

Inaugural address

of

Ebenezer J. Ormsbee

As it appears in the

Journal

of the

**JOINT ASSEMBLY**

**BIENNIAL SESSION**

**1886**

**Thursday, October 7, 1886**  
**Inaugural Address**

GENTLEMEN OF THE SENATE AND HOUSE OF REPRESENTATIVES, IN JOINT ASSEMBLY CONVENED:

We are assembled, in accordance with the provision of the constitution, as the chosen representatives of the freemen of Vermont, in the several legislative departments of state government – each and all by our several oaths of office bound to faithfully do and perform every duty. In aid and furtherance of our individual determination to sacredly keep those oaths, let us ever remember that, in and of ourselves only, our best endeavors are liable to come to naught; that abiding strength and unerring guidance come only from Him who rules the universe.

The people, whose servants we are, demand of us prompt and efficient action in whatever comes to us to do or consider as their representatives. The time and money spent here in their service is theirs, not ours. Duly impressed with correct views of duty, let us proceed to a performance of it with as much dispatch as is consistent with candid consideration and safe and wise conclusions.

The biennial reports of the several state officers, as to matters under their charge, will be before you. To these you will look for details and itemized accounts of current state affairs, and also, for information and light as to how well or ill the affairs pertaining to the welfare of the state have been, and are being, performed by your selected and trusted servants – for the state officers are but the servants of the people, and their reports an account of their stewardship.

It is a part of the duty of these respective officers by their reports, to make suggestions and recommendations, and coming from persons most conversant with the details, and more familiar than most of us with the workings, as well as the needs, of their respective departments, such suggestions and recommendations are entitled to, and doubtless will have, your careful attention and consideration.

The report of the treasurer presents an itemized statement of the financial affairs and condition of the state. The subject of the finances of the state usually does, and always should have, the most rigid and careful scrutiny, and the public does and should require this.

TREASURER'S REPORT.

From this report it appears that, at the close of the last fiscal year, July 31, 1886, the state

LIABILITIES.

were as follows, viz.:

Due towns, U.S. Surplus Fund.....	\$13,397 62
Due soldiers, unpaid balances.....	8,557 46
Due Agricultural College Fund.....	135,500 00
Balance due on appropriation for state library.....	22,706 55
Balance due on appropriation for bridge from North Hero to Alburgh.....	19,062 00
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	\$199,224 13

and the

RESOURCES.

were as follows, viz.:

Cash on hand and in banks.....	\$160,974 97
Estimated amount of tax from corporations for 1886.....	200,000 00
Estimated proceeds from sale of balance of Huntington Fund Securities .....	15,000 00
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	\$375,974 97

Of the items making up the liabilities, the following are not subject to call, and no present provision is required to meet the, viz.:

U.S. Surplus Fund.....	\$13,974 62
Balance due soldiers .....	8,557 46
Agricultural College Fund .....	135,500 00
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Amounting to .....	\$157,455 08

which sum deducted from the total liabilities leaves, subject to be paid presently, \$41,769.05, showing an excess of resources over current liabilities of \$334,205.92. This excess of available resources is about equal to the expenses of the state in a session year, when no extraordinary appropriations are made or unusual expenses incurred.

#### STATE EXPENSES.

This subject has received much attention and consideration at the hands of the legislature within the last decade; many abuses have been remedied; many sources and avenues of unnecessary expense have been effectually closed; important streams of revenue, that had ceased to flow, partially or wholly, have been made to pour again their hidden or diverted contents into the state treasury.

This is a just cause for congratulation and thankfulness. That so much has been accomplished, my predecessors, in their biennial messages have uniformly given much credit to the faithful and intelligent service of our present auditor of accounts, and I take this opportunity to express like sentiments, not as a compliment merely, but to give public and official recognition and appreciation of faithful and intelligent performance of duty.

Turning to the report of the auditor of accounts, we find that he has given requisite attention to the transactions of the state treasurer, and of him he says that "all transactions in this department are correct." This is gratifying, but not unexpected intelligence. The auditor in his report, dwells at some length on the fruitful subject of "court expenses," and your careful attention is solicited to the information there given, and the suggestions and recommendations there made. The want of uniformity in existing laws, wherein it consists, and a proposed remedy therefore, are so plainly set forth, that there is no occasion for me to dwell upon the subject further than to express a confident hope that such legislation may be had as to provide that *all* costs, accruing in criminal prosecutions, should, in cases of conviction, be taxed against the respondent. So far as may be reasonably possible, let the violator of the criminal law of the state, as a part of the penalty of his crime, be required to pay the costs and expenses of the state in bringing him to justice. The remarks and suggestions of the auditor, bearing on expenses and costs in criminal cases, merit, and I trust will have, your careful and patient attention.

That abuses have been corrected and that misapplied or withheld funds of the state have so largely found their way into the treasury is, as I have said, cause for congratulation, but not an excuse for relaxation of vigilance. You will not forget that it often happens that there is the greatest danger in fact, when quiet and seeming prosperity abound. An empty treasury is far from being an unmixed evil; it prompts and encourages care and economy, while an overflowing one often leads the way to extravagant appropriations and waste of public funds.

Akin to the subject of state expenses, is that relating to the means and measures provided for meeting them, and this can only be accomplished by some of the varied modes of taxation. And I assume that, for the present at least, it will be the policy of the state to look for its revenues mainly to the provisions of act No. 1 of the session laws of 1882, entitled "an act to provide a revenue for the payment of state expenses," and acts in addition thereto, or amendment thereof, familiarly known as the corporation tax law. The adoption of this method, was, as you know, a wide departure from former ones, and, in no limited sense, an experiment. The experiment has been successful, probably beyond the expectation of the most sanguine of its promoters, and, what is more surprising, and not less gratifying, this success has been brought about without friction, or disturbance of the large business interest involved; and the law has, I believe, the cheerful acquiescence of all parties and persons made to contribute by it. Too much commendation cannot be given to the framers

promoters of this law. The state at large has been greatly benefited, and I am not aware that any of the contributing parties now complain. The wise and fortunate selection of a tax commissioner, to apply and administer the law in question, and the wisdom and marked discretion with which he has performed his new and complex duties have done much to secure its success, and merits this recognition at my hands. From the report of the commissioner, we learn that the taxes *assessed* under this law in 1884 amounted to \$205,221.76, and in 1885, \$200,685.70, and from the report of the treasurer it appears, of the taxes assessed in 1884 there was paid into the treasury the sum of \$205,225.33, and of those assessed in 1885 there was paid the sum of \$200,685.70; and the treasurer estimates the receipts in 1886 under the law at \$200,000.

The tax commissioner by his report makes certain suggestions and recommendations concerning the correction of some seeming inequalities in the application and working of the law, and the removal of claimed doubts as to its application, to which I solicit your considerate attention.

By the report of the commissioner of taxes, we learn that statistical inquiry, under the provisions of act No. 2 of 1884, fixes the average rate of property taxation in the state in 1884 at about one hundred and twenty-three cents on the dollar of the grand list of that year, and at about one hundred and twenty-five cents for the year 1885. This information should prompt watchfulness and economy.

#### REPORT OF THE INSPECTOR OF FINANCE.

Among other important duties imposed upon the inspector of finance is that of examining and making report to the general assembly as to the condition of the savings banks and trust companies in the state. This alone makes this office one of grave importance to the people.

In 1860 the various savings banks of the state held deposits to the amount of about one million dollars; the amount now held (June 30, 1886,) including deposits in trust companies is *fourteen million, two hundred fifty-three thousand, nine hundred sixty-three dollars and forty-seven cents*, and the number of depositors (at same date) is 49,453. To a very large extent, these deposits are the savings – and in many cases the little all – of the poor, the widows and orphans of the state, and it is your duty to encircle them with every safeguard and to protect them with every reasonable limitation and restriction as to investment. These deposits are in the highest sense *trust funds*, of which the directors, trustees and managers of these savings institutions are but *trustees*. In the matter of the management and investment of these funds, every other consideration should be secondary to and yield to that of safety. Any departure from this rule is highly censurable. And bearing on this subject, I quote from the concise and able report of the inspector, with my unqualified approval. He says: - “The great underlying principle which should, it seems to me, govern the management of trust funds – and savings deposits are nothing more nor less than trust funds – is that safety should be the first and strongest consideration actuating and governing trustees.” “Savings banks were instituted for the purpose of affording an absolutely safe place for the deposit of the small earnings of widows, minors and others, who are not sufficiently versed in matters of finance to care for their own savings. And this purpose is wickedly perverted when trustees become ambitious to build up great institutions by paying large dividends and thereby attracting the capital of the wealthy.”

These plain and well-pointed remarks of the inspector find application and meaning in what is reported by him as to investment of these funds in “Western farm mortgages.” The importance of the subject, and the desire on my part that the views and recommendations of the inspector be more widely disseminated lead me to quote further from his report. He says:– “Strictly choice municipal bonds, a class of investments upon which our savings banks have heretofore largely relied, now rarely pay more than four per cent net, and many of our savings bank managers have deemed it wise to discard largely this class of securities and to correspondingly increase their investments in Western farm mortgages, which pay a much larger rate of interest.

I call your attention to the recommendation of the inspector that the present limit (58 1-3 per cent) within which savings deposits may be invested in Western mortgages, be reduced to forty per cent. I recommend that the law limiting and restricting the investment of deposits be so amended as to meet the recommendations of the inspector. Some of the present restrictions are seemingly unjust, or at least unwise. The well known financial ability and standing of the inspector, and his large experience, are I am sure, quite sufficient to secure your

earnest attention to his report. His evident solicitude – not to say anxiety – is fully accounted for by a careful study of his report.

In the report of the treasurer you will find an itemized statement of the several trust funds in his hands for which the state is accountable, and the official certificates of the auditor of accounts and inspector of finance that they have examined these funds and found the same correctly set forth in said statement of the treasurer.

#### EDUCATION.

Few, if any, subjects are equal to this in importance, and I am pleased to be able to say that no subject has received more thought and attention from the general assembly and also from the thoughtful people of the state. And I venture to assert that it has been a long time, if ever, since there was more thought given to the subject than at the present time, and it is probable there has never been a period when there was more, if as much, anxiety and solicitude concerning it as now. The importance attached to the subject is easy to understand, as *intelligence* of the *masses* is absolutely essential to the *prosperity* and *existence* of our form of government and its free institutions. But why the present unusual interest, anxiety and solicitude? The answer to this enquiry is found in an assertion or proposition not pleasant to entertain or contemplate, yet forced upon us by seemingly unquestioned and unquestionable facts – an assertion promulgated by my predecessors and also by the constituted heads of the educational departments of the state, both past and present, and corroborated by the national census bureau. It is, that the people of our commonwealth are increasing in illiteracy – that she is losing rank with, and falling behind, her sister state in that education and intelligence that can come only from the common or public schools. The proposition is as unwelcome as it is alarming, and I would gladly refute it could I see my way clear to maintain my position.

Assuming that this is correct, I am led to repeat the inquiry of my earnest and accomplished predecessor, ex-Governor Pingree: “Wherefore are we being left behind?” This is certainly a most important inquiry, and I address it to you in all possible earnestness, trusting you may be able, not only to answer it, but to find a cure, and by early legislative action make vigorous application of it, even though it should involve radical changes in our educational system. Pursuing the subject, I put the further inquiry: Has there been in the past, or is there now such a want of proper pecuniary support and encouragement by the state for the common schools as to account for the trouble? If so, and you should unlock the treasury and provide the proper aid, it would have my approval; but I understand the reverse to be true. The trouble is evidently not here.

Looking further, let me ask you as to the condition and efficiency of the colleges, academies, normal schools, high and graded schools, and the larger and more central of the district schools of the state. My observation and information is that these as a whole compare favorably with like institutions of learning elsewhere and have a corps of instructors, teachers and managers as competent, efficient and well equipped as any. This being so, we must look further for the difficulty.

Outside of the schools particularized are about sixty thousand of the school children of the state, exclusive of those who attend private schools – or about three-fourths of the whole number of scholars attending any and all schools. It is said, and I do not understand that it is questioned to any considerable extent, that the trouble is in the smaller schools, schools more or less remote from the villages and central schools. Having located the trouble, (if I am correct in my information and conclusion) you can more readily search out the disease and apply a cure, and this is *your* special province.

In pursuing your investigation, you will doubtless find that the average number of scholars in these outlying districts does not exceed one-half that of thirty or fifty years ago, the territorial dimensions of the districts remaining substantially the same. The assertion or proposition that a small school fails to keep alive or awaken the interest of the pupil and is accompanied by the comparative indifference of the community where such school is located, will very generally, I am sure, receive your assent. We are told by the superintendent of education in his report, that there are in the state *one hundred and three* schools with not over *six scholars* each, and four hundred and seventy having more than six and less than twelve. After a careful consideration of this subject, I am compelled to conclude that the trouble mainly lies in these small schools; that, so long as old district lines are held too sacred to be disturbed, the trouble must, from necessity, not only remain with us, but increase rather than diminish. And, notwithstanding the adverse expression of the voters of the several towns, I

should fall short of a full performance of what I conceive to be my duty, should I omit to say that it is my earnest conviction that adequate and lasting relief can come only by an adoption of the "town system," or some other system by which the same end can be accomplished or arrived at. I am not, however, wedded to this or any other particular system, but I earnestly submit that the importance of the subject is quite enough to call forth your best efforts and unbiased action in search of a remedy and in providing for an application of it.

I solicit your attention to the report of your devoted and painstaking superintendent of education. The opinions, conclusions and recommendations of one so well versed in the subject, and who has given it so much patient study and attention should be of great weight. If, in treating upon this subject at such length, I have trenched upon your province, or invaded the field of argument, the importance of the subject and my anxiety concerning it must be my excuse.

#### STATE BENEFICIARIES.

This subject and the expense of the state having reference to its, is treated at length by my predecessor in his retiring message, and I therefore only call your attention to it. It has become the fixed policy of the state to make ample provision for the education of its deaf mutes, blind and feeble-minded. And I doubt not it will be your pleasure to continue this policy and make such provision for carrying it out, as will enable all who should to share it.

#### STATE PRISON.

The report of the directors and superintendent shows a prosperous and harmonious condition of things at the prison, and it does not appear that any unusual event has transpired there within the period covered by it.

As to the *needs* of the institution, beyond current expensed, I cannot do better by way of calling them to your attention than to here quote from the directors' report, wherein they say;

"We cannot too strongly urge the construction of iron stairs too; and walks around the cells, to take the place of the old worn-out wooden ones. This construction would render the prison safer from fire," etc. And they also suggest, in the way of a desired improvement, the enlarging of the front windows of the prison.

The well-known conservative character, and safe, business qualifications and habits of the directors give unusual value to their recommendations and suggestions. They have my concurrence, and will I trust, received careful consideration from you. If repaired and improved as suggested, we are assured by the report of the directors that the prison will not suffer by comparison with any of its size in New England. I learn from the directors that the prison has sufficient capacity to comfortably accommodate 150 inmates, and the superintendent's report shows that the present number, (July 31, 1886) is 88, indicating that there is much spare room in the prison – a condition of things not likely to lamented.

#### HOUSE OF CORRECTION.

This institution has now been in operation about eight years, and, as was said by my predecessor in his incoming message, "is universally admitted to be a success of its kind," and from the report of the directors, which will be before you, the institution is seen to be *popular* as well as successful; and from the same source comes the gratifying intelligence that the institution has no special needs.

You will, however, I am sure, agree with me that this institution should have attention and relief, as we are told by the director that it is burdened with a class of prisoners that, by the construction of its buildings as to safety, it was not designed to accommodate; and they add, "convicts sentenced for high crimes and long terms are not as secure as at the state prison, and no better cared for." It also appears that with a capacity of only 76 cells for males, it has at times been crowded with 120 male prisoners. And further, in their report, the directors say "We receive more for labor at the state prison, and the work is much neater and the prisoners more secure," and ask that you prescribe a remedy.

I invite your attention to this matter, confidently believing that you can and will by appropriate legislation relieve the institution of its burdens and difficulties, and at the same time provide greater security for the more hardened criminals with pecuniary advantage to the state.

## THE REFORM SCHOOL.

The object and purpose of this institution is indicated by its name and too well understood to call for any elaboration. From the nature of things, its work and the occasion for its existence may be considered to be perpetual. The frailties and forwardness of humanity furnish its patrons, and the hopeful, generous impulse of a Christian people asks its intervention and aid in wresting and saving from a life of degradation and crime the waifs and the unfortunate, homeless and criminally inclined children of the state. As the result of a long and watchful official connection with the school, I entertain no doubt that the hopes and expectations of the most sanguine of the originators and supporters of the school have been, and are being, more than realized, in the good work accomplished. For the successful and beneficent results, very much credit is due to the faithful Christian labor and influence of Mr. and Mrs. Fairbank, for a long time and until lately the superintendent and matron of the school. I note with pleasure and approval the remarks of Governor Pingree in his retiring message as to Mr. and Mrs. Fairbank. They are richly entitled to, and I doubt not will have, the tanks of the state for their long and faithful service; and its good wishes in their enlarged field of usefulness in a like relation to a similar institution in a sister state.

I bespeak for the institution the continued ungrudging and liberal support and encouragement of the state.

The state is to be congratulated upon the fact that it has in the state prison, house of correction and reform school, for superintendents and subordinate officers, men and women excellently adapted to their work and devoted to its best interests.

## INSANE ASYLUM.

The condition of the insane persons of the state at the asylum, the work being done at the asylum, the condition, character and management of the institution, also well stated and set forth in the excellent report of the supervisors of the insane, that a perusal of it will be quite sufficient to enable you to legislate properly as to any and all matters connected with this subject requiring your attention.

I invite your considerate attention to this subject, and to the report of the supervisors. The insane are the unfortunate wards of the state. In the treatment of them and providing for them there should be no such uncertain or insufficient action as to even tend to the foundation of a charge of neglect. The supervisors in their report treat at length on the subject of "The criminal and convict insane," and recommend that the state make provision for them away from the asylum, and give such reasons as to make it seem a matter of necessity to take action in the direction pointed out in the report. You will, I doubt not, give the subject such attention as it demands.

## STATE LIBRARY.

To provide for a "need that had become a positive necessity," the legislature of 1884 passed act No. 227, and thereby for the erection of a "building for the use of a state library, and other like purposes," and created a commission to carry out the will of the state in that behalf. From the report of that commission and the retiring message of Governor Pingree, we learn that the undertaking has been substantially accomplished. Modesty forbids me to say anything characterizing the work of the commission. The result of their labor and of the appropriation of the state is before you, and will doubtless receive your inspection and attention. I invite your attention to the report of the commission, which will be before you.

It will be in order and incumbent upon you to provide for properly furnishing the building.

## INTEMPERANCE.

It has for more than thirty years been the policy of our commonwealth, as expressed through its legislature by very many acts, both original and amendatory, to *prohibit* the sale of intoxicating liquors for beverage. And this has been, and now is, supplemented by the earnest prayers and never-tiring efforts and endeavors of very many of our best and most conscientious people of both sexes and of every creed and condition. That such has been the policy of the state and the past and present aim and endeavor of so many good people needs no apology nor explanation. The wrecks of naturally noble manhood and womanhood made by the excessive use of intoxicating liquor, the vice, crime, degradation, tears and sorrow directly traceable to the same cause, are more

than sufficient to justify appeal to the, strong arm of rigorous law for help, and to call forth the utmost and constant efforts of individuals to check, and so far as may be possible, to stop the fearful ravages of this monstrous evil.

That the law fails to accomplish all that was expected and hoped by the sanguine promoters of it will hardly be questioned by any. But, that it has had, and now has, the effect to prevent or at least to correct the evil in a large measure outside of the centers of our larger towns and villages, and to greatly regulate and control it generally, I fully believe. That the laws of the state on this subject are in many places openly violated and flagrantly disregarded is an open secret; and that in some instances—too numerous to be contemplated without concern—those upon whom has been, or is imposed the sworn duty of its faithful execution, are its violators, and are blind or indifferent to its violation by others, is also but too well known. This is indeed a sad commentary upon the law and subject under consideration, and demoralizing to the citizens generally, as tending to lessen proper regard, if not to create contempt, for all laws.

By some it is claimed that the penalties provided for the violation of the law are too severe; by others that they are not severe enough; by others, that the administration and execution of the law is lax; and by others, that the trouble lies in the *subject*, and that the law does not have the support and approval (as a prohibitory measure) of the people. I do not assume to myself that degree of wisdom requisite to solve these questions, or to point the way to a solution of them, further than to call your attention and consideration to the distance, the shifting, the maneuvering, the display of ingenuity and the escapes between a first and second conviction under the law and, to say, if it is the sentiment of the people at large, that this law, or the laws on this subject, should be treated and made to operate as a prohibitory law in fact as well as in name, rather than to operate as a license law, the end desired would be nearer reached by so amending the law that the penalty provided for a first conviction should include a short term of imprisonment as well as a fine.

There is no occasion for apology for calling your attention to this that subject at such length. Its paramount importance cannot, be over stated; and there is no subject about which the thoughts of the people are so much exercised, and upon which so much depends the public weal, or which will more demand your attention and consideration, during the session.

The treatment of this subject is especially within your province, and any proper legislation in the direction of curing or abating the evil of intemperance will have my personal approval and official sanction.

#### AGRICULTURE.

It has well been said that upon this interest all others largely depend. And, with the tact before me that a very large portion of this presence have been life students in the school of practical husbandry, I may, I assume, be justly excused from advising or even suggesting, what ought, or what ought not, to be done for the advancement of this subject.

While it is true, as to this state at least, that upon this all other interests and industries largely depend, it is true, as a general proposition, that whatever tends to truly and permanently aid or advance the one will have a prosperous effect upon the others. And while the agricultural interests of the state have many and varied just demands upon you, by way of providing and disseminating instruction and information, by furnishing various aids to progress and advancement, and by removing and preventing the growth of obstacles and hindrances—all of which I trust will be acceded to and provided for—yet the greatest grievances can be redressed and the heaviest burdens removed only by national legislation. And this applies to other industries as well as to this, and naturally suggests the propriety of a legislative reminder and appeal to our congressional delegates to strengthen their hands and increase or encourage their zeal in their efforts to secure relief through the enactment of what is known as the interstate commerce bill, and in their resistance to the further modification or repeal of the tariff laws, by which several of the industries of the state have already suffered severely, and by which their existence is now jeopardized.

Although commented upon elsewhere, I desire here to call your attention to the report of the trustees of the state agricultural college, and especially to the subject of providing for this department of the state university an experiment station. Such a department properly equipped and liberally sustained would, if I judge correctly,



meet and provide for a want of long standing and of vital consequence to the agricultural interests of the state. The tillers of the soil in the East, in their competitive race with those of the West, in their efforts to live and thrive are at a great disadvantage in many respects and may well call to their aid the service of intelligent and scientific experiments. I feel assured that you will find the report referred to of great interest.

#### BOARD OF AGRICULTURE.

The report of the board of agriculture has not come to my hand and therefore I am unable to speak of its work. I am not aware what, if any, legislation is desired or desirable in the way of continuing the work of the board, or of giving it greater efficiency. The importance of the matters it has in charge, and is intended to promote, is so vital that you cannot fail to give its consideration a prominent place. I ask your careful attention to the suggestions of Governor Pingree on this subject. His familiarity with the doings of the board during his term of office and the manifest interest he has in the subject make his retiring words of such value as to secure from you that attention I have asked you to give to it.

#### FISHERIES.

Impressed as I am that the propagation and protection of fish is a subject of great and growing importance to the people of the state, and that it is an interest deserving and requiring legislative aid and protection, I confidently call your attention to it trusting you will give it such fostering care and oversight as will best promote the public good.

#### HIGHWAYS.

This as a subject of such general interest that I feel more than warranted in calling your attention to it. The means provided for maintaining and repairing the highways of the state are liberal, and if properly expended, would undoubtedly be ample. I venture to say that greater abuses and short have existed, been practiced, and in a measure submitted to, in connection with this department of public duty than of any other. This was the natural, and perhaps unavoidable, result of the so-called labor tax practice—an easy way to pay or avoid payment of the tax, but grossly inadequate in results. The public generally are to be congratulated that this inadequate way of performing a public duty has no longer the sanction of law. I am pleased to be able to say as a result of observation, extended inquiry and common report, that the present condition of the high ways throughout the state is as a whole, very satisfactory, except as shown by very general complaint that the duty of erecting or constructing barriers or safeguards at points and places of special danger to travelers is very generally disregarded. Should your understanding of the matter be in accord with this alleged fact, I suggest the propriety of so amending the law in that respect as to impose a liability for damages upon towns, as is now provided for insufficient bridges, culverts and sluices. As was said by one of my predecessors—ex-Governor Farnham—“towns should be required to keep their highways in a safe condition.”

My attention has been called to the proposition to so amend the laws as to provide (as was formerly the ease) that towns should be liable in damages to part injured or damaged by reason of *any* insufficiency of highways, but I am not prepared to say that this would be wise legislation, and cannot, therefore, advise that towns should be further liable than under the present law, except as contingently expressed above. Frequent changes in general laws should not be encouraged.

In the further consideration of this subject, I call your attention to act No. 11 of the session laws of 1884, entitled “an act relating to highways and bridges.” After having considerable familiarity, professionally and officially, with this act and its workings in its present form, I am led to characterize it as an instance of loose legislation on an important and meritorious subject. If it is to remain in its present unguarded form, it might well be commented upon and considered under the head of “state expenses,” and its title changed to that of “an act to test the capacity of the state treasury.” The end sought by the framers and promoters of the act in question was, I have no doubt, a just one, the object being to equalize the important and imperative public burden of building and maintaining high ways. Excepting a comparatively few towns. I am convinced that there is no such unequal burden as to justify a call for state aid. The temptation offered to towns by the unguarded provisions of this act, to bring themselves within its terms is very great, and it is, I submit, in its present form liable to so much abuse as to demand amendment or, failing in that, repeal.

In this connection, I desire to call your attention to what I believe to be a fact, that there is in the state a class of so-called mountain towns, through which pass main highways, used largely by, and indispensable for, through travel, not unfrequently mail routes, and expensive to keep in repair. Many of these towns are overburdened and unjustly so in keeping these highways in the possible and safe condition demanded by the public and required by law. Such towns usually have but a small grand list, their land being of little value compared with other towns, and their people poor in purse. I submit that for such or similar instances of plain and unquestionable inequality of this public burden as to such through lines of travel, remedial legislation, properly guarded, should be had.

#### THE MILITIA.

The National Guard of Vermont consist of one regiment of infantry—ten companies—531 officers and enlisted men and one separate or detached company of infantry at Newport, of 51 officers and enlisted men one light battery—four twelve pounder Napoleon or brass guns—located at Brattleboro, and when full numbering 80 officers and men; and one “section of battery”—two six-pounder brass guns—located at Northfield and organized from the students at Norwich University.

To be of any practical efficient use, the force cannot well be less. I am however, unable to concur with the adjutant and inspector-general in his recommendation that it be increased, but the views of General Peck on this subject, expressed in his report, merit your careful consideration, and their source should give them great weight.

The character and efficiency of the National Guard is now excellent and reflects great credit upon both officers and men, and they are entitled to, and should have, our thanks for so fully and creditably meeting that constitutional declaration that “a well-regulated militia is necessary to the security of a free state.”

Efficiency of the guard is secured and maintained by the expenditure of much time, and, in the aggregate, of a large pecuniary outlay by both officers and men, not reimbursed by the state. And wanting in efficiency in any large degree, the existence of a militia is would be of more than doubtful expediency and its expense a waste. The militia is expected and required to be always ready to serve the state, and to respond with alacrity to the call of the commander-in-chief and is the chief and final reliance of the state in times of public peril, when the arm of the civil authority is paralyzed or over come by unusual emergencies in state or nation. That they may not be needed is the earnest wish of all that they may never be wanting in disposition to respond, in personal efficiency, or in serviceable arms and suitable equipment, is equally desirable and important.

We are told that, while the *personnel* and the drill of the guard is excellent, its *arms* are substantially worthless, and I submit if they are as worthless as represented, they would in time of need and peril be more dangerous to the command than to the opposing force and it is said that, in other minor respects, they are very poorly equipped. This should have prompt attention. The arm that the soldier is required to bear is either his pride or his shame, as it is serviceable and satisfactory, or otherwise. And I recommend that provision be made for such change or renewal of the arms and equipment of the guard as to secure the highest degree of efficiency, and such as will satisfy and promote the commendable pride of our citizen soldiers.

The reports of the adjutant and inspector-general and quarter-master-general will be before you, in which many minor matters in reference to the militia are set forth and commented upon in detail. These reports merit, and I trust will have, your attention. in these reports, the Light Battery is referred to and denominated “Fuller’s Battery,” not particularly because it is commanded by Captain Fuller, but chiefly and properly because the efficiency of the organization is largely due to the intelligent attention and generosity of Captain Fuller. This has been long continued, unostentatious and unselfish and deserves this public official recognition.

#### UNIVERSITY OF VERMONT AND STATE AGRICULTURAL COLLEGE.

The University of Vermont, bearing as it does the name of our commonwealth, and, without disparaging any other, being the leading institution of learning in the state, as well as for other good and substantial reasons, must and should be the subject of lively interest to the thoughtful people of the state and any needed aid would in my opinion be well directed and deserved, if bestowed upon it.

The real and abiding prosperity of a state or community can be correctly measured by its means, provisions and interest for and in the cause of education and intelligence. I am happy to report that the university is in the enjoyment of liberal patronage and is prosperous. It has, as you know, been richly remembered in the past by the generosity of the late John P. Howard and of Mr. Frederick Billings, by which the state at large, as well as the institution, has been greatly benefited. Too much commendation and gratitude cannot well be bestowed for these acts of public generosity in the cause of refined and higher education.

But, with these lavish gifts and the expenditure of them as directed by the donors and the construction and completion of the work to which they were especially directed, comes to the university new and enlarged duties, increased and increasing expenses. Several of my honored predecessors have in their messages to the general assembly made eloquent appeal and earnest recommendation that the state should render to the university pecuniary assistance to encourage and strengthen its hands in the noble work of human advancement. I am pleased to call your attention to these appeals and recommendations, with my approval. The cause of the higher education would be thereby aided and encouraged, and also of education generally. As has been well said by one of the most earnest and intelligent friends and supporters of the common schools of the state, "Our common or public school system can be lifted from above more effectually than it can be pried up from below."

Under the head of "state scholarships," the trustees in their report point the way to a mode or method that might well be adopted by the state to assist and advance the interests of the university, and at the same time "furnish assistance to gifted and ambitious young men of limited means." These suggestions are worthy of your earnest consideration.

The State Agricultural College is a part of the University of Vermont and made so by an act of the legislature of this state, approved November 9, 1865. It is sustained by the income of a fund given to the State of Vermont by the general government, by virtue of an act of congress, approved July 2, 1862. And this act provides that the income of this fund shall be used for the support of at least one college, "where the leading object shall be, without excluding other scientific and, classical studies, and including military tactics, to teach such branches of learning as are *related* to agriculture and the mechanic arts, in such manner as the legislatures may respectively prescribe in order to promote the' liberal and practical education of the industrial classes in the several pursuits and professions in life."

As bearing more particularly on this department of the university, I solicit your careful attention, to that portion of the report of the trustees under the head of "Professor of agriculture" and "The farmer's class" and also to that portion of their report that consists of a statement by Prof. W. W. Cooke as to the work in this department. The report as a whole is replete with matters of more than usual interest, and I bespeak for it more attention than is usually bestowed upon official reports. I have always referred to the subject of an experiment station, a subject dwelt upon by the trustees in their report. To the end that this subject may have due attention and consideration, I beg your indulgence in again soliciting your attention to it and also to the entire report.

The terms of office of Hon Justin S. Morrill, Hon. E. P. Walton and Henry James, M.D., of the trustees, will expire on November 15, 1887, and it will be incumbent upon you to elect their successors.

#### RAILROAD COMMISSIONER.

In compliance with the requirements of law, the railroad commissioner has made his report, and I invite your careful inspection of it for the ascertainment of many details pertaining to one of the leading and important—and in some respect, the most important—interest of the state.

As part of his report, the commissioner says, "In my judgment some additional legislation is required to order to make the office or the railroad commissioner of practical use to the public;"—implying, at least, that this office, under existing laws, is of no practical service to the public. This conclusion is doubtless in accord with the popular sentiment on the subject but I am unable to fully adopt the proposition. The report of our able commissioner is in my opinion of great value, and this office has secured it to you. This much, at least, has been gained by and through the office.

Under existing laws prescribing the duty of the commissioner he is required to "report what further legal provision should in his opinion be adopted in relation to railroads." in the performance of his duty in this behalf,

the commissioner makes several important suggestions, which may be properly treated as recommendations, and in view of their official source they are entitled to great weight, and merit, and I doubt not will have, your earnest consideration.

In connection with, and as a part of this subject, I call your attention to the not unvexed one of

#### RAILROAD LEGISLATION.

There has been much legislation in reference to or connected with this subject of railroads, mostly, however, I venture to say, in aid or protection of them, yet in the main, necessary, wholesome and just. The idea that at this time there is occasion for further legislation, on the subject, and that, too, in the interest of the public, prevails very generally. And by consulting the report of the commissioner, you will notice that his suggestions or recommendations are numerous and important. This report did not come to me until very late; consequently my opportunity for consideration of it has been quite insufficient to enable me to do more than call your attention to it, and to impress upon you its importance. Should you so legislate as to meet the recommendations of the commissioner you will, in my opinion, accomplish much towards meeting the proper demands of the public. These recommendations have my approval.

But it is said that further legislation on this subject cannot be effective save by creating a

#### RAILROAD COMMISSION.

and investing it with enlarged powers and authority over railroad affairs, even to the extent of fixing and regulating the toll or rate of transportation. And I believe that the object and ends of further desirable legislation can be best secured through a commission, and that the existence of a commission invested with such powers and authority as are given to like boards in several of the states – Massachusetts and New York for instance— would go far towards curing or removing a real or fancied grievance. And experience in other states has demonstrated that where competent commissioners, properly empowered, have made examination as to alleged grievances, and upon finding them real and well-founded, have made such recommendations to the railroads complained of as the board deemed called for, there has been, with rare exceptions, a prompt and ready compliance with the recommendations of the board, and this too, where the board is powerless to enforce its recommendations.

The commission, if one should be created by your legislative action, should doubtless be empowered and required to report to future legislatures, as to all complaints received, examinations and recommendations by it made, and also what, if any, further legislation is required.

Another question about which there is some diversity of opinion, is: Should the commission have power given it to apply to the courts for the enforcement of its recommendations? In my opinion such power should not be given without providing that the court applied to shall not enforce such recommendations, unless, or only so far as it (the court) shall find them just and reasonable. That the legislature has power in the premises to the extent suggested I have no doubt, but this alone is no reason for exercising it.

While I believe that the interests of the public require legislative action in the direction above suggested, I feel certain that many of the honest grievances of the people against our railroads and their management are not well founded, and that some of the most important of their complaints cannot be successfully reached short of, or without, national legislation, such as was sought through the interstate commerce bill. In confirmation, I quote with pleasure from the message of my accomplished predecessor, ex-Governor Barstow. He said upon this subject: “No board or legislature can reach outside the state, and much that is wrong in these matters is the result of the great national and continental system, controlled by immense and consolidated wealth, a system in which Vermont roads are as a drop in a bucket, a link in a chain. It is a power so great that small corporations, like those in Vermont, are forced to join or strengthen it or perish.”

Legislation on this subject by you will be, I am sure, entered upon and considered without any feeling of antagonism. Our railroads are managed and controlled, perhaps without exception, by some of our most public-spirited citizens, men as zealous and earnest in whatever promises to be for the good of the state, as any, and who are thoroughly loyal to her every interest.

## TRUSTEE PROCESS.

My attention has been called to act No. 130 of the session laws of 1884, and, in turn, I call your attention to the same; and ask you to consider if the public good does not require the repeal of this act, or such legislation on the subject as will better accord with a liberal and humane disposition toward the debtor class.

## GETTYSBURGH.

The battle of Gettysburgh was fought on the first, second and third days of July, 1863, and it has come to be considered as the pivotal battle, of the war. Its field was, as it were, in front of and at the very portals of the nation's capital and of the gates of the large cities of the North. The results of this battle were more than glorious to the Union cause. The army of Northern Virginia under Lee was then and there turned back, routed and defeated, never again to make or undertake an aggressive campaign. And in the result, of that battle was buried the last hope of the confederates of foreign intervention; and in the possible realization of that hope lay the greatest danger to the Union. Thence on to Appomattox there was scarcely a doubt as the final result.

The Intrepidity, the valor and the blood of the Union army at Gettysburgh went very far towards placing the seal of ultimate success and safety upon the national banner; and of all that noble Union army of about eighty thousand men, none bore a more valiant or significant part than our own bravo boys – three regiments that were in action, of what was best known as “Stannard's Brigade.” My words are entirely inadequate to fitly portray their valor then and there displayed, and I need not here undertake to tell you further of the potency and importance of their action. It will suffice for me to say that historians and accredited writers give great prominence and credit to the part taken by “Stannard's Brigade.” Many of our sister states have erected on this field of blood monuments to mark the spot or place and to commemorate the valor of their sons. I am credibly informed that there now are on this field nearly or quite a hundred monuments and tablets. In April last, the State of Ohio by an act of its general assembly authorized and made provision for the “erection of suitable memorials and monuments commemorative of the deeds, of the soldiers from Ohio who fought on this battle field,” at an expense of about \$25,000. And inquiry has been made from within and without the state why Vermont has not and does not there erect such monuments.

The noble Stannard who there won imperishable honors as the commander of the organization, and two of the three regimental commanders, Colonels Randall and Nichols, have, as you know been finally mustered out, and only Colonel W. G. Veazey remains of the commanding officers to point out the spot and tell the story.

I recommend that liberal provision be made for the early erection of a suitable monument on the battle field of Gettysburgh to mark the spot where the soldiers of Vermont rendered such signal service to state and nation, that it may not be a matter, of doubt and to commemorate and perpetuate their patriotism and valor.

## BENNINGTON BATTLE MONUMENT.

To avoid repetition, I ask your indulgence and request you to look o the retiring message of my predecessor for a history of this patriotic undertaking. Looking to this source you will find, I assume, reasons sufficient to prompt on your part any proper action that will tend to forward the work and hasten its completion.

I am informed that a site for the proposed monument has been agreed upon and selected by the association. It is also represented that in order that the work may go on without delay, further legislation is necessary in the direction of securing to the association or to the state a legal title to such and as may be required for a site. I trust that you will give this matter such consideration as is necessary, and that you will have in mind the fact that the patriotism of the state is somewhat involved in this seemingly sluggish enterprise.

## UNITED STATES SENATOR.

It will be your duty, and to which I invite your attention, to elect a United States senator from this state to succeed the Honorable George F. Edmunds, the present incumbent, whose term of office will expire on the 4th day March, 1887.

The laws of the United States providing for the election of senators require that this election should be made on the second Tuesday of the session.

CONCLUSION.

Gentlemen: In conclusion I am moved to again impress upon you the importance of the duties that devolve upon you as the chosen representatives of the people and to earnestly request you to bear in mind how desirable and consequential it is that you should as early as possible enter upon the practical work of the session. Heretofore much complaint and many murmurings have been heard because of frequent adjournments. This practice should not be encouraged. Intended measures of legislative action and consideration should be matured and presented as early in the session as possible, and be supplemented by as much dispatch of business as is consistent with that care and caution necessary to secure correct and wise results. This course of action can be best secured by giving to our business here the same industry, watchfulness and faithful service and attention that we give to important affairs at home.

EBENEZER J. ORMSBEE.

EXECUTIVE CHAMBER,  
MONTPELIER, VT., OCT. 7, 1886. }