

Executive Speech
of
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SPEECH OF GOV. VAN NESS— 1824.

Gentlemen of the Council and Gentlemen of the House of Representatives: – The unequivocal approbation which my fellow citizens have been pleased to manifest of my past conduct, by selecting me a second time, with increased unanimity, to preside over the affairs of the state, is calculated alike to enhance my feelings of gratitude, and my obligations of duty. But being, as I trust, fully sensible, that the strength of these feelings, and the influence of these obligations, are to be tested, not by professions, but by actions, I shall pass over the former, and rest myself upon the latter.

The affairs of the nation continue peaceful and prosperous. And since our last meeting, an act has been passed by the government of the United States, for the encouragement of American manufactures, which, although falling short of the just expectations of friends of domestic industry, it is to be hoped will lead to further measures, and in the end prove to have been but the commencement of a system, that alone can exalt this nation to that lofty eminence, which, by a wise direction of her resources, she is destined to occupy.

The principal duties required of us on the occasion of our annual assemblage are, such improvements and alterations of existing laws of the state, and the passage of such new ones, as may have been proved by experience to be necessary and important, and may be called for by the changes in the condition of society; a vigilant superintendence over the fiscal concerns of the state, both as it respects the just levy, and the economical expenditure of the public funds; the improvement of the channels of communication between the different parts of the state, and with other states; the exertion of all the means within our power to promote the interests of trade, agriculture and manufactures; the appointment of honest and capable men to fill the public offices; a strict attention to the state of the militia; and a watchful care over the condition of our schools, and learned institutions.

As it respects one or two of the subjects just enumerated, it is thought necessary to be somewhat more particular. Notwithstanding the laws relating to the militia were revised in the year 1818, several additional acts, containing alterations of the principal act, have since been passed, by which a system that ought to be plain and simple, is rendered intricate and complicated. The system also being considered still defective, and not being in all respects conformable to the laws of the United States, another revision at the present session would be beneficial. If you should conclude to act on this subject, whatever committee it maybe referred to, will be furnished with such suggestions as maybe deemed necessary or useful.

So too with regard to the laws for the organization and support of schools. Besides being scattered through the statute books, they might be improved in that efficiency of regulation which is essential to the usefulness and prosperity of these valuable establishments. These therefore might likewise be revised to advantage.

But what is more important the funds provided by existing laws, and from which great benefits have certainly been derived, I am satisfied, are yet inadequate to afford those facilities of education to all classes of the community which every good government ought to provide. The universal diffusion of early education is so indispensable to the promotion of social order, of morality, and religion, and to the maintenance and permanency of republican institutions, that its cause demands our most decided and vigorous support. I feel it to be a duty therefore not to be dispensed with, to recommend that the amount now directed to be annually raised by taxation be increased. The state has no public property to appropriate to this object; but the property within it, though owned by individuals, must nevertheless be reached, in order to sustain the public burdens, and to fulfill the public duties and obligations. And I now repeat, what remarked the last year, that there is no injustice in compelling the rich to contribute to the education of the poor.

Although in general opposed to great and radical changes in the public laws of the state, yet I would respectfully submit to your wisdom, whether the time has not arrived which will safely admit of some modification of the relations between the creditor and the debtor. The power which the former has long been suffered to exercise over the personal the latter, whether his conduct has been honest or fraudulent, is at variance with the mild policy of our laws in all other respects and is repugnant to the best feelings of the human heart. That some difficulties may in the outset present themselves in regulating the details of a system calculated

to afford the appropriate relief, is not to be denied. At the same time we ought well to reflect, before we should, by that consideration, be deterred from approaching a subject, whose claims to our attention are founded in the firmest principle of justice and benevolence.

But whatever may be your views as to the propriety of any interference, or the extent of the relief that should be provided, considering the question in a general light, it is not perceived on what ground any objection can be made to the passage of a law exempting females from imprisonment on matters of contract. The spectacle of an honest and unfortunate female confined in a common jail, with persons of all descriptions, or even at all restrained of her liberty, because she may be unable to fulfill a contract, must create the most painful sensation in the mind of every feeling and honorable man; while on the other hand, the confinement of one of an opposite character, under like circumstances, cannot be otherwise than disgusting in its aspect, and demoralizing in its tendency, and is therefore equally to be avoided. For the honor of the state I can say, that I am not aware of the frequency of cases of either description; but they do sometimes happen. The bare circumstance however, that the law will admit of their occurrence, is, in my opinion, in this instance, sufficient to justify the alteration proposed.

In pursuance of a resolution passed at the last session, in relation to the deaf and dumb, Mr. George P. Marsh has been appointed to collect the information required, and will, it is presumed, make a satisfactory report. And I beg leave to express my solicitude, that the session should not be permitted to pass by, without some efficient measures for the benefit of this neglected class of our population.

Under the resolution respecting the rights of land originally granted to the Society for the propagation of the gospel in foreign parts, a correspondence has taken place with the Hon. Daniel Webster, the counsel employed on behalf of the state to defend the suit against the town of New Haven, for one of those rights, which will without delay be laid before you.

Various resolutions have been received from several of the states, which will be seasonably communicated to you. Those from the state Alabama, recommending General Andrew Jackson for the Presidency and those from the state of Tennessee, disapproving of the practice of nominating candidates for President and Vice President of the United State by Congressional caucuses, cannot require any measures on the part of the legislature. This state will soon be called on, in a constitutional way, to express her choice of persons to fill the offices of President and Vice President; and in doing so, it is believed she will not fail to evince a proper regard for her own character, or the interest of the Union. The subject of congressional caucuses is one over which we have no authority; and it is moreover undeserving of the importance that has been given to it. It is an impeachment at the understanding, is well as the independence of the people of the United States, to suppose that they would not elect the most suitable men to the first offices in the government, because others may have been nominated by an assemblage of members of Congress; or that they would disregard the just claims of any candidate, merely for the reason of his having such a recommendation. The subject belongs to the people and there is no reason to doubt that they will properly dispose of it.¹

In addition to the ordinary business of the session, it will be necessary to appoint some person to represent this state in the Senate of the United States for six years, from and after the 3^d of March next.

The period is also at hand when electors of President and Vice President of the United States are to be appointed, and it is for the legislature to direct the manner in which this shall be done. The practice in this state has heretofore been for the two houses, by joint ballot to appoint the electors, in pursuance of a concurrent resolution, previously adopted for that purpose; no law having existed on the subject. The constitution of the United States provides that "Each state shall appoint, in such manner as the legislature thereof may direct, a number of electors, equal to the whole number of Senators and Representatives to which file state may be entitled in the Congress."

It is doubtful, to say the least, whether by the true construction of the constitution, it was originally intended that the legislatures of the several states should have the right, under the authority to direct the *manner* in which the *state* should appoint the electors, to assume to themselves, or to vest anywhere, distinct from the people, the

¹ Wm. H. Crawford was the caucus candidate in 1824, and was not elected.

power of such appointment. But admitting it to have been settled by the practice of several of the states, that it rests with the legislature to decide whether it will itself exercise this power, or vest it with the people, the question recurs, which course shall be pursued? That it was designed by the constitution that the electors should truly represent the choice of their respective states, can surely require no effort to prove. And it would seem to be equally clear that this choice can be no other than that of the *people* of each state. But how are the wishes of the people to be ascertained unless the electors are chosen by them? There is no other way in which their preference can be expressed; and any assumption of that preference can only be founded on conjecture. The sentiments of a majority of the legislature may, or may not accord with those of a majority of the people; and if the electors are appointed by the former, it follows, that a vote may be given in behalf of the state, directly contrary to its wishes. If then, the people have no voice in the appointment of electors, they are, in a great measure, out of the question, in the election of the most important officers in the nation. With these views, I am of opinion that a law ought to be passed, providing for the appointment of electors by the people. If you should conclude to adopt the course recommended, it will still remain to be determined, whether the election shall take place “each *state*” shall appoint its number of electors. *All* the electors therefore should be appointed by the *state*; not some by one portion of the state, and some by another. It was designed that the election of a president should be by states, each state having in the first instance a number of votes equal to her number of Senators and Representatives in Congress, which is nearly on the basis of population; and if the election should come into the House of Representatives, then the states to be equal, each having one vote. In choosing electors by districts, the most populous and important state in the Union, and which it was intended should have a correspondent weight in the electoral vote, might be thrown entirely out of the scale, by a division among its electors. The election by states, and by general ticket in each state, exhibits a union of the federative, and the popular principle, happily adapted to the organization of the general, and the state governments. For while the power and importance of the states are preserved, the popular voice, by the appointment of electors, has a control influence over the election.

The main argument which has usually been relied on in favour of district elections, is, that by a general ticket the people are compelled to vote for men of whom they may be ignorant, while in each district they will generally have a personal knowledge of the candidates. This argument, yielding to it all the weight that is claimed for it, is still light compared with those on the other side of the question, as applicable to the appointment of Presidential electors. But it assumes for fact an ignorance in the people, the existence of which is by no means admitted. Their information and intelligence on all subjects connected with the all of the government, and their knowledge of the moral and political characters of that class of citizens from which the electors are usually selected, are believed to be such, as to preclude the idea that they are not capable of making an advantageous choice by general ticket, throughout the respective states. I am aware that a proposition like that now submitted, was before the legislature at the last session, and was dismissed. But there is reason to believe that the decision was principally produced by the consideration that there was no necessity of acting on the subject until the present session. At any rate, I am convinced that no designs hostile to the wishes of the people, as it respects the selection of a President, were entertained by the members on that occasion.²

The recent arrival of General La Fayette in the United States, is an event that deserves our notice. This respected and venerable patriot, at an early age, left his country, and his family, and, for purposes the most noble and benevolent, sought his way to these then troubled shores. He found the people in a state of bondage, and placing himself by the side of their first chief, assisted to lead them through the wilderness, to the enjoyment of freedom and independence. He returned to his own country, and after an absence of forty years, has come once more to visit that which he gloriously served in his youth. He finds, indeed, that of his old associates comparatively few, like himself, have survived the wreck of time, and remain to greet his arrival, and to talk over the perils and the glories of their former days. Yet he finds the children of those who have descended to the tomb and the hearts of these swell with affection and with reverence for the friend and companion of their departed fathers. But above all, he finds himself owned by the whole nation, as one of her

² Oct. 25, 1824, an act was passed carrying out the views of Gov. Van Ness, and it has in substance been retained ever since. The electors for that year, however, were appointed in joint committee of the two houses, the electoral act not taking effect until the election of 1828.

earliest and most distinguished benefactors, and is cheered by a universal burst of gratitude and of love from one extreme to the Union to the other. An invitation to the General to visit this state, previous to his return to France, while it is but a faint tribute of respect due to him, would doubtless be agreeable to the people in general, and could not fail to be peculiarly gratifying to those veterans among us, who participated with him, though in humbler stations, in many of the scenes which have associated his name with the history of our independence. And from the fact that he would meet with some of these venerable patriots, we may be permitted to indulge the anticipation, that his visit would not be wholly destitute of interest to himself.

Having thus concisely and frankly submitted to you my views on the various subjects, which I have deemed to be essentially connected with the welfare of the state, I have only to add, that by pursuing a course, dictated by our best judgments, and controlled by upright intentions, we have the best ground to flatter ourselves, that, under the superintending care of that Providence whose divine countenance we should ever seek, the happiness and prosperity of the people will be promoted, and the character, and respectability of the state improved and elevated.

C.P. VAN NESS