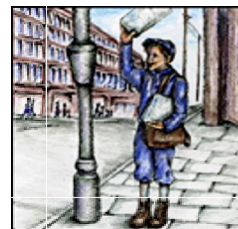




powered by



A Freely Accessible Repository
of Digitized California
Newspapers from 1846 to the
Present

Daily Alta California, Volume 4, Number 25, 6 January 1853 — GOVERNOR'S MESSAGE. [ARTICLE]

GOVERNOR'S MESSAGE.

Fellow citizens of the Senate and Assembly :

The duty again devolves upon me to communicate with the people's representatives on the condition of the State, and recommend such measures as I may deem expedient.

Permit me, then, to welcome you to the scene of your legis-

lative labors, and to express the hope that all the measures matured by you may not only be promotive of the interests, but meet the warm approval of our common constituents, who have confided to you the most important trust which can be delegated to public agents. I need hardly assure you of my sincere desire to co-operate with you in all your efforts to exalt the character, establish the credit, and advance the general interests of the State.

You have assembled at an interesting period in the history of our public affairs. Our interests have acquired a more permanent and solid character; the people have generally yielded a willing obedience to the laws; our commerce is rapidly diversifying and expanding; the sources of our wealth have been immensely augmented; agriculture and the mechanic arts are more generally engaging the attention of our people; institutions of learning are springing up in our midst; and, in fact, all the arts of peace are beginning to progress and flourish throughout the State. We have entered upon our career of freedom and civilization with prospects the most flattering. Uninterrupted and surprising as has been the progress of those sister States from which we are divided—not by feeling, but by geographical position—astonishing as have been the achievements of science, and astounding the political events which have distinguished the past history of our country, the settlement and partial development of the resources of California by the American people, is by no means the least amongst the great achievements which have been consummated. The importance of events is estimated by their influence upon the destinies of mankind; that of the settlement and development of California, to which I have above alluded, possesses a peculiar interest, since it evidently hastens the period when a more considerable portion of this continent—including, perhaps, some of the proximate islands of the seas—may be in subjection to the enterprising and enlightened policy of the government of the United States. The settlement of California has developed in the public mind a strong bias favorable to other peaceful acquisitions, and has proved, that, while in accordance with the uniform policy of the government, we have ever been ready to welcome the emigrant foreigner to our soil, who can, consistently with the Constitution and Laws of the United States, become citizens by naturalization, they are at the same time disposed to make the soil itself, peacefully, a portion of the Republic. Despotisms forcibly subdue and subject foreign territory in violation of the laws of nations, while it is the policy of our government to extend the "area of freedom" only when it can be done consistently with the rights of others, and by a due observance of the laws governing national intercourse.

Pursuing the path of peaceful progress, we have advanced in all the elements of national greatness, and enjoyed a degree of

all the elements of national greatness, and enjoyed a degree of individual prosperity under the operations of our civil institutions, unexampled in the history of governments.

Amongst the most important duties which will devolve on you at your present session, is that of regulating the finances of the State, and fixing them upon a basis at once permanent and sure; which shall, at the same time, serve to secure us against the embarrassments of an overdrawn treasury, as well as against the burdens of oppressive taxation. It cannot be disguised that for the past three years, we have not devoted that advised and well-informed attention to this subject which its great importance demands. Year after year, since the organization of the State, we have been steadily contracting heavy liabilities, until at length the burden is onerously felt, and the embarrassment thus occasioned begins to seriously affect our standing and credit, and retard our progress. That measures must now be adopted immediate, if practicable, in their effect, and radical in their nature, would seem to admit of no question. We have pursued a system heretofore the practical results of which, as exhibited by the present financial condition of the State, are certainly not such as will commend it to further adhesion. A system which produces such results must be defective, and should be abandoned. To sustain the credit of the State, to avoid the burdens of embarrassing liabilities, and to expend no more than the annual revenues derived from easily borne taxation, are amongst the first and great objects of legislation. But we have signally failed to do either up to this time, and must therefore have pursued a system neither well founded nor wisely practical, considered with reference to the objects intended to be secured thereby. A debt has been already contracted, which, under existing arrangements, will continue to accumulate to a disastrous extent. Fortunately, however, it rests with you to check the growing evil, by a suspension of the existing and the adoption of another system, which, while it avoids the errors into which we have heretofore fallen, shall introduce such salutary reforms as past experience demonstrates to be indispensable.

With this in view, it is my purpose to present, generally, for your consideration, a few of the leading reforms which have occurred to my mind as important and necessary.

The existing debt of the State on the 15th December, 1852, is set forth as follows in the report of the Comptroller of the State:

CIVIL DEBT.

Amount of 3 per cent. Bonds outstanding,.....	\$63,750 00	
Interest on the same to date,.....	63,700 00	
		\$127,450 00
Amount of 7 per cent Bonds of 1850,...	\$337,000 00	
Interest on the same,.....	3,218 58	
		\$100,218 58
Amount of 7 per cent. Bonds of 1852,...	\$790,500 00	
Interest on the same.....	281 41	
		\$790,781 41
Civil warrants outstanding,.....		69,763 79
		\$1,388,213 78

WAR DEBT.

Amount of 12 per cent. War Bonds of 1851,.....	\$200,000 00	
Interest on the same,.....	39,812 20	
		\$239,812 20
Amount of 7 per cent. War Bonds of 1852,.....	\$478,000 00	
Estimated interest on the same.....	10,850 00	
		\$488,850 00
War Warrants outstanding,.....		41,727 85
Total War debt,.....		\$771,190 05
Amount of School Land Warrants,...	\$190,080 00	

WHOLE DEBT OF THE STATE.

Amount of Civil debt on the 15th of December,	
1852,	\$1,388,213 78
Amount of War debt on the 15th December,	
1852,	771,190 05
	<hr/>
	\$2,159,403 83

Making the entire Debt of the State, Civil and War. \$2,159,403 83

And if we include the \$190,080 00 received for School Land warrants, \$2,349,483 83. On the amount received for School Land Warrants, the State is pledged to pay an annual interest of seven per cent. to the School Fund, but the principal I do not regard as legitimately a debt of the State; so that, excluding this item, it will be found to be \$2,159,403 83, to which should be added [\$5,412 3] the interest which has accrued upon the amount realized from the sale of School Land warrants. Beside this, the debt contracted by reason of Indian expeditions—amounting to the sum of \$177,190 05—should be regarded rather as an apparent than actual indebtedness. The reasons for this opinion are contained in a special message transmitted to the Legislature at its last session, and are as follow:—"The General Government owed us protection which was not adequately afforded. Our frontier citizens were exposed to Indian depredations, and hostile Indian incursions were not only threatened, but actually commenced. No sufficient United States forces could be mustered for the protection of our people, their lives and property, and we were compelled, therefore, to protect ourselves. To do this, it became necessary, in the opinion of the Executive, to extend that protection which the General Government should have secured. The amount expended on these expeditions, for a part of which the bonds and warrants of the State are now outstanding, I have reason to believe will be promptly assumed by the General Government. Our situation in this respect is not at all peculiar, for there are abundant precedents to be found in the proceedings of Congress, of appropriations having been made in similar cases. By act of Congress, approved March 3, 1841, provision is made for the payment of troops called out by the Governor of Alabama to suppress Indian hostilities. By an act, approved August 11, 1842, an appropriation of \$175,000, is made to the State of Georgia, for expenses incurred in the Seminole, Cherokee and Creek campaigns; and the suppression of Indian hostilities in Florida and Alabama. By an act approved August 29, 1842, the sum \$61,378 15 is appropriated to the State of Louisiana for the troops employed in the Seminole war; and by act approved May 14, 1834, an appropriation of \$35,000 is made to Missouri for similar purposes. These precedents indicate, that where it is made to appear that a State has been required to call out forces, and incur expenses in its defence, the Congress of the United States will make such appropriations, as justice and an observance of the relations existing between the General and State Governments require. Beside these precedents, there are to be found numerous appropriations made to individuals for services rendered by order of the several State authorities, and for property stolen and destroyed by hostile Indians, where insufficient protection had been extended by the General Government."

Should this amount, then, be assumed by the General Government, the debt of the State is reduced to \$1,388,213 78. It should be borne in mind, however, that until an assumption by the General Government, we are pledged to the redemption of the bonds issued to secure the payment of these liabilities, and whatever financial measures are adopted, should be with a view to the contingent probability of their ultimate payment by the State.

Having thus exhibited our present financial condition, it remains to devise means by which the heavy indebtedness

mains to devise means by which the large indebtedness we have incurred, may be discharged and the affairs of the State hereafter administered, so that its expenditures shall not exceed its income. It is perfectly apparent that we cannot proceed as heretofore, without destroying our credit and deeply involving our interests. Wisdom would, therefore, dictate reforms, and experience demonstrates that in many cases they are required to be radical.

The estimated receipts and expenditures for the ensuing Fiscal Year are estimated by the Comptroller, as follows:

Receipts.....	\$434,100 00
Expenditures.....	1,093,213 68

By reference to the table of estimated expenditures it will be seen, however, that many of the items mentioned are of special character, and do not enter into the general annual expenditures, amounting in the aggregate to upwards of \$1,200,000.

With a view to lessen the expenditures of government I would invite your attention first to several reforms in our State constitution.

When we consider the period and circumstances of the adoption of our present constitution, it is not matter of astonishment that experience should have disclosed its imperfections. Coming into existence at an early and unsettled stage of our political history, when our population was sparse, unstable, and possessed little or no identity with the permanent interests of the State—when our wants and resources were as yet undefined and undeveloped—when the diversified adaptations and necessities of the various portions of the whole were unknown, and all was confusion and excitement, it would, indeed, present an instance of almost superhuman sagacity, should its provisions be found to afford a solution for all the exigencies of the future. The immense augmentation of our population; the rapid and mighty changes in our habits and pursuits; the more matured and staid condition of society, independent of its intrinsic defects, would seem to demand that the basis of our system should be remodeled and adapted to present emergencies.

It is but justice, too, that the large and intelligent accession to our numbers which has accumulated since the adoption of our existing constitution, should be permitted to speak and have its influence in shaping the character of our institutions.

I am not an advocate of frequent and sudden changes in that

system of law and policy by which a people are governed. But when a State exhibits a spectacle which is presented by ours, of having grown up from infancy to manhood, as it were in a day—when in the short space of three years, we have risen from a wandering and adventurous population of not more than fifty thousand, devoting themselves rather to the acquisition of wealth than the formation of a plain, free and frugal government—to some three hundred thousand orderly, moral, industrious, intelligent and permanent citizens, who are indissolubly associated with the welfare and prosperity of the State; and especially when radical and serious defects exist, duty, wisdom and prudence dictate that an effort be made to remedy these deficiencies and errors, and that alterations in our earlier organization, commensurate with the change of circumstances, be effected. But by far the most material consideration which influences me in this recommendation is that of economy.

In the present embarrassed condition of our State finances, it becomes us to search out every avenue to economy which does not entrance on principle or justice. It is believed that provisions exist in our constitution which might be dispensed with, without inconvenience, and thereby, if not entirely relieved, at least greatly assist in reducing our burdens and embarrassments. Such being my convictions, I feel it my duty to recommend that steps be taken in accordance with the 1st section of the 10th article of the constitution: First for amending the 2d section of article 4th of that instrument in such a manner as to provide for biennial instead of annual sessions of

manner as to provide for annual instead of annual sessions of the Legislature, and those sessions not to exceed ninety days in duration. When the advantages and disadvantages of annual and biennial sessions of legislative bodies are impartially com-

pared, the preponderance of benefit will be found to be clearly on the side of the latter. It is true, that by way of speedily curing existing defects in our laws and of applying a remedy to cases of pressing and importunate demand, the yearly assembling of the Legislature may afford advantages; but on the other hand, when we reflect on the expenditures of public money necessarily attendant on these sessions; on the evils of that government whose laws are undergoing continual and rapid changes; and that in cases of absolute necessity, it is in the power of the Executive to call extra sessions, the argument must be admitted to be in consonance with the proposed amendment.

Such an alteration in our constitution will effect a saving to our treasury of two hundred thousand dollars annually. An item of such importance in our present condition must command the most careful investigation of the Legislature, and to it I invoke your most serious deliberations. It is a fact of no slight importance that many of our sister States, after having tested the system of annual sessions, amended their constitutions as now recommended; but no instance can be found in which the reverse is the case. The States of Missouri, Illinois, Georgia, Alabama, Mississippi and Kentucky have, of late years, amended their constitutions in this respect.

Second—That the 28th section of the 4th article of the constitution be repealed, and the taking of the census of the State be left to be regulated by law or that it be so amended as not to require that work to be done in the year 1855.

The taking of the census of a State so extended as ours, is a weighty and expensive operation, requiring much time and labor and a great outlay of money, and should not be required more frequently than actual necessity demands. During the past year it has cost some one hundred thousand dollars; and, as it is an affair of questionable utility, it is to be hoped that it will not be so soon repeated as the constitution requires. The census will be again taken by the Government of the United States in the year 1860, and that which has just been completed may, without inconvenience, be acted upon until that period.

Third—That the 1st section of the 9th article of the constitution be repealed, and the duties of the Superintendent of Public Instruction devolve upon the Secretary of State, or upon Commissioners to be chosen by the people of each school district or township.

The office of Superintendent of Public Instruction, as a distinct department, is of very doubtful necessity, as an original question; and if, under any circumstances, it were desirable, can now, with propriety, be dispensed with, and thus relieve the treasury annually to the amount of the salary and contingencies of that office. In adopting the policy proposed, we follow the example of a large majority of our sister States on this interesting subject. On examination it will be found that more than two-thirds of the members of the confederacy have, after mature experience, in some of them, finally settled down on the measure advocated by this amendment. The States of Vermont and Wisconsin are the only ones which have constituted this a separate and independent office: New York, Massachusetts, Illinois and Pennsylvania have merged the duties of this office in that of the Secretary of State; Indiana has placed it in the hands of the State Treasurer; Connecticut, with the State Auditor; and Maine, New Hampshire, Louisiana, Mississippi, Alabama, Florida, Georgia and Missouri, have divided them out among Commissioners elected by the people of the various school districts. Such commanding precedents should not be disregarded by us.

The fundamental law of government, which constitutes

changed after long and strenuous effort, it would seem, should be confined to provisions for great and admitted principles and measures, and leave the ways and means of carrying those great truths into effect to the wisdom and patriotism of the legislative power, acting under a knowledge of the peculiar circumstances of the time.

Fourth: The twenty-fifth

Fourth: The twenty-fifth Section of the fourth Article is equivocal and doubtful in its construction, and would seem to impose a novel, unnecessary, expensive, and—as it has been sometimes acted on—inoperative duty. It provides that, in order to revise or amend an Act or Section, the Act or Section proposed to be amended must be re-enacted and republished at length. This requisition increases considerably our printing expenditures, and from the useless labor required, is frequently disregarded in practice. Thus, at one and the same time, teaching us to evade the solemn injunctions of the Constitution which we have sworn to support, and uselessly enhancing the demands upon the Treasury.

I therefore recommend that the portion of this Section liable to these objections be repealed, and that the Section be left to read, "Every law enacted by the Legislature shall embrace but one object, and that shall be expressed in its title."

Fifth: That the 18th Section of the 5th Article of the Constitution, providing for the election of Surveyor General, be amended, and that the whole matter of the necessity of appointment or election of such officer be confided to the Legislature. The reasons for this recommendation are the same as those which obtain in the case of the Superintendent of Public Instruction.

Sixth: The 8th Section of the 11th Article provides that the Fiscal Year shall commence on the first day of July. I recommend that this section be so amended as to make the commencement of the fiscal year on the 15th of December. The reasons for this change will readily present themselves. Under the existing provision, the Legislature which assembles on the first Monday of January cannot obtain satisfactory information from the Annual Reports of the Comptroller and Treasurer as to the condition of the State finances, after the first day of July preceding. And consequently it becomes necessary for this information to be obtained by special resolution, always at great expense of time and labor to these officers. If the change suggested, however, were made, the Reports of these officers would display the condition of our finances up to the 15th of December, and be much more satisfactory.

These alterations are suggested under a solemn sense of duty, believing them not only co-ductive to the interests of the State, but absolutely essential to our prosperity and welfare. By adopting the method of amendment pointed out by the section of the Constitution to which I have referred, you will avoid the expense and agitation of calling a Convention of the State, and it is hoped that this course will commend itself to your judgment as the most prudent and desirable.

The office of Superintendent of Public Buildings is believed to be unnecessary, and a useless burden to the Treasury. I recommend therefore, that the law creating that office, unless it expired by limitation on the first of January, as is believed to be the case, be repealed, and that the duties thereof be required to be performed by some one, or all of the State officers, without additional compensation; or that some other disposition be made of those duties, which will relieve the Treasury of the expenditures incident to that office. In this, too, we follow the example of most of our sister States. New York vests these duties in the Governor, Lieutenant Governor, Speaker of Assembly, Secretary of State, Attorney General and Comptroller, by right of office. Mississippi vests them in the Auditor and Treasurer of State. Illinois places them with the Secretary of State. Wisconsin with the Governor alone. In no State of the Union, save that of Missouri, can I find this constituted a separate and distinct office.

...and distinct office.

Our Judicial Districts are much more numerous than our necessities seem to demand. We now have eleven District Judges, with salaries ranging from three thousand to seven thousand five hundred dollars each. These might well be curtailed to eight, and thus effect a considerable saving to the Treasury. I recommend that this be done, and that the County Attorney system be also changed to that of the election of one Attorney for each Judicial District, to be compensated by the fees of office. This latter provision will relieve the County Treasuries of the salaries of these officers, and invest the office with more importance and dignity, besides saving to the State the annual sum of five thousand dollars now paid to the District Attorney of San Francisco county.

The State Prison Inspectors, authorized by the Act of April 25th, 1851, are not required, and are an unnecessary charge upon the State, their salaries amounting to \$2,000 per annum each. These may be dispensed with without detriment to this particular branch of the public service, and their duties devolved on a board composed of any three of the State officers, without additional compensation. By adopting this suggestion a saving would be effected to the State of \$6,000 annually.

In pursuance of the system of retrenchment and reform proposed, I come now to consider the propriety of a further reduction of the salaries of officers of State and pay of members of the Legislature. The general object is to reduce both to a cash basis, and thus to provide for their payment in cash instead of, as heretofore, depreciated evidences of State indebtedness, from which has been realized little, if any, more than the sum at which it is now proposed to fix them. It is well understood that these salaries and pay, practically, have been and are, to the extent of at least 33 per cent, nominal, as far as the recipients of them are concerned; while, on the other hand, the effect is to burden the State with extravagant expenditures. The State must ultimately pay at the rate of \$16 or \$12 per diem, while the member receives in fact but \$8 or \$10. The reason of this is obvious. So long as we continue to exceed in our annual expenses our annual revenue, the credit of the State must continue to be impaired, and its bonds, warrants, or other obligations depreciated; and while the pay of members or salaries of officers are received in such depreciated evidences, a proportionate nominal increase of both is in justice required. I feel it my duty, therefore, to earnestly present this important subject for your attentive consideration.

The expenses of the Legislature, as well as the Executive Department of the State Government, considered with reference to their ultimate payment, and in cash, instead of fictitious amounts, have been undeniably exorbitant. The mileage and per diem of members alone have annually averaged over \$220,000 since our organization as a State Government. This amount is exclusive of legislative printing—the printing of the laws and journals, and the contingent expenses of the two houses, which amount in the aggregate for the same period to \$365,555.06, an average of over \$121,000 annually. These exorbitant expenditures may and ought to be greatly reduced. So also with the Executive Department. The salaries paid officers of State, if fixed upon a cash basis, are unnecessarily large, and with proper discriminations may be reduced without practically diminishing the amount now received by them.

The expenses incurred in the support and maintenance of our State Hospitals, too, are excessive, and unwarranted by our present financial condition. Much as we may regret the necessity, still it is certain, that as one of the means to restore the credit of the State and preserve it, the very large annual expenditure consequent upon the support of this system must needs be avoided. It appears from the Comptroller's Report that appropriations for our hospitals for the present fiscal year exceed the sum of \$238,000. So great an outlay we are in no condition to sustain, even were the necessity for it greater than is at present believed to exist. I can do no more than mention

is at present believed to exist. I can do no less, therefore, than earnestly recommend that some measure be adopted, which, while it provides for the care of the indigent sick in such manner as the means and resources of the State justify, shall relieve the Treasury of the burden of the existing hospital system.

By adopting the suggestions which have been thus imperfectly submitted, it is estimated that an annual saving may be effected to the state of \$312,700, which consists of the following items:

Surveyor General.....	\$ 20,000 00
Superintendent of Public Instruction.....	4,500 00
Superintendent of Public Buildings.....	4,000 00
Prison Inspectors.....	6,000 00
Biennial Sessions.....	171,000 00
Reduction of pay and mileage—pay to \$3 per diem, mileage one-half.....	110,000 00
Limiting sessions to ninety days.....	43,200 00
Reducing transportation of prisoners from one dollar to fifty cents per mile, which is recommended.....	8,000 00
State Hospital. (See Reports of Comptroller).....	140,000 00
Reducing salary of Governor to \$7,000.....	3,000 00
Reducing salary of Supreme Court Judges to \$7,000.....	3,000 00
Reducing number of District Judges from 11 to 8, about.....	12,000 00
Salary of District Attorney of San Francisco.....	5,000 00

It is not pretended, of course, that these estimates are entirely accurate, but by reference to the Report of the Comptroller they will be found to be very nearly correct; sufficiently so to show the necessity for immediate legislative action on the subject. When it is considered that the amount thus saved exceeds the annual revenue of the State, no other or further reason, it would seem, need be assigned to induce you to adopt the system of retrenchment from which such results must follow.

Although the gentlemen now discharging the duties of the various offices proposed to be dispensed with, as distinct offices, have been efficient, and rendered important service, still, believing that the duties appertaining to the said offices can be performed by others, without detriment to the public interest, I have, as a measure of economy, deemed it my duty to recommend their abolishment, and the duties thereof transferred to other offices of State.

It will be seen that the enormous sum of \$157,993 89 has been paid as interest on our three per cent bonds, and that on the 15th of December last the amount outstanding was \$63,751, on which interest to the amount of \$63,700 had accrued. By adopting the reforms suggested, and relieving the State from the onerous interest accruing on these three per cent bonds, we may certainly calculate, especially when it is considered that objects of taxation must annually increase, to defer, as they accrue, and to cash all the expenses of an economical administration of the State Government.

The interest upon our civil bonds is well secured, and the ultimate redemption provided for by the sinking fund.

In this connection it is submitted that the revenue laws of the State will require revision and important amendments.

[Concluded on the Second Page.]