SPEECH

OF

HIS EXCELLENCY

LEVI LINCOLN,

DELIVERED TO THE

TWO BRANCHES OF THE LEGISLATURE,

In Convention,

MAY 29, 1830.

Boston:
DUTTON AND WENTWORTH, PRINTERS TO THE STATE.
Nos. 1 and 4 Exchange Street.
1830.

SPEECH.

Gentlemen of the Senate, and
Gentlemen of the House of Representatives.

The most grateful return, by a public Officer, for expressions of political confidence is to be found in the manifestation of a sincere and earnest devotion to the appropriate duties of his station. With deep impressions of obligation to this measure of acknowledgment for the honor again conferred upon me, by the suffrages of my Fellow Citizens, in faithful obedience to their will, with entire trust in your support and cooperation, and with humble dependence upon the blessing of Heaven, for the success of honest endeavors, I now present myself before you, as the immediate Representatives of our common Constituents, solemnly to recognize my high responsibilities, and to renew the pledge of fidelity and assiduity of effort in the service of the State.

It is the distinguishing characteristic of a Republican Government, that measures and men are alike within its

control. They who have the power to constitute the one, have the right also, to direct the other. A constant reference to the people, as the source of authority and of the elevation to office of those by whom it is exercised, cannot fail to prove an effectual guard against intentional error, while the frequency of elections will seasonably correct mistaken counsels, and enforce the popular will.

In addressing the Legislature, at the commencement of the political year, I am admonished by the uniformity of past experience, that few subjects, beyond the necessary measures of organization and arrangement, can conveniently, at this season, receive attention. Happily, there are none known to exist of new impression, or of pressing urgency for immediate disposition. The Legislature of the last year, occupying these places but a few weeks since, with patient and laborious investigation, passed upon many of the most interesting topics of public regard, and gave to them a direction, which, at this time, there is neither the ability nor the inclination to revise. Others of them must probably await the more favorable opportunity for leisure consideration. Yet although little should now be done in the work of Legislation, it can be neither untimely nor unappropriate, to advert to the great objects of duty, and to contemplate the purposes for which we have been delegated here.

The Frame of our Government was the device of the wisdom and patriotism of a former age. A half century will, with this year, be completed, and more than a gen-

eration of men have passed away, since the Declaration of Rights and the Constitution of the State Government were committed, as a system of new and untried experiment, to the capacity and faithfulness of the people to administer and to sustain. Their intelligence and their virtue have yet proved equal to the trust, and the men of this generation may proudly show their Charters unsullied, their Inheritance unimpaired, their Commonwealth, beyond anticipation, prosperous and great. Our ancestors by their achievements and acquisitions, secured for their descendants, rather than to their own enjoyment, the institutions which we so justly prize. The free Schools were established, through their love of knowledge. The College, by their munificence, was made the nursery of piety and learning ;—and Temples dedicated to Religion, were the Altars which they reared, to liberty of Conscience and a pure Worship. The means by which these privileges and blessings are to be preserved for posterity are now in our keeping. We are charged with their present use, and bound, by every motive of interest and of duty, to their highest improvement. It will be but an imperfect performance of obligation, that we shall merely preserve what has been transmitted to us. The age in which we live is distinguished for great advances. Broader scope has been given to intellectual power and moral action. The civil rights of man are better understood, and the just aims and true ends of government will be more strenuously insisted upon.

The most comprehensive summary of the duties of Legislatures and Magistrates, and one which cannot too frequently be referred to, is contained in that noblest Chapter of the Constitution, which enjoins upon them, the obligation to cherish Literature and the Sciences, to encourage private Societies and public Institutions for the promotion of the great interests of Country, and to countenance and inculcate moral virtues, social affections, and generous sentiments among the people. In this brief compendium are enumerated all the wise purposes of legislation, and upon these objects the business of Legislators is never to be exhausted. While knowledge is progressive and there is yet any thing to learn, while the Arts are imperfect and there is aught to improve, while Science is disclosing treasures of wisdom, and the human mind is capable of enlargement by their acquisition, there will remain to the Representatives of the People, under this civil compact, the responsibility of fostering Institutions of learning, of offering incentives to the free spirit of enterprise, and of encouraging by rewards and immunities, Agriculture and the Arts, Commerce, Trades, and Manufactures, and thus fulfilling the service for which a Representative Government was, by the Framers of it, expressly declared to have been constituted. May not the inquiry be now made, to what objects and how far, should the attention of the Members of this Legislature be thus directed? It is but a narrow view of the influence of authority, which limits its exercise within the scope of

legal enactment. The sentiments which are expressed here, the debates and the discussions which are had, the principles which obtain a sanction in the character of measures proposed, may, and often do, transfuse through the community, a moral power, which the imperative language of laws might, in vain, be used to produce. Is there then no favourable sentiment which may be given to the improvement of the condition of Society? Are there no schemes of public enterprise, nor objects of domestic industry to be promoted? No measures for the advancement of the general interests of the State, to be pursued? Are the means of education, our common Schools, the manner of their support and regulation by law, and the course of instruction which is prescribed in them, susceptible of no improvement? May not encouragement be afforded to other modes of teaching, and inducements offered to higher qualifications of Teachers? There are unquestioned defects in existing arrangements, which public opinion may, and doubtless, will correct; but are no measures of favor or of relief wanting, which the interposition of the Legislature alone can supply? Lyceums, those modern Institutions for mutual instruction, commend themselves to your patronage. The occasion for the establishment of Seminaries in the practical Arts is yet unsatisfied, and without these, the system of education can never be made complete.

In one Department, at least, of professional Science, an earnest appeal is submitted to your consideration.

The Medical Faculty have shown the embarrassments and difficulties of acquiring knowledge in a branch of their profession, and their frank and manly representation deserves the most respectful regard. It may be, that this latter subject is of a nature too delicate for direct legislation. But the public mind should be instructed in its interesting importance. Let it be explained, how that the knowledge which is sought in the science of anatomy concerns all the living, and that without it, the accidents and ills of life, which art might remedy, are beyond relief. Let the reason of men be addressed, and prejudice be dispelled by information and the force of argument. It may then come to be understood, that a Community which demands the exercise of skill, and denies the means to acquire it, which punishes ignorance, and precludes the possibility of removing it, is scarcely more compassionate than that Egyptian harshness, which imposed the impracticable task, in cruel oppression of the inability to perform it.

But by this reference, it is not my purpose to propose any definite act, for your adoption. I would commend the subject, only, to the discreetness of your Counsels. Respect for the source whence the appeal originally proceeded, and a deep conviction of the concern which all classes in society have in its object, seemed to demand from me this notice. It should be distinctly regarded, that the Faculty ask relief through no measure of violence to the sympathies of human nature. Upon the plan

which they suggest, the feelings and affections which cluster in the circles of kindred and of friendship will no longer be outraged, nor the anxieties and sorrows of bereavement receive torturing aggravation. The sanctuary of the Tomb will be rendered more sacred, and the Sepulchres of the dead made more secure, when the temptation to their violation, with the plea of necessity for its excuse, shall be removed together.

To the ordinary business of legislation to which your attention will be directed, the present year, there is superadded the occasion of considering proposed amendments to the fundamental Law of the Government. The last Legislature devolved this duty upon you, by a distinct reference of specific propositions to your decision, under the amendatory provision contained in the existing Constitution. The inconveniences which are already experienced from the numerous Delegation to the popular Branch, with an apprehension of the extreme difficulty, if not utter impracticability, of affording the necessary accommodation for the despatch of public business, should the present right of representation be exercised to its full extent, together with a regard to the onerous charge thus imposed upon the public Treasury, have produced an expression of sentiment, almost universal throughout the Commonwealth, that by some arrangement, the numbers and the expense ought to be diminished. The manner in which this is to be effected will doubtless be the occasion of greater diversity of opinion. It cannot be done,

in any form, but by mutual concession and compromise, a surrender of much that is local, and all that is selfish, to the common good. It is worthy of remark, that Massachusetts is almost singular among the States of the Union, for the number of her Representatives, and in the frequency of their sessions. In respect to the former, she is altogether without a parallel, and Rhode Island, under her old charter, affords, it is believed, the only other example of more frequent than annual conventions of Legislative Assemblies, except upon extraordinary occasions. It is not improbable, that regard to the convenience of the Delegates alone, originally suggested the practice of an adjourned session, in our own Commonwealth. The appointed time for the organization of the Government is the busy season of husbandry, the Winter that of leisure, and the peculiar interests of an Agricultural Community will always furnish a sufficient reason for the postponement of measures requiring deliberation and time for their disposal, to the most favorable opportunity. If the uniform observation of many years experience has now shown, that an annual session of the Legislature is as frequent as the public interest, under ordinary circumstances, will require, it would seem expedient, either, that the Legislature, as in our Sister States of Connecticut and New Hampshire, should continue their sittings in the Summer season to the completion of their business, or that the Constitution should be conformed to a more convenient period for their meeting. It is most certain,

that from the combined causes of repeated sessions, an increased number of Representatives, and the mode of their compensation, the charge to the State for legislation, is becoming oppressively great. The aggregate of the pay Rolls for the travel and attendance of the Members of the two Houses, the last year, much exceeded the sum granted for the State Tax, and inclusive of the Roll of the Executive Council, fell little short of Ninety One thousand Dollars. That a remedy must somehow be provided against this increasing burden, with the inconveniences which are continually multiplying upon the administration of the present system, will not be questioned. The character of the precise measures of relief, which are, or may be proposed, are not the subjects for Executive discussion. These are placed by the Constitution, exclusively, upon the responsibility of the Members of the Legislature, and at the pleasure of the people in their primary Assemblies. Having but referred to them, as matters for attention, I respectfully leave them with you, both for the time and manner of their consideration.

With the present Legislative year, the period recurs, in which to adopt preliminary measures for ascertaining the rateable property within the Commonwealth. The law providing for the last valuation was passed at the second session of the General Court of 1820, and the Constitution requires the service to be performed, as often, at least, as once in ten years. On the intelligent

and impartial discharge of this duty, and its equal operation upon the Citizens, the exercise of important civil rights, as well as the just apportionment of public burdens, is made to depend. The precedents of former occasions may serve as a directory to the course of proceedings, but the accomplishment of the business will ever prove an arduous, difficult, and highly responsible task, demanding patient labour and a sound judgment, to its successful and satisfactory execution.

The providence of the last Legislature, in granting a tax for the current year, prevents the occasion of calling your attention to any measure of Finance, at the present session. It will be found necessary, however, to renew the authority to the Treasurer to borrow, in anticipation of the receipts of the Revenue.

In compliance with a request of the Legislature, application was made by me to the Secretary of War of the United States, for copies of any Reports, Estimates, or Documents in that Department, relating to the construction of a Canal across the Isthmus of Cape Cod, to unite the waters of Buzzard's and Barnstable Bays, and I have recently received a Copy of a Report and Estimates for such a work, with a map of a Survey across the Isthmus, and a Plan and Details of the proposed Canal, drawn up by the Board of Internal Improvement, in conformity to a Resolution of Congress. The Report presents various Estimates, on different hypotheses of an upper level, and fixes the maximum cost of the Canal, on

the assumption of the most expensive mode, at *six hundred sixty-nine thousand, five hundred and twenty-two dollars.* The precision and minuteness of description given in these documents, will leave nothing further of information, on this subject, to be desired. If in the judgment of the Legislature, the particular interest of the Commonwealth would be promoted by the accomplishment of the project, considerations of a more general character, connected with the Commerce and Navigation of the Country, would justify an appeal to the General Government to cause its construction. Whatever benefits would result from the measure must be largely participated in by the Nation. The Report and Maps will be laid before you by the Secretary. As the Drafts are exceedingly elaborate, and highly valuable for the scientific as well as topographical information which they afford, I pray leave to suggest, that after the Legislature shall have done with their present use, they should be deposited for safe keeping, and future reference, in the Library of the General Court.

Under the Resolve of the last Legislature, providing for the erection of a Lunatic Hospital, all that attention has been given to the duties assigned to the Executive, which opportunity for an intelligent and satisfactory discharge of them would permit. It was deemed expedient, in the first instance, to invite communications, in relation to suitable sites for the location of the Institution, the supply of materials, and the estimated expense of

building. Without these aids, it would have been extremely difficult to come to the knowledge of many eligible situations, and from a competition in offers, to obtain the best proposals for Government. As soon as time had been allowed for this preliminary information, a Committee of the Executive Council were charged with making personal examinations of all such proposed places as seemed favorable for the object, and which fell within a circuit, sufficiently central, to satisfy the direction given by the Legislature. More than thirty sites have been thus visited, the terms upon which they can be obtained generally ascertained, and the inquiries made, which are necessary to a just comparison of the advantages, which they respectively offer. In many instances, the quantity of land which may be wanted, and in some cases, additional contributions have been proffered to the Government as inducements to a preference for particular localities. It remains yet, to arrive at a satisfactory decision upon the question. This cannot but demand the exercise of a cautious and deliberate judgment. In such Establishments the cost of construction is not most to be regarded. An Institution which is intended to endure and be of use for ages, may involve in its government and support, considerations of far greater moment than the mere expense of all its fixtures. Here are needed pleasant scenery, clear and salubrious air, a market for supplies, opportunity for medical counsel and for constant visitorial inspection, and facilities of access and commu-

nication from all parts of the State. These circumstances in connexion with a due regard to economy in the procurement of materials and labour for the erection of the Building, will now govern in determining its location. I have confidence in assuring you, that this will not be unnecessarily delayed. The appointment of Commissioners to superintend the Structure will immediately be made, and with the continued favor of the Government towards this interesting design, the work will be commenced, and may yet be brought to its completion, within the time originally anticipated, and before the close of another season.

Pursuant to the authority contained in certain Resolves of the 3d of March last, a Gentleman distinguished for his attainments in Astronomical and Mathematical Science, has been appointed to the important service of "making a Survey and projecting an accurate Skeleton Plan of the State," in the manner prescribed by the Legislature. It is intended to cause as much progress in the work, the present season, as the previous engagements of the Surveyor, and the delays occasioned by necessary preparatory arrangements will allow. I deem it proper, however, to apprize you, that to execute the plan of a Survey, in the accurate and thorough manner proposed by the Resolve, (and to do it otherwise would be little worth) the appropriation which has been made, will be altogether insufficient. There is hardly a more desirable public object than the possession of a good map of the

Commonwealth. Massachusetts, to her discredit in this particular, is far behind most of her Sister States. The deficiency has been long felt and loudly complained of. The most recent Map of her appropriate and exclusive territory on a proper scale, was but an imperfect compilation, from incorrect and incongruous materials, made many years since, and now scarcely in use. The convenience, both to the public and to individuals, of an original and accurate draft from Astronomical Observations, and precise Mathematical results, must far outweigh any considerations of necessary expense, which it may occasion. Faithfully executed, it will be of abiding value. The great outlines of boundary are now permanently established, and there probably will be few alterations in minor divisions, to affect the general accuracy of the delineation, in future.

I beg leave to suggest to your consideration, the utility of connecting with the geographical surveys, an examination of the geological features of the State, with a view to the exhibition of them on the Map. Much knowledge of the natural history of the Country would thus be gained, and especially, the presence of valuable Ores, with the localities and extent of Quarries, and of Coal and Lime Formations, objects of inquiry so essential to internal improvements, and the advancement of domestic prosperity, would be discovered, and the possession and advantages of them given to the public. I am assured, that much has already been gratuitously

done, by some eminent Professors in our Colleges, towards the accomplishment of such a work, and that at little expense, it might be completed, and the fruits of their generous labors thus far, be secured to the State.— This however, will require the interposition of your authority in increasing the present appropriation, and permitting an application of it, so far as may be necessary, in the exercise of a sound discretion, to the end proposed.

By a communication from the Governor of Maine, I have been officially advised of the proceedings of the Legislature of that State in making adequate provision for the completion, in the course of the present season, of that part of the Canada Road, so called, which is north of the Bingham Purchase, and which is designed to open a Carriage Conveyance through the public Lands, to the neighbouring Province, and to the City of Quebec.— Massachusetts having heretofore appropriated the proceeds of the sale of a Township of Land towards this work, upon condition that the State of Maine would cause the Road to be finished by the first of November next, it will be seen with peculiar satisfaction, that although the expense to the latter Government has been more than twofold the estimated cost, it has been promptly provided for, and the accomplishment of the object secured, within the limited time. This public improvement will add much to the value of the property, which the Commonwealth yet retains in the Lands in Maine.

Accompanying the Documents relating to the last

mentioned subject, the Governor also transmitted a copy of a Resolve of the Legislature of the State, expressing "a deep sense that the People of that State entertain of "the Justice of the Claim made by the Commonwealth "of Massachusetts on the Government of the United "States for the services of the Militia in defending the "Commonwealth (then including the territory of Maine) "from invasion, as well as for the services rendered on "well founded apprehension of invasion, during the last "War;" and requesting the Senators and Representatives in Congress from the State, "to use their best en-"deavours to obtain an immediate provision by Congress "for the payment of such portion of the claim, as is now "admitted to be due, upon the rules and regulations, "which have been applied to the adjustment of similar "claims from other States."

I regret the occasion now to say, that notwithstanding the united representations and appeals of both States, the clear and unquestionable character of the Claim, the zealous and unremitted efforts to obtain its allowance, the full and explicit admissions of its justice, in Reports by different Committees of the House of Representatives, and recently by a solemn act of the Senate in the passage, without division, of a Bill providing in part for its payment, we are like to suffer still further most injurious delays in its settlement. The House of Representatives, at the last dates from Washington, had not acted upon the Bill from the Senate, and there is scarce ground for

hope, that if it was to become a matter for debate, it would be moved in the closing days of the session. When the disposition which shall be made of it, is ascertained, and opportunity had to learn from the Delegation, the measures, if any, which the interest of the Commonwealth requires, I may find cause to ask your indulgence in permitting me again, and with more particularity, to present the subject to your attention.

Resolutions of the Legislature of the State of Ohio, declaring the sense of that Assembly, "That the Tariff "of Eighteen hundred and twenty eight accords with the "spirit of the Constitution of the United States, and "that it maintains the true principles of protection to the "industry of the Country against Foreign Policy and "Legislation;" and Resolutions of like import, adopted by the General Assembly of the State of Delaware, have been forwarded to me, to be laid before the Legislature of this Commonwealth.

There are several subjects of important public bearing, upon which I intentionally abstain from addressing you, at the present time. On former occasions, I have spoken of them freely, and in the manner which a sense of duty seemed to require. They relate to measures for the encouragement and promotion of Internal Improvement, permanent provision for an adequate Revenue, and a revision and amelioration of the laws concerning imprisonment for debt. These subjects have become familiar to public consideration. They have lost none of their in-

terest from any change of circumstances, or by the lapse of time, and in the acceptable season, I doubt not, they will receive a favourable determination.

LEVI LINCOLN.