

Inaugural address
of
John L. Barstow
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Thursday, October 5, 1882
Inaugural Address

*Gentlemen of the Senate and
House of Representatives:*

It is one hundred and five years since our fathers, while surrounded with dangers and enemies, established the "Constitution of this Commonwealth," under and by the provisions of which successive legislatures have met without let or hinderance and in pursuance of whose provisions we have now assembled as the "trustees and servants" of the people to execute certain requirements of existing statutes, and to enact "such laws as are necessary for the good government of the State." Having sworn to support this Constitution, let us give our attention to the important duties of our trust with the same scrupulous care and fidelity that we would exercise in the management of a private estate committed to our charge, and bring them to a close at such early time as the interest of the State will permit.

We meet under most favorable circumstances. General health and peace, bountiful harvests, fair business prosperity, ample demand and reward for labor, absence of debt, faithful and zealous State officers, are among the blessings that crown the close of the past bi-ennial term. Our first thought should be thankfully to recognize these and all other favors of Divine Providence, and devoutly to supplicate their continuance.

Yet our congratulations at this time are clouded by the remembrance that within the present year we have lost two of our most distinguished and highly honored citizens. The death of John Pierpoint, who for so many years adorned the highest judicial office in our State and of the eminent scholar and diplomat, George P. Marsh, who has filled many positions of responsibility in this Commonwealth and Nation, is cause of deepest sorrow. Not since the death of Senators Foot and Collamer have we been called to mourn the loss of men who have rendered the State such distinguished service.

The Governor is directed by the Constitution to prepare and lay before the General Assembly such business as may appear to him necessary, but under our bi-ennial, one term system, the newly-elected executive has but slight opportunity to become acquainted with the needs of the state either by an examination of the reports of its officers for the previous fiscal year, or by any official knowledge of the operation of the laws. This disadvantage is, however, greatly obviated by the custom on the part of retiring Governors of sending to the Legislature a farewell message. They have deemed it proper in each case to offer an excuse for so doing, but its benefits are so obvious that I suggest it be made a duty.

Some of the reports of State officers I have not seen; others were furnished in manuscript at a late day; while a few were seasonably prepared and forwarded. They will all be laid before you. A careful study of these documents from men most familiar with the affairs and wants of the State is indispensable to proper legislation. I am confident that this has been very much neglected, and I earnestly invite your attention to them, as well as to those of previous years, and to the reports of legislative committees found in the various journals, all of which are of great interest and value.

FINANCES.

The financial condition of the state, as shown by the Treasurer's report, is as follows"

LIABILITIES

Due towns, U.S. Surplus fund.....	\$13,397.62
“ soldiers’ account.....	8,959.02
“ suspense “ (outstanding checks).....	1,940.24
“ bonds and coupons, due 1876	4,360.00
“ towns on account savings bank tax	42,760.36
“ agricultural college fund, due 1890.....	135,500.00
“ orders not presented	2,666.55

	\$209,583.79

ASSETS.

Cash and deposits.....	\$126,118.66
Uncollected taxes.....	218.94
Due from savings banks.....	28,167.63
	\$154,505.23

The only items in the list of liabilities that are likely to be called for are suspense, savings bank tax, and orders not presented, amounting to \$47,367.15, leaving an excess of available assets over current liabilities Aug. 1, 1882, of \$107,138.00
 The excess reckoned on the same basis, Aug. 1, 1878, was 153,009.00
 “ “ “ 1880 was 199,483.00

I respectfully renew the suggestion of my predecessor that the tax levy be so made as to avoid leaving large sums in the treasury. It is a fertile source of extravagance in the National as well as State Government, and an unnecessary burden on the people. Authority being given to the Treasurer to negotiate temporary loans, no embarrassment will ensue. The temporary loans made by the Treasurer in 1882 were \$83,500, of which \$56,500 was under authority of the act of 1880, and the remainder under previous acts. These previous acts, running back to 1865, are regarded by the Treasurer as still in force, and under them there is still authority to borrow over one million dollars. I recommend the repeal of all such authority, including the act of 1880, and that future acts should provide that the power of the Treasurer to borrow money should cease at the end of the succeeding session.

STATE EXPENSES.

The disbursements for the last two years are presented by the Treasurer in his usual clear and careful manner. Omitting all payments on account of loans, savings banks, tax, United States deposit, soldiers' and trust funds, that are not taken into account as a part of the current expenses of the State, the disbursements for the two years ending August 1, 1882, were \$719,171.00
 “ “ 1880, were 773,911.00
 “ “ 1878, were 824,572.00
 “ “ 1876, were 810,858.00
 “ “ 1874, were 697,638.00
 “ “ 1862,
 (omitting all war expenses, also) were 364,772.00

The Auditor estimates that \$70,000 of the expenses of 1881 and 1882 were exceptional. Admitting this, and deducting but \$16,000 as exceptional from expenses of 1861 and 1862, during which time two regular and one extra sessions were held, we find our annual current expenses \$150,000 greater than twenty years since, and they were much larger at that time than they should have been. A system of the same petty frauds existed then that have been so often reported of late years. I am aware that this statement will surprise many, for nearly all the tables prepared on this subject refer to 1860 and 1861 for comparison, and these years are generally spoken of as a halcyon period “before the war,” but the Auditor for 1860, in his report, devotes some space to “deficits” and “frauds” In the treasury; to “errors and irregularities” of county clerks; and as to accounts of State’s attorneys, he says “ I find in most of them improper times charged and allowed,” by court auditors, “and it is believed that considerable amounts of money will be found in the hands of some of them unaccounted for.” He also treats of sheriffs in about the same manner, so that if we seek to find a time when State expenses were what they should be, we must go back of 1860. But with all these practices in vogue, the court expenses for that year were \$75,642, against \$178,027 in 1878.

The whole subject of Court and State expenses has been so freely discussed by the press, so much attention was devoted to it in the messages of Governors Fairbanks and Proctor, and in able reports by Hon. Samuel Williams, a chairman of a joint special committee in 1876, and by Judge Veazey, who, as a commissioner on this subject, appointed in 1878, made a full, clear, and valuable report to the Legislature in 1880, that it seems needless to do more than ask your attention to the matter. I would suggest that every thing bearing on the

subject of expenses, in the documents referred to, be reprinted for your information, and that the recommendations of Judge Veazey be carried into effect. Among them are the increase of jury fees, the limitation of the number of trial justices, and the power of the State's Attorney to prosecute all crimes by information. When a man of Judge Veazey's high character and ability devotes time to a matter with which he is already familiar and suggest measures that will reduce taxation, and root out long established evils, his suggestions should not find a tomb in the hands of a committee.

The re-publication of these reports is desirable for the reason that it is almost impossible to arrive at any correct result or conclusion from reading the State reports of that period. Mr. Williams says; "With this view, we recommend the adoption of the joint resolution herewith submitted, so that the report of the Auditor of Accounts may hereafter exhibit a more comprehensive and detailed summary of the receipts and disbursements of the State revenue The later reports are such as not only to require days of labor, but uncertainty as to the correctness of the result, unless the vouchers are examined in detail. In order to ascertain in regard to the receipts and disbursements, you must collate and compare the reports of the Treasurer, Auditor of Accounts, and county clerks, examine the vouchers and classify the items, and be very careful to add or deduct from the expenses of the different departments items which appear in others. The classification in the Auditor's report is very defective, so that if, for example, it should be desirable to ascertain the costs of the Board of Insurance Commissioners, it would be necessary to examine all the vouchers in detail, as some items are found in 'official expenses,' some in 'printing reports,' and some in 'miscellaneous,' and the same remarks will apply in respect to "other expenses." This difficulty may be further illustrated by the fact that the court expenses for 1878 are given differently in official documents, the lowest statement of them being \$110,549, while Judge Veazey's correct analysis shows them to have been \$178,027.

The classification in the later reports of State expenses has been much improved, but if we look for the items of which a certain class of expenses is made up, we still find it a work of great difficulty. I venture to suggest, as an addition to the present system of classification, that the Auditor be required to append to each heading a list of all orders drawn under it, and that any order embraced under more than one head should be so designated. It will tend to diminish taxation if such light is thrown upon our expenditures that both legislators and people can, without the aid of an expert, ascertain exactly for what purpose and to whom their money is paid.

It is evident from the Auditor's report and from the documents before referred to that some claims for fees and expenses are paid under the head of court expenses that are not specifically authorized by law. There is also another class of accounts which have partly grown out of legislation during the war, when the Auditor was necessarily vested with great discretionary power, that are paid without specific authority of law, some of which are classified among official expenses. The amount of these claims will vary with different auditors and different officers. I am of the opinion that section 219 of the Revised Laws should be repealed, and that no State officers should be allowed to approve, pay or draw orders for any purpose not specifically authorized by law. If any hardship arises under such a restriction, it will soon come to light, and can be provided for. I regard the saving of money to the people, important as that may be, as of less consequence than is the adoption of a system which will put a stop to improper and illegal expenditures based on custom, and which diminish with a faithful auditor, and when public attention is directed to them, but increase again under different circumstances. We should not only remove abuses, but prevent their recurrence.

In regard to the whole subject of State expenses, I may observe that they are made up of small items, and each one must be carefully scrutinized, or the aggregate is large. The largest single item is the debentures of the General Assembly. By resolutely refusing to act on private bills, the object of which can be accomplished under the provisions of the general laws, by refusing to adjourn unnecessarily, refusing to consider bills not introduced early in the session, by refusing to pass any bill not shown to be actually beneficial and needful, by observing the clause of the Constitution which enjoins that "previous to any law being made to raise a tax, the purpose for which it is to be raised ought to appear evident to the Legislature to be of more service to the community than the money would be if not collected," you will earn the gratitude of your constituents and lessen their burdens.

It is gratifying to know that a considerable reduction has been made in the State expenses since 1878, when they reached their highest point. This is owing to several causes, not the least of which is the faithful, fearless performance of duty by the present Auditor.

The total expenses for the year ending			
July 31, 1878, were			\$178,027.00
do.	do.	1879,	156,287.00
do.	do.	1880,	150,849.00
do.	do.	1881,	123,765.00
do.	do.	1882,	120,687.00

While the reduction in court expenses, as shown by the foregoing table, is worthy of note, it should also be observed as equally deserving of attention, that there has been a large increase in the amount of fees and costs collected, as appears by the following table:

Fines and costs collected for the term ending July 31, 1878,		\$28,583
do.	do.	1880,
do.	do.	1882,
		66,576

SCHOOLS.

In our colleges, normal, high and graded schools, we have a corps of teachers to whom we owe a debt of gratitude. They have grown gray in the performance of ill-requited labor for the common good. Their duties are the most arduous, as they are the most noble and dignified of all secular professions. Thoroughly devoted to their work of the higher grade, they have never failed to recognize the supreme and commanding importance of the common schools, and have ever been ready to do labor for their improvement. One of these is our present Superintendent of Education, who enjoys and deserves the confidence of all that know him, yet I regret that he has not, associated with him, a board of these veteran teachers, for official advice and counsel. It is thought, however, by many of our oldest and most experienced teachers, that the popular distrust of this method of official supervision, which was occasioned by the employment of a secretary who had a pecuniary interest in the enforcement of the law requiring uniformity to text books, has not sufficiently subsided to justify a return to it. It was this that caused the "extinction of the board and the creation of supervision resting solely in a single person," and it gave the cause of popular education in Vermont a blow from which it has not yet recovered. The board, with its secretary, was abolished by the Legislature by an almost unanimous vote in 1874, but its books remained until, by another step backward in 1878, the uniformity of text books was destroyed by an act allowing each town to select its own books. The obnoxious arithmetic then left Vermont, only two towns voting to retain it, while one hundred and eighty-six towns went back to the "obsolete" arithmetic of 1867.

The act of 1878, creating as many "Boards" as there are towns, providing over seven hundred persons, instead of six, "to prevent the too frequent change of text books in common schools," was not as destructive of uniformity as might have been expected. The resolute good sense of teachers and town superintendents secured to some counties absolute uniformity, but where this was not the case, the result has been deplorable. Before the meeting of the next Legislature, two hundred and forty other boards will be elected to create further diversity, unless your wisdom interposes and provides some other course. I respectfully suggest, as most economical and conservative, that the Superintendent be directed to select a list from the books now in use in the largest number of towns; that towns be allowed to continue using books now adopted; but that in case a change is made by any town in 1884, as provided by law, it shall be to the list prepared by the Superintendent. Thus will a majority vote of all the towns decide what the list shall be, and we shall gradually return to the old system.

I should, however, desire to change some of the readers in use by our schools. Emphasis and inflection, pitch and modulation, can be taught as well from the orations of Patrick Henry and Daniel Webster, from the writings of Andrew Jackson and Charles Sumner, from the patriotic poetry of Whittier, Holmes, Bryant, Lowell and Drake, as from the works of DeFoe or the plays of Shakespeare, while from the daily drill in reading such lessons of freedom, nationality and patriotism, there will be taught that love and duty toward the country and its

flag, which, when occasion arises, will present a race of patriots as devoted to liberty, and as ready to defend it, as were our fathers of the Revolution and those who succeeded them in more recent contests.

The following table from the report of Mr. Conant, the Superintendent in 1880, gives some interesting facts:

	1850	1860	1870	1880
Number of school districts	2,594	2,591	2,480	2,359
Number of children in the schools	99,110	75,691	75,026	75,238
Number of teachers		5,009	4,796	4,359
Average wages per week, including board, of teachers	\$3.15	\$3.72	\$6.06	\$5.53

Entire expenditures by districts and towns for schools, 1850, \$217,402.33; 1860 \$334,932.00; 1870, \$543,627.28; 1880, \$446, 216.90.

The cost here given does not include that of books, which, when no changes are made, are estimated to cost \$125,000 per year. In the confusion incident to frequent changes of law and supervision, the price of books has greatly increased, and most of them are of such poor quality in paper and binding as to need frequent renewal. Radical legislation can change this and effect a saving to the people of one-half the present cost of books, and this saving could be applied to obtaining a better grade of teachers, which is our present great need.

It is worthy of your consideration that for twenty years nearly all our official school boards have urged the adoption of the town system, and greater assistance to Normal Schools. Some difference of opinion exists as to whether we should have a greater or less number of Normal Schools. Those we have are under most excellent management, and are doing great good. In every department of education I trust you will exercise a wise liberality. The Superintendent should have sufficient funds to continue his meetings, and in greater number. The people understand their duty, but need to be continually reminded of it. These meetings tend to infuse life, create interest, enlarge ideas, and increase the zeal of all who attend them.

A request has been sent to me from a highly respectable source that I should ask your attention to the half-day system of schools.

The public library is the most valuable adjunct of the public school. No greater aid can be given to the cause of education than by affording to the pupils in our schools free access to large and carefully chosen collections of books. It is gratifying to note that the number of public libraries in our State is increasing each year.

UNIVERSITY OF VERMONT AND STATE AGRICULTURAL COLLEGE.

The act of Congress of July 2, 1862, which gave to Vermont the fund of which the income goes to this institution, provides that this income 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 *regulated* 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." November 9, 1865, the Legislature passed an act constituting the present institution, and provided that the course of study should be such "as shall render the whole instruction in conformity with said act of Congress." In the succeeding February the trustees, in accordance with law, established a professorship of modern languages, a professorship of chemistry and its application to agriculture, analysis of soils, relations of soil to vegetable production, botany, forestry, habits of domestic animals, insects injurious to vegetation, and also civil engineering. Professional instructors of military tactics have also been provided, and special winter courses of lectures have been introduced on agricultural chemistry, botany, physics, entomology, stockbreeding, dairying, fruit culture, road-making, farm accounts and bee culture, and these courses will be renewed and extended as they are called for. The trustees and officers have been constant and indefatigable in their efforts to comply with the law in letter and spirit.

At the time of its charter it was an experiment, and many leading men through the State had great fears as to its success, and would have preferred a separate institution. I have conferred with many of them during the past

summer, and find that they are now satisfied that the course taken was a wise and judicious one, and its results most beneficial, their only regret being the limited number of students who have availed themselves of its privileges. Legislative committees have been appointed to investigate its progress and management, and have found and reported that the trustees and managers have studiously aimed and faithfully labored to comply with their charters, and to meet, so far as their means would allow, all the demands for instruction that have been made upon them, and that more than the increase derived from the United States fund is annually expended in paying the expenses of the industrial department. The President and Professors are always in readiness to respond to calls for public addresses from lyceums, literary, agricultural, and other associations, and in this way do a vast amount of good, and it is to be noted that they uniformly and pointedly enforce the idea of the dignity and nobility of labor.

Some persons favor an experimental farm to be used in connection with the college, and thoughtlessly reflect on the trustees for not providing one. The United States law provides that not over ten percent of the fund may be expended for land, and that on no "pretence whatever" shall any part of the fund be used for the "erection, preservation, or repair" of any building. When the State is ready to erect the buildings and assume their preservation, we shall doubtless find the trustees ready to provide the land and tutors. Experimental farming had its origin in Prussia thirty years since, and has rapidly extended until there are now many stations in Prussia, France, England, and our own country. They are to be found in our own latitude and climate in neighboring States. Everything of value in the results of this experimental farming is published in agricultural papers, and is easily and cheaply accessible to all. Such work in Vermont would be largely duplicate. Every State that accepted the government fund has largely aided its agricultural college, in some cases to the amount of millions. Vermont has not yet expended a cent. The institution has always kept out of debt, and its management has inspired such confidence that private beneficence is being largely extended to it. Through the liberality of Mr. John P. Howard, the old edifice is now being greatly enlarged and almost entirely rebuilt, and the announcement of Mr. Billings' generous gift to the University has just been made public. It has an extensive library, art gallery, laboratory, and a highly successful medical department.

I respectfully suggest that you take into consideration the propriety of extending some aid to deserving young men of moderate means, to the end that the opportunities here afforded for a higher education may be improved to a greater extent than is now the case. As the Senate is based on population, I would mention, as one plan, that each Senator be allowed to name one person residing in his county who should be entitled to tuition in the agricultural college.

OTHER COLLEGES IN THE STATE.

Middlebury College has long ranked high as an institution of learning. It has sent out many distinguished graduates, not a few of whom have served this Commonwealth in positions of responsibility, and it deserves to receive the confidence and fostering care of the people of the State.

The college at Northfield is also doing good work in its special and all other departments, and is worthy of every commendation.

LIBRARY AND CABINET.

Your attention will doubtless be called to the necessity of providing additional room for the library and cabinet. I am informed that books are being stored in inaccessible places, and that the specimens in the cabinet are being boxed and laid away for want of room. The matter is one for your examination and decision. Of the two plans submitted by the commissioners on this subject I much prefer the one which contemplates the erection of a separate library building, for the reason that I fear any extension of our State House would mar the symmetry of this beautiful structure. It would certainly seem that until better accommodation is provided, the purchases for these objects should cease.

In making any arrangement for giving more room to the library, it would be well to consider carefully its design and the nature and extent of its usefulness. The last report of the trustees gives the number of volumes as 18,614, but does not classify them or make any statement as to their use. A superficial examination of the subject leads me to believe that the State should purchase only such books as relate to law, legislation, political

economy and statistics. If the volumes of poetry, fiction, biography, and other works of general literature, now on hand, were presented to the town of Montpelier, with suitable restrictions, and no more purchased, it might relieve the immediate pressure for room to accommodate the books which are most useful to the Legislature and State officers. The number of books drawn from the library by members and officers of the Legislature at the last session was less than 600, and of this number over 200 were works of a miscellaneous character and fiction. One hundred and forty members drew no books, but probably used the library for consultation and reference.

NEW COMMITTEE.

I respectfully suggest the propriety and benefit of forming a joint standing committee on phraseology, by whom the language of all bills presented to the Legislature should be examined, and, if need be, corrected.

The suggestion here made has been adopted by other States, and substantially in this State by the Legislature of 1880. As a consequence of this action, one of the judges of the Supreme Court says: "The public acts of the session of 1880, in conciseness, good grammar, and perspicuity surpass the laws of any session in a hundred years. The saving in printing alone more than twice paid the expense of the clerk who revised the acts as they were introduced. There is no measure of the expense incident to a badly-constructed law."

ATTORNEY-GENERAL

Many of the most sagacious and careful men in the State are, and have long been, of the opinion that the office of Attorney-General should be created, in order to secure a more systematic, uniform and universal execution of the criminal law, and also as a measure of real economy.

It has been found necessary to establish this office in almost every State in the Union. In our own State, each county and city, and nearly every incorporated village, has its law officer, but the State has none, and each year it pays large sums to special counsel employed to assist the State's Attorneys, and additional sums for other legal services. Some of these expenses would be saved, and in most cases the services required would be better performed by a State officer.

As one remedy for the expense caused by the frequent change of the State's Attorneys, and the inexperience of many of them, Judge Veazey, in his report, recommends the appointment of an Attorney General, "who should have charge of and be responsible for the administration of the criminal law." On this subject I also ask your attention to the advice of Ex-Governor Horace Fairbanks, found in this message to the General Assembly in 1876.

Questions of law are constantly arising in the administration of State affairs on which the advice of an able law officer is required, and should the office be created, I am confident that many duties of importance and value to the State would be imposed upon the incumbent.

CONSTITUTIONAL AMENDMENTS.

There will be laid before you the proposals of amendment to the Constitution, six in number, that were adopted by the last General Assembly. These proposals were examined by committees in each house, were published at the time, and have been extensively discussed by the press. They should, however, receive your close scrutiny; for the organic law of the State should not be lightly changed, and should be so clear as to admit of no doubt as to construction. Should you concur in any or all of them, it will be your duty to provide for a submission of each one so concurred in to a direct vote of the people.

One of these proposals greatly restricts the power of the Governor to pardon or commute the sentence of persons convicted of murder, and, if adopted, will doubtless lead to a more speedy and certain punishment of that crime, after conviction.

Another is a supplement to the last clause of section 26 of the Constitution, which reads as follows: "Nor shall any person, holding any office of profit or trust under the authority of Congress, be eligible to any appointment in the Legislature, or of holding any executive or judiciary office under this State."

In 1880, the distinguished member from Montpelier resigned a lucrative federal office to serve his townsmen in the Legislature, but this is a rare exception to the rule that the constitution is habitually violated in this respect.

Persons ineligible under the Constitution, elected to the Legislature, have uniformly been good men, and it has not been the duty of any particular person to enforce this provision. But its non-observance has not passed unnoticed, for the press has always, with energy and perseverance, called attention to it, so that the whole people have for years had the spectacle persistently brought to their eyes, of the law-making power of the State acting in open disregard of the Constitution. The worst result wrought by this practice is the disrespect which it tends to create for law generally. It teaches disregard for authority, and is a deplorable lesson to the people that constitutions and laws are only to be obeyed by virtue of force. The proposed amendment is designed to remedy this state of affairs and make the existing clause of the Constitution self-operative.

Another proposal relates to the election of certain State officers. It is now the duty of the Legislature to elect about twenty-five State officers at each session, and except in cases of re-election, they are usually chosen from among its own number or officers. Hardly any other State adopts this practice to such an extent, and in many, as well as in Congress, it is unknown. Every Legislature contains men who are fitted by experience, ability, and above all by their honest, independent character, to fill any office in the State, and many times these qualities are so conspicuously exhibited in the Legislature by such members, as to properly lead to their election to important offices. The trouble rests in the fact that these men do not seek the offices, and they are left as the prey of another sort of men who spend their time in forming combinations with others of like character to advance their own schemes, and these combinations frequently extend to the passage or defeat of pending measures. At the same time, it is not to be denied that some of our best and most faithful State officers have been elected by Legislatures of which they were not members, and that offices otherwise elected or appointed have not always proved to be the best. The practice, at its best distracts attention from legislation, prevents deliberation, and, by lengthening the sessions, is very expensive, the average cost per day of actual session being estimated at one thousand dollars. This proposal is intended to bring the power to elect two important officials directly to the people.

Another proposal is one which prohibits the manufacture and sale of intoxicating liquors, and is mainly in accordance with the long existing law which has repeatedly received the approval, and sanction of the people through their Legislatures. It is to be observed, however, that the law allows the sale of intoxicating liquor for medicinal, mechanical, and chemical purposes, while the proposed amendment restricts it to medicinal purposes only.

In this connection I may allude to the fact that, owing to disagreements between county commissioners and local authorities, many towns have no agency for the sale of liquor, thus forcing entire communities into a violation of the law.

In considering the question of court, jail, pauper, reform-school, house of correction, and state prison expenses, it is well always to bear in mind that a large share of them are directly traceable to the illegal traffic in intoxicating liquor, and that the enactment of laws or constitutional amendments tending to restrain and destroy this evil, is in the direction of moral and economical legislation. Men may differ as to what such laws should be, but those that are enacted should be uniformly enforced.

OFFICIAL BONDS.

I would suggest, as an improvement in the form of official bonds now used in the State, that in all cases the sureties should make affidavit on such bonds as to their qualification in property. The form of official bond used by the United States Government required the sureties to make oath showing the amount of unencumbered property owned by them, over and above all debts and liabilities, to be double the penal sum named in the bond. It seems to me that the adoption of this feature in our own official bonds would not only throw about the execution of these important instruments an increased and proper solemnity, resulting in better security to the State, but would also relieve in some measure those whose duty it is to approve such bonds from the necessity of making inquiries as to the sufficiency of sureties.

SAVINGS BANKS AND TRUST COMPANIES.

There are sixteen Savings Banks and six Trust Companies now doing business in the State, and the total amount of deposits therein on the thirtieth day of June last, was	\$12,675,269.00
an increase in the two years of.....	3,599,955.00
Of this total sum there was due non-residents	2,454,091.00
The number of depositors was	42,583
an increase in the same period of.....	7,714
The average sum due each depositor was	\$298.00
The number of persons credited with sums in excess of \$2000 was	373
There has been credited to depositors' accounts in Savings Banks, and to stockholders in Trust Companies, during the last year, as interest and dividends.	\$382,821.00
An increase of	30,849.00
Seven Savings Banks paid dividends of	4 per cent.
five " " " " "	4½ " "
and four " " " " "	5 " "
The surplus held by all the banks is	\$439,624.00
The cash on hand and on deposit was.....	710,514.00
or about one-eighteenth of the total deposits.	
Under the tax law of 1878 there was received by the State	
Treasurer, during the past year, as taxes, from these Banks	\$53,681.00
of which there was distributed to towns	42,760.00
leaving in the treasury from deposits by non-residents	10,920.00

Other important and interesting statistics will be found in the report of the Inspector of Finance.

This officer bears gratifying testimony to the skilful and honorable management of these institutions in the main. He has exercised great care and good judgment in the performance of his duties, and I trust that his recommendation will receive your serious notice. Coming from a bank officer, they are likely to be within, rather than in excess of the necessities of the case. His cautious but decided words in regard to certain banks that he does not name, if not heeded, may lead to disaster and distress. I especially recommend to your notice his remarks as to Trust Companies, and in regard to large loans to, and deposits from a single person.

In other States the bank officer is required to ascertain and report the number and amount of deposits remaining in each bank, undisturbed, for a certain number of years.

The increase in deposits may be taken as an indication of general thrift and prosperity, and, though doubtless some portion of this increase is due to the fact that many persons, competent to manage their own property, are unable to find a better place of investment, yet, as a whole, these deposits represent the savings of years of toil and self-denial. It is your duty to see that all the safeguards that prudence and experience can suggest are thrown around the vital interests of these persons. "Limited deposits, restricted investments, economical management and conservative dividends, will insure security." But laws will be of no avail unless they are enforced. The Inspector of Finance should be given ample power, and it should be made his duty, to enforce the observance of the law. A mere report from year to year that certain banks do not entirely comply with the law will never remedy the evil.

The suggestions of this officer are not to be taken as indicating distrust or criticism of the way in which the banks are managed; on the contrary, they are mainly intended to point out the steps already taken by our oldest and soundest institutions, and which, in his opinion, should be followed by all.

STATE BANKING LAW.

Should the National Government continue the payment of its bonds at the represent rate, the securities, on which rest over sixty per cent of the national banks notes, will be extinguished within the next four years. In this event, it is not impossible that existing corporations may avail themselves of the provisions of the State law.

Hence, this law should be carefully examined, and be of such a nature as would afford absolute security to note-holders.

INSANE ASYLUM.

The management of this private charity is a credit and an honor to the State. Its per-centage of deaths and recoveries compares favorably with that of similar institutions elsewhere. Its Trustees are scrupulously faithful to their trust. Dr. Goldsmith says: "The most searching inquiry has failed to find that a single dollar of the millions which have passed through their hands has ever been misapplied or unaccounted for."

The Superintendent, Dr. Draper, is commended in the warmest terms by those able men who in past years have severely criticized the construction of the Asylum and its fitness for the care of the insane, and to whose efforts, in directing attention to the matter, much credit is doubtless due for subsequent improvement. Dr. Fasset says: "Dr. Draper is an educated, intelligent man; has had many years' experience in general practice and in the care of the insane; is a man of good judgment, kind and humane in disposition, devoted to his profession, zealous and earnest." He further says: "We are convinced that the food of the inmates is abundant and of good quality. The entire institution is kept very clean; as completely so as any Asylum in our knowledge. The inmates are decently clothes and their clothing, as well as their persons, is kept carefully clean. The most perfect good order prevails throughout the entire hospital. Kindness and gentleness, so far as they are consistent with mechanical restraint and seclusion, are everywhere apparent. We believe that no cruelty or harsh treatment on the part of attendants is ever permitted if known." The present Supervisors say: "We believe the Superintendent, his assistants, and employees generally, to be eminently fit for the business in which they are engaged, and we are quite sure that there would be no distrust of their kind and faithful care of all who are put in their keeping."

During the past few years, the Trustees have expended large sums in enlarging and improving the Asylum. They have added ventilation by means of a steam fan, new heating apparatus, a gymnasium, workshop, new and extensive park and summer retreat, billiard, bowling, and reading rooms, while every ward now opens to light, air and sunshine.

It will thus be seen that nearly every cause for stricture has been removed, and that the institution deserves, and should receive the unreserved confidence of the people.

One remaining source of complaint lies in the fact that the inmates are too numerous for the best good of all.

INSANE POOR.

This unfortunate class deserve our deepest commiseration and generous care. But common sense and reason should not be left behind in our action for their relief. The State should not be burdened with the support of transient poor from other States, or of those improperly committed by towns. The Supervisors in their report say that some town authorities "send to the Asylum all their paupers who are in the least demented, idiotic or vicious." It has also been clearly charged in several previous reports that many persons are confined who should be taken care of by the towns from which they came. This is a great wrong to those towns that deal justly with the State in this respect.

Under the law giving the Supervisors the right to discharge all persons who should not be inmates, they have discharged twenty-five, and say they would have sent away many more but for fear they would become the lawful prey of the historic poor-house. I believe the towns, as a rule, treat their paupers with humanity and kindness, and that the "historic poor-house" is a mere tradition, and that the harmless, incurable insane would receive no injury from being returned to their respective towns. The State should support none but those needing restraint and medical treatment. The supervisors having the power, it should be made their duty, to purge the Asylum of every such inmate. If this were done, there would be abundant room for the best treatment of those who remain. This distribution of the harmless insane poor among the alms-houses has been adopted in other States with favorable results, as regards both health and expense.

With the greatest respect for the ability and high character of the Supervisors, I cannot pass without comment their views on

THE LAW RELATIVE TO THE INSANE.

After quoting from the report of the previous Board of Supervisors, that “the incarceration of the same in an insane asylum would be an impossibility in Vermont,” they say: “as the law now is, such a thing, in our opinion, would be by no means difficult. . . . The law allows the *careless opinion* of two physicians to send any person to an asylum, and from this there is no appeal. Whose dog would we kill without more sanctity and better evidence? And yet an overworked, nervous and sensitive woman, if she becomes disagreeable to an unfaithful husband or other interested person, may be sent to an asylum by *any* two inexperienced, ignorant or designing physicians.”

The law reads as follows: “Sec. 2906. No person, except as hereinafter provided, shall be admitted to, or detained in an insane asylum, as a patient or inmate, except upon the certificate of such person’s insanity, made by two physicians of unquestioned integrity and skill. . . .”

“SEC. 2907. Such certificates shall be made not more than ten days previous to the admission of such insane person to the Asylum, and, with a certificate of the Judge of Probate of the district in which the physicians reside, that such physicians are of unquestioned integrity and skill in their profession, shall be presented to the proper officer of the asylum at the time of such insane person is presented for admission.”

“SEC. 2908. The certificate of the physicians shall be given only after a careful examination of the supposed insane person made not more than five days previous to making the certificate; and a physician who signs a certificate without making such examination, shall, if the person is admitted to an asylum upon the certificate, be fined not less than fifty dollars, nor more than one hundred dollars.

It will be observed that the statement is made, that “there is no appeal” from the “careless opinion of two physicians.” While this may be technically true, it is one of the main duties of the Supervisors to protect all inmates from injustice. The law directs that one of their number shall visit the Asylum as often as once a month, and that they shall “hear the grievances of the patients, apart from their officers and keepers, and investigate the cases that, in their judgment, require special investigation, and particularly shall ascertain whether persons are confined in any asylum who ought to be discharged, and shall make such orders therein as each case requires.”

This matter is presented at some length in the belief that it is a fair example of much of the adverse criticism to which the Asylum and our laws relative to the insane have been subjected for years, to the great detriment of the institution and the good name of the State. But if the Supervisors have found that in its practical working the law is defective, it should be amended.

It has been strongly urged that such part of section 2893 as provides for the payment of one dollar a week by the State and for mileage, should be repealed.

The good effect of State supervision is seriously interfered with by frequent changes of the officers. Having a good board, we should retain at least one of its members in the new board to be elected. It would be better if the Supervisors were elected for two, four and six years respectively.

In regard to a new Asylum, it may be stated that the lowest estimate for its cost is \$300,000, and as to its being in any measure self-sustaining, the Reform School may be mentioned as an illustration of the error of any such expectation. Its projectors claimed that plain, substantial buildings, with a farm in connection, were all that was needed, and some confidently predicted that its entire cost would not be over \$20,000, and that it would hereafter be nearly self-sustaining. Instead of this, we have an expensive structure, and the school has cost the State over \$370,000, or over \$20,000 per annum for 18 years.

The State paid for the support of its beneficiaries at the Asylum in

1861.....	\$5,065.00
1866.....	12,623.00
1871.....	13,061.00
1876.....	22,834.00
1880.....	30,531.00
1881.....	35,345.00
1882.....	37,198.00

PENAL INSTITUTIONS AND REFORM SCHOOL.

The most noticeable and gratifying feature of the report from these institutions is the great decrease of inmates, as shown by the following table.

Number of inmates in the respective institutions the first day of August:

	1878	1880	1882
State Prison	176	142	90
Reform School	145	122	86
House of Correction.....		70	45

The main cause of this decrease of crime is doubtless owing to the great demand for labor, which removes the temptations that are always occasioned by idleness. There has been drawn from the treasury for new buildings, repairs and current expenses, during the two years ending July 1, 1882:

For the State Prison.....	\$75,126
“ House of Correction	27,141
“ Reform School	37,174

and there has been returned from convict labor and other receipts:

From the State Prison.....	\$25,354
“ House of Correction	14,363
“ Reform School	1,071

It is a matter of congratulation that the several superintendents are said to be exceptionally able and faithful officials. Good discipline is maintained, while those confined are treated in a kind and humane manner. A small appropriation to complete out-buildings is asked for at the Prison and House of Correction. None is requested for special purposes at the Reform School, but its equivalent is recommended in such changes of the law as will reduce its income.

I am unable to agree with the Trustees of the Reform School in their recommendation that the law be repealed which requires towns to contribute to the support of the children they send to the School. The greatest fault found with the working of the Reform School has been that children were improperly sent there – for trivial offenses, of tender age, and of weak minds – sent by towns merely to be rid of them, thus throwing upon the State the expense that should be borne by the towns. Ex-Governor Dillingham, while trustee, asserted this in strong terms, saying, also, in one of his reports, that over sixty improper commitments had been made under the vagrant or tramp law alone. The law obliging towns to pay a portion of the expense of the School has been passed entirely with a view to preventing improper commitments. To repeal it would be another mark of changeable legislation, repealing laws before they have been fairly tested. The School might again be flooded with mere vagrants from the large villages, and we should again be called upon to enlarge the buildings. Communities should not be relieved of all responsibility in regard to truant boys.

MILITIA.

A force of disciplined militia is a vital necessity in any State, as it is the last resort for the enforcement of the law. It is the only power that can vindicate the rights and preserve the liberties of the State in certain emergencies, without calling upon the general government, and its existence may prevent the necessity for its

use. Our military force is small, consisting of one regiment and battery, but its efficiency is asserted by the Adjutant-General, and I am informed that constant efforts are being made by the field and line officers to improve its condition. The State is under obligations to all its members for their sacrifice of time and labor and for their efforts to preserve the martial spirit of the people. Certain business men of wealth have for years greatly aided the regiment and battery, and to them also our acknowledgments are due.

BOARD OF AGRICULTURE.

The board serves a useful purpose in arousing the attention of farmers to a proper sense of the importance and dignity of their calling, and in disseminating valuable knowledge in regard to improved agricultural methods. So many of your number are familiar with the importance and necessity of the board, that I doubt not every measure calculated to enhance its value will receive your cordial support.

FISHERIES.

I am informed that your attention will be called to the necessity of some change in the present law relating to the protection of fish.

The subject is one of no little importance to many persons, particularly to those living on the shores of Lake Champlain, and to the thousands who there make their summer homes.

The Fish Commissioners have practical and scientific knowledge, and I trust that ample power will be given them, or other proper persons, to enforce such laws as are enacted.

METHOD OF TAXATION.

Many writers on this subject hold that only real estate should be taxed, while the other extreme view would tax all property, visible and invisible, the amount of invisible property to be ascertained by placing every person under oath as to the list returned by him. The latter is substantially our present plan, though we make many exemptions in both classes, and allow offsets for debts, against personal property. You will probably be asked to enact a law by which offsets can be made against real estate, to the amount of the mortgages thereon, but such relief would not be uniform unless extended to debts not secured by mortgage. Such laws would be just, but would tend to increase the number of mortgages, and to perpetuate those already existing. Exemptions and offsets should be abolished, or made uniform upon every species of property. Perhaps equal justice would be done by abolishing offsets, which in our last list amounted to over \$32,000,000. This sum, added to the present valuation, would greatly decrease the rate per cent of taxation, and be more uniform and just than the present system. In any event, justice demands that the owners of real and personal property should be put on the same basis of equality.

The present law was the result of an earnest, honest effort to equalize the burdens of taxation, and to remedy the evils notoriously existing under the old law. The step having been taken, and apparently approved by the people, no pains should be spared to make the law as perfect as possible. By its operation, the amount of personal property subject to taxation has been more increased than that of real estate, relieving to this extent, only, the owners of real property. Those who pay only a poll tax have received the greatest benefit, and this is the class that most deserves relief.

The appraisal of 1881, without equalizing boards, created perhaps the most unequal real estate grand list we have ever had. That of 1882, after equalization, is much more uniform, but is far from perfect. When the county boards meet, the fact that one of their number is to be chosen a member of the State board, has a bad effect. I would suggest that, in future, State boards be appointed by the Governor from the members of the county boards, or that it be made the duty of county boards to elect their members of the State board before doing any other business.

It is claimed that the present appraisal of railroad property, not having been submitted to the equalizing board, is much lower than it should be, and this deserves your attention.

No law will prevent the "race of fraud" to escape taxation. It will never cease until State taxes are raised in some other manner. Several States pay their entire ordinary expenses by a tax on corporations. A bill adopting

this system was presented to the last Legislature by Ex-Governor Page, of Rutland. Another plan is that embraced in a bill introduced by Senator Dwinell at the same session, by which State taxes are to be levied on towns according to population. While this would not be entirely uniform, as no tax levy can be, it would seem to be more so than our present system. To both these plans I respectfully ask your attention. You will doubtless endeavor to regulate our method of taxation so that it shall conform to the principle of the Constitution, that every member of society is bound to contribute his proportion towards the expenses of the State.

The following table shows the changes in the State grand list for the last five years:

	1878	1879	
Real Estate	\$92,568,432	\$71,017,981	
Personal Property	16,845,123	15,375,533	
	-----	-----	
	\$109,413,555	\$86,393,514	
	1880	1881	1882
Real Estate	\$71,114,747	\$102,437,102	\$106,577,599
Personal Property	15,037,262	46,896,967	46,996,025
	-----	-----	-----
	\$86,152,009	\$149,334,069	\$153,573,584

The direct taxes levied and collected for the last two years were \$497,097.

SUPREME COURT.

It is generally believed that the last increase of the number of Judges was unnecessary, but since that time the cases involving large amounts have increased, and it is claimed that the time of the Bench is now fully occupied in official duties. Two years since, the illness of Judge Pierpoint was urged as a reason for not reducing the number of Judges, and now, the somewhat impaired health of Judge Redfield, causing a general regret, affords a similar reason. The reputation of the Court for impartial independence, and for learning and ability, is such as to be a just cause of satisfaction, and it would not be good policy to impose such an additional amount of labor upon them as would cause the resignation of any, particularly the elder members.

RAILROAD COMMISSIONER.

This officer makes a sensible, business-like report, and very properly asks that a law be enacted insuring greater safety of passengers by requiring each car to be provided with axes and bars and with more secure heating apparatus.

RAILROAD LEGISLATION.

Few subjects attract so much attention and occupy so much time in State Legislatures and Congress. It presents many new problems, and we cannot look to the past for a guide to their solution. It should not be kept out of sight and discussion, nor raised to undue prominence. In its consideration we should be free from the influence of railroad corporations, and from that of demagogues who seek to create hostility to railroad interests in order to obtain some personal advantage. We should never forget the vast benefits Vermont has derived from her railroads. It has been well said that "We have no means of forming a correct estimate of how much has been added to the wealth, comfort, prosperity, and power of our State by the construction and operation of our great railroad system, by the facilities they have furnished for travel and transportation, by the markets they have opened, and by the value they have given to other property." But when complaints arise that the people are not afforded the same facilities in freight and passage that are extended to other communities by the same lines: that discriminations in freight rates are made between persons and places: that rebates and special contracts are allowed to some and denied to others: that unjust combinations exist whereby consumers are obliged to pay more than a fair price for articles in common use: that large numbers travel without pay, thereby increasing the price paid by others: that the farmers of the West can place their products in the Boston market as cheaply as can the farmers of Vermont: that our small villages are becoming undesirable places of residence and business, for the reason that they cannot be reached or left by through trains: that manufacturers are

deterred from locating in the State, by reason of uncertain and high rates of freight: it manifestly becomes a proper topic for legislative consideration.

The power of the state to regulate and control railroad corporations and protect the interest of the people will not be denied. The late Hon. George P. Marsh, who was our second railroad commissioner, says in one of his reports: "The undersigned entertains no doubt of the legal power of the Legislature to subject railroad corporations in all respects to such general regulations as the public moral and material interests may demand." But this power should be used with caution. Customs in force and long-established in this and adjoining States cannot be suddenly changed here while still in force elsewhere without great detriment to our railroads. Some of the evils complained of can and should be remedied by State legislation, but we should stop short of enacting laws hampering our railroads, so as unnecessarily to impair their prosperity or their power to compete with lines in other States.

Vermont is fortunate in having her railroads operated by her own citizens, men of liberality and public spirit, deeply interested in whatever relates to the prosperity and welfare of the State. It is a general belief that they are conducted with a spirit of courtesy and accommodation, that every exertion is made by their managers to please and satisfy the people in all their gatherings at fairs and public meetings. It is highly desirable that this state of things should continue. No class controversy should arise between those who are mutually interested and dependent upon each other.

Realizing that it was impossible to frame a law to meet all requirements, Mr. Marsh, in the same report to which I have referred, says: ". . . the proper remedy is the creation of a board to which, under proper restrictions, the general controlling power of the State over the management of railroad companies shall be delegated." Should the power of the State be so vested, I have no doubt that every cause of misunderstanding within the State would be adjusted in an honorable and amicable manner. But 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 and strengthen it, or perish. We can, however, imitating the example of many other State Legislatures, give such expression to our views as shall arouse our State delegation in Congress to assist the national movement for the regulation of inter-State commerce, the power to do which was vested in Congress by the founders of our national constitution. The propriety of expressing to the State delegation in Congress your wishes on any subject has often been recognized by the action of Legislatures, notably in two instances, when the welfare and material interests of the State were threatened by efforts to secure the renewal of the reciprocity treaty with Canada.

GENERAL CONDITION OF THE STATE.

The census of 1880 again shows that our rural population and wealth are decreasing, while our villages and cities gain only a little more than enough to compensate for the loss in the country towns. The reduction of our representation in Congress also forcibly reminds us that our beloved State is not keeping pace with others in material prosperity and development. This fact should cause every thoughtful and patriotic citizen earnestly to consider and study its causes and to strive to remove them if possible.

Have complaints as to railroad management, elsewhere mentioned, deterred capital from entering the State? Are our laws in regard to manufactures, quarries and mines such as to induce investments therein? Is it worth while to try to attract within our limits a portion of that vast stream of population which is pouring into this country? These are most pertinent inquiries at this time.

The scarcity of labor through the State is well known. Many, who a few years since were day-laborers, are now land-owners and employers, respectable, honest, law-abiding citizens. I suggest that you consider the propriety of making the Quartermaster General, or other State officer, the medium of communication between the commissioners of immigration at New York and Boston, and such of our citizens as desire to provide suitable homes and occupation for deserving and industrious persons arriving at those ports seeking for work.

Gentlemen: You are here by the recent voice of the people to deal with many important legislative and constitutional questions, and although most of you are new to the duties of your respective positions, I am confident that your acts will be consistent with the simplicity of our form of government, and that they will evince the highest regard for the welfare of the State.

I am deeply sensible of my own inexperience and deficiencies, and shall need your kind forbearance in our mutual efforts to benefit the State.

JOHN L. BARSTOW.

EXECUTIVE CHAMBER,
Montpelier, Vt. Oct. 5, 1882

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