

GOVERNOR'S MESSAGE.

At 2 o'clock on the 3d inst. His Excellency, **Neal Noble**, by Mr. Sheets, communicated to both branches of the Legislature, in the Representatives' Hall, the following

MESSAGE:

Gentlemen of the Senate and House of Representatives:

The favorable circumstances under which we are this day assembled, as to the general happiness and prosperity of our citizens, are calculated to awaken sentiments of the most lively gratitude towards the Giver of all Good for a continuance of favor and regard towards our flourishing and prosperous country. Since our last annual meeting, our State has continued to advance with accelerated rapidity in population and improvement; a favourable season has rewarded the labour of the agriculturist with abundant crops, and thereby diffused activity and prosperity among all branches of industry and enterprise. It is true during the last summer our State was again visited with the epidemic and in some places severely afflicted; but whilst we are called upon to sympathize with the sufferers and mourn over the loss of many valuable lives, we will have abundant reason to be thankful that its ravages did not become general.

The receipts into the Treasury under our present revenue laws continue to increase in proportion to the expenditure. The sum brought into the Treasury during the present fiscal year from taxes assessed, amounts to \$41,458 11. The payments during the same period for ordinary expenditures amount to \$41,172 92, leaving a balance of \$295 19, which added to amounts in the Treasury from other sources, leaves a total balance, on 20th Nov. 1833, of \$17,657 79.

Reports from the Auditor and Treasurer will in due time be laid before you, showing in detail, the condition of our financial concerns.

Although our present revenue system is efficient and abundantly supplies the public wants, yet it is apparent that its assessment is defective, unequal, and unnecessarily expensive. At my request the Auditor of Public Accounts, has, with some labor, prepared from the files of his office a tabular statement, showing the quantity of first, second, and third rate lands returned by the listers from the several counties in the state in the years 1831, 1832, and 1833. An examination of this statement which will be laid before you, will at once satisfy you of the imperfections of our present method of listing lands, and that in its practical results, it is unequal, and disproportionate among the several counties of the State. Notwithstanding the general directions as to fixing the rates of taxable lands, prescribed in the revenue laws, some counties return large proportions of first rate, and others, equal in fertility of soil and possessing other advantages, in at least an equal degree, return little or none of that quality. For instance, the county of Warren has returned one half of her whole quantity as first rate. Martin, Fountain, and Hancock, one third; Perry, Vanderburgh, and Hamilton, one fourth; Wayne, one fourth; Putnam, one hundredth; Washington, one in two hundred; Orange one in a thousand; Rush none as first rate. This relative disproportion in the quality of the lands returned, makes a material difference in the receipts of the Treasury. Take for example, the adjoining counties of Parks and Fountain, which are similarly situated in point of natural advantages, each returning \$8,000 acres, of which, the one reports 33,000 as first rate, and the other 6,000. It will also be seen from this statement, that the quality of lands returned by the listers is continually varying in its proportion, and the quantity of first rate land diminishing, notwithstanding the annual increase of the aggregate taxable lands in the state.

In compliance with the requisitions of a joint resolution of the last General Assembly, the Auditor has prepared from the tract books a statement of the actual quantity of lands taxable for the year 1833, from which, you will perceive that the listers return fall short of the true quantity of lands taxable for the present year, upwards of 220,000 acres, which at the medium rate of taxation, would have produced to the Treasury the sum of thirteen hundred dollars. While this method of listing and rating the taxable lands in the State continues, no certain estimate can be made of the revenue that will accrue from lands, as the quality and quantity are continually varying. These imperfections can only be remedied by an entire change in the method of making assessments.

The several counties in the State have been furnished with a schedule or tract book, showing the quantity of taxable lands in their respective limits, with the addition of such as will yearly become liable to taxation. These books, it is believed, entirely supersede the necessity of yearly assessments by county or township listers. With the aid of these, the duplicate of the preceding year, and the map of the county, the clerks of the several counties in making out the yearly duplicate, can furnish a true and correct assessment of the lands with less trouble, and for a compensation that will, in the item of listing, save the counties an expense of five or six thousand dollars annually. If you approve the remedy suggested, it may be well to direct that a new listing and rating shall be made every five years, that the quality of the lands subject to taxation may be determined; and for the purpose of establishing something like a general standard by which the relative quality of lands throughout the State shall be ascertained, and the amount of revenue collected from the several counties rendered more proportionate to the real value of the taxable lands; this listing and rating every five years could be performed by commissioners appointed for the purpose. If the Legislature should deem it expedient to adopt the ad valorem system of taxation, the same method of listing and valuing lands and other property could be pursued.

Including that portion of the line authorized by the act of the last session of the General Assembly, thirty-two miles of the Wabash and Erie Canal have been placed under contract. The work during the past season has progressed with spirit and activity, and is executed in a manner that does credit to the commissioners, engineers and contractors. By the terms of the contract the work now let out will be completed next season. Reports of its progress, and of the situation of the fund, will be laid before you by the several boards of commissioners.

In accordance with a resolution of the last session of the Legislature, a communication was addressed to the Governor of Ohio requesting him, by a special communication, to call the attention of the Legislature of that State, then in session, to the subject of the extension of the Wabash and Erie Canal, from our line through the territory of Ohio, to the lake. In compliance with this request, His Excellency, Governor Lucas, promptly laid the subject before the Legislature of Ohio, and in that spirit of courtesy and kindness due from one State to another, resolutions were adopted by that body, stipulating, that if Ohio should ultimately decline to undertake the completion of that portion of the work within her limits, before the time fixed by the act of Congress for the completion of the Canal, she will, on just and equitable terms, enable this State to avail herself of the benefit of the lands granted, by authorizing her to sell them and invest the proceeds in the stock of a company to be incorporated by Ohio, and that she will give this state notice of her

determination on or before the first of January, 1838. The Legislature of that State has authorized and invited us to proceed by our agent, to select, survey, and set apart the lands lying within her territorial bounds. These resolutions are herewith laid before you.

The doubts heretofore entertained of the extension of the canal beyond our eastern boundary, through the territory of Ohio to the lake, being removed by the adoption of these resolutions, the lands along the route attracted public notice, and entries of choice lots were rapidly making at the land offices in Ohio. Apprised of this, the duty of applying to the commissioner of the General Land Office for suspension of the sales within the grant to this State, until the alternate sections could be selected, was performed; but instructions to the land offices in Ohio for that purpose were not obtained until the subject was brought directly to the notice of the Secretary of the Treasury. In announcing his decision, and communicating the instructions given on the subject, the Secretary has expressed the wish that early provisions may be made for the selection of the lands belonging to the State than in either of the former instances. The counties of Delaware, Grant, and Huntington, and a considerable portion of Wabash, with a large extent of attached territory, constitute one Representative district; and Allen, Lagrange, Elkhart, St. Joseph, Laporte, and the territory attached, constitute another; and these, with Randolph from one Senatorial district. These districts are equal to one-sixth of the State, and include so large an extent of territory that it is impossible that the present Representatives can be acquainted with the general circumstances and wants of their constituents; and to these Districts must shortly be annexed the counties that will be added to our jurisdiction from the extensive territory recently belonging to the Indians, the organization of which will share largely in the deliberations of the Legislature. Being well assured that the claims of that section of the State require it, and that the measure will save much time and expense to the State, allow me to advise an addition of three Representatives and one Senator.

The defects in our Probate system are daily becoming more manifest, and I feel impelled again to present the subject to the consideration of the Legislature. In my last communication to the General Assembly, two plans of amendment were suggested, either which, it was believed, would in a great measure remedy the evils. After bestowing some reflection on the subject, I will name for your consideration another method, by which, it is confidently believed, the desired results may be attained.

It is well known that an additional term of the Circuit Courts has, for some time, been loudly called for, and that considerations of economy alone have prevented the adoption of the measure. It is also known that the great expense attending the prosecution and defence of suits at law, is a cause of general complaint. This expense is a necessary consequence of the provisions of our practice act. Under our present system a case is docketed for a second or some subsequent day of the term, and although the writ was returnable on the first day, the defendant cannot be called upon for his defense until the day for which it is docketed. The defendant may answer and go to trial immediately, or he may obtain time to plead. The plaintiff must be prepared for trial on the day assigned for his cause, and as the issue is not made, ignorant of the defence that will be set up, he is obliged to come prepared with witnesses to support and sustain his suit against every possible defence that can be made to the action. As it often requires two or three days to make up the pleadings in a cause, the parties are kept in attendance one day after another, and it is not uncommon that the parties to a suit will summon ten, fifteen or twenty witnesses, who after being detained some days in this way are discharged without being called on to give testimony. This is the principal cause of the great expense of litigation so much complained of for any part of the interest or principal.

Looking to the completion of the canal, we are naturally induced to turn our attention to the improvement of the Wabash river. I had the satisfaction of announcing to the last General Assembly, that the state of Illinois had appropriated near twelve thousand dollars for the improvement of that river, if this state would apply an equal sum to the same object. As the subject was not finally acted on during the session, permit me again to recommend it to your attention. The object is one of sufficient interest and importance unconnected with the canal, to demand an appropriation, at least equal, to that of Illinois, as a much larger portion of our State is interested in the navigation of the Wabash than Illinois. I hope the liberality of that state will be met by Indiana as it deserves.

Another subject connected with the progress of our canal, as well as with the settlement and civil organization of our territory and the peace and quiet of our citizens, is the extinguishment of the remaining Indian title to lands within our state. The hopes which were entertained and expressed during the last session, as to the speedy removal of this difficulty, have not been realized; and the efforts of the agents of the general government to effect a purchase have been unavailing. The embarrassing question as to the course to be pursued, still remains for consideration with circumstances of far more pressing urgency, for a speedy determination.

The suggestions I had the honor of submitting to the last Legislature on this subject were misapprehended, probably from a want of precision in my expression. It was not my purpose to recommend, that our Indian population should be subjected to the entire civil jurisdiction of our laws, in the same manner with our own citizens, but so far only as would be necessary to prevent the frequent murders among themselves, to preserve the public peace of our own citizens, to protect the property of the surrounding settlements from constant depredations, and to prevent their Territory from being an asylum for the criminal violators of our laws.

By the several laws organizing the counties of Clinton, Cass, and Grant, and forming the counties of Wabash, Huntington, and Miami, and also defining the boundaries of Madison county, portions of the Indian lands were included in each, without any reservations or restrictions in jurisdiction, in favour of either persons or territory. In this manner more than half of the Indian territory is included within and subjected to the ordinary jurisdiction of the country. This state of things cannot long continue without producing difficulty.

The receipts during the year, on account of the sales of lots in the Town of Indianapolis, amount to six thousand five hundred dollars, the particulars of which will be presented in the report of the agent.

The contractor for the erection of the State House has progressed with the work to the full expectation of the Commissioners. Nearly a million and a half of brick have been laid in the walls, and the materials and workmanship are equal to the stipulations of the contract.

From the report of the visitor to the State Prison appears that the superintendent continues faithfully to discharge his duty. The police of the establishment is said to be good, and due regard is paid to the health, comfort, and morals of the inmates. The superintendent has however, failed to report the productions derived from the various mechanical operations of the prison, with the profits arising from the labour of the prisoners, as is required by law.

Upon the Michigan road, the improvements authorized by law have been prosecuted with vigor the past season, of which about forty frame bridges, from twenty to thirty miles of grading and a number of rough bridges for the ravines and drains on the line, constitute the major part. Of the lands donated to the road upwards of sixty-one thousand acres remain unsold. The report of the commissioner may be expected in detail of his operations and exhibiting the fund.

Since the organization of our State government, several instances have occurred, where, from the great increase of population in certain districts, the inequality in representation had become so great that the Legislature deemed it an act of justice to give additional representations to such districts before the arrival of the period making a general apportionment of the members of the General Assembly. It is believed a greater necessity now exists for such a measure in the northern part of the State than in either of the former instances. The counties of Delaware, Grant, and Huntington, and a considerable portion of Wabash, with a large extent of attached territory, constitute one Representative district; and Allen, Lagrange, Elkhart, St. Joseph, Laporte, and the territory attached, constitute another; and these, with Randolph from one Senatorial district. These districts are equal to one-sixth of the State, and include so large an extent of territory that it is impossible that the present Representatives can be acquainted with the general circumstances and wants of their constituents; and to these Districts must shortly be annexed the counties that will be added to our jurisdiction from the extensive territory recently belonging to the Indians, the organization of which will share largely in the deliberations of the Legislature. Being well assured that the claims of that section of the State require it, and that the measure will save much time and expense to the State, allow me to advise an addition of three Representatives and one Senator.

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