

Inaugural address

of

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Inaugural Message

Gentlemen of the Senate and House of Representatives:

I am not here this afternoon to give an account of a stewardship. I am here to perform a duty imposed upon me by the Constitution. Before I bring to your attention those recommendations I have in mind, I wish to offer a word of advice that will apply to all of us.

First, do not begin to worry as to whether this session will be long or short. Set yourselves resolutely to the solving of the problems as they present themselves, and having given heed to those matters that require your attention, adjourn.

Second, before you introduce a measure be certain in your own mind that a proper enforcement of the law as it now stands or a new endeavor of government requires it and that it is not urged by some personal interest.

Third, before you send to the governor a measure for his approval, first ascertain if the public good or the protection of a private right really calls for its enactment. We already have too many laws more honored in the breach than in the observance. Let us not at this session continue to fill the statutes with further useless and unnecessary legislation.

When this nation and this state were founded the wants and needs of the people were few and simple. As population and wealth increased and ways of communication became more general, our constantly changing and advancing civilization demanded that the general government of the nation and of the state take on new activities.

The form of the legislative department of government has remained substantially unchanged, likewise the judicial department, but the executive department has continued from decade to decade to increase in number of departments and officials. Executive officers, some appointed by and responsible to the chief executive, others appointed in the same manner but apparently thereafter responsible to no one, all exercising extensive functions of government, some similar and some conflicting in character, have been created; until today the problem confronting not only Vermont but her sister states is how best to re-arrange these different officers, boards and commissions so as to give at once a simple, an efficient and an economical administration.

We cannot return to the simplicity of the fathers if we would, therefore we must try to set our house in order to meet existing conditions.

Today the state must certainly provide for the education of her youth, the construction of her highways, the care of her criminal, her insane, her feeble minded and her wayward and her unfortunate people. She must look to her financial institutions, the proper collection and expenditure of her revenues, the encouragement of agriculture, the advertising of her resources and the preservation to her people of those natural resources that belong to the people as a whole. These and like matters concern you, and the ways and means by which these things shall be done, are for you to plan and work out.

The recommendations I shall make are not based on theory or hearsay but are conclusions I have reached by daily contact of over fourteen years with the business of the state.

Our large private corporations are successful not because of the efforts of some particular individual, but because of the united efforts of a number of persons, each of whom is held responsible for some phase of the corporation's activities. An individual, not a group of employees, must render account and pay the penalty if his stewardship is not satisfactory. The modern state is a business corporation and should be run as such, Individuals, not boards or commissions, should be held to account by the taxpayers.

By imposing upon one officer duties now being performed by one or more boards or commission, such an officer will require assistance, but each officer must be held responsible for the acts of the state's employees under him.

As the heads of the numerous departments of a private corporation are advised and directed by its president and directorate, the heads of state departments should be under the executive and a board to advise and act with him.

I. RECOMMENDATIONS.

I am of the opinion that in addition to the six elective state officers, constitutional and statutory, the central executive authority should be vested in a board of state control, composed of the governor, the commissioner of agriculture and forestry, the director of state institutions, the purchasing agent and the state engineer, the governor acting as chairman of the board and his secretary of civil and military affairs as its secretary and recording officer. Appointments made by the governor should be subject to the approval of the board of control, except appointments of members of the public service commission, the commissioner of taxes, the bank commissioner and the members of this board, and these officers should be nominated by the governor and confirmed by the senate. This board with the chairmen of the finance committee of the senate, the ways and means and appropriations committees of the house should perform the duties now imposed on the budget committee. The board should also assume the duties of the board of public printing. The governor should have the power to remove any executive officer appointed by him and confirmed by the senate or approved by the board who in his judgment is not properly performing the duties of his office. This board of control should meet at least once each month, assume the duties now performed by the board of visitors to state institutions, and also have the powers of visitation and investigation over all institutions receiving state aid, directly or indirectly, and if in the opinion of the board moneys derived from the state are not being properly expended, suspend further payment thereof until satisfied that the fault has been corrected. The members of this board should receive no further emolument than their official salaries but should be allowed their actual and necessary expenses, The salaries of the chiefs of the different departments should be fixed by statute but the number of employees allowed to each department, the purpose of their employment and their compensation should in all cases be determined by the board of control. Each institution, department or office should receive a fixed appropriation for its support and out of this fixed appropriation should be paid every expense incident to the conduct of the institution, board or office, including even the printing of its biennial report. The board should require monthly reports of all work done and the substance of these reports should be given monthly to the public.

II. STATE TREASURER.

The salary of this official should be \$3,000.00. His duties as treasurer should be the same as at present; and in addition thereto, if it is thought best to continue the department of weights and measures, he should act as chief of the bureau of weights and measures and, subject to the approval of the board of control, appoint such inspectors as may seem best.

III. SECRETARY OF STATE.

The salary of this official should be \$2,000.00 as secretary of state; \$1,000.00 as chief of the bureau for licensing motor vehicles, and \$500.00 as chief of the bureau of publicity, and he should also act as a member of the board of corporation tax appeals.

IV. AUDITOR OF ACCOUNTS.

The salary of this official should be \$3,000.00. His duties should be confined to auditing the bills presented against the state and further he should act as a member of the board of corporation tax appeals.

V. ATTORNEY GENERAL.

The salary of this official should be \$3,000.00. His duties should be the same as at present. He should not have the right to contract for assistance, legal or otherwise, within or without his office, in behalf of the state, without the approval of the board of control, or for detective service in an amount in excess of \$200.00 in any case without the approval of said board.

VI. BANK COMMISSIONER.

The salary of this official should be \$3,000.00. His duties should be the same as at present. All fees received from investment companies should be paid into the state treasury without being charged with the expense of supervision. The savings banks and trust companies should no longer be assessed with the expense of supervision.

VII. COMMISSIONER OF TAXES.

The salary of this official should be \$3,000.00. His duties should be the same as at present. He should also look after the licensing of peddlers, auctioneers, foreign corporations and fourth class liquor licenses, in fact he should be the sole licensing authority except for the licensing of motor vehicles.

VIII. PURCHASING AGENT.

The results of the conduct of this office show conclusively that it has worked a considerable saving to the state. When the bill establishing this office was originally introduced, it was proposed that the purchasing agent approve all the bills for material bought and forward them to the auditor for audit and payment. As it was uncertain just how the plan would work, it was thought best in the final analysis to permit the purchasing agent to draw on the treasury, pay the bills direct and return the receipted bills as vouchers for the money drawn. I now recommend that this practice be discontinued and that the purchasing agent approve all bills for material purchased and forward them to the auditor of accounts for audit and payment.

IX. DIRECTOR OF STATE INSTITUTIONS.

This officer should exercise all the functions of the board of penal institutions, trustees of the state hospital, trustees of the state school for feeble minded children, and act as a member of the board of control.

X. COMMISSIONER OF AGRICULTURE AND FORESTRY.

This officer should perform the duties now performed by the board of agriculture and forestry, the commissioner of agriculture, the state forester, the live stock commissioner and the state ornithologist, and he should be director of the state schools of agriculture and should be a member of the board of control.

XI. STATE HIGHWAY COMMISSIONER.

The duties of this official should be the same as at present. He should have for assistants a proper number of district highway commissioners at an annual salary of \$1,000 each.

XII. DIRECTOR OF PUBLIC HEALTH.

This officer should exercise all the duties of the board of health, be ex officio chief of the state laboratory, chief of the tuberculosis commission and with two physicians duly appointed, sit as a board of health to issue orders on occasions of public peril, discharge inmates from the state hospital, Brattleboro retreat and school for feeble minded children, and have the power of visitation at all penal and reformatory institutions and at all institutions where the insane are confined. If this recommendation is adopted, the supervisors of the insane will not be needed.

XIII. COMMISSIONER OF INDUSTRIES.

This officer should perform all the duties now performed by the industrial accident board and the factory inspector and should look after the enforcement of the child labor laws and the laws governing the employment of women and the weekly payment of wages.

XIV. FISH AND GAME COMMISSIONER.

The salary of this official should be \$2,000.00. His duties, the same as at present; but he should not be permitted to establish new hatcheries or rearing stations, game refuges or game wardens' quarters without the approval of the board of control.

XV. STATE GEOLOGIST.

The salary of this official should be \$1,500.00. His duties, the same as at present; but he should no longer act as curator of the cabinet, but with the president of the Vermont Historical Society nominate to the board of control for appointment a curator of the cabinet and the collection of the Historical Society, who should be paid by the state.

XVI. STATE ENGINEER.

The state employs civil engineers in connection with the work of the public service commission, highway commissioner, board of health and attorney general. Moneys so expended are amply sufficient to employ an engineer and to provide for his necessary office assistance, and I believe that we should establish the office of state engineer. This officer should take charge of all the engineering problems arising in all the state departments except such as can be handled by the district highway commissioners, the highway department, act as boundary line commissioner and as conservation commissioner.

XVII. THE BOARD OF EDUCATION.

The board of education should remain as at present having the power only so far as appointments are concerned of selecting the district superintendents, the teacher training and normal school force and of nominating to the board of control a commissioner of education

XVIII. INSURANCE COMMISSIONER.

I believe we should establish an insurance department for the examination and supervision of the insurance interests and place in the care of an insurance commissioner the conduct and management of our state insurance and make him ex officio fire marshal with power to investigate all suspicious fire losses.

XIX.

I have made specific recommendations as to the salaries of certain elective and appointive officers, believing that the state should pay a fair remuneration for service rendered, taking into consideration the fact that the cost of living has increased and is not likely to decrease. The salaries of certain other officers should be raised and adequate compensation given the new officials I have recommended.

XX. EDUCATION.

The present educational law and system should be continued in force. The direct appropriation made by the state of \$130,000.00 should be increased to \$225,000.00, but there should also be charged against this appropriation the support of the normal schools now costing \$25,000.00 and the higher instruction now costing \$49,000.00 and the expense of all the vocational courses and of the junior high schools.

XXI. HIGHWAYS.

The appropriation for the support of highways should be increased to \$225,000.00 and should be available to incorporated villages under proper statutory regulations. Some plan should be adopted for extending state aid under state supervision to roads other than selected highways. Since many owners of automobiles do not reside upon selected highways and as our automobile traffic is not confined to such highways, some part of the automobile fund should be available for the improvement of roads that have not been made selected highways.

All the expense of the highway department including the pay of the commissioner and his office force, the district highway commissioners and the maintenance of draw bridges and the Sand Bar bridge should be charged against the highway funds.

XXII. REVISION OF THE STATUTES.

No. 242 of the Acts of 1915, provided for a general revision of the entire body of the public statute law of the state. The work of the commissioner having this matter in charge will soon be submitted to the general assembly under the title "General Laws of Vermont." As hundreds of changes have been recommended by the commissioner, it will be impracticable for any committee to undertake to go over the work without outside assistance and I recommend that by joint resolution the attendance and service of the commissioner before the

legislative committee having this revision in charge be provided for during the session and that adequate stenographic assistance be at once authorized.

XXIII. COURTS.

I believe that there should be elected by the board of civil authority in each town in the state and the city of Vergennes a trial justice for criminal causes who should have authority to bind up to the proper court persons charged with any offence but should only have a limited criminal jurisdiction and should not at any time sit with a jury. This officer should be paid by fees and should make quarterly settlements of his accounts with the auditor of accounts. I further recommend that the civil jurisdiction of justices of the peace be limited to \$100.00.

I recommend that the municipal and city courts be reorganized into twelve district courts covering the whole state and located with regard to business centers be given enlarged criminal jurisdiction and final civil jurisdiction up to \$500.00; that they be empowered to sit with the jury at least once every two months and be permitted to hold court at any place in the district where the business demands. I recommend that the superior court be done away with and that the number of justices of the supreme court be increased to nine, the chief justice and the first and second associate justices not to sit at *nisi prius* unless the business demands it. The chief and first and second associate justices should so arrange the circuits that each justice may remain at least one year in a circuit. There should be two jury terms of county court. The court should be open at all times for the trial of issues of fact by the court, under rules to be formulated by the justices. There should be only three terms of the supreme court, in February, May and November, at Montpelier. Only five of the supreme court justices should sit at each term, the third and fourth associate justices sitting at the general terms to be designated by the chief justice, this designation to be so made as not to conflict with the work of the county courts. If an opinion is not filed at the close of the second succeeding term after hearing, the case should be remanded and judgment of the lower court affirmed. The presiding judge at each term or session of a county court should fix the number of deputies to attend and leave his certificate to that effect with the county clerk to be handed to the auditor of accounts. No bellman or janitor service should be allowed in any county where the state pays part of the janitor service.

I also recommend that in those counties which now contain two probate districts, with perhaps the exception of Windsor and Orange, the probate districts be consolidated into one district for each county.

XXIV. PAROLE SYSTEM.

I have given considerable care to an investigation of our parole and probation system and I believe our present plan will be improved by a state-wide plan in the hands of those who are in full sympathy with the work and who believe it better for the state to endeavor to prevent crime rather than to await its commission and then punish the offender. We now spend about \$1 biennially on this branch of the criminal administration, and this sum I believe would be sufficient to establish a state probation and parole board.

XXV. STATE DETENTION FARMS.

I further recommend that you take some action looking toward the establishment of state detention farms where long term prisoners may be employed but I would not recommend that this be adopted as a fixed policy by the state until an opportunity has been given to try out the plan on a reasonable basis near to those counties which usually have the largest jail population.

XXVI.

Power should be vested in the executive to transfer from one institution to another and from one jail to another and to a detention farm, if one is created, all persons under sentence.

XXVII.

I recommend an appropriation of at least \$10,000.00 for further construction at the industrial school.

XXVIII.

We should also consider the construction at one of our institutions of a woman's ward or prison to which institution all female prisoners should be sent, including those who may be confined in jail or held for want of bail for trial.

XXIX.

There should be a further appropriation for the construction of new buildings for the Vermont state school for feeble minded children, at Brandon.

XXX.

The expense of the appraisal of the lands and property in the unorganized towns and gores should be paid from the taxes therein collected under the provisions of the Act of 1912.

XXXI.

Some fixed rule should be provided by statute for the use by a state official of his own automobile when engaged upon the state's business.

Some legislation has been prepared to carry into effect a portion of these recommendations and this will be submitted to you for your consideration within a few days by the gentlemen who have had this preparation in charge. Whatever action you may decide to take with reference to the recommendations I have made, I know will be the result of your careful deliberation and honest judgment. I shall be glad at any time to discuss with you individually or in such way as you may deem best my reasons for the faith that is in me. In making them I am prompted by one motive only—a better Vermont. By cutting off a few dollars here and a few dollars there, no considerable saving will be effected, but by a united effort, by team work, by supervision and a careful scrutiny of the work of each department as it proceeds and the results accomplished therein from month to month, many dollars may be saved both for the taxpayer and for use where most needed. Duplication of effort will be avoided and in a short time each department of state will be able to show a more efficient management and greater results than we can possibly expect under our present system.

The bright light of publicity, the spur of competition with proper supervision and the advice of a general board will soon place our governmental activities upon a business basis. We shall thus be able to set side by side from day to day our wants and our means and be thus better able to determine those wants that are necessary and, when properly met, will make for a better government.

The Governor having concluded the reading of his message, withdrew and the joint assembly dissolved.

GUY W. BAILEY,
Secretary of State, Clerk.