

Inaugural address
of
John Gregory Smith
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Friday, October 14, 1864
Inaugural Address

Gentlemen of the Senate
and House of Representatives:

After a year of many mercies and great prosperity, as we meet to perform the duties imposed upon us by the constitution of the State, I would earnestly invite you to join with me in rendering to Almighty God the honor and praise that is His due, and to seek His favor and blessing upon the deliberations for which we are now assembled.

I respectfully submit the following statement of the transactions of the State for the year, with such recommendations as seem to require your consideration.

FINANCES.

The detailed report of the Treasurer, which I transmit with this, will clearly exhibit to you the financial condition of the State.

From this it appears that the total receipts into the Treasury from all sources have been		\$2,327,527 66	
Balance September 1st, 1863,		122,433 75	

		\$2,449,961 41	
Total disbursements,		2,025,864 85	

Leaving balance on hand, September 5, 1864,		\$424,096 56	
The amount of funded liabilities is stated to be		\$1,425,401 41	
		41	
The amount of current liabilities,	\$644,982 13		
The amount of current resources,	429,538 42		
Excess of current liabilities,	-----	\$215,443 71	
The current expenses of the year are approximately estimated as follows:			
Extra pay of \$7 00 per month,		775,000 00	
Ordinary State expenses,		150,000 00	
Interest on loans and funded debt,		120,000 00	

		\$1,260,443 71	
Deduct bonds authorized in 1862 and not issued,		250,000 00	

Leaving to be provided for by tax or loans,		\$1,010,443 71	

This amount may be increased to the extent of whatever expenses may be incurred in raising additional troops.

The balance due from the United States for raising and furnishing troops, as reported in my last communication, is about \$60,000 00. This amount still remains unpaid. Efforts have been made to procure an adjustment of the accounts, but causes beyond my control have thus far prevented. The accounts against the United States for the current year also remain unliquidated. These will amount to about the sum of \$30,000 00. I hope soon to be able to effect a full settlement of all these accounts.

Orders have been drawn by me on the Treasurer to September 1st, amounting to \$63,617 48, which may be classified as follows:

Services and expenses of recruiting officers,		\$24,719 84	
Subsistence of recruits not mustered,		1,934 82	

Transportation of recruits not mustered,	785 07
Medical attendance and inspection of recruits,	73 70
Arrest of deserters,	93 54
Barracks for Co. A, 17th regiment,	485 57
Equipment for recruits for old regiments,	1,577 14
State pay prior to muster and pay of officers,	17,474 42
Expenses of Adjutant and Inspector General's office to June 1st,	6,570 18
Expenses of Treasurer, November 1, 1862, to November 1, 1863,	3,475 69
Services and expenses of Surgeon General,	325 55
Expenses of Executive Department,	435 33
Expenses special agents,	322 20
Care of sick and wounded soldiers, including services and expenses of Commissioner and. State agents,	\$4,184 98
Telegrams to August 1st, 1884,	1,159 45

	\$63,671 48

STATE AID TO SOLDIERS' FAMILIES.

In October last, I appointed John Howe, Jr., Esq., of Brandon, agent of the Slate, to furnish the necessary aid to the families of the soldiers. The report in detail of that department is herewith transmitted.

From this it appears the amount expended during the past year is \$18,700 42. The number of families aided, 471. Number of aided, 2058.

The transactions in the department under Mr. Howe's management have been concluded with great ability and discretion, and while the duties have been delicate and the labors arduous, prompted purely by motives of patriotism and without compensation, the interests of the State have yet been protected with great fidelity, and the destitute families of the soldiers have received that care and assistance which it was the object of the law to furnish them.

MILITARY.

On the 3rd day of August, 1863, the War Department authorized the raising of two additional regiments of infantry and one battery of light artillery.

In pursuance of this order, my predecessor made arrangements for, and appointed the necessary recruiting officers to raise the 17th regiment of infantry and the 3d battery of artillery, and also to a partial extent the 18th regiment of infantry. It was expected under this order that these could be raised as veteran organizations from the men just returned from the nine months service, and, as inducements for speedy enlistments, the Government authorized the payment of a bounty of four hundred dollars to veterans, and one hundred dollars to new recruits.

The severity of the service which experienced in the battles at Gettysburg, which occurred just on the eve of the expiration of their term, deterred them from immediate enlistment, and at the time of my entering upon the duties of my office but comparatively few men had enlisted into these organizations.

On the 14th of October, 1863, the call for three hundred thousand men was made by the President, to serve for three years, and authority was given for the payment of four hundred dollars to veterans and three hundred dollars to new recruits. The quota, under the call, assessed to Vermont, was three thousand three hundred and thirty men, and the period within which to raise the troops was limited to January 5, 1864. The work was at first very greatly retarded from the difficulty of properly adjusting the credits due and belonging to the several towns, from the fact that towns, as sub-districts, were not recognized by the Government. Efforts were, however, promptly made, by application to the War Department, to remedy the difficulty, and after some delay an order was obtained recognizing towns as sub-districts, and the quotas were accordingly assessed to the towns and their credits properly adjusted. The quota of the State was then promptly filled within the period limited by

the call, and on the 1st day of February following, sixteen hundred and twenty-one enlisted men stood to the credit of the State as a surplus over all calls that had been made. This surplus continued from that time constantly to augment, with slight variations, under the calls of February 14th and March 14th, so that, at the date of the last call by the President, July 14th, the State had an entire surplus of two thousand two hundred and one men.

Under this last call for five hundred thousand men, the quota of the State was five thousand one hundred and fifty-six. Fifty days from the date of the call was the time allotted for filling the quota, and it is with a feeling of just pride that I congratulate the State upon the promptitude with which she has responded to it, and that on settlement with the General government to October 1st, there was found to be due to the State a surplus of *one thousand and fourteen* men, which stands to her credit against any future call, should one hereafter be made.

The report of the Adjutant and Inspector General, which will in due time be laid before you, will furnish you more fully in detail the transactions of his department. It is but justice to that officer to say that the State is largely indebted to him for the energy and efficiency displayed in the details of his department. The services rendered by him have been of great value, and have contributed largely in securing to the State the proud position which she this day enjoys.

The efforts which were made throughout the State to fill the quotas under the first call, the liberal bounties paid by the towns generally, and the fact that under this call new recruits received three hundred dollars bounty from the General Government, while under the order authorizing the raising of the 17th and 18th regiments and the 3d battery, only one hundred dollars was authorized, all conspired to retard enlistment in these organizations, and the question was seriously entertained of disbanding them altogether. Great expense had been incurred up to that period in the attempt to raise the men, and to abandon it at that point would have involved the State in a very heavy burden. I, however, did not feel justified in attempting further to fill the 18th regiment, and accordingly directed the transfer of the men enlisted for that to the 17th regiment. Application was then made to the Secretary of War for authority to pay new recruits for this regiment Government bounty of three hundred dollars, instead of one hundred. This authority was finally, and after repeated efforts, on the 29th of December, granted. Still further difficulties were experienced at this time by the withdrawal of the town bounties. The embarrassments thus encountered delayed greatly the organization of the 17th regiment. The 3d battery was filled and mustered into the service of the United States on the 5th of January, 1864.

On the 18th of last April seven companies of the 17th regiment were sent to the field under the command of Lieut. Col. Charles Cummings. On the 19th day of May the 8th company, and on the 6th day of July the 9th company, were also sent to join the regiment. The 10th and last company has been fully organized, and is now at New Haven, Connecticut, waiting to be ordered forward. By special arrangement with the Secretary of War, in this regiment, though its ranks have been sadly decimated by the recent severe battles, has been accepted as a complete organization, and authority has been granted to muster its colonel.

The total amount of men furnished by the State, since the commencement of the war, is thirty-two thousand seven hundred and ten men—as follows:

For three months service,	782
For nine months service,	4,833
For one years service,	1,758
For two years service	1
For three years service,	25,336

	32,710

The total number in service on the 1st of October, as near as can be ascertained from the latest returns, is about twelve thousand two hundred and fifty.

The total number raised since October 1, 1863, including 17th regiment and 3d battery, and credits not heretofore allowed, is 14,020.

The State has thus furnished during the past year more men than in any previous year since the commencement of the war. And the promptitude with which they have been furnished indicates in most unmistakable language the determination of her people to vindicate the power of the Government in this great struggle, and to favor a vigorous prosecution of the war as the only sure means of establishing a peace that shall be alike honorable and enduring.

AMENDMENT OF ENROLLMENT.

Previous to the call of the President for five hundred thousand men in July last, orders had been issued by the War Department to the Acting Assistant Provost Marshal General of Vermont, to have the enrollment lists in the several towns in the State properly revised and corrected up to July 1st, 1864. Notices were accordingly published in several newspapers in the State, calling upon the selectmen to see that the enrollment lists were properly corrected. Upon the returns thus made the quotas of the several towns were assessed. Owing, however, either to the fact that the notices did not reach all the towns, or to a misunderstanding and neglect on their part, great discrepancies were found to exist when the quotas were announced, and numerous applications were made to the Acting Assistant Provost General for the correction of these errors and the reductions of quotas. A careful examination into these complaints satisfied that officer that there were just grounds for them, and that further opportunity should be given for correcting the lists. Accordingly on the 24th day of August notice was given to the towns to correct the lists, and upon returns being made, it was ascertained that the former enrollment was too large by nearly five thousand, and that consequently the State had been assessed nearly eight hundred men too many. A new assessment of quotas was therefore ordered. The Acting Assistant Provost Marshal General, however, did not feel authorized to make any alteration or reduction of the general quota assessed to the State at large, or to the several congressional districts. Consequently the new assessment to towns was made upon the amended enrollment, still retaining the basis of the old assignment of quotas to the State and congressional districts. This mode of assessment, although affording relief to some towns, only increased the burden to others, without relieving the real point of difficulty. It became necessary, therefore, to apply to the War Department for the necessary relief. I accordingly made application, and succeeded in obtaining not only the proper reduction of the enrollment, but also the corresponding reduction of the quota of the State, and authority to apportion this to the several towns entitled to the same, so as to equalize the several congressional districts. The number thus credited was seven hundred and sixty-seven men, which have been properly distributed to the towns, thus giving to many towns who had already promptly furnished their full quotas, a large excess and credit to apply on future calls, while at the same time those towns which were unjustly burdened by too excessive an assessment have been properly and justly relieved.

The question of the expiration of the term of service of the recruits who enlisted into various regiments from this State in the summer and fall of 1862, has been an exceedingly delicate and troublesome one, both to the State authorities and to the General Government; and while I have labored earnestly both by frequent correspondence with the War Department, and by personal interviews, to secure for them what seemed to me but an act of justice, I am yet compelled to report my inability to accomplish any favorable result.

A simple narration of the facts will better convey to your minds the true position of affairs, and enable you to judge of your duties to these men under the peculiar circumstances in which they are placed

In 1862 the Governor of Massachusetts obtained from the War Department a special order for that State, to the effect that the term of service of all volunteers enlisting in regiments then in the field, would expire with that of the regiment to which they might attach themselves, which order was promulgated in the usual form by publication in the papers of the day. At the same time efforts were being made to recruit for the Vermont regiments, and the order from Massachusetts being published in the form of a general order, and in papers that were extensively read in this State, inquiry was made of the State authorities, both by officers recruiting and by the recruits themselves, whether the term of service of such as might enlist in the Vermont regiments would expire with that of the regiment into which enlistments might be made. To this inquiry, reply, as I am informed, was uniformly made, that it would, and assurances were freely given in all cases where the question was raised, till it became the general understanding throughout the State. Upon the strength of these, coming thus authoritatively, recruits enlisted freely and joined the regiments of their preference.

My attention was first called to the subject by a memorial, signed by several of these recruits, who had been informed unofficially that they were to be held for the full three years' service. The enlistment contracts and muster rolls, signed by the recruits, were for the period of three years, but these were at the time regarded as mere form, the assurances given being most prominent in the minds of the recruit, and being wholly relied upon by them. The faith of the State thus became strongly pledged to these men, and they had the right to believe that the pledge would be preserved inviolate.

In May last I first called the attention of the President and Secretary of War, to the subject, and they informed me that no authority had ever been granted to this State for such assurances as were given, and while they deeply regretted the disappointment to these recruits, and would cheerfully grant the request for their discharge with the several regiments to which they were attached, if it could consistently be done, yet that regard for the public safety compelled them to deny the request. That the same question existed in other States, and to grant the request in one instance would settle the principle as to all, and great injury would consequently result to the service, just at the critical period of an important and active campaign. Subsequent applications have resulted in a similar manner. The disappointment to the recruits in many instances is very great, and yet, I am proud to say, that, so far as has come to my knowledge, these soldiers have borne their disappointment manfully, and have performed all the duties assigned them with a cheerfulness and alacrity that speaks loudly in their praise.

I would respectfully submit for your consideration whether it might not be well to place these recruits for the remainder of their term on the footing of re-enlisted men, and, if anything should be done for these latter, in the form of a bounty from the State, that these recruits should also, under these circumstances, be considered, and receive the same or a proportionate bounty. These recruits embrace those who enlisted in 1862 into the regiments and organizations then in the service, and companies L and M of the 1st Vermont Cavalry.

STATE MILITIA AND MILITIA LAW.

In my last communication I took occasion to direct your attention briefly to the subject of adopting an efficient and active militia system. The events of the past year and the present threatening aspect of affairs, render it especially proper that I should again and more earnestly, invite you to a serious consideration of the subject.

Vermont stands to-day utterly destitute of any arm of defense or any efficient power to resist or to prevent invasion. The dangers to our northern frontier are by no means inconsiderable, nor can I with a just regard for the welfare of the State overlook them; nor, in the light of the evidence now in my possession, can I justify myself in withholding an urgent appeal to the Legislature to frame such law as will place the State in that position of security, and afford those means of protection to her people, without which they are left exposed to the most wanton and high handed predatory incursions. A prudent regard for the public interest does not admit of my communicating, in this form, all the facts in my possession tending to show the actual dangers to which, during the past year, the State has been exposed. It is sufficient for me to say that such evidence, coming from authoritative sources, was placed in my possession as satisfied me that the peace and safety of our border were seriously threatened, and to lead to the adoption of proper measures to prevent disasters which would have been most serious in their consequences to the entire community. Nor are the dangers by any means altogether averted. The more recent movements upon the western lakes and along the northern frontier are but evidences of thoroughly organized plans, limited by no means to those special localities, but extending to the whole line of our frontier, manifesting themselves now upon the more easterly portion and now at other and more remote points along the western border, but all partaking of the same general purpose, and bearing unmistakable evidence of being controlled and actuated by one master mind.

I am not unmindful of the sentiment that has hitherto so extensively pervaded the minds of the people of the State, in regard to organizing the militia; and the arguments that have been urged against such a measure have appealed to my own mind heretofore with controlling force. The burdens already resting upon the State are large. The young men who would have been relied upon to bear the most prominent part in such organization have been drawn from us to engage in the active service of the country; the enterprises of the State have thus to

a great extent been made to suffer, and heavier burdens are in consequence thus imposed upon those who are left at home.

These and kindred arguments have weighed with me hitherto with great force, and I have been not altogether free from doubt as to the expediency of attempting such an organization at the present time. I have, however, become fully satisfied that a just regard to the safety of our commonwealth demands now at the hands of the Legislature an immediate and vigorous preparation for defence.

If there were ever a time when our safety depended upon our vigilance, when a well ordered and efficient militia would prove a bulwark to preserve our peace, and a "basis of defence" against threatened invasion, and perhaps the only means of averting it, that time has, in my deliberate judgment, fully arrived.

Feeling thus the importance of the militia, and with a view to relieve the State, so far as is practicable, of the great and principal source of expense attending such an organization, I made application to the Secretary of War for a sufficient quantity of arms, accoutrements and ordnance stores to arm and equip the militia of this State to the extent of fifteen thousand muskets, in the event of an organization of the militia by the Legislature. In reply the Secretary of War has signified his willingness to furnish the amount required. The State will thus be relieved of the great and principal item of expense; and that which has hitherto been used as a most potent argument against an organization, is now removed. I also received personal assurances from the Secretary that camp equipments such as might be required for drill and instruction in camp would be freely furnished by the department to the extent needed, on the proper requisition.

I transmit with this the correspondence with the Secretary of War on this subject, to which I would respectfully call your attention.

I would therefor respectfully recommend the passage of an act providing for an immediate and proper enrollment of all the arms-bearing population of the State, with proper provisions for examinations and exemptions; from the number thus enrolled. Such number of regiments, brigades, and divisions to be organized, armed and equipped, as in your better judgment may be thought expedient, and suitable provision to be made for necessary drill and instruction in military duty, and for calling out the militia as occasion may require, with power to the Executive of the State to draft from the enrolled militia to fill up from time to time the regiments organized, or if necessary to organize new ones.

Upon the proper details of such an organization you will be best able to judge, and I commit the whole subject to your careful consideration, trusting that you will be led to such favorable results, and perfect such a system as will be simple and efficient, and at the same time secure to the State that sure and ample measure of protection from foreign aggression which can be best found, in the form best adapted to our free institutions, only in a well trained and thoroughly-disciplined, patriotic citizen soldiery, "ever present, rarely seen, quartered among us, not in camps and forts, but at the fireside, in the counting-room, the workshop, the place of business," ready with stout hearts and trained hands to defend our firesides and our homes from the aggressions of a foreign foe, or from the more ruthless attacks of bold marauders, instigated and led on by domestic traitors.

HOSPITALS.

In obedience to the joint resolution of the two houses authorizing and requesting the Governor to provide further and ample accommodations for the sick and wounded Vermont soldiers, I proceeded at once to make such provisions as the interests of the State and the exigencies of the service seemed to require. Instructions were given to the acting Surgeon General of the State, Dr. S. W. Thayer, to make provision for the enlargement of the hospital at Burlington to the extent of two hundred beds and also to examine and report the best location for the erection of hospital buildings, regard being had to the best accommodation of all parts of the State. In obedience to the instructions given, the acting Surgeon General made the proper examinations, and submitted his report, recommending Montpelier as the best and most desirable location, all things considered, and that the necessary buildings for the accommodation of three or four hundred patients be erected, as soon as practicable, provide the location should meet the approval of the Medical Director of the Department of the East. The Medical Director in a personal interview approved the location and the report of the Surgeon General of the State was subsequently submitted to him, and received his cordial approbation. The report and letter of approval

are herewith transmitted. Preparations were accordingly made for the erection of the necessary buildings, and the work was placed in charge of the Quartermaster General of the State.

In the early part of June last the buildings were partially completed, and accommodations prepared for about three hundred beds.

The reports from the several hospitals show that an aggregate of four thousand two hundred and sixteen patients have been received during the past year, as follows:

At the United States General hospital a Brattleboro, since October 1, 1863,	2412
At the Baxter United States General hospital at Burlington, since October 1, 1863,	933
At the Sloan United States General Hospital at Montpelier, since the completion of the Hospital in June,	871

The same reports show remaining in Hospitals, October 1st, 1864, an aggregate of thirteen hundred and four, as follows:

United States General Hospital, Brattleboro,	487
Baxter United States General Hospital, Burlington,	338
Sloan United States General Hospital, Montpelier,	479

	1304

The large number of wounded in the recent battles will soon increase this number, and added to this the usual proportion of sick among the new levies who have just gone to the field, the hospital accommodations will soon now be found too limited.

The amount expended in enlarging the hospital at Burlington has been assumed and paid by the General Government, and that amount does not appear in the accounts of the State. The Treasurer of the State has advanced, by my direction, for the hospital at Montpelier, the amount of thirty-two thousand five hundred dollars. Other buildings are now in process of construction, consisting of a chapel and barracks for the Veteran Reserve Corps. The work has been under the supervision of the Quartermaster General of the State, and all vouchers and details of expenditures will be found in his accounts.

In May last, arrangements were made with the War Department to occupy the hospital so far as finished, and to supply the necessary furniture. Notwithstanding the large increase of hospital accommodations, there is not yet sufficient in the State to supply the demand, and many soldiers are still left in distant hospitals unable to be transferred to Vermont for want of room.

No State has made more liberal provisions for its soldiers than Vermont, and I am happy thus to congratulate the State on the position which she occupies in this respect. Whether it would be advisable to make still further provision to increase the accommodations, is a question left to your careful consideration. The matter of expense to any reasonable amount is unworthy of consideration, in comparison with the welfare and comfort of the men who thus nobly offered their lives to their country.

GETTYSBURG CEMETERY.

Soon after the memorable battle at Gettysburg in July, 1863, the plan for locating a place for the interment of the remains of the heroes who fell there in defense of the Union, was originated. In pursuance of this design, arrangements were made by the Governor of Pennsylvania for the purchase of the land necessary for the purpose, and with a view to make it national in its character, correspondence was opened with the Governors of the loyal States having soldiers lying on the battle-field, and their co-operation invited.

Arrangements were also completed for repairing and beautifying the grounds and for gathering in from the rude graves, where they were temporarily buried, the brave and gallant dead of the different States, and interring them in lots set apart to each State.

To secure for Vermont a suitable lot, and the more carefully to superintend the disinterment and reinterment of the fallen soldiers from this State, on the 23rd of October last I appointed Col. W. G. Veazey agent in behalf of the State, with instructions to proceed immediately to Gettysburg to discharge the duties assigned him. The report of Col. Veazey is herewith transmitted for your information.

The cemetery grounds were formally dedicated with appropriate ceremonies on the 29th day of November, 1863. The title to the grounds is vested in the State of Pennsylvania "in trust for all the States having soldiers buried in said grounds."

The total number buried in the cemetery from all the States, is three thousand five hundred and twelve, and the number from this State is sixty-one. Great care has been taken to ascertain and preserve the identity of the bodies, and they now rest in the new cemetery grounds, near the spot where they fell, surrounded by all that art and love can do to adorn their final resting place, hallowed by the memories of that great struggle for liberty and humanity, to which they consecrated themselves, and in which they so freely yielded up their lives.

Pursuant to the provisions of the act of incorporation, I appointed Hon. Paul Dillingham commissioner for the State of Vermont.

The total cost of completing the cemetery is estimated to be six thousand five hundred dollars, and the several States interested in the enterprise are called upon to appropriate their proportion to this amount, to be divided on the basis of the representation of the several States in the Congress of the United States. The proportion of Vermont will be about twelve hundred and sixty dollars. An order for one-fourth of this sum, three hundred and fifteen dollars as the first installment, was drawn upon the State, but there being no appropriation specifically made for this purpose, the order could not be accepted. Strong assurances were, however, given by the commissioner, Lieutenant Governor Dillingham, that the necessary appropriation would be made at the present session of the Legislature. I would, therefore respectfully recommend that appropriation be made of a sum sufficient to pay the proportion of these expenses that may be due from Vermont, and empowering the Governor of the State from time to time to appoint commissioners under the act of incorporation.

I herewith transmit the report of Hon. Paul Dillingham in reference to the subject.

BOUNTIES TO RE-ENLISTED SOLDIERS.

I would most respectfully call your attention to the propriety of providing for the payment of some suitable bounty to the veteran soldiers who have re-enlisted for another period of three years. It is but an act of justice to these gallant soldiers that they should receive some fitting recognition of their devotion, and this new act of consecration to the service of the country.

The State and several towns entitled to them have been credited with these re-enlistments, and have thus been enabled to fill their quotas to that extent with veteran soldiers. Upon the return of these veterans on the promised furlough, they confidently expected, as I have reason to believe, that they would participate in the bounties which were being so liberally offered by the towns for recruits. In this, with but few exceptions, they were disappointed, and were compelled to submit to the manifest injustice of seeing the liberal bounties paid to men in experienced in the service, while they, war-worn and veteran, having originally responded to the calls of their country without reward, and having by their gallantry won for the State an imperishable and glorious record, were obliged to return to their service unrequited. I would, therefore, recommend the passage of an act authorizing the payment of a suitable bounty to all these re-enlisted men who have not already received a bounty from the towns to which they are credited.

TOWN BOUNTIES.

The subject of the payment of bounties by the towns demands a careful consideration at your hands. Some sound and judicious legislation is required in order to check the evil tendencies of the present system, and to prevent the excessive extravagance and inequalities which are working so much mischief and injustice in the State. A proper regard to the public interest, in my view, requires that these bounties should be kept within the control of the State, as in this way only can a uniform system be secured. It is also a subject for you to consider

whether the bounties thus far paid by the towns shall, upon some equitable basis, be assumed by the State. I allude to the subject, however, at this time, not designing to make any recommendation, but simply to direct your attention to it, leaving it to your better judgment to dispose of.

LAW AUTHORIZING THE GOVERNOR TO SUMMON THE JUDGES OF THE SUPREME COURT TO HIS COUNSEL WHEN NECESSARY

There is no law at present existing by which the Executive is empowered to call upon the Supreme Court of the State for an opinion in cases affecting the interests of the State, and involving important legal questions. Such cases are not of unfrequent occurrence, and the responsibilities thus devolved upon the Executive are very great, and oftentimes extremely embarrassing. Similar provision is made by law in other states, and it is made the duties of the Judges of the Supreme Court to render opinions when called upon by the Executive, in all cases affecting the general interests of the commonwealth. Such a law, I doubt not, would be very salutary here, and especially in the present state of affairs, and the interests of the State thereby greatly promoted. I would, therefore, respectfully suggest that a law be passed making it the duty of one or more of the Judges of the Supreme Court, whenever called upon to do so by the Governor of the State, to render an opinion, in writing if necessary, upon such questions as may be submitted to them affecting the general interests of the State.

LAW PROVIDING FOR SOLDIERS VOTING.

The law passed at your last session providing for soldiers voting contained a provision that the “act shall not take effect until the Governor submit the same to the Judges of the Supreme Court, with the inquiry, Are the provisions of this act constitutional? and until the Governor has obtained in writing the opinion of said Judges thereon; and if said Judges decide that the provisions of the act, or certain parts thereof; are unconstitutional, then the same, or such parts thereof as said Judges shall decide are unconstitutional, shall be null and void, and the residue shall remain in full force and virtue.”

In pursuance of this provision I submitted the act to the Judges of the Supreme Court with the inquiry specified. The Judges of the Supreme Court replied to the inquiry, giving a full and unanimous opinion in writing, deciding the act so far as it relates to the right of the soldiers to vote for members of Congress and Electors of President and Vice President of the United States, to be constitutional, but that so much of said act as confers the right to vote for Governor, Lieutenant Governor and Treasurer of this State, was unconstitutional. So much of said act therefore as relates to the right of soldiers to vote for members of Congress and Electors of President and Vice President of the United States was declared to be in full force and virtue I therefore caused to be prepared suitable and proper blanks and forms for making the necessary returns to the proper officers, and forwarded to the several organizations in the field from this State n season for the soldiers to vote for members of Congress at the regular election for those officers.

There are some amendments to the law which should receive your immediate attention. The law now provides that at the election for electors, to be held on the first Tuesday of November, each elector authorized to vote by this act shall have the right to vote for Electors. The election for Electors is by law to be held on the Tuesday next after the first Monday of November, instead of the first Tuesday. This error should be corrected to conform to the proper day. Section eleventh of the act provides that “the Secretary of State shall return said votes to the General Assembly, to be canvassed the same as provided in reference to votes for the same officers cast in this State.” By the laws of this State the County Clerks “shall meet at the State House, in Montpelier, on the third Tuesday of said November, and there publicly canvass said votes.” The law should be so amended as to provide that the Secretary of State shall return the votes for electors to the Board of Canvassers when assembled. Provision should also be made for qualifying the electors. According to the present provisions of the act, only qualified electors are permitted to vote. As there are many now in the military service of the United States from this State, who have, since entering the service, arrived at legal age, they should be entitled to the privileges of the act; and provision should be made giving authority to special constables to administer the necessary oaths. Provision should also be made giving to volunteer officers having commissions from the United States authorities, who are citizen of this State, the right to vote at the polls of any company from this State in the brigade, division or corps to which they may be attached.

I would therefore recommend that the act be amended in these respects at an early day, that proper instructions and blanks may be forwarded to the field in season for the approaching election.

I herewith transmit the opinion of the Judges of the Supreme Court upon the question of the constitutionality of the law.

LAND SCRIP.

The agent appointed under the act providing for the sale of the land scrip approved November 11, 1863, has effected a sale of the same. The proceeds of said sale amount to the sum of one hundred and twenty-six thousand two hundred and forty-one dollars and forty cents, which has been duly invested in the bonds of this State at par. In October last the Hon. Homer E. Royce, one of the agents appointed under the act, resigned the trust. I appointed Henry W. Hickok, Esq., of Burlington, to fill the vacancy.

VERMONT STATE UNIVERSITY AND ASSOCIATE COLLEGES.

The act incorporating the Vermont State University, and appropriating the income arising from the proceeds of the scrip for public lands, approved November 11, 1863, provides for the union and incorporation of the three existing corporations in this State—the President and Fellows of Middlebury College, the University of Vermont, and Norwich University—or either one of them, with the corporation created by the act aforesaid, and for the transfer and conveyance of all their property both real and personal to the State University.

It was strongly hoped that this act would have secured to the State and to the cause of education the full beneficial results of a union of all the present colleges, and the formation of one institution, uniting the strength and resources of all, and realizing the true idea of a State University, managed and controlled by no sect or denomination, but established and maintained upon a broad and liberal basis, that should secure to the State that strength of position in all her educational interests which such an institution properly conducted alone can give. Efforts have been made during the past year to secure such an union and incorporation of the several colleges, but the difficulties which necessarily attend such an enterprise before harmony of action can be secured and a proper basis determined, have thus far prevented.

The University of Vermont has, however, elected to become united and incorporated with the State University, and have elected seven persons of their number to become members of the corporation created by the act aforesaid, and have transferred by their vote all the property of the University, together with the rights to the rents and uses of the lands belonging to them, and have left for record and caused to be recorded in the office of the Secretary of State, in the book of records a true and attested copy of the record of the proceedings of the meetings of their board, duly certified by their secretary, in compliance with the provisions of the act aforesaid. By this act of union the corporation of the Vermont State University becomes, on the first of November proximo, valid and legal, under and by virtue of said act of incorporation. To a partial extent, therefore, has been realized the plan of a State institution; into which shall be incorporated the elements contemplated by the act of Congress, namely, instruction such branches of learning as are related to agriculture and the mechanic arts, not excluding other scientific and classical studies, in such manner as to promote the liberal and practical education of the industrial classes in the several pursuits and professions of life.

It is to be hoped that the union of all the colleges will yet be effected the sentiment of the State, which has so strongly favored such an union, and which has increased in proportion as the subject has been agitated, will yet find its realization in an institution strongly established on the broad basis of a university in its true idea, sustained and patronized by the people, and contributing by its power and influence to the great and paramount interests of education, until Vermont, now occupying a distinguished position for her devotion to the great cause of liberty, shall stand second to none in her institutions for the education of her people.

Time and a patient effort on the part of the friends of education can alone secure this end, and it is to be most earnestly hoped that this effort will not be relaxed. The order still to give opportunity for the accomplishment of an end so desirable, I would suggest the propriety of extending the time limited in the act incorporating the Vermont State University, so that, within any reasonable time in the future, either one or both the other institutions in the State may become united with this, if they shall so elect.

NATIONAL HALL FOR STATUARY.

By a joint resolution of the two houses of Congress at the last session, the old hall of the house of Representatives was set apart as a hall for statuary, to be filled by the statues of the worthies from each and all the states. The record which Vermont has made in the present struggle, as well as her past historic fame, renders it eminently fit and proper that she should be represented in the collection that will be gathered there, by a statue of some of her worthy heroes. Possessing in rich abundance and of a quality unsurpassed the marble for such a work, and counting among her sons some of the best sculptors of modern times, from no other state could a work be produced that would combine so much of interest, and be so eminently representative in its character, as Vermont. I commend the subject to your favorable consideration.

STATE AUDITOR.

The office of Auditor of Accounts became vacant in June last by the death of Hon. Jephtha Bradley. I appointed Hon. Dugald Stewart, of Middlebury, to fill the vacancy. The proper bonds were duly executed and filed, and the books and papers of that department were duly passed over to him.

SURGEON GENERAL

In October last I appointed Samuel W. Thayer, M.D., of Burlington, acting Surgeon General of the State. Though there exists no law recognizing such an office, I felt that the interests of the State, and the welfare of the soldiers, would be greatly promoted if there were some distinct department of that kind established, whose duty it would be to look carefully after the sanitary condition of the soldiers in the field and in the hospitals, and an officer appointed who, from his professional experience, would be able to make from time to time such suggestions, and recommend such plans, as would conduce to their comfort and welfare.

In these respects I have derived great assistance during the past year from the ready and active co-operation of the acting Surgeon General. In May last, at the opening of the summer campaign, when our soldiers suffered so severely in those memorable battles, I was enabled, through the efficient preparation which had been made by him, to forward a corps of surgeons directly to the field, where their services were greatly needed in administering to the wants and alleviating the sufferings of our wounded.

I would therefore recommend that an act be passed establishing such an office, to be filled by appointment by the Governor, and to be attached to his staff with the rank of brigadier general, and that provision be made for a reasonable per diem compensation for actual services, and for the payment of his expenses.

ARMS FOR THE STATE.

In compliance with the joint resolution of the two Houses, adopted at the last session, that the Governor be requested to solicit from the General Government five thousand stand of arms, to be deposited and kept in the arsenal of the United States within this State, subject to the order of the Governor, in case of invasions, insurrection or domestic violence, I made application to the Secretary of War, and obtained from him five thousand Springfield rifled muskets, with the necessary accoutrements and ordnance stores, which are now deposited in the United States arsenal at Vergennes.

ENLISTMENTS IN REBEL STATES.

By the provisions of the act of Congress approved July 4, 1864, the Executive of each State was authorized to send recruiting agents into any of the States declared to be in rebellion, except the States of Arkansas, Tennessee and Louisiana, to recruit volunteers under any call, under the provisions of said act.

In conformity with the provisions of said law, I issued the necessary orders, and appointed recruiting officers for the several stations authorized by the orders of the War Department. Authority was given to such towns as desired to avail themselves of the benefits of the act, to deposit with the Treasurer of the State, to the credit of the Adjutant and Inspector General, the sum of three hundred dollars for each recruit desired by such town, not, however exceeding forty per cent. of the whole number needed to be raised to fill the quota of such town under the then existing call of the President; the amount so deposited to be used for the payment of such bounties, and such necessary expenses incident thereto, as might be required to raise the men; the recruits so

obtained to be mustered into the United States service to the general credit of the State of Vermont, and to be afterwards assigned to the credits of the several towns making such deposits, in proportion to the number of recruits for which each town should have made such deposit. Such sum of money as should remain in the Treasury, to be refunded to the several towns after final adjustment.

Twelve recruiting agents were appointed under this order, and were stationed as follows: Two at Nashville, Tenn., for the district of Georgia and Alabama; two at Hilton Head, for the district of South Carolina and Florida; two at Alexandria, for the district of North Eastern Virginia three at Fortress Monroe, for the district of South Eastern Virginia three at Fortress Monroe, for the district of North Carolina. The number of towns which deposited money for obtaining recruits was one hundred and forty. The whole number of recruits obtained from this source was one hundred and twenty-four, who have been properly distributed among the towns entitled to them. The details of the distribution, the expenses attending enlistments, and the amount of bounties paid, will more fully appear in the report of the Adjutant and Inspector General.

ENLISTMENTS FOR SERVICE WITHOUT THIS STATE.

I would respectfully call your attention to the present statute in reference to enlisting persons in this State for military service without this State. Great difficulties have been experienced heretofore and especially during the past year, from persons procuring enlistments of recruits in this State to serve in other States, and the present law is wholly inadequate to prevent the evil. The difficulties in the way of finding the necessary evidence to convict, and the small fine imposed, render it an easy matter, for the offender to repeat the offense almost with impunity; and in some instances, where a conviction has been had, the fine, though imposed to the full extent of the law, has been promptly paid, and the offense repeated almost in the face of the court who imposed it. At the high rates which have been paid abroad, as well as here in our own State, for recruits, it is an easy matter to pay the fine imposed, and still leave to the party obtaining the recruit a large margin for profit, while the victims to this abuse have been led away from their duties to their own State, to find too late that they have been most shamefully deceived and imposed upon.

In addition to this, the practice which has obtained to so large an extent here in the State of trafficking in substitutes and recruits, has operated very prejudicially to the service, and with all the efforts of the State authorities, seconded by the officers of the United States within the State, it has been found almost impossible to reach the difficulty and prevent the traffic.

I would invite your serious attention to the subject, and recommend such amendments of the present law, providing the most stringent and summary remedies, as will not only effectually prohibit the attempt to enlist men for other States, but also put an end to the system of "substitute brokerage" at home.

INSPECTOR OF FINANCE.

Under the law requiring the Governor annually to appoint an Inspector of Finance, to assist the Auditor of Accounts in his annual examination of the Treasurer's department and to examine the books and papers in the Auditor's department, I appointed Evelyn Pierpoint, Esq., of Rutland, who duly accepted the appointment, and entered upon the duties of the office.

THE SOLDIERS.

Fresh in the memory of us all are the deeds of noble valor and undaunted heroism achieved by the gallant sons of Vermont during the past year. History furnishes no brighter record than theirs. In every conflict, on every battle-field, ever and always the invincible heroes of the Green Mountain State. Their thinned and wasted ranks speak in language stronger than words, of their daring bravery, their undying devotion, and their fervent patriotism; and, in after years, when the glittering pomp and circumstance of war shall have become mellowed into sober history, the memory of their high achievements will still remain fresh as now in the hearts of all true patriots, and their names will be treasured as household words, and be rehearsed to generations yet to come, to kindle anew in their hearts the sentiment of loyalty and patriotism.

To those still engaged in the deadly strife would we this day speak in words of encouragement and praise. To them does the Nation look with confidence and hope for its deliverance from the foe that seeks to destroy it.

To them are turned the waiting eyes of millions of bondsmen, with trustful faith for deliverance from the power of the oppressor.

For the fallen! In our hearts do we mourn for them, and yet not altogether in sadness. Theirs was a glorious death. They died as the patriot loves to die, martyrs in the glorious cause of their country; and though their forms lie whitening on a stranger soil, yet they live still in the hearts of their countrymen, crowned with an imperishable fame—

“These shall resist the empire of decay,
When time is o’er, and worlds have passed away;
Cold in the dust the perished heart may lie,
But that which warmed it once can never die.”

THE STATE AND COUNTRY.

Once more has Vermont uttered, in language not to be mistaken, her devotion to the great and cardinal principles of “Freedom and Unity.” in the great struggle in which the nation is now convulsed, she has pursued no doubtful or hesitating course, but has steadily devoted herself with all the strength of her resource, to the great and paramount idea of sustaining its integrity. Freely has she offered her sons, and with unsparing hand has she given of her substance, and now in the great crisis, when the returning season for the election of a Chief Magistrate to preside over the councils of the nation enters to disturb the already distracted state of the country, when upon the issues of this contest hang the last hopes of rebels in arms, and their sympathizers at home, she proudly leads the van, and sounds the key note in the great and glorious anthem of the Union.

The signal victories of our armies have inspired the country with new and increasing confidence, and the ever narrowing circle of the conflict assures us beyond a doubt that the end is drawing near, and that the power of the rebellion is fast being broken. This day our hearts are doubly cheered by tidings of renewed expressions of loyalty, as state after state declares its unalterable determination to vindicate the power of Government, to accept no terms of dishonorable peace, but to fight on till the last vestige of treason shall be removed, and all the states shall return to their rightful allegiance.

Gentlemen of the senate and base of Representatives, to you are now committed the sacred trusts of the constitution. In the hope that your labors will be characterized by that spirit of harmony and sound deliberation so essential to wise and prudent legislation, I commend you to the guidance and direction of Him who rules the destinies of nations, imploring you to seek His counsel at all times, and to so legislate that the Commonwealth may be advanced in all her material interests, and that as one of the great sisterhood of states, Vermont may still maintain her high position, and be made to contribute for the future, as she has in time past, to the extent of her resources, to the maintenance of the Government under which we have so long lived and prospered.

J. GREGORY SMITH.

EXECUTIVE CHAMBER,
Montpelier, Oct. 13, 1864. }