

# "Staunton Spectator"---Supplement.

## GOVERNOR'S MESSAGE.

Gentlemen of the Senate and House of Delegates.

In entering upon the duties and responsibilities of legislation, the same great question rises that confronted you at the beginning of your last session, and occupied you in one form or another during its entire term. It is the question of questions for Virginia, involving every other. There is not a department of the Government it does not reach. There is not an operation, however apparently remote or small in detail, that is not directly or indirectly affected by its existence or discussion. As long as the State debt continues unsettled there is an incubus upon the spirit and a clog upon the movements of Virginia. When it is settled honorably and finally she will start upon a career that will not be unworthy of her history.

Every day I feel the heavy pressure of this incubus and clog, and fully appreciate how they impede the growth and prosperity of the State. Men coming from abroad, seeking homes and investments in our midst, are pleased with our country, but are driven away by the constant clamor of excessive taxation on the one hand, or charges of threatened repudiation on the other. The question of the State debt has been taken in the excitement of debate, from the field of business where it properly belongs, and dragged into the arena of politics—as if such an issue was to be decided by mutual crimination and recrimination, and by the discussion, it may be aspersions, of private character.

Whilst this is going on in private life or upon the hustings the State is suffering. The ignorant or misinformed of our own citizens are forming their estimate of the real condition of our affairs, not from facts, but from prejudices, and whilst they want their State to do what is right, from the declarations of partisans they infer that she is poorer or more careless than the truth would justify. It can readily be imagined that the stranger, without the same means of information, would form similar, if not more detrimental, conclusions.

### VIRGINIA WANTS CAPITAL AND LABOR.

She invites it cordially from beyond her lines. She offers a climate and soil and resources unsurpassed. She extends the hand of hospitality and welcome, and shows the stranger how he can find a home, with whatever that word implies, within her borders. This he admits, but offsets it with the statement of the troubles and objections to which I have referred, resolved into the single but powerful argument of the unsettled condition of our financial affairs.

This is prevailing. Capital is timid, and labor is anxious for the security of its reward. Neither is going where either is threatened—threatened by the heavy hand of taxation or by the stronger hand of violence.

Our State might increase in wealth and power by the normal growth of her population and capital. But this would require generations, when brought in competition with her sister States, drawing from the resources of the world, and striding with giant steps. But let us have equal chances. Take away the impediments to the advent of capital and labor and they will soon flow in upon us from abroad, and restoring our shattered fortunes, place Virginia where of right she ought to be, and where she has always been—among the foremost in moral influence and material power.

Thus recognizing the importance of the settlement of this vexed and vexing question for the present and future of the State, I feel equally sure that it is not and cannot be settled in the field of angry political discussion. Figures and facts are in no way illuminated by passion and prejudice; nor are great moral and political problems solved by personal abuse. Whilst the day of settlement by such courses is postponed, and loss incalculable inflicted, in the end the fumes pass away and the trouble is composed, just as it ought to have been in the beginning, by calm and quiet and honest judgment.

So let it be now with us in this day of great responsibility and of Virginia's travail. Forgetting personal considerations and personal prejudices, let us, with single eye, determine that nothing shall stand in the way of every honorable effort to harmonize views, thus securing a conclusion which will re-establish credit and prosperity, and give

### A SOLID AND LASTING PEACE.

No future Legislature can reach this end better, if so well, as this. We will not, perhaps, have one shortly of superior personnel or of greater devotion to the public interest. At its last session, it is true, there was much angry discussion and personal bitterness. This probably is unavoidable in such bodies when engaged in the consideration of profound and heartfelt questions of public fame and public policy, however much we may disapprove of like courses in our more quiet moments. But I have no more reason to bring the charge of selfishness and want of patriotism against those who differed with me than I feel that they have to bring the same charge against me. On the great and sometimes far-reaching questions that arose I doubt not they formed their conclusions after deep study—conclusions free from the odor of any mean or unworthy motive. I have a right to demand the same charity and expect it.

But in addition to the character of this General Assembly, collective and individual, no future one ought to expect to have larger or more accurate information. Not only were they elected with a view to its discussion, elucidation, and settlement, but the whole of last session, lasting for over three months, was entirely consumed in the consideration, directly or indirectly, of the State debt. Not a single subject of any public importance engaged its attention that did not tend towards, or centre upon, that one vital issue. I hence infer, and have a right, that no body of men that can be convened in Virginia ought to secure more, or be able to accomplish more, towards the end in view.

I infer, not only from the facts elicited, but from the questions of constitutional and legal principles that have been mooted, argued, and decided, thus clearing the field for the full view of the central spirit and final issue of the controversy.

### IT IS APPARED THAT THE GENERAL ASSEMBLY IS NOT THE GOVERNMENT.

There are two other departments of the State of Virginia. There are two other departments whose duties are as solemn and whose responsibilities are as profound. The same oath holds them within the sphere of their respective operations as bounded and defined by the Constitution—no one of the departments has a right to shuffle its duties upon another, thinking thereby to evade or avoid responsibility. Each has taken an oath, which is quite as sacred, and so to be kept, as that of any other, when the time for the performance of duty comes.

This is the very essence of constitutional government as handed down to us by men wiser than ourselves. If, as they conceived,

the only form in which the germ and spirit of liberty can be preserved. The man who holds office holds it under the Constitution with its grants and limitations. If any such duty, he has already foresworn himself, and not to what department of the government he may belong. Ours holding office, high or low, is the Constitution, in which is expressed the symbol of order, and harmony, and safety, and peace; and no man is a worse enemy to it than he who holds office under it and can be driven from the performance of its duties by clamor and abuse.

I indeed, I can imagine no greater want of worldly wisdom than such a course would indicate, however plausible in a cursory view might seem the advantages. Nor can I conceive of any greater want of decorum and taste, to use no stronger language, than for those who hold office in one department of the Government to mistake abuse for argument, and think by such means to gain an end. Public opinion always ultimately weighs these in an even balance. Hence I give others filling public office credit for honesty and patriotism, as I do to this General Assembly of my State, and am not willing to believe that any future one can more ably and honorably settle this difficult problem which now so embarrasses and cramps her growth. As they are bold and honest in their views of policy, I am very sure they will, like bold and honest men, give credit to those who are compelled to different views from motives just as high and pure, and under obligations just as binding.

The General Assembly, at its last session, performed its work according to its views of the Constitution and justice. I will not assail, or even in the remotest way impugn, its motives or any of its members, whatever may have been their action. I have no right and would take no pleasure in doing so. But acknowledging their faithfulness, honesty, and energy in the discharge of their legislative functions, I think it is no disparagement to them to say that the same tribute may be paid to the co-ordinate departments of the Government. They had no selfish interests to serve, could we suppose them susceptible to such influences, and had only, like your own honorable bodies, the weal of the Commonwealth at heart.

Whilst I admit that legislation must be begun in the General Assembly, and that such a matter as

### THE STATE DEBT

properly belongs to it for settlement, yet examining the extent of its authority, as defined in the Constitution, which is the maker both of it and its authority, it would be a contradiction in terms to say that its edicts are to have the force of organic laws, and in effect wipe out the duties and responsibilities of co-ordinate departments. A bill passed by the General Assembly is not a law, however much its wisdom, learning, and patriotism may be respected; and the executive and judiciary departments of the Government cannot so regard it, however much it might afford them temporary relief from trouble and annoyance by the base surrender of their conscience and judgment, and thence the breach of their solemn oaths of office. If the makers of the Constitution intended that the action of the legislative department of the Government should be a law, binding upon every individual and every department, without further formality, they would have so written it in the chart. Then no man would have disputed it, but all would have bowed in cheerful obedience. But they did not, in their wisdom, see fit so to ordain; and it would be far from becoming, to use no stronger language, for those who assume office, and bind themselves by constitutional obligations to discharge its duties, to miserably and faithlessly forego responsibility, and by their action or non-action overthrow the Constitution they were sworn and appointed to defend. And when those duties are performed fearlessly, however much I may differ, or however differently I would in similar case have acted, I must have very strong proof before I will ruthlessly assail the actors, thus doing gross injustice to worthy men and unloosing the bonds of good government. I give the General Assembly credit for having been honest and faithful, as I know they have been diligent and laborious.

Rendering this tribute to the General Assembly, I am none the less willing to signify my respect for the judiciary. They derive their powers from the same source.—Composed of men chosen by your predecessors for their learning in their profession and exalted worth of private character, they are filling the most sacred office in the Commonwealth.

CONSTITUTION AND LAWS ARE GENERAL; the decrees of courts are specific, and go with searching force to every fireside. If they are composed of good men they ought to be sustained by all good men, whatever diversity of opinion there may be with regard to the correctness of their decisions. When acting within the purview of their defined powers they must be the judges in fact as well as name, and we cannot make ourselves judges without constitutional or legal authority. Chief Justice Marshall said, among his last utterances, near the end of a long, useful and glorious life, in this city, and before one of the most august assemblies that ever met in this or any other country, that "the always thought from his earliest youth that the greatest scourge an angry Heaven ever inflicted upon an ungrateful and a sinning people was an ignorant, corrupt, or a dependent judiciary." Next in fearfulness is to undermine its authority and weaken its influence, judicial and moral, among the people by groundless aspersions upon its character or ignorant attacks upon its judgment.

It seems to me, with diffidence and deference, that it would be well for us to attend to our duties in the light of our best understanding and conscience, and give full credit to others for the same high motives. It would be equally well for us to remember that, however high our position or great our influence, we do not in ourselves constitute the Government. Such was not purposely the intention of the framers of our constitutional republican form of government.—By this division of power they proposed to perfect freedom. And it is only by preserving their design that we can see the beautiful working of parts in one entire system, and the attainment of what I believe we have so much at heart.

With these great principles in hand, the truth and importances of which I am sure will not be disputed, there is not only no necessity for distraction and discord, but every reason for concord and harmony. Angry words on one side or another do not make unity; nor are they ever followed by conviction. The public welfare is too interfering to allow private feeling to long interfere with this triumph. It is impossible that there should not be some common ground upon which the departments of the Government may come together and stand, giving

up differences for permanent sterling results, and showing how the wisdom of our sires has not and will not be falsified in the experience of their sons, and how these lately conflicting departments, instead of being the cause of hopeless dissension, have been the means of bringing into peace, diverse interests and opinions, thereby securing uniform and sure justice. This has been the case more than once in the history of this republic. I feel in my heart that it will be the case now in this trouble of Virginia.

It might have been well could the departments have agreed upon the course to be pursued, to ensure a final and just conclusion of this troublesome subject. That, it seems, could not be; and because it could not be, should we despair and pronounce legislation futile, and demand some other arena and champions upon and by which to decide it? I think not; especially as the arena will be no broader, and the champion no more powerful than those who have the matter now in hand.

I do not believe that there is any

GORDIAN KNOT which cannot be cut, or any problem so intricate that it cannot be solved by calm and quiet legislation. However much the different views may seem to conflict between the different departments, or between members of the same department, I will not surrender my faith in the wisdom with which the government has been framed, and which I believe is equal to the solution of any problem that is likely to arise in our State's experience; indeed, I will go further, and assert, that is not more likely to be solved rightly by reason of the diverse views resulting from the various sources from which the judgment is enlightened, each gathering knowledge and wisdom from a different stand and each under the same heavy weight of responsibility.

These are the lessons which are taught by the history of governments like ours on this continent and beyond the sea, and which are the outgrowth of many experiments and many failures. I think the rise, progress, and present status of this State-debt question is another evidence of its truth.

It presents a very different aspect from what it did twelve months ago. Men were angry then, and attributed difficulties to the subject which really sprang from their own erroneous or uncertain views or misapprehensions of the views of others. The General Assembly met after a heated canvass, and the subject went before them in a chaotic form, and weeks and months were spent in discussing points that were under broader light regarded and treated as irrelevant or false.

Upon the General Assembly fell the duty of investigation in all its bearings, and diligently and energetically it did its work. I believe it took in and covered the whole field, and left nothing, as far as lay in its power, undecided. And though the main question remain unsettled with the creditor, it would be a mistake to say that nothing was accomplished. The arena was cleared of irrelevancies and the subject stripped of matters which had caused bitter controversy, and but one single issue left with which any subsequent legislative body would have to deal.

It will be easily recalled that these matters were, and how much trouble and controversy they caused on the hustings and in the halls of legislation.

It was decided that

THE DEBT WAS JUST, and that the State ought to pay it; and no doubt was left in the conclusion that it was founded in considerations that demanded its recognition. Its assumption by the Federal Government, upon the ground of our being a conquered province, was not insisted on, and I am sure never will be, especially when the correlative is admitted as equally true—if we be a conquered province our property is mortgaged for the payment of the debt. The resumption of our sovereignty and our recognition by the Federal Government disposed of that point, and the Legislature so treated it.

The back, including the war interest, was also fully discussed and acted on, and decided according to law and justice, and as it had been several times before, decided by previous Legislatures.

But, probably most important, the amount of the State debt was thoroughly investigated and strictly ascertained, no longer to be an element of inaccurate representation or willful misrepresentation. Nothing caused more trouble than these misrepresentations or inaccuracies. The ignorant, though honest and patriotic, citizen, was struck dumb and felt powerless when it looked mountain-high right in the path of the State's growth and prosperity, and utterly hopeless of removal by any strength she had or was likely in the future to acquire. The amount, happily, was ascertained, fixed, and clearly acknowledged—thus closing the door upon the charge of any willful or attempted repudiation of the principal of the debt.

This was important work, but it did not embrace everything the General Assembly did. It passed bills of retrenchment and reform, which became and are now laws.—It used freely, and perhaps to the drawing of blood, the pruning-knife, and spared no department of the Government, thus showing an earnest desire to come to some effective conclusion, and reducing expenditures to merely living rates, apply the surplus to its just obligations under the Constitution.

The first finance bill that passed both houses of the General Assembly failed to become a law, because, on constitutional objections, it did not receive the approval of the Executive. And the public free-school bill failed for similar reasons. These acts of the Executive have since been approved by the establishment of similar principles by both the Court of Appeals of this State and the Supreme Court of the United States.

At a subsequent period of the session the General Assembly passed a bill, by an almost unanimous vote, which became a law, and which was simply in the nature of a proposition to the creditors, and contained no element of force.

Thus out of confusion, of the comparing and friction of opinion, came order.

### PERSONAL BITTERNESS, PREJUDICE AND EXCITEMENT

gave way before the consuming demand of the State's weal. Whatever may have been the views of departments or their individual members, the Government of the State of Virginia stood firm to her ancient faith and renown. There was no man; no body of men among them, as far as I know, who was secretly or openly in favor of repudiation, and who did not spurn it as he would a stigma upon his private reputation. Whilst there were in the beginning differences of opinion with regard to points of greater or less importance, arising in the debt question, growing out of profound principles of law and policy, no one ever intimated that

for any reason Virginia would or ought to repudiate a just debt. And finally the Government decided that the debt was just, and its obligations unimpaired. No excuse for its non-payment was or can be urged save inability, resulting from causes which the State could not control and in the destruction of assets on which the debt was contracted, and its future discharge was based.

Just here arose another vast difficulty.—After the contraction of the debt, after indeed, the destruction of the assets, the State, by and under a new organic law, assumed an additional burden, which required, and might continue to require, immense expenditure. The destruction of the property was a grievous blow to the State's prosperity. The accumulations of centuries were swept away, and often not one stone left upon another to tell the story of a spot where wealth and refinement had flourished. The soil, often all that remained to the owner, and which had been in cultivation for many generations, was brought into competition with the virgin soil of a new country, by continental lines of railway. But, far more serious than these, society was disorganized, and chaos prevailed in the whole industrial and labor system; and the most far-sighted and sagacious could find no clew with which to guide us out of a darkness that could almost be felt. By the supreme power of the Federal arms those who had hitherto directed the destinies of the State were disfranchised, and those who had been slaves, and their ancestors for centuries were exalted into citizenship. The like of this has never before occurred in history.

When the Convention met to frame the Constitution under which we now live, they saw that the public free school system prevailed in one form or another in almost every civilized country in the world, and they, I doubt not, thought, *a fortiori*, it ought to be established in Virginia. Where so many enlightened men had been forbid to vote, and so many ignorant men, lately serfs, had been clothed with the responsible trusts of freemen, they regarded, and properly, intelligence and honesty as the *sine qua non* of the success of republican forms of government, as they have ever been regarded and urgently inculcated by those who have reflected profoundly, or have observed or experienced their workings. They, therefore, made

### THE PUBLIC FREE-SCHOOL SYSTEM

a part of the organic law, notwithstanding the impoverished condition of the people, thinking, I have no doubt, that it would be easier for them to rise clad with its armor than to fight unarmed the many foes that beset the paths of ignorance and dishonesty. And whilst they provided thus, according to their best judgment, for the future intelligence of the citizen, they over and over again provided for the payment of the lawfully indebtedness of the State, believing that these provisions tending to secure knowledge and integrity to the citizen he could overcome the waste of the war, and restore and preserve the ancient power and glory of the Commonwealth.

It is not my business to discuss the merits or demerits of the general public free-school system. Those who framed the Constitution, and the people by whom it was adopted, determined that it should prevail in Virginia; those who hold office are bound to support it, as they are bound to support every other provision of that Constitution. Not that the Constitution of the State of Virginia is supreme, and by its fiat disposes of all rights. It is not supreme in morals, over justice, to a man who recognizes his obligations to God. It is not supreme in law as long as we are under the Constitution of the United States—and in the assumption of office, whilst we take no formal oath to support the former, we do the latter. But office is not obligatory on any one. I am not a believer in "higher law," to a man clothed with the responsibilities of office; nor have I any faith in oaths taken with a mental reservation. And were I of opinion that I could not conscientiously carry out the provisions of the instrument I was sworn to support, I would resign my office, so that it might be filled by one who could.

Entertaining these views, there has been no time since I assumed the duties of the Executive that I have faltered or hesitated to do whatever lay in my power to make the public free-school system what the Constitution and the laws intended it to be. As ex-officio the president of the Board of Education, I have given my best efforts to crown it with success, and to make the system render to the present and future of the Commonwealth everything that its most enthusiastic admirers and supporters claim for it or could desire. My acts in that connection speak louder than words.

Notwithstanding this, which can in the nature of things be only or best known to the members of the Board and by their records, my official utterances have been ignorantly or willfully tortured into

### ASSAULTS UPON THE PUBLIC FREE SCHOOL SYSTEM.

as if I could be guilty of the folly of attacking formally and publically what I had just taken an oath to support, in the same formal and public manner.

The further accusation has been brought that I have arrayed the creditors and the free-school system against each other, thus engendering antagonism of interest and bitterness of feeling. With respect and deference, this is just what I have not done. The bill of the General Assembly, which I felt called upon in the discharge of my duty and under official obligations to decline to approve, drew a distinction and made an array of one against the other, for which I could find no warrant in the Constitution—that instrument declaring in language not to be mistaken that both should be faithfully and fully provided for.

I said, and it gives me pleasure to repeat, that the public free-school system in Virginia is the greatest benefaction of which we have any record in history. Though she came out of the war lacerated and torn as I have described her, she, in her poverty, not only provided for the support of her Government and the payment of her debts, but she provided for the education of her poor of both races. This was done by common consent; not by force of arms, or the more subtle but none less dangerous force of the ballot. It was done by the approval of every class—educated and ignorant, rich and poor—as an offering to the present and rising generation, and a promise of the future greatness of the Commonwealth. Its warmest advocates and most enthusiastic admirers will claim for it no more than this. If education be a great boon, if its advantages inure to the benefit of the State, they will not deny that to secure them the system must not be founded in wrong. It would be no honor to a State, and consequently no benefit, to be decorated by spoils wrested from the weak and innocent, especially if those weak and innocent had befriended the State in the time of her need, and those evi-

dences of friendship constituted the very elements of the State's strength. Granting the friends of public free-schools everything they wish or claim for them; granting that the State ought to provide them, and that they ought to be thrown open freely without money and without price; that they are abolutely in theory above any and every public or private objection; that their blessings, permeating every class of life and pursuit, will

### INVIGORATE, ELEVATE, AND BEAUTIFY THE COMMONWEALTH;

even then it does not follow that we ought to violate established law and plighted faith to uphold them; because we know that without the recognition of these latter their friends cannot by any possibility long preserve the benefits which they seem so abundantly to promise themselves.

When I think of these things, there is nothing I have ever said that I need wish to retract. I would not, because I would not detract anything from the credit and honor of my State, whatever might be my views of the expediency of her course or policy. So when I find this great benefaction lying in the path of her history I will not stultify her conduct and diminish her fame by saying that the means for the benefaction were to be provided at another's expense. She did not so intend, and she has so expressly declared in the writing of endowment.

I place no value upon intellectual education without the moral accompaniment. Indeed, I would much prefer ignorance; for such an education does not make good men or good citizens, but puts weapons in the hands of the wicked to accomplish evil purposes. Mephistopheles is none the less wicked, only the more so, because he is simply intellectually cultivated. Education mental and moral, must go together, hand in hand, and then will both its power and goodness work for the common welfare. When free schools are established they ought to be the best that culture and the means at hand can devise and perfect; but above everything there ought to breathe through them in their different departments and grades the purest morality, and their foundations and superstructure ought to be proof against the charge that they were built of money which should properly have gone to others. What sort of citizens would youths educated in such a way make, or wherein is any benefit to result to the individual or the State? I therefore repeat, that if the people of Virginia want public free schools they must pay for them out of their own means. And it is no relief to say that the Constitution provides for them; it also provides for their support by taxation—the only way in which they can be provided for—and at the same time provides for other things of equal dignity and of equal obligations, to say the least.

But under the Constitution and law as now interpreted, and the inadequacy of the revenues, the public creditors who have not tax receivable coupons have disappeared from the scene altogether, for they get nothing; and those holding tax-receivable coupons getting their dues leaves the issue no longer nett the public creditors who have not tax-receivable coupons and the public free-school system and the State. One third in amount of the public creditors get nothing, so that, as matters now stand after the support of the Government the revenues are divided between them, as a mass, and the public free schools, not being sufficient to pay both. The public creditors and their friends say theirs is first in point of time and dignity;

### THE FRIENDS OF THE PUBLIC FREE SCHOOLS

insist with equal force that just the contrary is true. The letter of the Constitution provides for both; and I most respectfully insist that the terms of that Constitution must be complied with.

I do not think it requires any preambles, bills, or acts of Assembly to satisfy us that the life of the State must be preserved, and that in and on it are involved and based every question and every interest. In it the public creditor finds his only hope of justice; for it he trusted. The public free school upon its bosom rests, and without it would have neither local habitation nor name. The State must live, or the hopes of the creditor and the free schools both perish. This is so plain that whilst I write it I feel as if I were simply writing a truism.

And yet, talk, quite vague and hard to understand, is heard about robbery, misapplication, misappropriation, diversion of the school fund. I am sure those who use these ugly terms, do not intend them in a criminal sense, yet they are calculated to deceive the ignorant, but cannot possibly mislead those who look at the revenues and expenditures of the State. When those revenues are applied according to established rule both of the General Assembly and the highest courts to preserve that organism in which cohere the rights of life, liberty, and property, which are the fruit of civilization, and which could not survive one moment the reign of law, and without which everything would resolve itself into chaos—public free schools and all—and if there is a deficit it does not prove robbery or any other base crime, it simply proves that there is a deficiency of money in the treasury to meet the requirements. I, therefore, do not suppose any reasoning or reasonable man ought to be misled by these harsh, and, to say the least, not very decorous terms. If such has been the impression of any one hitherto, I am sure a very slight examination will undeceive him. I think the friends of the schools will do much more for their promotion and success by avowing at once that there is not revenue sufficient to carry them on properly, and urging increased taxation for the purpose, rather than charging innocent men with grave offences. I am very sure that no member of the General Assembly, and no true friend of the public free schools would deserve it, yet an illiberal and cynical posterity might pronounce the same judgment that it has done on Demetrius the Silversmith, and his fellow-craftsmen, that when they cried so lustily

### "GREAT IS DIANA OF THE EPHESIANS."

they were not thinking so much of the interests and honor of the Goddess as of the sales of their own merchandise.

The time will very soon come, if not already at hand, when the friends of the public free-school system will not be regarded as those who in their zeal would force it into and over other obstacles, regardless of necessities of State or rights of individuals; but rather those who would find it in justice and equity and charity, so that, instead of being a standing reproach to the State and the victorious enemy of others' rights, it will be, as it ought, the perpetual glory of the beneficence of a great Commonwealth, and the promise to future generations of an unswerving and abiding devotion to plighted faith and untarnished honor.

These are statements, conclusions, and principles which I am sure no one will deny;