

Transcript of 1833 October 18: Governor John Pope to the General Assembly, Message on various subjects concerning the territory, L.C. Gulley collection, Arkansas State Archives, Little Rock, Arkansas.

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Gentlemen of the Council and gentlemen of the house of Representatives

While we must deeply deplore the losses and sufferings of a large portion of our fellow citizens from the late uncommon freshet in the Arkansas river we have reason to be thankful to him who controls and regulates all things. for our almost entire exemption from that awful scourge of nations (the spasmodic behavior which has affected many other portions of our Common Country.

I Congratulate you and your Constituents on the rapid march of this Territory in improvement ~~in~~ ~~in~~ population, ~~improvement~~ ~~and~~ wealth, and on the kind and generous liberality of the National government manifested from year to year toward this infant people. Unlike the oppressed and plundered provinces of ancient Empires, the loving kindness and tender care of the parent government seems to be proportioned to the weakness and necessity of its offspring. In a few years the number and wealth of this Territory will authorize an application to Congress for admission into the Union as a member of the Confederation, but before this step is taken, it would be wise to urge on the consideration of that body, the justice and ~~the~~ ~~policy~~ of making ample appropriations for roads from the interior of this Territory to its borders in varied directions. All must be aware of the Constitutional doubts and objections, which are constantly interposed to internal improvements in the states which do not apply to a territory and of the inability of the people for a long period to come, if erected into a state government to make those expensive highways which may be justly deemed indispensable inlets to this Country. While the people remain in their Territorial condition and the public lands continue under the exclusive jurisdiction of Congress, both sound policy and the interest of the nation, will prompt those necessary and useful expenditures here, which must cease to a

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great extent upon a change of your political condition.
In making these suggestions, I beg you to
be assured that I am influenced by a sincere

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and disinterested solicitude for the happiness and prosperity of this
people. My presentation of official service will expire before
the next regular session of this general assembly, and I have
no expectation of continuing beyond that period in office

Pursuant to the authority vested in the Governor of this
Territory by act of Congress passed on the 4th day of July
1832 respecting the ten sections of land granted for a
legislative house at Little Rock, I have located and sold
about eight sections of the land at ~~about~~ the rate \$5. per acre
subject to a deduction of six per cent for prompt payment
and one section and a half of the residue has been applied
for and will probably be sold in a few days
on the same terms leaving only ~~about~~ a half of a section
to be disposed of. A part of the price has been paid
and bonds taken for the residue. A portion of the
land has been selected where the surveys have not
been completed, and the business cannot be closed until
the surveys are made and approved. One of my locations
must be changed or amended to conform to the views
of the president if his objection is adhered to. I indulge
a hope that it will be abandoned on the ground of
precedent and usage in analogous cases; And if not,
the value of the donation, will not be materially impaired

The Secretary of the treasury in his letter of the 31st of
August last seems to concur with me in the Construction
of the ten section act, and the act granting one thousand
acres for the Court-house Jail &c; but the president
of the United States in a communication to him of the
2nd of Sept last a copy of which has been forwarded
to me by Mr. Duane the Secretary dissents from
the opinions of both the Secretary and myself on one
point applicable to a single location. He does not
think the Gov. authorized under the ten section grant
to divide quarter sections, so as to take the half of one

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quarter section and the half of an adjoining quarter. The difficulty with regard to the location alluded to can be readily obviated. The construction I gave to the law seemed to comport with the spirit of ~~mor~~ liberality from which it emanated and the course pursued in similar cases. The Governor of the Territory was instructed to select 72 sections of land reserved for a Seminary of learning. These selections were commenced under the authority of Gov Izard and the business was completed under my authority after I came into office. In some instances sections were divided and the half of two adjoining sections were taken to make a section and such selections were sanctioned by the Secretary of the Treasury, the legality of which has never been questioned

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If the half of two adjoining sections can be selected to make up a section it is difficult to perceive why the half of two adjoining quarters cannot be selected to make up a quarter section within the meaning of the ten section act; and more especially when it is considered that quarter sections are divisible and half quarters subject to sale and entry under the land laws of the United States. It is believed also that under the act granting any quantity of land not exceeding two quarter sections to each section upon the Cherokee lands quarter sections have been divided and located in the manner I have done under the Ten Section act. and that construction was sustained by the late Commissioner of the land office although the words quarter section ~~was~~ were ~~are~~ used in both acts. In all cases of ambiguity I have thought it my duty to give a construction most favorable to the people of the Territory. With regard to the location of fractions, or fractional sections no objection is made wither by the Secretary or by the president, nor is there any objection made ~~with~~ reg ~~to~~ the location of the thousand acres adjoining the town of Little Rock if the boundaries are sufficiently described. The kindness and liberality ever evinced by the president towards the people of the Territory inspire me with a confidence that he will revise the opinion given, and allow the same beneficial construction by the Ten Section act that has been extended to other grants

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of alike nature. So long as he adheres to the ground taken my respect for him and his authority will induce me as far as practicable to conform to it.

I have had 840 acres of the thousand acres grant laid off in convenient lots and parcels, and will proceed to sell them, or, a considerable portion of them on the 4th monday in this month according to my advertisement in the public prints and apply the proceeds to the erection of the public building contemplated by the act of Congress.

I purchased an eligible ~~[/strickethrough]~~ ~~[illegible]~~ ~~[/strickethrough]~~ site for the State house and am progressing with the building with all practicable dispatch. I deemed it expedient with a view to public convenience and becoming to place the Court house and public offices on the same ground. The foundation of the Court house has been laid and I shall proceed with the building so soon as funds can be realized from the sale of the public property. I regret that it is not in my power to lay before you at this time a full statement of all the facts, locations, funds and expenditures connected with the public buildings and property. I expect to receive from the Treasury department some additional communication in relation to the lands I have selected, and I will as soon as practicable exhibit to this General

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Assembly a view of my transactions in relation to the matter refered to, for whether particularly accountable to you or not for the exercise of powers delegated to me by Congress it is due to the people and their representatives to give them satisfactory information on subjects which so intimably concern them. As I may not have the honour of addressing the General Assembly ~~[/strickethrough]~~ of ~~[/strickethrough]~~ as Governor of Arkansas after the close of this present session I owe it to my public character as well as to the people to make a full expose of my ~~[/strickethrough]~~ public ~~[/strickethrough]~~ official conduct during the present session. By an act of Congress passed at their last session the Governor ~~[/strickethrough]~~ was ~~[/strickethrough]~~ of this

Territory was authorized to select 20 sections of the lands reserved for a Seminary of learning, under the authority of that act

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I have made the selection and advertised them for sale on the 1st Monday in November next- most if not all the sections offered for sale lie on or near the Arkansas river, and I fear some of the land has been injured by the late rise in the river and what is more to be apprehended the impression made on the public mind is unfavorable to the value of land on the Arkansas river. Under these circumstances I incline to believe that it would be expedient to postpone the sale of a considerable part of the land until there shall be a better prospect for selling for a good price, and will take that course if your views accord with mine- a part must be sold to pay the expenses of selecting the 72 sections and the charges since incurred, and a ~~small fund~~ ~~moderate fund~~ ought to be raised to commence a literary establishment, a site can be fixed on by the General Assembly and some subordinate parts of such an establishment may be immediately erected. Such ~~an influence~~ ~~a~~ measure would have an influence on the emigration of substantial and respectable citizens from the States to this Territory. And one of the strongest objections to removal here with men who have large families, is, the difficulty of having their children educated in a new Country. It is among the first duties of the General Assembly to obviate this objection at the earliest period. My impression is that not more than ten sections can be sold for a fair price, and from that quantity a sufficient fund can be raised to progress with the building contemplated for one or two years besides paying existing claims. A few sections near Little Rock can ~~possibly~~ ~~probably~~ be sold for as high a price now as for several years to come. A considerable portion of land ~~can~~ ~~is~~ covered with valuable timber constituting a large portion of its value which will soon be destroyed if it remains the property of the public. From the phraesiology of the act I had some doubt whether I could sell on credit but as the law contained no positive direction on the subject, and a credit would ensure a better sale

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without loss or hazard, I have offered a reasonable time for a considerable/part of the purchase money. On this as on all other subjects, I have been influenced by a single eye to the

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interest and lasting welfare of this people.

I have not received a report from either the Auditor or Treasurer. The Treasurer I understand, is indisposed at his residence and unable to attend, and the Auditor is probably awaiting his arrival to have a conference with him before he makes his report. I have good reason to expect the Treasurer's report in a few days when it will be laid before you. The Auditor will no doubt make his without delay, which will be also communicated

I transmit to the Genl. Assembly, copies of Sunday resolutions of the State of Connecticut, received from the executive of that state, concerning the constitutionality of the Laws of the United States imposing protecting duties and then questions growing out of those acts. I transmit also copies of the resolutions of the State of Mississippi on the same subjects, to which you will give that consideration and attention, which in your better judgement they merit

Baring from the several Counties of the Territory, cloaked with the confidence of your Constituents, you must be more intimately acquainted with their wants and grievances than I can possibly be and with the practical operation of the laws upon the various parts and interests of the Community. I must therefore leave those matters and others of a local ~~concern~~ nature to your care and management.

Many subjects of public concern demanding your attention have no doubt been omitted in this communication, but I trust to ~~the~~ your more correct knowledge of facts and circumstances to supply the defects. The superior knowledge, constant observation and experience of the Judges will afford you much aid in providing appropriate remedies

For the privileges derived to this people from the genius of ~~the~~ our free constitution for the numerous blessings and felicity enjoyed in this new Country and for the flattering prospects before you I invite you to join me in returning thanks

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to the Great Ruler of the Universe.

Assured of your attention to your legislative duties, and ardently hoping for cessation or abatement of that bitter party strife, which has for a time to some extent disturbed our social harmony I will conclude by promising you my prompt concurrence in any and every measure lending to promote the interests and happiness of your constituents and the welfare of the Territory.

John Pope

Little Rock Oct. 8th. 1833.

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Message of His
Excellency
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