

Inaugural address
of
John Mattocks
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Inaugural Address

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

FIRST of all, as it becomes the agents of a religious people, let us publicly acknowledge the Divine goodness in continuing unto us our liberties, as a state, and as a nation; for the good measure of health enjoyed by the people of this commonwealth, and for the abundant productions of the earth; and ask wisdom from above, that we may fitly perform the duties for which we are assembled.

The legislation of this state has generally been characterized by so much prudence and intelligence, that any advice or caution by me, of a general nature, would be quite superfluous.

The condition of the inhabitants of this state is, upon the whole, probably as good as that of any other people. We are an intelligent, moral and law-abiding people; we have institutions, securing the liberty and rights of the citizens; we have a fertile soil, a healthful and invigorating climate, and industrious habits, which enable us to surpass any other state in the Union, according to our population, in the value of our agricultural productions.

The subject of education, in all its branches, is of such vital importance to a free people, so intimately connected with the individual welfare of the members of a state, and so indispensable to the very existence of the blessings flowing from free institutions and representative governments, that it is not surprising that it should annually have attracted the attention of both the Legislative and Executive departments.

Common school education is perhaps as generally diffused, among all classes of people in this state, as among any other community, in the United States or elsewhere; yet the system now in operation is far from realizing all the advantages which ought to be expected from it. It is doubtless susceptible of great improvements; and the efforts which have been made in several of our sister states, within a few years to investigate and obviate numerous evils and to introduce a greater degree of uniformity and more efficiency in common school instruction, have not been without their beneficial influence. Let us profit by the example of others.

Valuable suggestions on this subject are contained in successive reports, made by legislative committees, during the two past years. Our higher institutions of learning, connected intimately, as they are, with our common schools, and exerting an immense influence upon the intellectual condition of our citizens, ought also to receive the fostering care of the Legislature. No system would be perfect which should exclude these from consideration. Whether the creation of a Board of Education, with the powers and duties contemplated in the legislative report of last year, will not prepare the way for the introduction of great improvements, is submitted for your mature consideration.

The Militia, without which there would be no safety to our government or country, are too apt to receive an annual compliment and then be neglected. Whether the law for the improvement of their condition which had been prepared with great care, and passed at the last session will prove useful and satisfactory to that numerous and patriotic body of citizen soldiers, for whose regulation and benefit it was made, I am not able at present to determine; and perhaps there has not been sufficient time, since the passage of the act, to test its utility.

By an act passed at the last session, relating to Capital Punishment, it is directed that if any person shall commit any crime, which by the law of this state is punishable with death, such person shall be sentenced to solitary confinement in the state's prison, until the punishment of death shall be inflicted; and also, if any person shall hereafter be convicted of any crime, punishable by death, such person shall in like manner be sentenced to solitary confinement, until the sentence of death shall be inflicted. By the act it is further provided, that no sentence of death shall be executed until after one year from the time of passing such sentence, nor until the whole record of the proceedings in such case shall be certified to the Governor; nor until a warrant shall be issued, by the Governor, under the seal of the state, with the record annexed thereto, directed to the Sheriff of the county where the state's prison is situated, commanding said Sheriff to cause execution to be done upon the

person, upon whom sentence had been passed. It is understood that there has been one conviction and sentence under this law, which it will be my reluctant duty to pass upon, as the law appears to me to be objectionable.

I cannot believe for a moment that it was the intention of the Legislature, by this act, to prepare the way for the total abolishment of capital punishment, even in cases of murder; for such a measure, in my opinion, would be fraught with evils of a most direful kind: – but this law, which changes in some measure our long established mode of administering criminal justice, may give occasion for a belief in the public mind, that after conviction there will be less certainty of punishment.

Although this statute may be open to some other objections, that part of it which relates to the issuing of a death-warrant by the Governor, is perhaps the most so. It is not sufficiently explicit, to show distinctly, whether it is a mere discretionary power, that he may or may not exercise, after examining the record of conviction, or a duty to be performed as a ministerial officer. If it means the first, it is in effect a power to pardon or commute, which is not given him by the Constitution, and cannot be conferred by the legislature. If it means the last, why impose this ungracious duty upon the Chief Magistrate, who in most governments, and in this to a certain extent, is entrusted with the privilege of releasing from punishment, and not the stern duty of inflicting it. But if he is to order a convict to execution, the most solemn of all official acts, it should be done by express authority of law, and not left to inference or construction. It is submitted to your consideration whether this law should not be repealed or at least revised.

The sad existence of Slavery in many of the states of this Union, should be the cause of deep humiliation to the moralist, the patriot, and the Christian; but the continuance of this ineffable curse in the District of Columbia, and in the Territories, should excite our warmest indignation. There thousands of human beings are in perpetual bondage; and a slave market is openly held at the seat of the freest government upon earth. This is a spectacle fit only for tyrants to behold; and to make this state of things not only permanent, but as if also to fasten the awful responsibility of its upon the citizens of the free states, there have not been wanting representatives in the Federal Government, from those states, (happily none from our own,) who have refused, where Congress has clearly the right to act, to let the oppressed go free, and to abolish a traffic, which, by the spirit of the laws even of that government, is ranked with piracy itself. Nay, more: they have silenced remonstrances of sovereign states against these grievous wrongs, and excluded the petitions of the people.

A state may not infringe the compact as it exists on the subject of slavery, any more than other parts of the Constitution. We have all sworn to support that instrument; and to attempt to evade or repeal the oath, by casuistical sophistry as to its binding force, would be neither just nor wise. But whatever legislative powers the states do possess, should be exercised as occasions arise, so as not to give one scruple more of living flesh than the bond requires.

An unhappy decision of the Supreme Court of the United States, made in January, 1842, in the case of *Prigg vs. the State of Pennsylvania*, it is believed will occasion some danger to free colored people who may be found in this state. In that case it is understood to have been decided that the Federal Government have an exclusive right to regulate the mode in which the claim of a master over his fugitive slave shall be made; that congress has already exercised that right, in a perfectly constitutional manner, through the law of 1793; that all legislation on the part of the several states, which directly or indirectly limits or restrains the right of recovery of fugitive slaves is entirely null and void; that no state can pass a law in any way interfering with the power of summary removal from its territory of an individual claimed as a fugitive slave, – provided that this power be exercised under the sanction of the United States Courts; but it is not obligatory upon any state to suffer its own magistrates to exercise the same power.

The law of Congress of 1793 confers the same power upon state magistrates as that given to judges of the United States Courts, and upon that statute the Court says, that their magistrates may, if they choose, exercise the authority thus conferred, “unless prohibited by state legislation.” This decision is at present the law of the land, and the danger is, that among our great number of magistrates, some may be found who are not well informed as to their duty, and may act unadvisedly, and thus, upon a false claim, consign some unfortunate being forever to hopeless slavery, – for from the decision of the magistrate there is no appeal.

I therefore recommend to the legislature to pass a law prohibiting all magistrates, acting under the authority of this state, from taking cognizance of, or acting under, the act of Congress passed the 12th July, 1793, relating to fugitive slaves, or any other law that may be passed of similar import. This would seem from the aforesaid decision to be perfectly constitutional and proper, and indeed almost invited by the court, by the language before quoted. By such an act, the evil consequences of the decision may in some degree be mitigated.

I also recommend a law prohibiting all executive officers of the state from arresting, or detaining in jail, any person who is claimed as a fugitive slave; believing this to be a proper mode of exhibiting the determination of this state to do not act, which she may constitutionally omit to do, to countenance the institution of slavery. The commonwealth of Massachusetts has recently passed such a law, and the example is believed to be worthy of imitation. If the passing of the statute proposed shall incidentally tend to prevent the recapture of fugitive slaves, may we not well exclaim in its defense, in the language of the sage of Monticello – “shall distressed humanity find no asylum!”

There are strong reasons for anticipating that an attempt to will very soon be made to annex the Republic of Texas to the United States, as well for the purpose of creating a perpetual market for slaves, as, from that large territory, to carve out slave states enough to give a preponderancy in the Union to the slave power. If such an attempt shall succeed, then woe betides our unhappy country. Who then can hope that the wrath of Heaven can be longer restrained?

I have spoken perhaps too freely upon this exciting subject; but at the capitol of Vermont, unlike that at Washington, there is liberty of speech upon all public topics.

In our expenditures the utmost economy that is consistent with the maintaining and promotion of the public interests, should be constantly practiced. The just medium between parsimony and extravagance, in public transaction, it is not always easy to discover, and it is to be found only by the good sense of those who make the laws; and this was one reason why our Constitution declares that the House of Representatives, which originates all appropriation bills, shall consist of men most noted for wisdom, as well as virtue. In this state, where the only permanent source of revenue is direct taxation, profuseness of the people’s money should be carefully avoided.

It appears by the Report of the Auditor in the Treasury, that the State School Fund amounts to \$200,234 95, and that of this sum \$173,154 is due to the fund from the state, and the remaining \$26,080 95 is due from individuals on loans. In one view, the state is in debt in the first sum; and in another view, it is a creditor in the last sum. The Auditor Accounts has given very cogent reasons why the debt of the state to the fund ought to be cancelled; and if those reasons appear to the General Assembly, as they do to me, convincing and unanswerable, the debt will, as the fund is under the control of the state, be cancelled.

That a Tariff of duties upon importations, sufficient to supply all the reasonable wants of the national Government, and shaped with a substantive and *bona fide* intention to give adequate protection to home industry is absolutely necessary for the true independence and prosperity of the country, is believed to be a fundamental political truth, which ought on all suitable occasions to be proclaimed. It is a doctrine, too, which should be put forth in no ambiguous terms, but ought distinctly to embrace the idea of protection for the sake of protection, that thus there may be but two sides to the question, and no cover for hypocrisy on either.

The last Congress found that the sliding scale of the Compromise Act had descended so low that the revenue was not sufficient to support the Government; and that the low rate of duties had caused excessive importations of foreign goods, and consequently immense indebtedness and large remittances of specie abroad, while at home there results were, great injury to our manufacturers, as well as to those who furnish materials, labor and subsistence, and an almost universal depression of the business of the country. In this state of things, the majority of that Congress undertook to enact a new, and it was hoped, a better Tariff; and after the strong opposition of the great body of the minority, and with the reluctant votes of a small number of that minority, the present Tariff was passed. Although it is but about a year since its passage, its operation has already been most beneficial. Business is now uncommonly active in the commercial cities; the important manufactories are in lively operation; the demand for the great staple of our state is revived, and the price has somewhat increased; and it is believed that if the present Tariff can survive the attacks of its opponents in the next Congress, the

business of the country will be in a permanent state of prosperity, and, consequently, our agricultural productions in good demand.

If, as has been alledged, it shall turn out that the protection afforded to every interest, except that which is peculiarly our own, is too high, while the protection to that is inadequate, it is surely consolatory to reflect, that the portion of the people, from whom this complaint arises, may control the majority in the next Congress; and I may add, reasonable to expect that that majority will raise the duty on wool to the necessary point. The correctness of this expectation, however, time will determine.

It should be remembered that the present Tariff was not secured without a great sacrifice. The overweening opinions of the President, and the opposition of the minority in Congress, compelled the postponement, and perhaps the final loss, of the distribution of the proceeds of the sales of the public lands among the several states, to which they have a just right. This was done, lest the want of a sufficient revenue should oblige Congress to pass a Tariff highly protective; thus inflicting upon the states a double injury – the loss of their portion of the money accruing from the sales of the public lands, and the risk of having the present Tariff demolished or impaired. While we have yielded to the necessity of suspending the Land Distribution, in order to secure Protection, I conceive it to be our duty constantly to insist upon Distribution, as, a measure which cannot be denied without trampling upon the sacred rights of the states.

I have thus used the common privilege of every citizen to speak upon some of the questions of national policy which now engage the attention of the public, meaning of course no disrespect to those who entertain different views. My opinions may be of small value, yet frankness requires that they should not be withheld.

I thank you most cordially for the honor you have conferred upon me, and I will assiduously co-operate with you in promoting such measures for the good of the people as your collective wisdom may devise, and aid you, so far as it is my province, in bringing the session to a close with all convenient dispatch.

JOHN MATTOCKS

EXECUTIVE CHAMBER,
Montpelier, 14th Oct., A.D. 1843

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