

**SENATE.**

**No. 1.**

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**SPEECH**

OF

**HIS EXCELLENCY LEVI LINCOLN,**

BEFORE

**THE HONOURABLE COUNCIL,**

AND

**Both Branches of the Legislature,**

**MAY 30, 1829.**

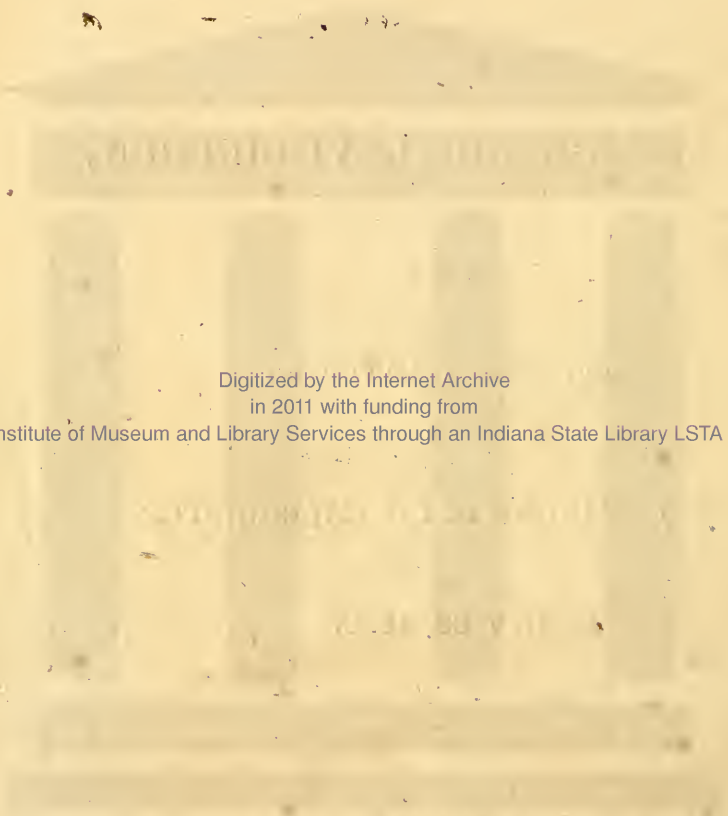
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**Boston:**

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1829.



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## SPEECH.

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*Gentlemen of the Senate, and*

*Gentlemen of the House of Representatives :*

It was the Declaration of the Framers of our Republican form of Government, that the "Legislature ought frequently to assemble for the redress of grievances, for correcting, strengthening, and confirming the Laws, and for making new, Laws as the common good may require." The performance of these duties requires enlarged and comprehensive views of the great interests of the Commonwealth, and is the highest service which can be rendered by public agents. Whatever may improve the condition of the people is within the scope of Legislative action. The responsibility of preserving our civil institutions, of extending the means of knowledge, advancing the interests of learning, promoting general improvements of country, cherishing Agriculture and the Arts, encouraging domestic trade and an amicable and advantageous intercourse between the citizens of our own and our sister States, rests, in no inconsiderable degree, with those, who come here, more especially to deliberate on subjects of local policy, but whose sentiments and measures must often

reach, in their influence, beyond the limits of State jurisdiction, and greatly affect the peace, prosperity, and happiness of the United Nation.

The Constitution, having appointed the period for the annual organization of the Legislative and Executive Departments of the Government, we are now convened, pursuant to its positive injunctions. I personally meet you, Gentlemen, on this occasion, as the immediate Representatives of those, to whom I am under renewed obligations for distinguished marks of honor and confidence, to express, through you, to my Fellow Citizens, that becoming sense of gratitude with which I am impressed for their continued support and favor, to give here, solemn pledges of earnest and faithful endeavours in the discharge of office, to proffer to you, as fellow servants of the public, assurances of co-operation in labors for the common welfare, and to unite with you in humble acknowledgments of dependence upon the blessing of Almighty God for the success of our joint endeavours, and in supplication for His guidance and mercy in the fulfilment of the duties, which are assigned to us, in our respective stations.

The general sentiments entertained by me of the measures of public policy proper to be pursued, and my estimation of the character, which the Executive administration of the Government should sustain, for laborious application to the public service, for impartiality and independence

of party influence, for a zealous prosecution of the rights and interests of the State, for the cultivation of a spirit of harmony with the National Government, and of patriotic regard to the indissoluble bond of the Federal Union, those frequent and appropriate topics of address on like occasions with the present, I cannot have need again to repeat. Nor, regarding the invariable usage of the Legislature to seek a more convenient season for the deliberate investigation and adoption of measures, which only the ordinary circumstances of the Commonwealth may require, will I, at this period detain you by allusion to subjects which probably, if proposed, would be referred, without prejudice to the public interest, to an adjourned session. I beg leave to be understood, in respectful anticipation of your approval, as intentionally postponing to that opportunity whatever is omitted, which should now, otherwise, be offered by me, to your consideration. The charge upon the Treasury, in its present condition, from the unusually large delegation to the House, added to the personal inconvenience of members from any unexpected detention from their private affairs, at this season of the year, furnish strong reasons for declining to enter upon matters, which are not immediately urgent, or may not be promptly matured and definitely acted upon. But few subjects, therefore, and those of most pressing interest, will be presented to your attention, and on these, I shall

speak in terms of plainness and directness, and with as much brevity, as the occasion may justify.

The last Legislature, by the adoption of sundry Resolutions, submitted to the decision of the people, through their returns to the present General Court, the disposition which should be made of important propositions for public improvements, by RAIL ROADS, through the Commonwealth. You now bring with you, Gentlemen, the expression of their opinions, so far as they have been obtained, on this subject. If favorable to the encouragement of the contemplated enterprizes, or either of them, an early decision upon the manner of their accomplishment, will hasten their anticipated benefits, by a season. I, therefore, now earnestly invite you to the discussion, and to a knowledge and comparison of the sentiments of each other, and a mutual communication of those of your respective Constituents. That the great work of a RAIL ROAD from Boston to the Hudson River, facilitating communication between the Commercial Capital of this State and the leading highway and thoroughfare from the immense regions of the North and West to the Commercial Capital of the Union, is an event to be realized in the progress of time, no one who has the slightest acquaintance with the geography of the country, and the advance of population, with the increased and multiplied occasions of business consequent upon it, can reasonably doubt. If we are yet unprepared for the

undertaking, a generation not remote, will assuredly effect it. But we may at least accelerate the work by an examination of the objections, which discourage its commencement. Inquiry and investigation will remove obstacles, which prejudice, from the novelty of this species of improvement, has hitherto opposed, and give that confidence to its success, which will ultimately, either impel by a sense of public duty, or influence by motives of private interest, to its execution.

The first question to be resolved is, do the proposed RAIL ROADS offer the best practicable improvement to the means of inter-communication; and another enquiry of not less complexity and difficulty, in what manner and through what agency are they to be constructed?

The information which has recently been diffused through the community, of the facility afforded to heavy transportation, and the ease and rapidity given to travel, by RAIL ROADS, has added the convictions of experience to a knowledge of the laws of matter and of mechanical power in their favor. If there be any thing, which is rendered certain by the testimony of personal observation, and by a series of experiments producing uniform results, it is the fact of the immense saving of labour and expense, by the adoption of this mode of conveyance. RAIL ROADS have become of familiar use in England, and their introduction into this country, so far as there has been opportunity for trial, has sat-

ified the most sanguine expectations of their utility, here. It is a point now universally conceded, that wherever the business of any section of country embraces an extensive internal trade, requiring the constant transportation, at all seasons of the year, of merchandize and passengers, a RAIL-ROAD may be safely and advantageously determined on. The decision is wisely made to depend, upon a comparison of the probable extent of accommodation, with the estimated cost of construction. On this head, in reference to the projects now before the Legislature, the best information which can be had upon a preliminary examination, has been already obtained. The facts which admit of precise ascertainment, in distances, inequalities of surface, preferences of location, materials, and expense of assumed amounts of labour, are distinctly and confidently stated by different Boards of Commissioners, and by skilful Engineers, who have presented their Reports to the Government, and who are officially responsible for the accuracy of these details. Whatever is beyond this, must, at any time hereafter, as at the present, rest in the confidence of personal opinion. In works of magnitude no greater assurance of success can ordinarily be had in advance, than a reasonable probability. The Legislator, who waits for more, will be in danger of passing his life in fruitless indecision, and to the end of it, may see his country without progress in improvement. Besides, in public enterprizes, the



profitable investment of capital is not the only motive to action. Indirect, consequential, and widely diffused benefits, are often times more weighty considerations; and of this character, it is readily conceded, must be, in a great degree, the inducements and arguments which should prevail with the Government to the encouragement of the proposed undertakings. If there is any thing sound in the maxims of political economy, if the councils of the wise and the conduct of the prudent can avail any thing, they teach the importance of facilitating intercourse, reducing the cost of transportation, saving manual labour, opening new avenues to trade, and new markets to produce.— Profitless indeed, useless, and worse than useless, were otherwise the researches and labours and hitherto favoured influences of those mighty spirits, who have led and are now directing governments and individuals to the accomplishment of enterprises *elsewhere*, compared with which all that is proposed *here*, is truly but inconsiderable. Is it credible, that there is nothing of public advantage in works to which several of the most enlightened States of the Union are now applying the utmost of their resources. Are the already constructed Canals of New-York of no account, in the unprecedented growth and prosperity of that powerful Commonwealth? Is Pennsylvania wasting on idle and valueless objects the *millions* appropriated to her projects of internal improvement?

Will Ohio justly suffer the reproach of rash adventure in her gigantic schemes for direct communication through the farthest West? Or shall Maryland, encouraged and sustained by the Councils of the Nation, in the amazing attempts to span the lofty Alleghany, both by Canal and Railway, in the achievements of persevering industry, afford no countenance to the purpose of our limited endeavour? These and numerous other examples in our sister States, may inspire us with confidence in the character of works, in which, after every precaution of previous inquiry and examination, with an assured and provident forecast of advantages, they have so deeply and so nobly engaged.

But the question recurs, by whom shall the proposed Rail Roads in Massachusetts be accomplished? The Commissioners have recommended, that it be done at the charge and on account of the State, and to this Legislature was referred, by your Predecessors, the responsibility of adopting or rejecting the proposition, of assuming or aiding in the task, or refusing the sanction of the Government to it altogether.

It has been objected, that the *Western* Rail Road is but a matter of *local* interest to benefit, in an especial manner, the citizens of Boston and the inhabitants of a narrow district of Country upon the route of its location. The like objection might be applied, with equal pertinency, to any general improvement. Those who are proximate to a pub-

lic accommodation, be it of what description it may, from the Capitol of the Government, the Temple of Worship, or the Hall of Justice, to the School House of a District, must enjoy its advantages, more directly and in a greater degree, than those who are remote. Yet this argument, necessarily resulting from the nature of things, can never be permitted to prevail with liberal and enlightened minds. If there be a place in the Commonwealth so situate, that it will feel no direct beneficial influence from the occupation of this new Highway, neither is there a place which will be prejudiced, *in its essential interests*, by its construction. To the City of Boston indeed, it is believed to be of vital concern. But the streams of business, which it will pour into the Metropolis, will be returned to the remotest parts of the Commonwealth, in the diffusion of the treasures which trade and Commerce produce, or in a relief from the burdens *elsewhere*, to which accumulated wealth will *here* be subjected. If the City be disproportionately enriched, precisely in the ratio of this advance, will be her liabilities to the contributions of the State, and a corresponding reduction in the taxes of other portions of the Country. On the other hand, suffer the course of her prosperity to be arrested, her trade to decline, her population to remove, her capital to be transferred to other Cities, and where, but *upon the Country*, and upon whom, but the *Yeomanry*, will the demands for the support of Government

be devolved! It matters little whether the Treasury be replenished by direct or indirect assessments, if the same capital furnish the fund for the supplies. But the failure of trade must inevitably diminish the present fund. The Bank Capital of the City, which contributes largely to the revenue of the State, now bears a much higher proportion to that of the Country, than the valuation of the general property of the former to that of the latter. That this must be reduced, unless business can be extended, will not be questioned. However and whenever it shall be occasioned, the effect will immediately be experienced in the necessary imposition of new and higher duties on the people of the interior, to make up the deficiency. The amount to be raised upon the general valuation will be increased, and there may be danger too, that the aggregate of this valuation, in the City, may be diminished, and the proportion between Town and Country materially changed. It is no less essential to the prosperity of the whole body politic, that the commercial capital of the Commonwealth should be sustained in vigor, than, in the animal structure, that the heart, the seat of life, which sends forth the vital fluid to warm and animate the extremities, should beat with strong pulsations, to preserve health and soundness in every part of the natural body.

A jealousy has unreasonably been manifested, lest *a spirit of selfishness* may influence the inhab-

itants on the route of the proposed location of the road, to advocate its construction, in whole or in part, by the Commonwealth. It will be alike a service to the State, and an act of Justice to those whose motives are thus distrusted, to remove this unfounded prejudice. The route recommended by the Board of Commissioners was preferred by them, for reasons, which they have fearlessly submitted to public examination. These consist, in the saving of distance, in the less inequalities of surface, and in a favorable difference in feasibility and cost of construction. The correctness of the results, in these particulars, to which the Commissioners arrived, has no where been controverted. The influence of the citizens, on the route, was not exercised to produce them. It so, in truth, happens, that in many towns in this direction, there is less of *local* interest to induce to the proposed improvement, than in places more remote. The people of no inconsiderable section of country, through which the route passes, now enjoy, by the bounty of nature, a convenient passage-way to the Ocean and the great markets on the sea board: while those of another section, not less important, have opened to them an advantageous avenue to trade, through a work of art, recently executed by the almost unassisted enterprize of the citizens of a neighbouring State. The vallies of the *Connecticut* and the *Blackstone* are not the Districts of Country most to be benefitted by the accommodation of Rail Roads, nor will the Representatives from those

Districts justly incur suspicion, if they should be found to advocate their construction. The object is of general concern—The promotion of the great interests of the Commonwealth,—the extension of domestic trade,—the saving of that tax on labor which now bears down the industry of the Country, which leaves agricultural produce to perish on the land, from the expense of getting it to market, and subjects manufactures to charges in transportation which absorb all profits in their management,—these are motives for the patronage of the Government to the contemplated works of improvement. Without this patronage, exercised to some extent in advancements towards expense, it is much to be feared they cannot be undertaken, or if undertaken, that it must be upon grants of privilege and power repugnant to the sentiments of the people, inconsistent with the genius of a free government, and impairing the control and future enjoyment, by the community, of the capacities of Country for other purposes, and possibly, still higher objects. Let the subject, then, be viewed carefully, patiently, and without excitement, and if upon faithful investigation it shall be found entitled to favor, let that measure of encouragement and support be accorded to the work, which shall secure its effectual and most advantageous accomplishment.

It cannot but be my duty, however painful to myself or unacceptable to others, renewedly to present to the notice of the Legislature the subject

of the fiscal concerns of the Commonwealth. The receipts of revenue continue to fall short of the ordinary expenses of the administration of the Government. In compliance with a request addressed by me to the Treasurer, that accurate and vigilant officer has furnished an abstract from his accounts since the commencement of the year, by which it appears, that the debt of the Commonwealth has been necessarily and greatly increased, under the authority of the Legislature to borrow of the Banks. On the first of January last, the aggregate sum due to those institutions was *seventy thousand dollars*. It now amounts to ONE HUNDRED AND THREE THOUSAND DOLLARS. There was of cash in the Treasury, on the morning of the 21st of May, at which time the abstract was furnished, \$ 23,035  $\frac{34}{100}$ , subject however to demands for payments on rolls and warrants then in the office, including a small balance of five per cent public debt, of \$ 11,263  $\frac{04}{100}$ , leaving a balance between the money and the claims upon it, at that time, of \$ 11,772  $\frac{30}{100}$  only. The Treasurer, in a communication accompanying his statement, observes, that "for the current expenses of Government, including the pay of the Honorable Legislature, a large sum will probably be needed in all the month of June, and it seems necessary therefore, that the Legislature should renew the Treasurer's authority to borrow, at an early period of the session."

Upon this official exposition of the condition of the finances of the State, it is with increased earn-

estness and solicitude, that I recommend to you the grant of a tax, at the present session, sufficient, at least, to prevent any further accumulation of debt, and to redeem some part of what is already incurred. A postponement to the winter session must inevitably add the excess of the expenditures of the current year to the sum already to be provided for. It must have become manifest to every intelligent mind, that a recurrence to the former mode of obtaining revenue by taxes, in some proportion to the amount required by the exigencies of the Government, can no longer be dispensed with. The public interest demands the measure. The system of assessment is equal, just, and as little oppressive in its operation, as any method which has been, or can be resorted to. From the establishment of the Government, until within a few years past, it was the invariable manner of furnishing supplies to the Treasury greatly beyond what are now required. The character of the State is reproached by the occasion of a continued resort to loans, from unwilling Corporations, to meet appropriations for the most common purposes of the Government. Nor is it just to these Institutions to coerce them to the accommodation. However general are the terms of the obligation expressed in their charters, it was never designed nor contemplated, that they should be enforced on ordinary occasions. It is upon sudden and unforeseen emergencies, or under peculiar and unusual circumstances only, that this recourse should be had.



It is an oppression too, upon the citizens, in their business transactions, which often depend upon facilities to be derived from Banks, that they are subjected to disappointments from the necessity imposed upon the corporations of a prompt compliance with the Treasurer's requisitions. If the occasion for borrowing cannot now be provided against, how is the demand for payment, hereafter, to be met? Will the people be more ready to submit to taxation to extinguish a debt, than they are to prevent it from being contracted? Will any state of the country better justify a reasonable exaction, than its present peaceful and prosperous condition? I trust there is but one sentiment on this subject, and that immediate and adequate provision will be made to relieve the Commonwealth from the humiliation of further dependence upon loans, and the people, from the more grievous apprehensions of a debt, rapidly accumulating; without reference to time, or manner, or appropriation of funds, for its redemption.

The Warden of the State Prison has recently presented to the Executive his semi-annual statement of the affairs of the Institution, which, for its interesting details, and the many important suggestions it contains, proper for your consideration, will be laid before you. It will be seen, with satisfaction, that, under the vigilant police which has been established, and the scrupulous accountabili-

ty which is required of the officers, the expenses are gradually diminishing; and that further considerable deductions may reasonably be looked for. The New Prison will probably be completed in the month of August, when, by the provisions of the late statute, the number of officers is to be greatly diminished. The anxiety expressed by the Warden, on this subject, deserves your particular regard. In his judgment, the number of Watchmen proposed to be retained, will be too few, to afford confidence in the safe keeping, and government of the prisoners. Concurring with him in the opinion, that more officers than the law contemplates upon the completion of the building, will be required, to prevent attempts at escape and enforce discipline, while the convicts are at their labor, in the manner, and at the different places in the shops, in the yard, and upon the wharves, where they must necessarily be employed, I advise to an alteration of the statute, so far, as to authorize retaining the number of watchmen proposed in his communication.

I recommend also to your *inquiry*, the propriety of adopting his suggestion for the appointment of a superintendent of the Hospital, and to your consideration, his remarks, in respect to the treatment of the convicts upon their discharge from a second commitment. Of the expediency of the first measure, I am not sufficiently informed, and upon the

latter, the objection does not strike my mind with the force which he expresses. His opinions, however, are entitled to much respect, as his character and conduct, as an intelligent, efficient, and most devoted officer, is worthy of all confidence.

Pursuant to a Resolve of the 25th of February last, as soon as I was informed of the arrangement of the officers of the National Government, under the present Administration, I applied to the Secretary of War, for a copy of the report of the surveys made by the authority of the United States, for a canal route from Boston Harbour to Narragansett Bay, with copies of such plans, maps, or estimates, as might accompany the report, for the use of the Government of this Commonwealth. The reply of the Secretary, of the date of the 30th of March, assured me, that copies should be furnished as early as the same could be prepared. They have not yet been received.

In execution of the authority of a special Resolve, passed at the last session of the Legislature, the Board of Internal Improvement have recently made examinations and surveys for a route for a Rail Road from Plymouth to Wareham, in the County of Plymouth. Their Report shows the practicability of the construction. The distance from tide waters in Plymouth to Wareham Landing, by the proposed route, is *fourteen and a half miles*; and but *three fourths* of a mile greater, than by a right

line. The greatest elevation of the road will not exceed the rate of seventy feet to a mile, and this upon a short section. The summit elevation above high water, is found to be *two hundred feet*, and the entire change of level, through the whole route, *four hundred and fifty nine feet*. The expenses of a single rail-way is estimated at from \$7,500 to 8,000 per mile, the difference depending upon the facility of procuring supplies of granite for the foundation.

Copies of Resolutions of the Legislature of Louisiana, proposing that the Constitution of the United States, in the first section of the Second Article, be so amended, that the President and Vice President shall hold their offices for six years, and that the President shall be ineligible afterwards; of Resolutions of the Legislature of South Carolina, denying the powers of the General Government to adopt a system of Internal Improvement as a National Measure, and to regulate duties upon imports for the purpose of encouraging domestic industry, and also the right of Congress to patronize the American Colonization Society; and copies of the proceedings of the General Assembly of Virginia, in relation to certain other proceedings of the Legislatures of South Carolina and Georgia, upon the subjects of the Tariff acts and the acts for Internal Improvements, have been received by me from the Governors of those States respectively,

and will be submitted to you, in respectful compliance with the requests which accompany their transmission. The subjects referred to in the proceedings of South Carolina and Virginia, have been presented to the attention of the Legislature of Massachusetts, on repeated occasions. But I am not aware, that the proposition contained in the resolutions of the Legislature of Louisiana, has ever been acted upon, by this Government.

It has become my duty to apprize the two Branches of the Legislature, that a vacancy exists in the office of Major General of the Fourth Division of the Militia, by the resignation of Major General Asa Howland, who after an exemplary course of services for a series of years, in successive grades of advancement, has been honorably discharged.

Matters of much moment will urge themselves upon your notice, during the present political year. Humanity, justice and good policy, alike, demand a revision of the laws relating to imprisonment for debt, and some relief to the present condition of the honest and unfortunate insolvent. An attempt to reduce within convenient limits, the delegation to the House of Representatives, and lessen the expense of Legislation, and the measures proper to be adopted, to enforce the claim of the State upon the General Government, cannot fail to receive your earnest attention, at the fit opportunity. Whatever your wisdom shall propose in the dispo-

sition of these and other subjects of general concern, will meet with that aid and support from me, which a faithful desire to fulfil acceptably, the duties of my station, should secure.

LEVI LINCOLN.

*State House, Boston, May 30, 1829.*

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