

On Tuesday at 12 o'clock the Governor met both Houses of the Legislature in the Representatives Chamber and delivered the following

SPEECH.

FELLOW CITIZENS OF THE LEGISLATIVE COUNCIL AND HOUSE OF REPRESENTATIVES.

THE existence of difficulties in the execution of our revenue law, which could not be overcome but by the interposition of the legislature, has occasioned your convention at an earlier period, than that which was assigned by the prorogation which terminated your last meeting. I regret the inconvenience which this measure has probably occasioned to some of you, gentlemen, but the public exigencies could not, in my opinion, admit of delay—and I was moreover persuaded, that you would think with me, that the calls of official duty, were paramount to every private or personal consideration.

I have directed the auditor to lay before you, gentlemen, a statement of the causes, which have produced the embarrassments in the collection of the taxes for the present year, which will enable you to determine more correctly on the remedy that is to be applied. An amendatory act to the one which is now in force, may answer for the present; but nothing less, in my opinion, than a total change in the whole system, will save us in future from the disagreeable consequences of a deficient revenue, and an empty treasury. The defects in the present system were early foreseen, and at the opening of the last session, I strongly recommended to the two houses the adoption of a different plan. The combination of so many circumstances, such as this law requires, must always render the execution of it uncertain and precarious—it appears to me, also, that it is bottomed upon an improper principle; the *quantum* and *ratio* of the tax should be fixed by the legislator alone, and not by an executive officer. This important subject, gentlemen, claims your earliest attention; it will require the exercise of much industry and patience, to remedy the evils which have arisen from the present unfortunate system, and to provide one which shall give certainty and stability to your revenue. In affairs of this kind, experience is the best guide which the legislature can follow—he will seek out cases that are parallel to the one, on which he is called to act, and will thus possess himself of sure land marks, to guide him to his object. In the present instance there is no necessity of a recurrence to foreign or distant examples—the neighboring states affording precisely what we seek. A people similar in manners, in habits, and in the state of information, raising their revenue from the same object.—Notwithstanding the embarrassments which have hitherto attended our financial operations, gentlemen, there is one consolatory circumstance, which has been fully established—that a revenue equal to all our necessities can be raised, & that too, without oppression or inconvenience to the people.

The organization of the inferior courts, which was adopted at the first session, continues as far as I am informed, to produce all the good effects, which was expected to flow from it.

No session of the court of chancery has yet been holden; whether the blame is attributable to the chancellor, or to the legislature, in not providing him a compensation, I shall not attempt to determine—it is, however, a state of things, which cannot but produce great inconvenience and distress to the suitors in that court, and a speedy remedy ought certainly to be applied. If in the review gentlemen, which you shall take of the other parts of the judiciary system, it should appear susceptible of improvement, in the important points of facilitating the operations of justice, and lessening the burdens to its attainment, the adoption of it, would no doubt be grateful to your constituents.

The law which was passed at the last session of the legislature, for regulating marriages, does not authorize the clerks who issue the licenses, to demand security of the applicants that there exists no lawful impediment to the proposed union. This omission, which I suppose was accidental, occasions a very glaring inconsistency in our code—con-

forming to the practice in most of the United States, our laws consider and punish bigamy as a capital offence. The facility with which licenses may be procured, and the want of authority in the person who issues them, to ask a single question of the applicants, seems to invite to the commission of an offence, which is deemed sufficiently heinous, to merit the punishment of death.—It is certainly better, when it is practicable to prevent crimes, by regulations which the unprincipled and wicked cannot evade, than by the infliction of punishment. An amendment to the law in question, which should direct the applicants for licenses to give bond & security in a small amount of their legal ability to marry, would probably save many unsuspecting females, from being made the victims of their credulity.

Connected in some measure with this subject, is the law authorizing the general and circuit courts to grant divorces. The propriety and policy of a law of this kind, has been strongly contested in many parts of the United States; and it is believed that the principle has been every where condemned, save in one or two states only.—It cannot be denied, that the success of one applicant for a divorce, has always the effect of producing others, and that the advantages which a few individuals may derive from the dissolution of this solemn contract, are too dearly purchased by its injurious effects upon the morals of the community. The scenes which are frequently exhibited in trials of this kind are shocking to humanity; the ties of consanguinity & nature are loosened: the child is brought to give testimony against the parent; confidence and affection are destroyed; family secrets disclosed, and human nature is exhibited in its worst colours. In the time of the Roman republic, divorces might be obtained by a summary and easy process, but so great was the abhorrence of them amongst these enlightened people, that in a period of five hundred years, but one person had been found to take advantage of the privilege which the law allowed—but when their manners became corrupted by luxury, divorces were so common, that applications were frequently made to the college of Augurs to ascertain the father of a child born in legal wedlock. A few years ago there were but two instances on record in the state of Virginia of applications for divorces; one only of these had been successful, and although that was acknowledged to be a case which had as strong claims to indulgence as any that could happen, it was nevertheless opposed by some of the most enlightened patriots of the state, upon the principle, that it was better for an individual to suffer some inconvenience, than that an example should be established, so injurious (as they supposed) to the morals of the community. There ought certainly, however, to be some tribunal for granting divorces; but I am decidedly of opinion, that this power can no where be so properly lodged as with the legislature.

The perfection of the militia system, gentlemen, is an object of the first importance. To render it an efficient and competent protection to our country in time of war, it is requisite that its organization & discipline should be attended to in time of peace. I fear, however, that our progress in these essential points, will fall far short of the public expectation, and my wishes; unless the state of our treasury will authorize the disbursement of a small sum as a compensation for a staff officer in each county, to attend to the disciplining the men and regulating the returns. It gives me pleasure to state that some degree of military spirit begins to manifest itself in several parts of the territory, and that there is a probability that we shall at least furnish our quota of volunteers, to serve upon the terms of a late act of congress. The deficiency of arms and accoutrements, throughout every corps of the militia, is however, truly alarming, and disgraceful—men in easy circumstances are not ashamed to appear upon the parade without a firelock, or bearing one which would be more harmless to an enemy, than the sticks carried by others.—Whilst we should pity, and endeavor from the public purse to furnish those who are unable to supply themselves, those who are able, & neglect to equip themselves, should be denied the honorable appellation of defenders of their country. One of the princi-

ple characteristics which distinguishes the citizens of a free government, from the subjects of a despotic one, is the right of keeping arms, and that any American should neglect to avail himself of this valuable privilege, manifests a supineness, which is highly censurable. It is possible gentlemen, that the moment is not far distant, when every capable man will be called upon to assume the character of a soldier: The situation of our affairs on the Atlantic coast, as well as on this frontier, makes it necessary that there should be no delay in preparing ourselves for the worst that may happen. A restless and dissatisfied disposition has manifested itself among some of the neighboring tribes, and a few individuals are believed to be decidedly hostile. It gives me pleasure, however, to state, that I have within a few days, received from two of the tribes, the most positive assurances of friendship, and their unalterable determination to submit themselves entirely to my direction. These assurances, although in my opinion sincere, ought not entirely to be relied upon; and the preparations ought still for defence to go on, until the real disposition of all the tribes is perfectly ascertained. Although the agency of a foreign power in producing the discontents among the Indians cannot be questioned, I am persuaded that their utmost efforts, to induce them to take up arms would be unavailing, if one only of the many persons, who have committed murder on their people could be brought to punishment; whilst we rigorously exact of them the delivery of every murderer of a white man; the neglect on our part to punish similar offences, committed on them, forms a strong and just ground of complaint, for which I can offer no excuse or palliation.—A powerful nation, rendering justice to a petty tribe of savages, is a sublime spectacle, worthy of a great republic; and of a people who have shewn themselves as valiant in war, as in peace moderate and forbearing. I do not know gentlemen, whether it will be in your power, to remedy the evil complained of, as the defects seems to be not so much in the laws, as in the execution. But if any means can be adopted which would insure the execution of justice in any cases in which the Indians are concerned, the measure would reflect honor on yourselves, and be of undoubted advantage to your country.

The sale of the public lands in the district of Vincennes, since the last session of the legislature, and the preparations for opening other land offices, gives us a nearer prospect of the accomplishment of our hopes and wishes, by the formation of a state government. An event of so much importance to the prosperity and character of the country, ought to be accelerated by every means within our reach.

I Should not do justice to my own feelings, and perhaps disappoint your expectations, gentlemen, should I neglect on this occasion, to mention a subject, which has greatly agitated our country, and called forth the warmest expressions of patriotic ardour, from every class of its citizens.—The United States, true to those principles, which ought to prevail in every republic; preferring happiness to splendor, and safety to glory; have endeavored to abstract themselves from the entangling politics of Europe; and by practicing the most perfect neutrality to keep clear of those bloody wars which have so long desolated the finest quarter of the globe! The justice and impartiality of her conduct towards the belligerents, has not however been reciprocated—and from one of those powers, insult and injury have followed each other, in quick succession; and promised satisfaction been anticipated by further outrage! The ships of our merchants pursuing a legal commerce, upon that ocean, to which all have an equal right; have been captured, plundered, and their men impressed to serve a foreign tyrant, and shed their blood in battles in which they have no interest. For these aggressions, our government without mingling with its politics, those passions, which agitate the breasts of monarchs, and which overwhelm their unhappy subjects, with misery and ruin: have demanded redress, but have demanded it in vain, still calculating, however, upon the existence of a better disposition, on the part of the power which had injured us. That last resort, which