

Inaugural address
of
Silas H. Jenison
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Inaugural Address

Fellow Citizens of the Senate,

and of the House of Representatives:

In obedience to the Constitution of our State we are again assembled to transact the public business. By diligent attention to our various duties, by enacting such laws as the wants of our constituents require, by electing to office such men as are capable, faithful and honest, by equalizing the public burdens and by administering the government with a due regard to frugality and economy, we give good evidence that we entertain a proper estimate of the responsibilities of our several stations.

The general prevalence of health, the benignant smiles of a merciful Providence on the labors of the husbandman and the prosperity which has attended our citizens in their varied pursuits, demand a grateful remembrance of that Being from whom are all our blessings.

Circumstances, which, a few months since, in a neighboring State, threatened to disturb the friendly relations subsisting between this country and Great Britain, have happily, through the wisdom and moderation of the rulers of the two countries, been put in a train of amicable adjustment. This result, to a nation like ours, whose habits and pursuits make it at all times their interest to be at peace with the rest of the world, and whose inclinations correspond with their interests, is a matter of sincere congratulation.

The continuance of the political disturbances in the neighboring Province of Canada, and that alleged cruelty with which the contest had been carried on, was made the apology for a system of incendiarism of the most reckless and desperate character, on the frontier between this State and Canada. The design of the perpetrators of those mutual acts of aggression, was, evidently, to provoke and exasperate the public mind, and thus bring on a state of feeling between the inhabitants of the two countries which would ultimately result in war. The continued succession of these atrocious acts from December to April, goes far to show that those engaged in them, on both sides of the line, had this object in view. In the progress of this disgraceful business, a number of the unoffending citizens of this State have been subjected to heavy losses, by the destruction of their buildings and other property by fire.

In consequence of the alarm occasioned by these repeated acts of violence, Brigadier General Nason and the civil authorities in that vicinity, deemed it necessary on three several occasions, to call out portions of the militia to protect the persons and property of our citizens, and quiet public apprehension. I was early apprised for the fact, and without delay assumed the responsibility of ordering the delivery of arms from the Arsenal for their use. The first detachment, called out in February, after remaining on duty several days, was, at my request, relieved by regular troops, mustered into the service of the United State, paid and discharged by order of Major General Scott of the Army. Application was made to the officer in command at Plattsburgh, to have the same course pursued with those subsequently called out. I have not yet been apprised of the result.

In February last, one George Holmes, charged with the commission of an atrocious murder in the Province of Lower Canada, was arrested in the town of Burlington, and there detained to await the result of a demand upon the President of the United States for his surrender to the authorities of Canada as a fugitive from justice. The President, in the absence of any conventional arrangement on the subject, between this country and Great Britain, declined interfering or complying with the application; upon which the Governor of Canada addressed me on the subject, and requested that, in accordance with the laws of nations and the comity heretofore subsisting between the State of Vermont and the Province of Canada, the said Holmes might be surrendered to the authorities of that Province that he might be tried for the crime with which he was charged.

Considering the practice which had heretofore prevailed between the authorities of that Province and this State – which, so far as I could ascertain, had been in favor of surrendering, on application, persons charged with the commission of atrocious crimes – and also the consequences which must inevitably result to the

inhabitants of the respective territories from a contrary decision, I was induced to make an order for the delivery of said Holmes to the agent of the Canadian Government. The execution of this order was prevented by a writ of habeas corpus from the Supreme Court of this State. The authority of the Executive to make the surrender, and consequently the obligations of national law on the subject, where by some denied. The legality of the order, I understand, is now in a course of judicial investigation.

This may be a proper occasion to remark, that, if the laws of nations and the comity which is suppose to subsist between countries at peace, whose territories are contiguous, do not warrant the exercise of the power necessary to make surrender of atrocious criminals escaping from one government to the other; if the foreign felon can force himself upon us, claiming protection under our laws from merited punishment, and thus make our country a refuge for the vilest offender; and if, as is contended by some, all laws emanating from State legislatures on the subject are unconstitutional and inoperative, it becomes our *immediate* duty, as a measure of self-protection, promptly to make such representations to the general government, for whom all power and authority on this subject are claimed, as will cause proper measures to be taken, either by legislation of Congress, or by treaty stipulations with neighboring and friendly powers, to enable the proper authorities mutually to demand and surrender persons charged with the commission of great crimes in one government and escaping into the territories of the other.

The policy of despotic governments is to keep their subjects in ignorance of their rights as men, and of their physical and moral power. In this lies the foundation of their security. In a republic, all power is inherent in the people; no individual is entitled to preeminence over his fellow, except for superior moral or intellectual attainments. The happiness and security of the people are the legitimate ends of all free government; and as legislators, we ought to inquire how these ends can be most effectually secured.

The patriots, who established our government and framed the constitution of the State, evidently relied upon the dissemination of useful knowledge as the most efficient means to prevent the commission of crime and lead to the practice of virtue. Among the earliest acts of the State were those establishing, providing for, and patronizing common schools. This policy has been steadily pursued to the present time. Liberal reservations were made for their aid and encouragement in all grants of land under the State government. In addition to the income of the public lands, sequestered from time to time for this object, towns were required to raise and expend large sums of money. A further addition to these means was made by applying the income of the surplus revenue of the United States, deposited with the towns in 1836.

Our whole legislation, from the foundation of the government to this time, shows the importance which has always been attached to the interests of education as a means of adding to the virtue and happiness of the people, and securing the permanency of our institutions. The intention appears clearly to have been, to place within reach of the children of the humblest citizen the advantages of such instruction as is necessary to form their minds to virtue and morality, and fit them for usefulness. This is right; for it is plainly the duty of the State to guard the private as well as the public morals of its citizens. A judicious and enlightened course of instruction is the only effectual way to accomplish this object. If any apology be necessary for urging upon the consideration of the Legislature a careful examination of the existing laws appertaining to our schools, it is to be found in my convictions of the inadequacy of their present provisions to accomplish the greatest good.

Taking it for granted that the public is under obligation to educate every child in the State, it would seem necessary that the burden of supporting our schools – or at least so much of it as is required to defray the expense of teachers' salaries, be placed upon those who have the ability to pay, – or in other words, that the deficiency, after the application of the public money, be raised by a tax on the list of all taxable property in the district. This course, has in many places, been found highly beneficial, and where a contrary practice prevails, it is to be feared, many children are deprived of the advantages which the State designed.

The present mode of distributing the public money, in proportion to the number of scholars between the ages of four and eighteen, does not I apprehend, practically carry out the wise and benevolent intention of the framers of the law. It is respectfully suggested, that, if a certain part of the public funds in each town were divided equally among the districts, and the residue in proportion to the number of scholars, it would enable

weaker districts to employ more competent teachers, and for a longer period, and at the same time tend to frugality and economy in districts of greater ability.

The act of 1836, providing for depositing the surplus revenue with the towns, has received a construction in some places, different from that intended; and caused delay and difficulty in the distribution. I would further suggest whether some system of direct accountability would not have a very happy influence on the prosperity of our common schools.

Should the selectmen in each town, or some other officer designated by law, be required, under a penalty, to make an annual report to some person authorized to receive the same, of the condition of the several schools in the town, the number of scholars between four and eighteen years of age, the number who have attended school within the year, the time a teacher has been employed, the amount of money expended for services of teachers, the amount of public money received, and the manner in which the balance expended over and above the public money has been raised, it would furnish much valuable information upon which to base future legislation. The want of a sufficient number of competent and well instructed teachers, is a great obstacle to the prosperity and usefulness of our common schools, and it may well be asked if the Legislature, as guardians of the public welfare, are not bound to adopt immediate measures to supply this deficiency.

The influence which our colleges and academies have had upon the standard of education and manner of instruction in our schools, by furnishing teachers, has been favorable. But the course of instruction and study, established in those institutions, is not expressly designed to prepare teachers, nor is it suited to call into action all those capabilities and peculiar qualifications so indispensably necessary to that employment.

Normal, or pattern schools, have, in some places, been established, where those intending to engage in teaching are subjected to a thorough course of instruction and training, expressly designed to fit them for that occupation. Were the business of teaching sufficiently lucrative to permit young men to prepare for, and engage in it permanently, this mode would undoubtedly be entitled to the preference. But in the present condition of society, I apprehend that the establishment of teachers' seminaries, or the adoption of a suitable and separate course of instruction in some of our academies, is the most feasible way in which this object can be accomplished. In some States this mode has been successfully adopted, and as the benefits of a system of this character must be generally diffused throughout the state, it certainly has strong claims upon our favor and support.

The question of appropriating and distributing, for a limited term, the income of the State school fund, among the incorporated academies and higher institutions of learning, was proposed during the last session of the Legislature, and a resolution passed the Senate requiring information of the condition of these seminaries. I am aware that the design of those who established that fund was to permit it to accumulate until its annual income, together with the other public funds devoted to this purpose, should defray a large share of the expense of our common schools, and leave upon the recipient of their benefits, little or not burden but their management. This object has, to a great and perhaps sufficient extent, been already accomplished by the recent application of the income of the surplus revenue. Under these circumstances, it would therefore seem the duty of the Legislature so far to vary the application of the income of this fund, for the time being, as most effectually to carry out the beneficent views of its founders. And since the specific object for which the fund was established has been anticipated probably by many years, it could hardly be considered a breach of the trust reposed in us to make the proposed application; always providing however, that the *principal* shall in no way be diminished.

I am led to these remarks by the consideration of the fact that at various times a disposition has been manifested to divert some of the sources from which this fund has been accumulated, and perhaps the fund itself, to objects foreign to the interests of education; and also from the full belief that in no other way can our common schools be advanced and the standard of instruction raised so certainly or speedily as by affording some public aid to our academies. The standard of education has been greatly advanced within a few years. It is at this time as high in this State as in any other. Science, which a few years since, was confined to the learned profession, may now be met in many of our most humble dwellings, extending its benign influence to almost every class, and operating with giant power upon almost every pursuit and interest in community.

It is a source of unfeigned regret that the bill which passed both Houses of Congress, providing for the distribution among the several States and Territories, of the proceeds of the sales of the public lands, for the purposes of education and internal improvement, failed to receive the approbation of the President. And also, that the proposition more recently made in the House of Representatives, to make an increased appropriation of these lands, for the purposes of free schools, academies, and the promotion and diffusion of education in all the states and Territories, did not obtain the favorable action of Congress. The adoption of either of these measures would have placed at the disposal of the Legislature funds wherewith to have made efficient provision for the purposes of education. The consequences would have been favorable, not only from the positive advantages to be derived from the expenditure of funds in the manner provided in the original project, but also from those incidental benefits which would alleviate, in some degree, the distress that our manufacturing interests must experience when the duties on importations shall be reduced to a sum barely necessary for the economical administration of the government. Had the measure first alluded to been adopted, the necessity for the deposit act would not have existed; and the distribution would doubtless have been continued and become the settled policy of the government, so long as the country remained at peace.

The amount which the State of Vermont would have received, on the principles of the bill, in the five years to which its operation was limited, would have been not far from \$1,200,000, or about \$240,000 annually; a sum sufficient to have enabled the State to provide liberally for purposes of education, and perhaps have warranted the commencement of some system of internal improvement.

By the original acts of cession, the United States were made trustees of such portions of the public domain as were ceded by the old States claiming the, to dispose of for the common benefit. A distinction between this portion of public lands and the territories of Louisiana and the Floridas, acquired by purchase and paid for out of the common treasure, has no foundation in equity.

The repeated and pertinacious efforts of some of the new States to acquire such portions of the public domain as lie within their limits; the readiness which has been manifested to favor these unjust pretensions and unreasonable claims, by individuals who have been high in the confidence of the public either by the interposition of their official acts and influence to prevent or delay an equitable arrangement of this immense interest, or by direct propositions to cede the lands in question for a consideration merely nominal, admonish the old States that procrastination of the final settlement of this matter will only tend to increase its difficulties. The attention of some of the States has been directed to this subject, and may it not be our duty to join in endeavoring to effect an impartial adjustment?

Notwithstanding the excitement which at present prevails in regard to banks, and the cry of monopoly with which they have been assailed it may be questioned whether any intelligent individual can be found who is not of the opinion, that, under the existing state of things, when rightly managed, they are indispensable. They were created expressly for public convenience. It is easily demonstrated that some medium, other than gold and silver, is necessary to preserve a sound and health action between the various agricultural, mechanical and commercial departments; – that any measures which should, suddenly, very much lessen the proportion which paper money bears to the specie in circulation, would operate greatly in favor of the creditor, the capitalist and the money lender, and in the same amount to the disadvantage of the debtor, the laborer, and the holder of the property of the country. The abundant supply of a sound circulating medium of uniform value, has heretofore afforded facilities for the sale and exchange of our various commodities, and has done much towards establishing an uniformity in their value, and consequently in the value of labor, the basis of all values. Although banking facilities may at times have been perverted and made to subserve the purposes of the speculator and monopolist, still, were they materially lessened, would they not be liable to be controlled by fewer hands, and consequently the danger to community be greatly enhanced? It will probably be admitted, that, through the assistance of banking operations, all branches of industry and improvement in our country have been essentially promoted, and if so, the inconsistency of a general denunciation of all banking institutions must be clearly perceptible. Wisdom would seem to dictate that we adopt and incorporate into our system such additional securities and guards as will effectually ensure the safety of community, and at the same time not defeat the object of its establishment. Many visionary propositions on this subject have been, and doubtless will continue to be submitted, from various motives, which, though specious in theory, will be found on

examination, impracticable and unsafe in their operation. While deliberating upon a subject so intimately connected with the prosperity and well being of the whole business transactions of the country, it behooves us carefully to examine the whole subject, and to profit by the misfortunes and failures which have resulted in some neighboring States from the adoption of kindred propositions; and to embrace any new and untried measures with a caution corresponding to the magnitude of the interests to be affected.

Sudden expansions and contractions in the currency are evils ever to be deprecated. They are usually induced by the balance of foreign trade being in favor of, or against us. To these evils we must continue subject so long as we remain dependent upon European work-shops for so large a share of the merchandise consumed in this country. We are admonished by this fact as well as by the deprivation and embarrassment we should experience in case of a war, of the necessity of steadily pursuing the wise policy of our ancestors, which was, always to sustain and protect the manufacturing enterprise and mechanical skill of our own citizens. Though this is a duty more directly appertaining to the general government, still, an examination of our legislative history shows that it has been the constant aim of this State to encourage, by every available means, those branches of domestic industry. Hence the discriminations between licences for the sale of foreign and domestic manufactures; hence the bounties and exemptions which, from time to time, have been offered and provided, and hence the many acts of incorporation for manufacturing purposes, enabling a number of persons to associate in the establishment and prosecution of branches of business requiring an amount of capital beyond the means of a single individual, and involving a degree of hazard which no one person would be willing to encounter. To this policy we are mainly indebted for the astonishing progress already made towards supplying the country with most of the necessaries and many of the luxuries of life.

If this policy be wrong, then were our predecessors wrong: – if this be a mistaken course, then were our patriot fathers mistaken when resisting the efforts of the mother country to keep us dependent on her manufactories. The cry of monopoly, when applied to enterprises of this character, had no terrors to those pure patriots. It has been reserved for a later age, – influenced perhaps by different motives, – to discover that they are subversive of individual rights and perilous to public freedom.

In 1837 our militia laws underwent an entire revision. Some of their provisions are deemed unnecessarily burdensome and without any corresponding advantage. A careful examination of the whole subject is urged upon the Legislature as one intimately connected with the peace and security of the country.

The situation of the several companies of cavalry, as they existed under the old organization, was alluded to in my communication to the Legislature at the commencement of the last session, to which I would respectfully refer you for my views.

The committee, appointed in pursuance of an act of the General Assembly, to revise the laws of the State, have informed me that they are prepared to make a report at the present session. The attention which this committee must necessarily have bestowed, in examining and revising the various provision of our statute, will doubtless enable them to make such explanations and suggestions as will materially aid you in deliberating upon a matter of such vital importance.

The report of the Hon. Asa Aikens, who was appointed under a joint resolution of the General Assembly of 1837, to ascertain whether this State has any claim upon the United States for expenses incurred during the revolutionary war, when received, will be submitted to your consideration.

In June last, George B. Shaw, Esq. resigned the office of reporter of the decisions of the Supreme Court; the vacancy was supplied by the appointment, for the time being, of William Weston, Esq. of Burlington.

In former communications to the General Assembly, I have spoken of the importance of a geological survey of the State; my views remain unchanged, and I would beg leave to refer you to documents heretofore laid before the Legislature for much valuable information on this subject.

A number of communications from the Executives of several States, received since the last session, together with the reports of those of our State officers whose duty is to report to me, will at early day, be submitted to the legislature.

I shall be happy, gentlemen, to co-operate with you in any measures, that may serve to promote the interest and honor of the State, confidently hoping that all our honest endeavors for the public good may be crowned with success.

S.H. JENISON

Montpelier, Oct. 12, 1839.