

Inaugural address

of

John S. Robinson

As it appears in the

Journal

of the

Senate

October Session

1853

Wednesday, November 2, 1853
Inaugural Address

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

At the close of another and the commencement of a new political year, the General Assembly are convened to discharge the duties devolved upon them under the Constitution and Laws. The Representatives of the people accustomed to the duties of legislation, familiar with the political rights secured by the constitution, and acquainted with the laws enacted to preserve and maintain them, can be desirous only to devise such measures as, in their opinion, will best promote the general welfare. Whatever may be our party preferences, and however strongly we may adhere to the principles we profess, the legislation required for the domestic government of the State, does not ordinarily involve our political opinions, or excite the asperity of party controversy. It is fortunate, indeed, for the perpetuity of our republican form of government, that parties exist; and the instability of all political power and party ascendancy, it is not unreasonable to suppose, affords one of the best guaranties for our liberties and one of the strongest incentives to a faithful and honest performance of the duties confided to the public servants of the State. The long retention of power by either political party, may undermine its virtue, relax its vigor, and dispel the fear of rigid accountability.

For myself, I undertake with diffidence the duties of the executive office, and distrust my own experience to acceptably discharge them. Succeeding to the office which has been filled with so much ability by my predecessors, I am apprehensive that in the performance of its various duties, I may not justify your partiality in electing me.

A plentiful harvest – an exemption from those terrible epidemics which afflict and almost depopulate towns and cities – the general good health of the citizens of the State, and the success and prosperity of all their industrial pursuits, afford us proper subjects for congratulation, and a just sense of gratitude should inspire us with hope for a continuance of the blessings which flow from the goodness and mercy of our Heavenly Father.

The repeated revision of our laws by competent and learned men, would induce the expectation that the session of the Legislature not unfrequently short, may still be abridged without detriment to the public interests. The practice frequently adopted of referring subjects of special interest and importance to a single or a number of eminent jurists for revision and amendment is highly to be commended; this plan ensures greater accuracy in the language and precision in the details of the laws, and more certainty in the language and precision in the details of the laws, and more certainty in their administration. But notwithstanding these revisions, imperfections exist, and omissions have unavoidably occurred. It will be your duty to supply any omission and correct such imperfections as your own acquaintance with the laws and the experience of others may suggest. And it is with no ordinary pleasure that I express the belief that the system of laws under which we live is wisely adapted to the wants and necessities of the people. They exhibit the result of the practical wisdom and mature experience of the generations who have preceded us; with rare exceptions they may be characterized as eminently just, humane and liberal: under them we have attained our past and present prosperity, and our institutions, whether literary, religious or charitable, have been reared upon the solid foundation laid down by our ancestors in the constitution and laws.

The early settlers of the State, to escape the persecution and intolerance of what was formerly denominated “THE STANDING ORDER,” and to avoid the payment of an odious and unjust tax for the support of a faith irreconcilable with their own, were compelled to emigrate to the then uninhabited New Hampshire Grants, where they could enjoy unmolested, their religion, practice its rites, and propagate its faith. Accustomed to persecutions in the place of their nativity, they illustrated by their practice and example, the advantages of unrestrained liberty of conscience, and transferred into our constitution and laws a liberal spirit and a noble and ingenious philanthropy. Succeeding to an inheritance, of such inestimable value, it may not be improper to inquire whether all our legislation has been conceived in the like spirit and characterized by the same liberality. One of the duties required by the constitution, of the Executive, “is to prepare such business as may appear to

them necessary to lay before the General Assembly;” and it seems to be implied that the reasons and motives, also, for such recommendations should be submitted.

“An Act to prevent traffic in intoxicating liquors for the purpose of drinking,” has engaged the attention and excited the feelings of the community, perhaps more than any other legislation since the organization of the Government. As the end proposed by the law is both moral and desirable, those who doubt the propriety of all its provisions, may at least be subject to the imputation of indifference, or being the advocates or apologists of intemperance. Discarding, however, any fear of the consequences which may attach to the expression of an opinion honestly entertained, I propose, respectfully, to suggest, rather than prove by argument, that several provisions of the law are of doubtful constitutionality, and expediency. The duties which are enjoined on the Council of Censors, imply an apprehension of the part of the framers of the Constitution, that the powers delegated to the legislative and executive branches of Government, may be unintentionally exceeded, or through inadvertence, disregarded. And experience proves, that the public servants of the State, when an apparent necessity intervenes for its justification, are oftentimes more ready to enlarge than restrict their power. An eminent writer, on the principles of our government has observed that “our legislators are not apprised of the rightful limits of their power; and their true office is to declare and enforce only our natural rights and duties, to take none of them from us.”

To say nothing of our natural rights other than those enumerated in the constitution, it will not, I trust, be deemed unsuitable to enquire why it was necessary to subject the gift or sale of what has heretofore been known as property, which always has been, and now is, an article of commerce in every civilized country, to highly penal enactments, unless to infringe the immunity which the constitution extends over the “persons, houses, papers, possessions, and property” of every citizen, by transforming an innocent if not an indifferent act into an offence on which to institute the right of search? Such legislation certainly evinces a disposition to convert the right of “acquiring, possessing and protection property” which the constitution in the first article of our Bill of Rights, recognizes as one of the “natural inherent and inalienable rights of every citizen,” into an odious and disreputable crime. The authority to pass this law is undoubtedly claimed under the grant of power over the internal police of the State. How far this grant is restrained by other provisions in the constitution and what limitations are to be put upon the words “governing and regulating” it is unnecessary to inquire; for, if it were conceded that the fifth article in the Bill of Rights confers the authority to prohibit, so likewise it give the right to regulate the sale and restrain the abuse of any article of property, and the question then becomes one of expediency. An opinion prevails in the community, that the habits and tastes of a people may be materially changed by legislative enactments; this, I apprehend, it at variance with the past history and experience of the world; such laws do not command the respect or obedience of those intended to be coerced, and it is a matter of notoriety that they are daily violated with impunity. The difficulty of enforcing, and the impolicy of enacting laws of this character, would be more apparent if it were within the constitutional power of the legislature to establish a common faith and mode of worship in religion. This subject anciently engaged the attention of deliberative assemblies, and if we were to enact similar laws, we should undoubtedly attain a like result. The truth, however, cannot be dissembled that the present law has proved ineffectual and inadequate to restrain the use of and traffic in intoxicating liquors; and the fact that the legislature in one part of the law divest it of the character of property, and, in another, recognize it as such, and tolerate its sale in one place in each town for medicinal and mechanical purposes, should inspire us with distrust of any enduring reformation founded solely upon municipal law. If, however, such laws should eventually accomplish the objects expected from them, they will afford a most ready way to expiate the evils which afflict the community; but religion has been generally understood to inculcate a different theory for the reformation of the race, and intemperance and other like vices have been denounced by a higher and more omnipotent tribunal than that of any State Legislature

Whatever may be the opinion of the Supreme Court upon the constitutionality of the several provisions of the law, whether favorable or otherwise, still the law is subject to be modified, repealed or made more stringent, according to the varying opinions of succeeding Legislatures; and the question of temperance ceases to be one of moral reform and becomes merged in the party and political conflicts of the day. A very respectable portion, perhaps a majority of the citizens of the State, regard the existing law as intolerant in principle, oppressive in its

enactments, if not objectionable in the manner of its execution. I, therefore, respectfully recommend such a modification the law which, while it shall preserve the State from the vice of intemperance, will also maintain the rights of our citizens against infringement and their dwellings from wanton and malicious intrusion.

I have thus frankly communicated my own opinion of the policy and expediency of such stringent legislation; at the same time I am aware it does not accord with the sentiments or feelings of a numerous and highly intelligent portion of our citizens.

Our laws wisely secure to a married woman, in her own right, the ownership of both real and personal property: in case she dies intestate, her husband surviving, it is not free from doubt, who is entitled to administer upon her estate, or by what rule the Probate Court are to governed in the distribution. It is to be presumed, however, that he questions arising between the husband and the next of kin, in respect to her chattels real, and choses in action, were designedly left, to be settled by the principles of the common law. I therefore submit whether it would not be more in harmony with our system of laws relating to the settlement of estates, to make some specific provisions on the subject, and there by expedite their settlement and prevent needless legislation.

Common Schools have been the subject of commendation in every Executive message, and in their necessity and importance, I most cheerfully concur. Education is an object of deep solicitude to parents, and intense interest to the State. On the moral and intellectual education of youth, depends their success and happiness in life and their characters as citizens. The State have never been inattentive to the wants of her children, but with a wise liberality has supplied the means to furnish all with the benefit of a Common School education. Attempts have been made by the establishment of Teachers' Institutes, to raise the grade of scholarship in teachers, and impart more aptness to instruct; but with what success I am unable to say. It may be doubted, notwithstanding the improvements in the character of books, and the superior qualifications of teachers, whether in a majority of the district schools, any more or better education is now acquired than formerly. Why it is so, I am unable to explain, unless caused by the indifference of parents and the inefficiency of the laws relating to the subject. I submit whether these laws do not need revision, so that, as far as depends upon them, the character of this indispensable class of schools may be raised.

Our Colleges and Academies afford the necessary facilities for acquiring a higher and more finished education, and were they more adequately endowed, their means of instruction and usefulness would be greatly increased; but the liberality of individuals has, in some measure, supplied the means which the State has hitherto been unable to appropriate, and these institutions may justly appeal to the munificence of the State for aid and encouragement; and a retrenchment in the expenses of the government will enable the legislature to make annual appropriations to these deservedly meritorious institutions.

Upon the occasion of a change in the political power, justice demands the acknowledgement that the party which has so long enjoyed the patronage and maintained the ascendancy in the State, have exhibited a commendable liberality in the distribution of the judicial offices; and more recently in the appointment of an eminent jurist to the office of chief justice of the Supreme Court. The judicial, like other public servants, are subject to the ordeal of an annual election; yet the changes which occur from time to time, have been for the most part voluntary, or occasioned by the transfer of some individual member of the Court to other equally high and responsible stations. At different times, individuals as well as several councils of censors, have recommended that greater permanence should be give to the judicial tenure, from the supposed effect which the annual elections would have in detracting from the character of the Court, and an apprehension that in questions of a public an political character, the bias insensibly contracted from party connections might, to some extent, influence their decisions. But happily for the character of the State, the practice of annual elections, adopted coeval with the establishment of our independence, has demonstrated the fallacy of such objections, and the purity and incorruptible integrity of our judicial tribunals.

Our inland situation has deprived us of the advantages and wealth which accrue from commerce, and the want of canals and navigable rivers for the conveyance to market of the productions of the State has retarded the settlement and improvement of our uncultivated lands; but the construction of almost five hundred miles of

Railroad, has provided a valuable substitute for these deficiencies, and we may hereafter expect a more rapid increase in wealth and population. Vermont included within her limits more than ten thousand square miles, and is capable of sustaining triple the number of her present population by introducing a greater diversity in the business pursuits of her people. One of the means best calculated to produce so desirable a result would be to resume the Geological Survey formerly commenced, and partly completed. It is to be regretted, that the condition of the treasury compelled the legislature to withhold an appropriation necessary for its completion. Yet the expenses incurred and the labor expended may be made available, should the legislature deem it expedient to finish the survey. Other States have appreciated the advantages and derived the benefits of such surveys by completing and publishing the reports for the benefits of such surveys by completing and publishing the reports for the benefit of science and the world. No doubt can be entertained that the mineral resources of the State lie, in part, undeveloped, and that the minerals usually found associated with the geological formations similar to those in our own State, will be discovered by an intelligent and scientific geologist. Already several valuable minerals are successfully mined and used in the arts and manufactures of the country; and the discovery of other materials for manufacture would introduce them, and add to the wealth and prosperity of individuals and the State.

Since taxes are levied upon persons, property and business, every increase in either affords an additional source, from which to collect revenue for the support of the Government. The success of our Railroads are intimately connected with the development of our resources and dependent to a large extent upon the products of mining, manufactures and agriculture for business and profit. Nor are the benefits which are to accrue to agriculture to be disregarded in connection with a Geological Survey; within twenty-five years great advances have been made in a better and more scientific knowledge of the true principles on which agriculture depends for success and profit. Chemistry, by an analysis of soils and their crops, unlocks the secret of fertility and barrenness, supplies the requisite knowledge to increase the one and restore the other, explains the constituents of which mineral and vegetable substances are composed, and enables the practical man to skillfully prepare and apply them to the enriching his field. The earth is truly the mother of the race, - she fields and clothes us, supplies the materials for commerce, is the source of our wealth, and of the comforts and conveniences of life; and the better she is understood, the more liberally she dispenses these gifts.

Exempt from the embarrassment of a public debt, and with a firm determination so to remain, it is not without hesitation I have invited your attention to this subject; but satisfied however, of its importance as well as being due to the character of the State, and the interests of her citizens, I entertain the conviction, that upon an examination into the appropriations made to various objects, some one will be found, which may without injustice be withheld and applied to completing the Geological Survey.

During the past year another Presidential election has been held, and the choice of the electors has fallen upon one of the distinguished citizens of New England, whose administration, from the policy announced in his inaugural, we may justly anticipate, will redound to the honor, strengthen the bonds, if not enlarge the boundaries of the Union.

We cannot be indifferent to the Foreign and domestic policy of the general government, and it is to be regarded as a favorable circumstance in the present unsettled condition of the world, that the administration truly reflects the sentiments and opinions of the people. In the questions which formerly threatened to involve us in hostilities with other nations, the patriotism of the people was in advance of that of the public authorities. Being the only republic where almost unlimited freedom of speech and action has not proved to be subversive of the constitution and laws - it is not more our interest than duty to afford ample protection to our citizens whether native or naturalized. In a recent case, the prompt and resolute interference in behalf of one unlawfully abducted from neutral territory, but claiming the protection of our flag, commands as it deserved, the unqualified approbation of the government and people.

A vacancy occurring by the death of one of our Senators in Congress, was filled during the recess of the Legislature by my predecessor: the duty of electing a Senator to represent the State, for the remainder of the term, will devolve upon you at the present session.

It will be a pleasure as well as my duty to concur with you in every measure of legislation which you may devise for the protection and happiness of our common constituents, and in all our public acts, we should be guided by the spirit of that religion which instructs us in our duty to man and our Maker.

JOHN S. ROBINSON

EXECUTIVE CHAMBER,
Montpelier November 2, 1853. }