* business transactions needed accommodations from that capital, and where the stock has been properly distributed and owned by capitalists seeking such investment of their money, I have heard but little or no complaint. Indeed, it is believed, that, in the most disastrous season of the last four years, such banks, instead of being liable to the censure so freely bestowed upon all banks—of crippling and oppressing community—have, uniformly, afforded more aid, and at a more reasonable rate, than would have been obtained, had the same amount of capital been under the control of individuals.

The danger and loss to community have arisen from granting bank charters, where the active business of the country did not require them, and from having them placed in operation upon a fictitious capital, managed by borrowers instead of lenders, their accommodations monopolized by directors of their friends, and embarked in hazardous, not to say, desperate speculations. While the business of the country remains prosperous, the bills of the bank are redeemed and obtain credit; but when a reverse occurs, and money cannot be raised from the particular business in which the borrowers are engaged, the bank fails to meet its liabilities and the bill-holders must suffer the loss; for, whenever an examination takes place, the notes for loans, and the capital stock of the bank, are found to be identical. The history of one of these swindling institutions would require but little variation, to serve as the history of every bank which has failed in New England.

The benefits between the banks and the people should be reciprocal. There would be no apology for granting to capitalists the privilege of associating for banking purposes, were we not fully satisfied, that, at the same time, we were conferring an equal benefit upon the community, among whom a bank may be located, by affording facilities for loans, at a reasonable rate, to such as take the property of the neighborhood market and furnish it with merchandize in return, or to such as add labor to the raw material, and thus render the property of the country a more valuable, as well as more marketable commodity.

Entertaining these views, should this subject come under your consideration, it might naturally be expected that I should ask for them a candid and dispassionate examination. In the absence of all party feeling and every improper basis, the inquiry should be, does the active business of any particular section, asking for the establishment of a bank, need its accommodation? Are there capitalists, who will make investments of the stock?

If the affirmative be true, still we shall have made but a profitless improvement of the example of our predecessors and neighbors, if, when we adopt such salutary restrictions as will effectually secure the public from loss, we should impose such unreasonable and excessive restraints as shall prevent that public from enjoying the benefits of the system.

Copies of resolutions, passed by the Legislatures of several of our sister States, upon various subjects, have been received by me since the adjournment of the General Assembly. In compliance with requests by which they were accompanied, they will be laid before you.

No subject embraced by them is of so grave import, or involves principles so alarming in their character, as those from the state of New Jersey. One of the sovereign states of the Union has been deprived of her constitutional rights. Her Representatives, presenting the ever before disputed and legal evidence of their election, have been refused seats in Congress. Not from any failure on the part of the freemen to elect; not from any fraud or neglect of the Executive of the State to furnish the usual and legal evidence of the result of such election; not through the omission of those holding that evidence to present the same to Congress; not in obedience to any law or precedent, which has heretofore been considered binding in like cases, but in startling violation of all law and constitutional right, and a reckless disregard of all precedent.

Whatever motive may have influenced the decision of the majority in Congress on this questions, still, in a history of the times, it will be difficult to consider it apart from the fact, that the matter was prematurely, and for the time being, settled, during the pendency of a favorite, executive and partisan measure; a measure, which all parties admit, is to exercise an important and controlling, if not destructive, influence on the pursuits and prosperity of the country.

This invasion of the constitutional rights of a State is the more dangerous, from the fact, that it was perpetrated by a body, over whom the injured party can have no control, and before whom it can neither make known its wrongs nor seek redress, except by sufferance.

From the practice, in regard to contested elections, which has prevailed from the foundation of the government until the last session of Congress, little danger could be apprehended. For there is no occasion to fear that any permanent wrong, either public or private, can grow out of any fraudulent or unlawful act of the state authorities, in cases of this character, as the actors, by our frequent elections, are so often brought before a tribunal, from which there is no appeal, and whose reproof few would be willing to encounter. Our present form of government has more to fear from undue assumption of power by the several branches of the General Government, than from any other source. It behoves the States, therefore, as they prize our liberties, to regard with watchful vigilance every approach to the usurpation and exercise of power not delegated by the constitution.

Through the politeness of the Trustees of the "Vermont Asylum for the Insane," a copy of their fourth annual report has been placed in my hands. A lasting debt of gratitude is due to the philanthropic individual, whose liberal bequest laid the foundation for this humane institution. The numerous applications for admission show the wisdom of the legislature making the appropriations which enabled the trustees to open their asylum with the least possible delay.

Many of the patients have been already restored to reason, to their families and to usefulness, and they will ever have occasion to revere the memory and liberality of their benefactor, as well as the enlightened policy which opened this comfortable retreat. Sound policy and humanity alike require that the establishment be enlarged, whenever its present accommodations shall be found insufficient to meet the wants of the whole of this unfortunate class of our fellow men.

The report of the Superintendent of the State Prison, and the report of the committee, appointed by the last General Assembly to make a contract on behalf of the state for the labor of the convicts, have been furnished me, and will be laid before you at an early day. It will be perceived that the committee failed to accomplish the object of their appointment. The Superintendent, on the expiration of the contract with Mr. Hubbard in March last, found himself unexpectedly obliged to make immediate provision for the support and employment of the convicts. This was done, and the report shows, that for about six months, ending on the first day of October

instant, there has been an actual income to the State of \$499,99, after paying all expenses on account of the prison, including the sum of \$568,94 for repairs, nearly all of which were for improvements of a permanent character. This result, flattering as it is to the Superintendent, certainly appears to exhibit the practicability of having the affairs of the prison managed by its immediate officers, without incurring pecuniary loss. If the legislature should be satisfied that the present prosperous condition of its affairs can be maintained, it would certainly appear more consonant with the dignity of the state, to keep the management of its prison concerns under the immediate control of the officers of this institution, than to pursue the policy of farming it out by contract, as proposed by the law of last session. The subject of improvement in the prison buildings, has been repeatedly brought to the notice of the legislature, by the Superintendent, and, since this institution must probably remain as an appendage to our criminal jurisprudence, so long as crime is found among us, any additional buildings, or repairs upon those already erected, if within the bounds of necessity and frugality, could hardly be regarded as a waste of funds.

The report of the moral condition of the prisoners is alike gratifying to humanity, and honorable to those who have the immediate charge of the institution.

The annual reports of the several state officers, which are required by law to be made to me, will be laid before you as early as possible. Any other subjects, which it may be necessary to communicate to you, during the present session, will be presented in special message.

That distinguishing feature in democratic governments, rotation in office, has always been esteemed one of the most efficient safeguards of the purity of our free institutions. Having long entertained the opinion, that the public have a right to command the services of its citizens, in any station in which they may be considered necessary or useful, and that private convenience should always give place to the public will, I have never permitted my personal preferences to interfere with what seemed the public voice. Permit me, however, on this occasion, to say to you, and through you, to my fellow citizens generally, that my desires and wishes are, that they will select some other person to fill the place in which I now am, after the present political year.

Our frequent elections afford opportunity for an expression of the estimate, placed by the people, upon the services of their public servants.

I cannot sufficiently express the profound sense of obligation felt towards my fellow-citizens, for their having so repeatedly elected me to the responsible station of Chief Magistrate of the State. And the recent flattering manner in which they have been pleased to express, anew, their approbation of my humble efforts in their service, has greatly increased my obligations; for no circumstance can be more gratifying, than to meet this unequivocal evidence of the public confidence.

In conclusion, fellow-citizens, I cheerfully tender you my assistance, in whatever you may advance, destined to promote the general welfare; and may that ALMIGHTY BEING, without whose aid all our efforts are vain, so assist us, that we shall ever possess the consciousness of having faithfully discharged our duty.

SILAS H. JENISON.

EXECUTIVE CHAMBER }  
Oct. 10, 1840.