

Inaugural address
of
Roswell Farnham
as it appears in the
Journal
of the
Joint Assembly
Biennial Session,
1880

Wednesday, October 7, 1880
Inaugural Address

Senators and Gentlemen of the House of Representatives:

In compliance with the Constitution and the laws of the State we are assembled to consider such propositions and devise and enact such laws as may seem to us to be most for the well-being of our commonwealth. More than ordinary responsibility rests upon us now, for the reason that at this session we are to consider and act upon the report of the commissioners in relation to the revision of the entire body of the laws of the State; and you may be further called upon to propose, on the part of the Senate, and to consider, on the part of the House of Representatives, amendments to the Constitution of the State.

There is no provision in our laws, nor is it within the spirit of our institutions, that any class of men, by virtue of social or hereditary position should be our law makers, or that any class or family should hold the offices of the State. Our law makers and rulers are elected from the mass of the people without distinction of occupation, rank, or station in life, by the voice of the majority of the voters of the State. Certainly with the people of Vermont, the republican is no longer an experimental form of government. But it has this drawback; our method necessarily brings into our legislative halls and into the various offices of the State, men unaccustomed to legislation and to a great extent inexperienced in public affairs. The biennial system tends to aggravate this evil. But I believe that our law-makers and State officers assemble and act with so sincere and honest an endeavor for the welfare of the State, and labor so earnestly for its good, that these qualities more than supply all that is wanting from lack of experience. And I trust that we are actuated by the same pure patriotism that has stirred the hearts of Vermonters, whether in their homes or in public assemblies or upon the battle-field in times past, to give their best labors or their lives even for the welfare of their beloved State, until the self-sacrificing devotion of the sons of Vermont has become proverbial throughout our entire land.

FINANCES.

I call your attention with great satisfaction to the condition of the finances of the State as shown by the report of the State Treasurer. The full report will be before you. The following brief statement shows our financial condition at the close of the fiscal year ending July 31, 1880.

ASSETS.

Cash on hand and in banks.....	\$213,840.82
Due on State tax of 1879.....	3,857.74
Due from savings banks—taxes.....	17,375.79

	\$235,074.35

LIABILITIES.

Due towns—U.S. surplus fund	\$11,519.96
Due on soldiers' accounts	9,438.24
Suspense account (outstanding checks).....	1,743.80
Bonds due in 1876 (owner unknown).....	4,000.00
Interest due on same prior to maturity	360.00
Due towns on account of savings bank tax.....	23,409.69
Agricultural college fund, due in 1890	135,500.00

	\$185,971.69

From this statement it appears that the Treasurer has on hand and in banks, cash to the amount of \$213,840.82 while the entire indebtedness of the State, including what is not due as well as what is due, amounts to but \$185,971.69, so that had the Treasurer been called upon July 31, 1880, to pay every dollar of the State's indebtedness, he could have done so with the cash on hand and in banks, and still have a balance of \$27,869.13. If to this sum we add the sum due from the State tax of 1879, and the taxes due from the savings

banks, which the Treasurer properly counts as assets, we have a surplus above all indebtedness of \$49,109.66. But the agricultural fund is not due until 1890, amounting to \$135,500.00, and the United States surplus fund in the hands of the State Treasurer, amounting to \$11,519.96, will not be called for at present, if ever. Adding the two last named sums to the balance of assets above mentioned, we find in the hands of the Treasurer for the present fiscal year, beginning August 1, 1880, \$196,122.62.

At the close of the biennial term of 1878, based upon a calculation similar to the above, the State Treasurer had on hand available for the year 1879, \$141,934.85. At the present time, as shown by the foregoing statement, he has on hand available for the current expenses of the coming year, \$196,122.62; showing a balance of \$54,187.77 more on hand July 31, 1880, than at the corresponding period of the year 1878. During the last two years there has been paid of outstanding State bonds \$36,000, which makes the comparative financial condition of the State at the present time over \$90,000 better than two years ago.

During each year there is a time when the treasury is liable to be drained before the new tax is collected. To meet this contingency the Legislature of 1878, as they had done before, authorized the Treasurer to borrow a sum not exceeding \$350,000. During the year ending August 1, 1879, the Treasurer borrowed \$45,000, under the act of 1868, and \$80,000 under a similar act of 1871. This temporary loan was paid during the same year. During the year ending August 2, 1880, the Treasurer borrowed, under the act of 1876, the sum of \$93,000, and paid it within the year; so that none of these temporary loans are outstanding against the State.

The treasury is in a most excellent condition, as already appears, and as you will more fully realize when you examine the Treasurer's report in detail. At the beginning of the fiscal year there seemed to be a very large balance available for immediate use. That is true; but it must be borne in mind, as has already been stated, that before the next tax comes in there will be heavy drafts upon the treasury, and unless some provision is made, more than the surplus will be called for. At the present rate of interest in money centers, it seems to me not advisable for the treasury to carry so large a surplus any portion of the year. Let the taxes be enough to pay all expenses and appropriations, and authorize the Treasurer to borrow on short time such sums as he may need to bridge over the void in the treasury before the taxes come in, and then the people will not be called upon to advance enough to pay the agricultural college debt so long before it is due.

One reason why the financial condition of the State treasury is so much better than it was two years ago is, that in determining the amount of taxes to be raised during the past two years, the action of the Legislature was based upon an overestimate of the probable expenses of the two years, and a larger tax was levied than was necessary; but by far the most satisfactory reason to tax payers will appear from the following statement made by the State Auditor, which shows that our expenses are gradually diminishing:

Auditor's orders for the biennial term ending July 31, 1878.....	\$582,596.21
Auditor's orders for the biennial term ending July 31, 1880.....	<u>569,464.67</u>
Making a difference of.....	\$13,131.54

in favor of the last biennial term.

But during the former term there was expended upon the House of Correction \$12,144.13, while during the latter term there was expended upon the same institution \$43,129.48, giving a balance of \$30,985.35 expended during the last biennial term more than was expended upon the House of Correction for its erection and to put it in running order during the prior term. If we add this sum to the difference in Auditor's order between the two terms as given above (\$13,131.54) we have the true comparative saving of \$44,116.89.

The following figures, furnished by the Auditor, show some satisfactory changes going on in some items of expenses during the past four years.

Jail expenses have diminished as follows during that time, viz:

Jail expenses for the year ending July 31, 1877.....	\$20,782.42
“ “ “ “ 31, 1878.....	17,828.70
“ “ “ “ 31, 1879.....	14,304.86
“ “ “ “ 31, 1880.....	8,856.07

A portion of this change during the last two years may be due to the fact that some of the prisoners who formerly were sent to jail, have been during that time sent to the House of Correction. But this statement cannot apply to the first two years.

While jail expenses have gradually diminished, there has at the same time been a very gratifying increase in the amount of fines and costs paid into the treasury, as it appears by the following statement made by the Auditor:

Fines and costs paid in during the year ending July 31, 1877	\$14,089.23
“ “ “ 1878.....	14,494.50
“ “ “ 1879.....	14,551.36
“ “ “ 1880.....	30,455.87

The remarkable increase for the last year named is not due to an increase of crime, but is due to some effect that the House of Correction has in prompting the payment of fines, and also to some special efforts that have been made by the Auditor and other officers for the collection of fines from the hands of justices of the peace who had themselves collected them and were withholding the money from the State.

While there has been a diminution of jail expenses and an increase in the receipts of fines and costs, there has also during the same time, been a remarkable falling off in County Clerks’ orders and Court expenses.

County Clerks’ orders for the year ending July 31, 1877	\$83,826.85
“ “ “ 1878.....	81,995.88
“ “ “ 1879.....	70,231.99
“ “ “ 1880.....	65,147.98

Here is a favorable change on the side of economy of more than \$18,000 in the past four years.

Total expense of Courts for the year ending July 31, 1877	\$113,237.12
“ “ “ 1878.....	110,549.77
“ “ “ 1879.....	96,560.27
“ “ “ 1880.....	80,005.88

A gain for economy of more than \$33,000 within the four years named. These items of “Total expense of Courts” include the County Clerks’ orders for the same time.

Comparing the State expenses, as shown by the Auditor’s and County Clerks’ orders, we have the following figures:

State expenses for the last year of the last biennial term to July 31, 1878	\$315,021.21
Same for the year ending July 31, 1880.....	275,409.61

Showing a change on the side of economy of more than \$39,000 between the two years named, as compared with one another. These statements include all the expenses of the State for the years named, and I believe them to be a fair exposition of the saving made from year to year in State expenses.

The act of 1878 in relation to Court expenses, and that establishing the salaries of certain State officers and the pay of certain State employees, under the suggestion of my immediate predecessor, are having a salutary effect upon the expenses of the State. It is to be hoped that the present Legislature will be as vigilant in this respect as any former one has been.

INSPECTOR OF FINANCE.

In addition to the duties formerly imposed upon the Inspector of Finance, the act of 1878 requires him to report to the General Assembly the condition of the several savings banks and trust companies within the State. This duty has been very thoroughly performed by that officer, and I commend his report to your consideration.

The whole number of depositors in all the savings banks and trust companies in this State, July 1, 1880, was 34,869, an increase in number of 2,214 during the past year, and there stood to the credit of such depositors, at that date, \$9,075,314.39, in increase in total amount of deposits during the past year of \$996,568.58. Of this

first named amount, \$6,347,130.44 belong to residents of the State, the balance to non residents. During the past year interest and dividends amount to \$327,908.22.

In 1878 the Legislature passed an act taxing deposits in savings banks one-half of one per cent. This tax has given an income of \$50,126.04 for the year and a half that the law had been in force, up to the date of the report. Of this sum \$16,602.32 come from that portion of the tax levied upon non-resident depositors, and remain in the State Treasury for the use of the State. The remainder has been distributed to towns in proportion to the deposits from the several towns—one town receiving two cents as its proportion. Would it not be better to have the whole tax go into the general fund of the State?

I desire to call your attention to several very important changes proposed by the Inspector of Finance, but have no space or time now. His very able report makes the necessity of the changes proposed clearer than I can make them appear.

TAXES.

I am satisfied that you will feel warranted, from the reports of the Treasurer and the State Auditor, in levying a tax for the support of government for the next two years, as a considerably less rate per cent than has been levied for the past two years. The rate for 1878 was thirty per cent, and for 1879 forty per cent. It would be idle for me, at this time, to name any sum, but after the various appropriations have been made, the Treasurer or your committee will make some estimate to guide you in this important matter.

In view of the great interest that has been expressed by all parties during the late political campaign in this State, in regard to the finances of the State, and the earnest desire felt by the whole people, for retrenchment in State expense, I need not urge upon you the necessity of the utmost vigilance on your part in guarding the treasury of the State. The habits of extravagance generated by the false abundance of war times are gradually giving place to habits of economy in the household and in private business. These habits should be cultivated in the public service, and officers of the State should be held to the same strict economy that they would practice in their own affairs. But while practicing the most rigid economy, we must remember that there are some things of more value than money. True economy does not consist in refusing to appropriate money when it is needed, but in taking care that its full value be returned for every dollar that is expended.

THE REVISION ON THE LAWS.

The most important topic to which I call your attention is embraced in the above title, as it includes nearly all subjects for consideration by you. Two years ago the Legislature passed an act of which the following is the first section, viz:

“Section 1. The Governor is hereby authorized and directed to appoint two commissioners, whose duty it shall be to revise, redraft, compile, consolidate and arrange in methodical order, in plain and simple language, the public statutes of this State, upon the basis, plan and general form of the General Statutes, with authority to omit redundant enactments, reject superfluous words, circuitous and ambiguous phraseology, recommend amendments, and condense the whole into as concise and comprehensive form as is consistent with a full and clear expression of the will of the Legislature, and report the same to the General Assembly at its next biennial session.”

Pursuant to this act, Governor Proctor appointed Hon. C.W. Willard and Hon. W.G. Veazey as commissioners to revise the laws, and they commenced at once upon their labors. Hon. W.G. Veazey, having been appointed a judge of the Supreme Court, a large part of the work of the revision devolved upon Mr. Willard. How faithfully and well he performed his share of the labor, you will learn when the voluminous work is laid before you. His labor ended only with his life. While still engaged upon this most arduous task, with a faithfulness that attended all his labors, and that has become proverbial throughout the State, this highly esteemed public servant breathed out the last remnant of a life that had long trembled in the balance, and that seemed to have been prolonged that he might so nearly complete this last work for the State he loved so well.

The report which accompanies the revision was prepared by Judge Veazey. In that he tells you fully the plan of the work, and the reasons which actuated the commissioners in the course they pursued.

The arrangement of topics in the "Revised Laws of Vermont," as they have named the work, is much more logical than that of the General Statutes.

The commissioners have simplified and reduced to a uniformity the diverse expressions used in the General Statutes. They have so condense what is now contained in the General Statutes in 790 pages, and in the session laws since 1862 in 1233 pages, that when printed as the General Statutes now are, it will be comprised in about 700 pages. They have not intentionally changed the substance or intent of any law.

Together with their report they offer an Appendix that consists of notes, explanatory, corrective and in recommendation of amendments. I need not take time here to call your attention to the various amendments and changes proposed. They are important, and will command your careful consideration. For greater convenience of reference the sections are numbered from first to last continuously or successively throughout the volume. In the Appendix the commissioners have made such recommendations of changes as seemed desirable to them, after a careful examination of the entire laws of the State. Such suggestions as they make must have great weight with you.

CONSTITUTIONAL AMENDMENTS.

Section one of article twenty-five of the amendments of the Constitution of the State, being a section of the articles of amendment adopted by the Convention held at Montpelier, June 8th, A.D. 1870, provides that at the session of the General Assembly of this State, A.D. 1880, the Senate may, by a vote of two-thirds of its members, make proposals of amendment to the Constitution of the State, which proposals of amendment, if concurred in by a majority of the members of the House of Representatives, shall be entered on the Journals of the two Houses, and referred to the General Assembly then next to be chosen, and then the section goes on to provide what is necessary to complete the amendment, This is the year and this is the session at which amendments are to be proposed by the Senate and concurred in by the House, and thus started on their way towards completion.

This is a very important duty on the part of the Senate. It rests with them to initiate every amendment to the Constitution. It is incumbent upon them neither to initiate any hasty, frivolous or illy considered amendments, nor to stand in the way of such reasonable propositions as express the true wishes of a majority of the people.

PETIT JURY.

Article twelve of the first part of the Constitution, sometimes called the Bill of Rights, provides that when any issue in fact, proper for the cognizance of a jury, is joined in a court of law, the parties have a right to trial by jury, which ought to be held sacred. This section briefly states the principle that has so long been dear to Englishmen and the English-speaking races. The right to be tried by one's peer is sacred in the eyes of all friends of liberty and justice. When this principle and this right stood as a barrier between a tyrannical government, represented by partial judges on the one hand, and a people powerless to vindicate its rights on the other, they seemed to every aspirant for freedom to be of incalculable value. The establishment of the principle in the frame of government, and the acknowledgment of the right in the practice of the courts, marked an era in the advancement of human liberty. We should not esteem the right lightly.

Yet we may bear in mind that society and government are differently constituted at this day and in this State, from what they were in England when the contest for this right first arose. Every man in Vermont is the peer of the highest judge or of the highest officer of the State, in the eyes of the law. Business and the character of suits in courts of law have changed. A large class of cases has now arisen that can much better be tried by the court alone, or by an auditor or a referee, than by a jury. Men feel no insecurity in regard to their rights when tried by the court or by the officers of court named. Many times it is only those suitors who have a doubtful case, who are anxious to tempt the hazardous lot of a trial by jury.

Not that I would cast any reflections upon jury trials, as conducted before intelligent jurors in Vermont, for I believe in the large majority of cases they do substantial justice between the parties. But it seems to me that there should be some reasonable limit fixed, not to the enjoyment of the right of trial by jury, but to the abuse of that right.

Whenever there is any possible chance of its standing as a barrier against oppression, and in every case where it is or may seem to be a bulwark to surround and protect the weak, let it be undisturbed. But it seems to me that there are certain classes of cases that can better be tried without the aid or incumbrance of a jury. Already the law denies the right of trial by jury in actions of book account and petitions for divorce. No one feels aggrieved by this. All acknowledge that the adjustment of long accounts and the details of family troubles can better be dealt with by the court or some branch of the court, than by a jury of twelve men.

Yet, even now, the suitor, by bringing his action in assumpsit, instead of in the form of action known in this State as book-account, may compel the court to grant him a jury trial upon hundreds of items of account. It is true that this does not often happen, for the reason that counsel generally advise that such suits be referred to some suitable person who really acts as auditor, although not such in name.

I am satisfied that some restriction might safely be made in this direction, more especially since the reference law adopted at the last session of the Legislature, seems to be giving so general satisfaction. If no other change is made, certainly the jury fee should be so increased in the class of cases involving accounts, as to offer no inducement to suitors to call for a jury. Upon this matter I would refer you to the report upon court expenses made by the commissioners who were appointed to revise the laws.

GRAND JURY.

Whether the duties of the grand jury should not be somewhat modified, I submit to your candid consideration, without further suggestion than to again call your attention to the report just referred to. This would not necessarily be a constitutional change, but I refer to it here in connection with the changes suggested in connection with the petit jury. Some of the changes suggested in relation to the petit jury may be simply changes if the law and not of the Constitution.

THE BIENNIAL SYSTEM.

The biennial system of elections seems to have worked very satisfactorily, but there is an increasing desire on the part of gentlemen conversant with public affairs to have annual rather than biennial sessions of the Legislature. This would necessarily entail increased expense to the State. It is for you to consider whether the additional expense will be more than overbalanced by the greater advantages of annual sessions. Were the question of expense out of the way I should not hesitate to recommend a return to annual sessions of the Legislature. I should do this the more readily for the reason that I feel confident that our Legislatures express and carry out the will of the people in the result of their deliberations.

The retiring message of Governor Proctor has called attention to some important suggestions in relation to amendments that I need not further discuss.

MILITIA.

The small militia force of the State is in a very efficient condition, and at extremely slight public expense. Its admirable condition is not due to its having been fostered by the State, but to the natural military spirit of our people, and to the fact that some of the officers and soldiers who served during the Rebellion, have taken a deep interest in the single regiment and portion of a battery, which represent our entire military force. It is to be hoped that we may never again know the suffering that results from war, but a prudent government will not allow itself to be unprepared for a possible emergency, nor allow the military spirit of its people to entirely die out.

MILITARY HISTORIAN.

At its last session, the two Houses adopted a joint resolution providing for a State Military Historian, and the Governor appointed Hon. G.G. Benedict to that position, and he at once commenced his labors by collecting materials for the history. But the work of preparation was stopped by a decision of the State Auditor that the resolution, having failed to receive the Governor's signature, did not constitute such an "Act of Legislation" as would warrant payments from the treasury for the necessary expenses. The collection of the materials for the history has nevertheless gone on, and the completion of the work awaits the action of the Legislature.

I have no doubt your will adopt the necessary legislation to complete this work which, evidently, both Houses and the Governor concurred in at the last session, and which has only been delayed by the method of legislation. It would be bad faith on the part of the State not to complete the contract inaugurated by my predecessor. Had the joint resolution received the signature of the Governor, undoubtedly the Auditor would have allowed the necessary bills of expense. But appropriations ought not to be attempted by joint resolution.

THE STATE PRISON.

The directors of the State Prison, in accordance with section 2 of an act of the Legislature passed at the last session, have erected a new building for a work-shop, chapel, and other purposes. It is entirely of brick, is ninety-five feet long and thirty-two feet in width, and two stories in height, above the basement. The roof is of slate, with tin gutters and a fire proof cornice. The sum appropriated for the purpose was three thousand dollars. By availing themselves of some convict labor, the directors have been able to complete a very satisfactory building and keep within the appropriation. They have also built a double gate, which was required for safety, and this has been done within the appropriation for that purpose.

A good system of ventilation has been introduced into the new prison, and it is to be extended to the old one. Some other improvements are suggested in the report of the directors which are much needed, and for which appropriation should be made.

In examining the accounts of the late Superintendent, errors were discovered by Mr. Rice, the present Superintendent, amounting to \$1,508.05, and he was directed to collect the same, which he has done and returned it to the State Treasury.

The act of Legislature last referred to, also provides for the erection of anew prison building to accommodate those prisoners who were unprovided with cells. At the time of the visit of the legislative Committee, October 18, 1878, there were confined in the State Prison one hundred and eighty-six convicts, and there were but one hundred and fifty-six cells for their accommodation. There seemed then to be an immediate necessity for an increase of cell-room; hence, the adoption of section 1, of the act referred to. But since the House of Correction has been opened for convicts, there has been a decided falling off in the number sent to the State Prison, so that on the 31st day of July, 1880, there were but one hundred and forty-two convicts at Windsor, and the number is not likely to be large enough to fill all the cells for some time; consequently the directors have not built the additional prison building provided for by the act of 1878. This falling off in the number of convicts in the State Prison is partly due to the fact that the House of Correction now takes some of the same class of criminals that were formerly sent to the State Prison, but it is principally due to a great decrease in high crimes in the State.

HOUSE OF CORRECTION.

When the Legislature was last in session, the House of Correction was unfinished, and not ready to receive prisoners. It has since been completed, and at the time of the report of the directors (who are the same as those of the State Prison), July 31, 1880, it had been in use twenty months.

The whole number of prisoners during that time was three hundred and sixty-five. The number confined at the time of the report I cannot state, but I believe it was about as many as the institution can accommodate.

The same building is also used for the purposes of the Rutland County jail. At the date of the report, there were four Rutland County prisoners.

The directors have let the convicts' labor for the finishing of marble during the term of five years from September 1, 1879, at twenty-five cents per day for each convict, up to August 1, 1880 and thirty cents thereafter. It was with difficulty that any contract at all could be made, partly on account of the short terms of many of the prisoners. Before the contract was made, the convicts were worked on the grounds, grading, building wall, &c.

The directors, in their report, say that "For the year ending August 1, 1880, the current expenses of the entire institution, including Rutland County jail, were \$9,235.09. If the prisoners had been employed under the contract during the entire year, and upon the same pay as since August 1, 1880, their earning would have

amounted to \$5,873.61, leaving a balance against the State for the current expenses of a year of only \$3,361.48. The cost to the State of Rutland County jail, previous to the establishment of the House of Correction, exceeded that sum—the average expense being \$3,500 a year, and more than that amount since 1870.

The Auditor's report, to which I have already referred, shows that the expenses of all the jails in the State for the year ending August 1, 1880, are nearly \$9,000 less than for the year ending August 1, 1878. The directors in their report claim that this is mainly attributable to the establishment of the House of Correction. This is true to some extent.

But a further examination of the Auditor's account shows that the jail expenses diminished from July 31, 1877, to the same day in 1878, \$2,958.72, and this was before the House of Correction was established.

From the last date to the corresponding day in 1879, the expenses of jails fell off \$3,518.84. The House of Correction was opened to receive prisoners December, 1878, so it may be supposed to have had some influence during the last year named; but we must believe that the same influences were at work in other respects in 1879 and 1880 as in 1877. If this is so, then only about one-third of the \$9,000 diminution of jail expenses for the last two years is to be credited to the House of Correction. There has been a strong disposition to diminish expenses in all public departments throughout the State for more than four years, and with a good degree of success.

The directors also claim that the institution has been a very efficient collector of fines and costs, and it undoubtedly has been. They say that the State has received from that source during the past year nearly \$16,000 more than was ever received before in any one year. They believe that the House of Correction will not only become self-supporting, but soon pay for itself, taking into consideration the additional incentives to the payment of fines. One very gratifying statement is, that of the \$30,000 appropriated by the Legislature in 1878 for the support of the institution, the directors have drawn from the treasury only \$25,219.69.

While visiting the House of Correction, I learned that sheriffs and other officers, as the law now is, draw double the treble and perhaps more fees for the single transportation and commitment of a prisoner who has been convicted of different offenses and sentenced to serve several terms. This ought to be corrected. In some instances where the officer drew treble fees, the prisoner was also serving out three sentences at the same time. If there is any uncertainty in the law in this respect, it should be made certain. There are some valuable suggestions upon this subject in the report of the Commissioners on Court Expenses.

The directors of the House of Correction recommend an enlargement of the workshop. The shop now in use was built by the directors without an appropriation therefore, and they pledged their own credit to raise the funds. The contract for the labor of the convicts could not be made available without the shop. The directors also bought a strip of land for the purpose of making a better entrance to the property, and also built a fence in front of the Superintendent's house. For all those bills there is due about six thousand dollars. They should be provided for by the necessary appropriation.

REFORM SCHOOL.

This excellent institution has been so long in existence that I need not spend time in giving any particular account of it. Two years ago the Legislature appropriated ten thousand dollars to defray the expense of enlarging the boys' school building, subject however to the approval of the governor. The trustees, some time since, became satisfied that such enlargement should be made, principally for the reason that they are compelled to put nearly one hundred boys into a sleeping apartment that is really adapted to only about sixty. My predecessor, however, declined to give his approval to such expenditure, for good reasons, which have appeared in his message. The trustees have stated the reasons why there should be an extension of the buildings, at full length in their report. And thus the matter stands at this time. The matter is so fully discussed in the report and message referred to, or will be in the General Assembly during the session, that I have no doubt you will be much better fitted to decide the question than any one person, and I submit that the General Assembly either repeal the act of 1878, making the appropriation, or make the appropriation absolute and unconditional.

The total expense of the school for the two years ending July 31, 1880, is \$39,384.25. The net earnings of the school for the same time amount to \$4,953.32.

The receipts from all sources, including the earnings, amount received from towns, tuitions, produce sold, &c., amount to \$13,647.11, leaving a balance to be met by orders on the State Treasury of \$25,737.14, which is \$9,262.86 less than the appropriation.

The number of boys in the institution, July 31, 1878, was one hundred and twenty-two. On the same day in 1880, the number was one hundred and three. The number of girls in 1878 was twenty-three; in 1880 nineteen—showing a decrease in numbers of twenty-three. The whole number of commitments during the year has been twenty two boys and three girls. The total number of commitments during the existence of the school, has been six hundred and nineteen, ranging from six years of age to nineteen. There were committed during the last year, two of nine years of age and two of ten, and there are several of that age in the school. They all labor six hours a day and are in school for four hours. On the Sabbath they attend service in the chapel, and take part in the Sabbath school. A certain portion of each day is devoted to recreation and amusement under the eye of a keeper. As I looked upon those children, eight, nine and ten years of age, busy and skillful at their labors, it seemed cruel to think that childhood to some of them is to be blotted out; that they must, every moment, live up to a strict rule without one forgiving word from a mother's lips, or one warm embrace from a mother's arms, in sickness or in health, in pain or grief. A mother's warm uneducated heart is often a better instructor than the cold machinery of a state institution.

But when we remember that many of these children have lost one or both parents, or have drunken fathers, and that most of the scholars are in there for a breach of the laws of the State, we realize that the school is a necessity, but that the pupils should be sent from it as soon as is safe for themselves and the community. The school is under excellent management, and the superintendent and his wife, the matron of the institution, are both Christian people, and deeply interested in the welfare of their pupils.

EDUCATION.

If we did our entire duty in regard to education, we might save a large share of the expense of the three institutions to which I have just called your attention. In 1878 there were sixty-eight commitments to the State Prison; of these thirty-one were natives of Vermont, and only thirteen foreigners. I use the statistics of 1878, because I have not those of 1880 at hand. In 1878 there were one hundred and eighty six convicts in the State Prison; of these seventy-two were natives of Vermont, and only thirty-nine of foreign birth. Surely we cannot charge the crimes of our State upon the uneducated foreigners who come to our shores.

The large villages and cities of the State are all well provided with schools; but many of the sparsely inhabited portions of the State have schools but a few months in a year, and those of an inferior kind. The inhabitants are so few, or are so straitened in circumstances, that they cannot support good schools. The remedy for this is to have the expense of schools fall to a greater extent upon the whole State.

The State Superintendent of Education advises the raising of a tax of twenty-five cents on the dollar in addition to all other State taxes, to be used for general school purposes, one half of this fund to be divided among the towns and cities of the State in proportion to their population, and the other half in proportion to the aggregate attendance of scholars upon the public schools. This is making quite a sweeping change, and it may strike you as too much of an experiment. I would suggest that the nine per cent tax provided for in section eighty of chapter twenty-two of the General Statutes be increased considerably. This will tend to help the weaker portions of the several towns.

Our best educators tell us that we are not keeping pace with the progress of other States in our public schools. One reason for this is the lack of trained teachers. We have three Normal Schools, which have done some good work in the way of supplying teachers specially fitted for their work. But complaint is made that for the last four years not more than one-half of the teachers in our Normal Schools have themselves been either graduates or students of any Normal School whatsoever. This is said to be due to the fact that the selection of the subordinate teachers is left mainly to the principal, who is affected by personal interest or local influences in his choice of assistants. The instructors of teachers should certainly have had some drill in a Normal School before attempting to teach others. The remedy is to place the appointment of all teachers under the charge of the State in some way. I desire to say more upon the important subject of education, but I have not seen the Superintendent's report, and can only make general suggestions.

The State Superintendent of Education has done good work, and his energy and industry are greatly to be commended, but it seems to me that if he were sustained by a competent Board of Education, selected from the leading educators of the State or from men interested in the subject of education, he would appeal to all the varied interests of this important subject with much greater force.

The text-book law, that was really so much of an experiment, has by the help of the people working for harmony, been quite a success in most parts of the State. In many counties all of the towns have adopted the same text-books, and so far it seems to work as well as a law providing one set of text-books to be used throughout the whole State. On the other hand there are instances of union districts, made up from fractional districts in adjoining towns, that have adopted different books, thus there are two sets of books to be used by legal authority, in the same school. Some provision should be made to remedy this trouble. The report of the State Superintendent will undoubtedly be full of instruction and useful suggestions. I respectfully refer you to that for further information upon this subject.

AGRICULTURE.

This important material interest of the State can never be overlooked. It presses upon us the importance of its claims in every corner of the commonwealth. The report of the Superintendent will tell you what has been accomplished during the past two years by the instruction furnished, and the interest aroused at the meetings held by him. He has held many instructive meetings in connection with the officers and instructors of the University of Vermont and State Agricultural College, and other lecturers in all parts of the State. I am happy to be able to state that these two great branches of instruction in agriculture, the Superintendent and the University, have labored in perfect accord during the past two years. I must refer you to the report of the Superintendent for further information.

There was a time when the State had a Board of Manufacturers and Mining as well as of Agriculture. When the Superintendent of Agriculture was appointed, did the State lose its interest in manufactures and mining? We have already great interests in marble and slate quarries and copper mines, and ought to have in manufactures. Something should be done to encourage manufacturing interests, and to tempt men to invest their money in such enterprises within our borders.

UNIVERSITY OF VERMONT AND STATE AGRICULTURAL COLLEGE.

The report of the trustees of this State institution always makes one satisfactory statement. Notwithstanding its income is small, its expenses are always kept within that limit. I quote a few words from the report at this time” “An institution which can year after year resist the temptation to overdraw its income, and which continues to exhibit a careful economy in its administration, makes a strong appeal for confidence and patronage both to the Legislature and to public spirited individuals. But the means of the institution are inadequate to the work which it is called upon to do. If it were required to furnish only the old-fashioned college curriculum, its present income with its present number of students might be sufficient. But an institution confining itself to this narrow line of work cannot meet the demands of modern education, The University, in undertaking to fulfill the obligations incurred by the State through the acceptance of the Congressional land grant, namely, to provide a liberal and practical education which should fit men for all the pursuits and professions in life, assumed an additional amount of work which the additional income is inadequate to supply. The satisfactory balance sheet must not be suffered to disguise the fact that the higher education in Vermont is suffering, because the State University has not sufficient means to do its work as that work is done in other States. The administration of the institution can claim the credit of economy: the State at large in its dealing with the institution can claim only parsimony. The present condition of the University is such as to furnish reason for the enlargement of its means. It is free from debt: every dollar added to its funds can be devoted to the work of the future. Its financial policy is adapted to secure confidence and attract investments. The fundamental work of college instruction is already provided for: all additional means can be devoted to visible extension and improvement. The spirit of the institution has shown itself to be progressive. The fathers of the commonwealth pledged the institution to enterprise and the State to its support, when they gave it the name of a University.”

The University has received some donations during the last two years of not large amount.

Henry P. Hickok of Burlington has conveyed to the University a lot of land of 350 acres in the town of Stowe, of the estimated value of \$1,200.

Mrs. Celinda A.B. Lilley of Montpelier has paid into the treasurer the sum of \$5,000, to be available after her death and that of a relative, for the education of young women.

Rev. C.C. Parker, D.D., formerly of Waterbury, Vt., late of New Jersey, made provision before his death, for the endowment of the "Parker Scholarship," by the payment of \$1,000, which sum has been paid into the treasury by his executor. Some smaller donations to the library, cabinet and laboratory, are also acknowledged.

During the year 1878-9 there were in the academical department eighty-two under graduates, and in the medical department one hundred and forty students; during the year 1879-80 there were eighty-one undergraduates and one hundred and forty-three medical students.

The number of students in all departments might easily be increased by some fostering care on the part of the State towards the child of her own creation. During the academical year 1877-8, there were in Dartmouth College sixty academical, fourteen scientific and twenty four medical students from Vermont. A large portion of these ninety-eight students should be in some of our own colleges.

The work among the farmers, done by the University in connection with the Superintendent of Agriculture, has proved successful, as well as the Veterinary lectures of Prof. Cressey and the lectures of Prof. Atwater, Prof. Perkins and Pres. Buckham, at the meetings throughout the State.

"It became manifest at these meetings, and increasingly so as they went on, that the work which had been done during the past ten years by the Board of Agriculture, the Superintendent of Agriculture and the University, is resulting in a great awakening of thought and quickening of the spirit of improvement all through the agricultural classes of the State."

For the results of the experiments with fertilizers, I refer you to the report of the trustees.

More than three hundred boys from one hundred and forty six towns have entered to compete for the prizes offered by the trustees of U.V.M., to those under seventeen years of age who shall, raise the largest crop of corn and potatoes on one-eighth of an acre of land. There are ten prizes from \$25 to \$5, and two scholarships in the University of Vermont and State Agricultural College, offered to competitors.

The report suggests that free scholarship be provided for by the State in those branches pertaining to agriculture, and I would recommend that at least as much be done in this direction as is done for the Normal Schools.

There are to be three trustees of the University of Vermont and State Agricultural College elected to fill the vacancies occasioned by the expiration of the term of those trustees whose office expires in 1881, and one to fill the vacancy occasioned by the death of Ex Gov. Peck.

INSANE ASYLUM.

Two years ago the Legislature created the office of Supervisors of the Insane, and the gentlemen appointed to that office make their report for the past two years. They make one very important suggestion which should receive your consideration. Some provision should be made for the convict insane. Now there is no provision by which they are separated from the ordinary insane of the asylum. Such persons ought not to be treated like the ordinary convicts of the State Prison, and yet it seems wrong to place them among the innocent insane. If not violent in their conduct and dangerous to the persons of those with whom they associate, their influence would be bad. Men may be insane, and yet not be willing to associate with criminals.

There are throughout the State a few persons violently and dangerously insane, whose friends, from mistaken motives of kindness, are unwilling to have them committed to the asylum. The Supervisors ask that they have power to commit such persons on proper proof of their condition. This is stepping upon very delicate ground. Certainly the public is entitled to be protected from dangerous assaults so far as the law can do so, but at the same time the right of an individual to his personal liberty must not be infringed upon for slight grounds.

The Supervisors were appointed to examine into the condition of the insane asylums of the State, hear the grievances of the patients apart from the officers and keepers, and especially ascertain whether persons are therein confined who ought to be discharged, and report to the Governor and Legislature.

The Supervisors speak well of the asylum at Brattleboro, and say that only four patients have been discharged during the past two years by their direction under the law.

The reports of the trustees and of the Superintendent and other officers of the asylum will be before you, and from them you can learn of the condition of this very necessary institution, and will take such action as may be advisable in relation thereto.

REPORTS OF STATE OFFICERS.

In this connection I desire to say a word in relation to the reports of State officers. It is quite important that the Governor elect, as well as to retiring governor, should see all the reports before making his message. Under the present method of printing them, immediately before the session of the legislature, it is impossible to see them all, and difficult to give those that are seen the examination they are entitled to. Nearly all of the reports that I have seen I have borrowed from the State printer in manuscript for a short time. I would suggest that the officers be required either to have their reports printed at least three weeks before the session of the Legislature, and copies furnished the retiring and incoming Governor, or to furnish manuscript copies to both as early as the time named.

STATE LIBRARY, CABINET, AND HISTORICAL SOCIETY.

Four years ago the Legislature became satisfied that something must be done to extend the accommodations of the above named collections, and by joint resolution directed the Governor to appoint commissioners to report upon the subject at the next session. Such report was made two years ago, but the Legislature took no action upon it. I call your attention to it at this time as being a subject well worthy of your consideration. Something must be done very soon, or the State will lose many valuable books and documents that cannot be replaced. If the plan proposed by the commissioners is not satisfactory, some other plan ought to be devised and acted on without further delay. Any plan will involve large expense, and each new Legislature hopes to transfer the responsibility to its successor. In the end this will prove to be very poor economy.

UNITED STATES SENATOR.

The term of service of the Hon. George F. Edmunds in the United State Senate will expire in 1881, and before another regular session of the State Legislature. Your attention is called to the necessity of electing at the present session of the Legislature a successor for the six years ensuing the expiration of his term.

RE-DISTRICTING THE STATE.

The census of the State just completed shows the population of the State, according to the report of the Supervisor for the District of Vermont, as published in the newspapers, to be 332,648, which is a gain of 2,097 since the census of 1870. Should there be a change in the representation in Congress, as is quite likely to be the case, and the proportion of the population to be represented by each member of the House of Representatives be increased, Vermont would lose one of her Representatives in Congress, and that would necessitate a redistricting of the State. This probably belongs to you to provide for, as the change in the representation will undoubtedly be made before the regular session of the General Assembly in 1882.

If you should think that his matter has not been sufficiently considered by the people, the subject of re-districting might be left to the next Legislature, provided you by some proper act of legislation postpone the next election of members of Congress until the Legislature of 1882 can have acted upon the subject. In that case the action of Congress will be definitely known before any action of the State Legislature need be taken. Otherwise the action of the present Legislature must be simply provisional.

CONCLUSION.

When we look back over the history of our State for the past two years we find many causes for thankfulness. We have notably escaped the great scourges of mankind, war, pestilence and famine. We have

been at peace within our borders, and the country at large has been at peace with the nations of the world; no great epidemic has swept through our State; abundance has crowned the labors of the husbandman, and rewarded the industry of the artisan. Let us meet in a devout spirit of thankfulness to the Maker of all things, and perform our responsible duties in a spirit of reverence to Him, and of strict obedience to His laws.

ROSWELL FARNHAM.

Executive chamber,
Montpelier, Vt., Oct. 7, 1880. }