

B. J. J.

SPEECH

OF HIS EXCELLENCY

LEVI LINCOLN,

TO BOTH BRANCHES OF THE LEGISLATURE,

DELIVERED JUNE 2, 1825.

Gentlemen of the Senate, and

Gentlemen of the House of Representatives,

On this first occasion of meeting the Representatives of the people of the Commonwealth in a new and responsible relation, I trust I may be indulged the opportunity, to express the sense of deep and grateful obligation which I entertain, for the manifestation of the confidence of my Fellow Citizens, in the distinguished honor conferred upon me, and to accompany this sentiment of gratitude with assurances of faithful and earnest endeavours to requite that favourable regard, which has been accorded to me, in advance of such services and usefulness, as ultimately may in any degree justify it.

The circumstances which have attended the late elections are such as to constitute the strongest pledges to fidelity, in regarding the feelings and sentiments of our constituents. The causes of for-

mer jealousies and divisions having been removed, or ceased to operate, the spirit of party has yielded to that of personal conciliation and confidence.— The union which is now manifest, has resulted from a conviction, that the honest and patriotic of all parties have but a common interest, which is best to be promoted by a concentration of common efforts. A practical conformity to the opinions, which have been distinctly expressed by the public suffrage, is imperatively required in the official measures of those, who are but agents in the exercise of delegated authority. A recurrence to the source of this authority as contained in the Declaration of Rights, and the Frame of Government of this Commonwealth, with a proper regard to the powers which have been conceded to the General Government, in their legitimate exercise, will furnish the best general directory to a just and impartial administration,—and it cannot be distrusted, that an enlightened people will sanction with their approbation, an adherence to those fundamental principles which are the basis of the rules prescribed by themselves, for the conduct of their publick servants.

With the contemplation of the duties which are now to devolve upon us, the present moment has associated recollections of peculiarly interesting and solemn impression. Within the last year, a venerable Patriot, whose life had been identified with the eventful scenes of his country, was suddenly removed by death, from the service and honors of the public, in the first Executive office

of the Commonwealth. To this lamented event quickly succeeded that of the decease of a distinguished co-patriot, who had been his immediate Predecessor in this official station, and who bore with him into voluntary retirement, the homage of the highest confidence and of the most affectionate attachment of his Fellow Citizens. And now, after an uninterrupted succession of illustrious men, who were witnesses and actors in the achievement of the independence of the nation, who assisted in the formation of the State Constitution, or subsequently illustrated by its administration, the spirit in which it was devised, an individual has been elevated to their place, whose whole experience is more recent than the adoption of the Frame of Government which he is called to participate in administering. *Our Fathers, where are they?* As to most of them, time has inscribed upon the faithful page of history, the memorial of their sacrifices, their services, and their glorious deeds, and they now live to us but in the principles which they inculcated, and the institutions which they assisted to establish. A few yet survive in the honored retirement of age, happy in the good which they have been permitted to accomplish, and surrounded with grateful testimonials of a nation's love. Between them and us, the bond of connexion is in the cherished remembrance of their patriotism, a deep reverence for their example, and in a scrupulous and devoted regard to the instructions of wisdom and experience, which they have so richly furnished. May these never be unheeded by their successors, and with the blessing of Heav-

en, we may hope, that the precious inheritance of free government, and of just and equal laws, which we have received from them, may be preserved for the latest posterity.

The past year has also been rendered interesting by an event of more grateful recognition. We have witnessed within its compass, another practical illustration of the happy adaptation of a federative republican form of Government to preserve the peace, order and security of a numerous and free people. The period fixed by the National Constitution for the election of a Chief Magistrate having recurred, all its provisions have been successively appealed to, and its powers exercised, in the result. The example is again offered to the oppressed and struggling nations of the world, of the capacity of intelligent man to political self-preservation, and of the worth of civil liberty to the enjoyment of the blessings of social happiness. To the whole people of the United States, the election has afforded just occasion for the highest satisfaction. That so many distinguished men were at the disposal of their fellow citizens,—that so much of the competition in the canvass was excited by mere predilections for the peculiar merits, the preeminent qualifications, or the particular public services of the respective candidates,—that so respectful a submission to the ultimate expression of the public will, by the unsuccessful and the disappointed, should have marked the progress and the issue of this momentous concern, are considerations alike creditable to the principles and to the character of our

countrymen. To the people of this Commonwealth, the event is doubly gratifying. We regard it as a distinct refutation of the unworthy charge against our sister states, of the indulgence of sectional jealousies, to our local degradation. We rejoice in it, as the just exaltation of an enlightened and experienced Statesman to the highest place of honor and usefulness in the nation. We rejoice in it the more, with an honest pride, that a son of Massachusetts has been deemed worthy of being made, under the constitution, President of this Union.

It will not be expected from me on this occasion, that I should occupy your attention with those common subjects for legislation, which may be suggested by the ordinary condition of the Commonwealth. As the details of the state of the Treasury, the Reports from the Adjutant and Quarter Master General's Department, the affairs of the State Prison, and other interesting objects of public concern, shall officially be made known to me, they will become matter for such communications, from time to time, as the appropriate duties of the Executive may seem to enjoin. There are however, certain topics of general regard, at the present day, upon which it may be proper, that my sentiments should now be distinctly expressed, and to which I would respectfully invite your consideration,

The spirit of enterprize which has already accomplished great and valuable results in other parts of the Union, and more especially in a neigh-

boring State, has also animated the people of Massachusetts to the unequivocal manifestation of a desire, that some public effort should be made to secure a participation in the benefits which are to be derived from *internal improvements*, and the facilities to communication, and the transportation of produce and of articles of trade and consumption, to the places respectively of demand and of market. The advantages which are the common and certain consequence of a judicious establishment of *Roads* through a country, are to be enjoyed in an incalculable advance of accommodation, by the construction of *navigable Canals*. The extent of territory in the United States so far exceeds the physical means of its cultivation by manual labor, that the employment of the laborer in the business of transportation, is a direct subtraction from the profits of husbandry. *Manufactures* and the *Mechanic Arts* are alike relieved by a reduction in the expense of obtaining the raw materials for their fabrics, and in distributing the products of their workshops to various and distant places for a market.—*Commerce* is promoted by more abundant supplies for ship-building and for shipping, and by multiplying in the seaports articles of country produce, so reduced in price by the saving of land carriage, as to admit of profitable exportation. The appreciation of the value of Real Estate in the vicinity of Canals, the approximation to the market for whatever is to be bought or sold, the diminished cost of all articles of foreign growth, which are of common use and consumption, are among the first and most obvious

advantages, to be derived from water communication, to the *interior of a country*, while the increase of population and of business will return to the *seaboard* a corresponding demand for the supplies, which trade and commerce alone can furnish. It is now too late in the experience of our own Country to question the importance to the public prosperity of improving the means which nature presents for facilitating inland transportation, and thus lightening the hand of industry of its most severe and profitless labor. The splendid success which has attended the operations of the Canals of the State of New-York is not more honorable to the prescient intelligence which conceived those vast undertakings, than it is illustrative of the advantages which may result from the accomplishment of similar enterprizes elsewhere. It yet remains for the people of Massachusetts by a judicious improvement of the many favorable opportunities which their situation presents, to secure to themselves the enjoyment of greatly extended accommodations, by water carriage. There is enough of unemployed capital in the country to justify a liberal appropriation to such objects, and of population and important business in many places, to invite to it. To the people of this State, belongs the credit of being foremost among their brethren in this species of improvement, and although in the first effort, by the construction of the Middlesex Canal, the pecuniary investment has been unproductive of personal advantage, yet that work even, is confessedly of

great public benefit, and the community are daily receiving rich returns for the sacrifices occasioned by its execution to its spirited and persevering proprietors.

A Resolve of the last Legislature, authorizing the appointment of Commissioners *to ascertain the practicability of making a Canal from Boston harbour to Connecticut River, and to cause such surveys as they may deem necessary to determine the most convenient and advantageous route for the same*, has recalled to public attention, a scheme proposed more than thirty years since, by a distinguished and enlightened Citizen, the late General Henry Knox, for opening a water communication between the capital and the western parts of the Commonwealth. This eminent man, who was himself, both a scientific and experienced, practical Engineer, after having personally superintended a survey, and examined the face of the intervening country, was induced by his confidence in the prospect of public and private advantage from the undertaking, to obtain from the Legislature in the year 1792, an act of incorporation for himself and his associates, for the purpose of making a navigable Canal from some part of Connecticut River, to communicate with the town of Boston. It is not understood that any other obstacle presented itself to the accomplishment of the object at that time, than the absorption of the money of the country, by concerns of more pressing occasion, which prevented the obtainment of adequate funds. The period limited by the charter for the commence-

ment of the work, was suffered to expire without an organization of the corporation, and the subject has recently been renewed before the public with the sanction of official recommendation, under circumstances peculiarly favourable to its thorough examination, and a discreet exercise of the power of the government, in giving to it a wise and satisfactory direction. Should the authorized surveys and examinations result in demonstrating the practicability of the proposed Canal, from the Connecticut to the waters of the ocean, the certainty of the immense benefits of which it must be productive to the essential interests of the Commonwealth, more especially in securing the trade of the interior to its commercial metropolis, should insure the application of the most vigorous and efficient means to its speedy accomplishment. The anticipations which are now indulged of still further extending the communication westward, by a co-operation with our enterprising neighbours, in opening a passage to the waters of the Hudson, might then be fulfilled; and thus the stupendous plan of an entire inland navigation, from the sea almost at the eastern extremity of this continent, to the lakes on the northern boundary of the United States, would be presented in astonishing reality.

Other projects for Canals in different parts of this Commonwealth have seriously engaged much of the public attention, some of which will probably be executed by associations of individuals on their own account, and others by the aid of the general government, in a just distribution of the

appropriations for internal improvements. In a period of unexampled national prosperity, when there is a surplus of capital seeking investment, and a generous spirit of competition in the cultivation of the arts, and the development of the resources of society, a provident and wise people will avail themselves of the opportunity to lay deep the foundations of permanent power, and to make secure the means of future independence. This can only be done by a just estimate of physical advantages, and the application of great moral force to their highest improvement.

In connexion with the subject of canals, another mean of easy communication has been suggested, by the construction of railways. In England we are assured, Railroads are approved in practice, as affording a rapid and cheap mode of conveyance. How far the severe frosts of our climate, by increasing their expense or endangering their security, may discourage their introduction here, to any considerable extent, remains yet to be ascertained. If they may be made with success, still the preference to be given to them over water carriages, where the situation of the country will admit of an election, can be determined only by experimental comparison. The subject is deserving of careful investigation, as affording a promise of facilities to transportation, which the want of water, in many places, will not admit of, by canals.

It is matter for much congratulation on this occasion, that the great interests of the peo-

ple, in their most important occupations, are in a rapid advance of improvement.

Agriculture, the source of subsistence, and the support of all other employments, has brought science to her aid, and with the councils of this associate, the character of the husbandman has been exalted, by a more general exhibition of the intelligence of mind in directing the labors of industry. The moral virtues of the *yeomanry*, place them in the front rank of Republican Citizens. Standing upon the soil of freedom, and holding their estates by the tenure of personal independence, the happiness of their individual condition is necessarily identified with the prosperity of the nation. It is upon this class of men, thus bound to country by the ties of an inseparable interest, that a free government may always securely rest, for the best supports of patriotism. The special countenance which recently has been accorded by the Legislature, to the incorporation of Agricultural Societies, and in liberal gratuities granted to their encouragement, has been attended with the most decidedly beneficial effects. The style of husbandry has extensively improved. Labor is more advantageously applied to the cultivation of the earth; —domestic animals are of better quality, reared with more care, and treated with greater kindness. The salutary influence of these institutions can no longer be doubted. The general face of the country, the increase and variety of the products of the soil, the self-confidence of the farmer, and the higher estimate *by others*, of his occupation, alike

distinctly bear witness to the utility which attends them.

If the *Commerce* of the country has latterly been attended with diminished gains, it has nevertheless been pursued with general advantage, and with but little interruption in the ordinary channels. The dangers to which a portion of our trade, and the lives of our seamen have been exposed, through the blood-thirsty and remorseless rapacity of the Freebooters of the ocean, have been in a great degree removed, by the energetic measures of protection and chastisement, adopted by the general government, and enforced by the gallantry of a devoted navy. The nation is on terms of friendly intercourse with every civilized people, and the marts of the world are busy with the traffic of our enterprising merchants.

In *Manufactures*, the progress of the country has exceeded the anticipations of the most sanguine. A few years since, and scarce a water-wheel moved in our Commonwealth, except for the ordinary purposes of preparing grain for bread, or lumber for building, or in facilitating the simplest operations of the mechanic. Now there is hardly a water-fall in our streams, but is improved to the propelling of machinery for the manufacture of fabrics of clothing, and of articles of domestic economy. Through the instrumentality of the most ingenious of our citizens, the nation may be considered already independent of foreign supplies, for whatever is useful in the arts of peace, or indispensable to defence in the calamity of war. The objections which

heretofore were so much urged to the formation of large manufacturing establishments, from the fearful neglect of education, and a consequent indifference to the restraints of social obligation, are found not to exist under the well regulated tone of American sentiment,—and we have the delightful witness of every day's observation, that the richest sources of wealth to our country may be cultivated without danger to the moral habits and chaste manners of a numerous class of our population. It was long a political sophism of accredited influence, that a shrewd and instructed people would be easy to yield to a selfish and sordid ignorance, and that the facilities which an opportunity for acquiring knowledge gives to the power of industry, would be bartered for the gains, which a few hours of time might extort from manual labor. Happily the work shops of our artizans exhibit nothing worthy of such reproach. Occupation, society, and skill, are their distinguishing characteristics. A conscientious and praiseworthy regard to the instruction of children has mingled with provisions for their employment. The parental superintendance of the Legislature will continue to watch over these institutions, that they shall never become the nurseries of immorality and crime.

I cannot permit myself to pass from this interesting subject, without inviting the attention of the Legislature to a consideration of the expediency of revising some of the provisions of the statutes, *defining the general powers and duties of Manufacturing Corporations*. As the law now exists, it is

to be feared, that no inconsiderable portion of advantage, which would result from the employment of capital in a profitable business, and from the encouragement of an industrious population, is lost to the Commonwealth. Not only the property and credit of the Corporations are made responsible, in the first instance, for the payment of debts, but the persons and private estates of the stockholders are holden ultimately liable, *without limitation of time*, and *to the full extent of the contracts*, however small may be the proportion of stock, which the individuals shall possess. Thus a single share, of inconsiderable or no value, subjects the proprietor to the hazard of being made a guarantor to the amount of hundreds of thousands of dollars, in credits obtained by the Corporation. Nor is he exonerated by an honest transfer of his stock, and ceasing to be a member of the Corporation, for the jealousy of the law, not satisfied with devolving upon the *purchaser* the same liability, holds the *seller*, also, bound to the discharge of every precedent obligation. While the success of manufactures was of doubtful experiment, and the business, to some extent, as at first, in the hands of rash and unskilful adventurers, such provisions might be required, for the protection of the confiding and the unwary ; but the soundness of the principle which gives to the creditor of a Corporation resort to personal responsibilities, which did not exist when the credit was obtained, and could not have induced to it, is at best, questionable. The trust which is given to a corporation is always voluntary. The

amount of capital stock, the management and success of business, the apparent circumstances of solvency, may easily be ascertained, and if these are unsatisfactory, special surety-ship may be required, or credit refused. In a government professing a deep interest in the prosperity of domestic manufactures, and acting under this profession, in incorporating manufacturing associations, the policy of requiring that each proprietor of stock shall personally guarantee the responsibility of every other, and they severally, the credit of the corporation to the full extent of the debts which may be contracted, cannot be maintained. The principle is altogether novel in itself, and peculiar in its application to this species of interest. No such securities to creditors are recognized in banking, turnpike, or other business corporations, where it would seem there is not less of hazard to private or public safety.—The improvement of an immense amount of capital, has already been transferred from us to the neighbouring states, from objections to those provisions of our laws, to which I have thus freely adverted. It is not reasonably to be expected that prudent men, except under particular circumstances of personal confidence in their associates, should be ready to incur even the possible risk of utter ruin, for the chance of profit, in the joint stock of a manufacturing concern. Without fraud or mismanagement, the funds of public institutions, as of individuals, may be lost or destroyed. The various desolating visitations of Providence—the elements of fire and water, by flood and by con-

flagration, may in an hour annihilate the best founded establishments, and involve in their destruction the means which were pledged to maintain them. Is it just, that to such misfortunes to a common concern, should be added the more grievous burden, upon those who may have other resources, not only of meeting their proportion of responsibility for unsatisfied demands, but also of contributing to supply the deficiency of such, as are made wholly destitute by the calamity? Under this view of the subject, I cannot but suggest the propriety, at least of so far modifying the law, as to limit the extent of the liability of individual stockholders, in all future contracts, by some proportion, which their interest in the stock may bear to the capital, and by fixing a period, beyond which, a bona fide seller, with notice to the public, shall cease to be responsible for corporation debts, contracted during his membership. In this age of great undertakings and of strenuous competition for pre-eminence in local advantages and influence, it is surely wise to regard with care, the permanent resources of the Commonwealth. These will be found especially to consist, in the profitable investment, *at home*, of the monied capital of our wealthy citizens, and in the encouragement and employment thereby, of an ingenious, industrious and virtuous population. Whatever measures are conducive to these results, will tend to secure the proud distinction in moral and political importance, which Massachusetts has heretofore so justly enjoyed.

Any amelioration of the condition of *unfortunate insolvent debtors*, within the compass of state authority, and consistent with enforcing honesty and good faith in the execution of contracts, to the utmost of their ability, recommends itself to the justice and humanity of the Legislature.

A regard to the preservation of national independence and the institutions of a free people, will secure at all times; a favourable attention to the condition of the *militia*. The duty which the law requires of a portion of our fellow-citizens, in providing arms, and improving themselves in military discipline, under the present system, is a tax of unequal operation. Perhaps there is no subject of legislation of more delicacy, or attended with greater intrinsic difficulties. It should be the first object of desire and of endeavor, to equalize, as far as may be, the burden of this most indispensable service. It has heretofore been attempted, by diminishing the frequency of days of training. But observation has proved, that military pride is repressed by a neglect of military parade. The spirit of the soldier is animated by organization and display, by notes of martial music, and the noise of arms, and these are the necessary means of forming him to efficiency of character and action. To deny such influences, would be to reprove the experience of the past, and the arrangements of present time. That the number of trainings now required by law, is not the occasion of general discontent, results from the remark, almost universally true, that they are voluntarily exceeded by the best

and most spirited companies of the Commonwealth. The evil is believed rather to exist, in the want of relief from the expenses of equipment, and in the invidious exemption of those, able from property, to contribute of their money, if not in their persons, to the public service. Higher forfeitures for neglect of military appearance, an enhanced sum as an equivalent for conditional exemption, and fewer absolute exempts, with more effectual provisions for responsibility in the appropriation of the money accruing from these sources, to the benefit of those who actually serve, would go far to remove the causes of complaint. Whatever may be judiciously effected, I doubt not the wisdom of the Legislature will devise. The militia may well be regarded as "the right arm of the nation." Whenever it shall become paralyzed by the neglect of public indifference, and the hour of peril shall arrive, recourse must be had to that bane of republics, a large standing army, and when too late, Liberty may have cause to lament the want of her chosen defenders.

The foundation of good government, and of all our political and civil enjoyments is in the *intelligence* of the people. Our venerable Ancestors solemnly declared in the charter of their Rights, "that wisdom and learning, as well as virtue, diffused generally among the people, were necessary to the preservation of their rights and liberties," and these practically wise men were devotedly regardful of the means by which these great objects were to be promoted. They early planted churches and schools of Literature, and nourished

and sustained them with a holy purpose of mind, and a liberal bestowment of worldly substance. The rich inheritance of these Institutions they left to their descendants, and this generation stands charged with the possession, *in trust*, for future ages. Patriotism and official duty devolve upon us of the present day, the high obligation, with the growth and increasing prosperity of the country, of improving and extending these public provisions for the education of children and youth. Let seminaries of learning receive the favour and patronage of the Government, and opportunities for instruction in all useful knowledge, be sedulously improved by the people. Let the schools of the Prophets, and the ministering servants at the altar be respected and supported. Let sobriety, honesty, and every moral, social and manly virtue, be inculcated and cherished! So shall civil and religious liberty be perpetuated by the virtues of the people, and the generations which succeed to us, be worthy of the blessings which they are destined to enjoy.

In whatever concerns our official relations to each other, and to our constituents, I trust, gentlemen, for your confidence in the assurance, that I shall cheerfully co-operate with you, in fulfilling the great purposes of our appointment, by the adoption of measures for promoting the welfare of the State, and the prosperity of our common country.

LEVI LINCOLN.

The first part of the paper is devoted to a general
 consideration of the subject. It is shown that the
 results of the experiments are in agreement with
 the theoretical predictions. The second part of the
 paper is devoted to a detailed description of the
 experimental apparatus and the method of
 observation. The third part of the paper is
 devoted to a discussion of the results and
 a comparison with the theoretical predictions.
 The fourth part of the paper is devoted to a
 summary of the results and a conclusion.
 The fifth part of the paper is devoted to a
 list of references.