

Farewell address  
of  
William W. Stickney  
As it appears in the  
Journal  
of the  
Joint Assembly  
1902

**Thursday, October 2, 1902**  
**Farewell Address**

*Gentlemen of the Senate and House of Representatives:*

In the administration of the office of Governor during the biennial period now closing, some knowledge of the conditions and needs of the several departments of State government has been acquired, and some public business has been transacted, acquaintance with which may be helpful in the discharge of your duties as faithful, honest representatives and guardians of the people.

I, therefore, have the honor to lay before you such matters as are deemed important and about which you are entitled to information.

STATE FINANCES.

The financial condition of the State on the 30<sup>th</sup> day of June, 1902, as appears from the Treasurer's report, was as follows:

RESOURCES.

Cash on hand and in banks	\$324,969.28
Corporation taxes, estimated.....	450,000.00
Collateral inheritance tax, estimated.....	50,000.00
	\$824,969.28
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LIABILITIES.

Due to towns, United States deposit money .....	\$2,701.85
Due soldiers, unpaid balances.....	8,057.83
Due towns for school and highway taxes .....	233,639.07
Auditor's orders, unpaid .....	42,482.74
	\$286,881.49
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The amount therefore remaining available for the current fiscal year from July 1, 1902, to June 30, 1903, is \$538,087.79.

This shows an increase of available assets of \$205,171.86 over two years ago.

The only liability of the State not included in the foregoing statement is the Agricultural College fund evidenced by registered bonds amounting to \$135,500 due in 1910, bearing interest at the rate of 6 per cent.

If the available cash on hand and in banks on the 1<sup>st</sup> day of July 1902, could have been applied upon the liabilities of the State, the unpaid balance thereof would have been \$46,871.64.

The report further shows, omitting what is not essential, that the receipts and disbursements for the biennial term ending June 30, 1902, have been as follows:

RECEIPTS.

Cash on hand and in banks, June 30, 1900 .....	\$117,161.20
Tax, collateral inheritance.....	105,824.91
Tax, corporation.....	916,360.04
Tax, State .....	272,935.28
From all other sources.....	350,413.82
Total .....	\$1,762,695.25
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DISBURSEMENTS.

Paid soldiers, State and allotted pay .....	\$909.54
Paid United States deposit money.....	11,681.41
Paid debentures, Legislature .....	54,805.40
Paid interest.....	36,191.50
Paid Auditor's orders .....	1,334,138.12
Balance cash on hand and in banks.....	<u>324,969.28</u>
Total .....	\$1,762,695.25
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STATE EXPENSES.

The same method of stating the accounts of finance and expenses is employed therein as was used in my communication two years ago. This will facilitate the making of comparisons. It appears that there has been an increase in the receipts of the Treasury of \$152,253.60, notwithstanding the state tax raised during the preceding biennial term.

There were unpaid orders amounting to \$13,971.54 outstanding on June 30, 1900. The Auditor has drawn during the biennial term ending June 30, 1902, orders to the amount of \$1,373,186.16 of which the Treasurer has paid \$1,344,674.96, leaving the orders outstanding and unpaid \$42,482.74.

The Auditor reports that after deducting the moneys covered into the Treasury on account of receipts from the several institutions and balances returned by officials the net amount of State expenses for which orders were drawn for the biennial term was \$1,176,641.34, of which the following is a summary:

SUMMARY.

Administration of justice.....	\$337,557.11
Agricultural .....	48,940.18
County commissioners.....	1,670.98
Dairymen's Association.....	2,000.00
Educational .....	115,717.62
Executive departments .....	45,039.80
Fish and game .....	11,224.46
Insane .....	327,339.93
Legislative expenses .....	61,979.83
Libraries .....	7,880.46
Maple Sugar Makers' Association.....	1,000.00
Military .....	51,423.94
Moieties under liquor law .....	128.75
Noxious animals.....	6,651.80
Old Home Week Association.....	500.00
Penal.....	53,547.34
Pensions .....	480.00
Presidential electors .....	54.06
Public health.....	28,216.59
Printing.....	25,870.30
Railroad Commissioners.....	7,851.01
Soldiers' claims under No.86, 1898.....	174.28
Soldiers' Home .....	19,814.60
Special appropriations.....	11,826.54
Special commissions.....	<u>7,361.20</u>
Total .....	\$1,176,641.34
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In determining the net expenses for the biennial term, there should be deducted from the above total the sum of \$23,367.85 paid the Brattleboro Retreat for support of the insane poor for the year ending June 30, 1900, which should have been included in the previous biennial term, and there must be added the amount which the Treasurer has paid by the authority of law without Auditor's orders, namely, \$37,101.04.

By making the foregoing deduction and addition it appears that the net expenses for the biennial term were \$1,190,374.53 or \$595,187.26 a year.

A comparison with the figures of two years ago will show an increased expenditure in many of the departments, but this is offset in a measure by the decrease of expenses in other departments, while the sum paid by the Treasurer by authority of law also shows a substantial reduction.

The decrease of the net expenses of the penal institutions in the last biennial term over the preceding is \$28,554.92 and the decrease in the sum paid for interest is \$13,738.50.

The income derived from the collateral inheritance tax during the present term has increased \$65,836.02 and the license tax \$5,425, while the gain in corporation taxes amounts to \$74,726.57. This increase is, in a measure, attributable to the efficient administration of the Tax Commissioner.

There ought to be a reduction in State expenses. Whether there shall be depends on your action.

No money can be drawn out of the Treasury unless first appropriated by act of legislation. Such is our fundamental law. You are therefore responsible not only for current appropriations, but also for continuing a statute which authorizes an unnecessary expenditure. It may be noted that, unless appropriations are materially increased, a state tax of not more than ten per cent. of the grand list, or its equivalent otherwise raised, in addition to existing sources of income, is all that will be necessary for the next biennial term.

#### THE CLAIMS BETWEEN THE STATE OF VERMONT AND THE UNITED STATES.

By an Act of Congress approved July 27, 1861, the Secretary of the Treasury of the United States is directed to pay to the Governor of any State the expenses properly incurred by such State for enrolling, subsisting, paying, clothing and equipping its troops employed in aiding to suppress the "insurrection against the United States, to be settled upon proper vouchers to be filed and passed upon by the proper Accounting Officers of the Treasury."

The Treasury Department, having ruled that this Act conferred no authority for the repayment of interest paid upon money borrowed by the State for such expenses, declined to refund to the several States the money so paid for interest.

Thereupon, in 1889 a proceeding was instituted in the Court of Claims of the United States by the State of New York, to recover from the United States the sums by it expended for interest upon money borrowed to meet war expenses, and in this proceeding judgment was finally rendered in the Supreme Court of the United States on January 6, 1896, in favor of the State of New York, as appears by the reported decision of the case in 160 U.S. Report, 598.

It was held that interest paid by a State on money borrowed to defray expenses of raising troops for the National defense is a part of the "costs, charges and expenses properly incurred" within the meaning of the Act of Congress of July 27, 1861, to be reimbursed to the State by the General Government.

Mr. Justice Harlan, delivering the unanimous opinion of the Court, said:

"We cannot doubt that the interest paid by the State on its bonds, issued to raise money for the purposes expressed by Congress, constituted a part of the costs, charges and expenses properly incurred by it for those objects. Such interest, when paid, became a principal sum, as between the State and the United States. That is, became a part of the aggregate sum properly paid by the State for the United States. The principal and interest so paid constitutes a debt from the United States to the States. It is as if the United States had itself borrowed the money through the agency of the State."

The amount due the State of Vermont on account of moneys so paid for interest was more than two hundred and seventy-five thousand dollars.

By joint resolution approved November 22, 1898, the Governor and Auditor of Accounts were authorized to appoint an agent or agents on behalf of this State, at such compensation as they might determine, to present, prosecute and recover this claim; and under the authority so conferred Governor Edward C. Smith and the Auditor of Accounts, Orion M. Barber, by contract dated the 15th day of September, 1899, appointed and employed John B. Cotton, of Washington, D.C., Frank C. Partridge, of Proctor, and Frederick H. Button, of Rutland, agents and attorneys, to prosecute the claim, and agreed that the compensation of the attorneys for this service should be 25 per centum, of the entire amount of the claim allowed in favor of the State irrespective of any offsets thereto; provided, however, that if any offset that is allowed in behalf of the United States against the State of Vermont equals or exceeds the amount of the claim which is allowed in favor of the State of Vermont, the agents shall receive no compensation either for their time, expenses or disbursements; that the compensation shall be payable out of any sums that may be collected and without any liability on behalf of the State for any expenses incurred in the presentation and prosecution of the claim of any kind or nature whatsoever; provided, further, that the total amount of the compensation shall not exceed the sum of forty thousand dollars.

The claim of the State in this behalf was adjusted and allowed in June last, to the amount of \$280,453.56, and the same was included in the deficiency appropriation bill passed at the end of the last session of Congress, and a warrant for that amount, payable to the order of the Governor, was drawn and forwarded to me and deposited in the State Treasury. But while it was in the hands of the State Treasurer, and before payment, a question was raised whether a charge of \$543,780.23, standing upon the books of the Ordnance Office in the War Department against the State of Vermont, ought not to be offset against this amount due the State, and, under the authority conferred upon him by Congress, the Secretary of the Treasury stopped payment of the warrant pending the settlement of this question.

This charge of \$543,780.23 is a memorandum of arms and ammunition furnished by the Federal Government to equip militia organized in this State soon after the St. Albans raid in 1864, for the purpose of aiding in the suppression of expected operations in the vicinity of the northern frontier of the United States by the armed forces of the insurgent organization then carrying on a war against the Union.

This militia was organized at the urgent solicitation of President Lincoln and Secretary Stanton, and with their assurance that all necessary equipment would be furnished by the War Department.

As the War Department was unable to furnish uniforms and camp and garrison equipage, they were furnished by the State, its expenses in the matter of maintaining this militia amounting to something more than \$166,000. For this outlay the General Government should reimburse the State.

This claim of the United States has been heretofore twice presented against the State by the officials of the Federal Government: Once during the administration of Governor Ormsbee, when the merits of the claim were discussed by him in a special message to the Legislature. This message will be found in the House Journal, 1886, p. 155. It resulted in the passage of Act 217, Laws of 1886, which was transmitted, as its terms required, to the President of the United States. But up to this time no officer or person has been authorized by Act of Congress to represent the United States and adjust with this State the matter involved.

The claim was again brought forward in 1891, when it was urged as a set-off to the refund of the direct tax due the State. The question was then referred by the Treasury Department to the Attorney-General of the United States. He, after an exhaustive examination of the subject in its historical and legal aspects, concludes:

“It does appear that there exists such a debt against the State and in favor of the United States arising out of the occurrences and circumstances detailed, as either law or equity requires should be set off against or deducted from the sum standing in the State’s favor, under the Direct Tax Acts.”

This opinion is reported on page 134 of Vol. 20 Opinions of the Attorneys General.

On the 30th day of July, 1902, a further contract was entered into by the attorneys above named and the State, whereby all the labor and expense of the defense of the State against the claim of the United States for \$543,780.23, and the presentation and prosecution of the further claim of this State against the United States for its expense in the matter of maintaining militia, amounting to something more than \$166,000, are to be

conducted without further or other compensation or expense to the State than stipulated in the former agreement dated September 15, 1899.

It is apparent that the delay in settling this claim is not attributable to Vermont. It seems to me advisable that the Legislature request our delegation in Congress to secure such Federal legislation as will enable the United States to meet this State in a speedy adjustment of the whole matter upon the just and equitable grounds proposed by Act 217 of the Laws of 1886.

DEAF AND DUMB, BLIND AND FEEBLE-MINDED CHILDREN.

The Governor is made by law commissioner of the deaf, dumb and blind, and of the idiotic and feeble-minded children of indigent parents and is charged with their instruction at the several institutions in New England designed for the education of such unfortunate pupils.

Under this duty and authority I have designated during my term of office sixteen children as State beneficiaries, as follows: seven deaf and dumb, five blind, and four feeble-minded children.

At the beginning of my term there were thirty-four like beneficiaries supported at the various institutions, who had been designated by my predecessors. In the last two years six of the foregoing number have completed the course or left the institutions and three have deceased, so that there are now forty-one pupils receiving this benefaction from the State.

The expenses for the beneficiaries at the several institutions are in detail as follows:

AMERICAN SCHOOL FOR THE DEAF, HARTFORD, CONN.

School year, 1900-01, 9 pupils .....	\$1,700.00
School year, 1901-02, 9 pupils .....	<u>2,025.00</u>
	\$3,725.00
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CLARKE SCHOOL FOR THE DEAF, NORTHAMPTON, MASS.

School year, 1900-01, 9 pupils .....	\$1,800.00
School year, 1901-02, 9 pupils .....	<u>1,800.00</u>
.....	\$3,600.00
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PERKINS INSTITUTE FOR THE BLIND, BOSTON, MASS.

School year ending August 31, 1901, 9 pupils .....	\$2,200.00
School year ending August 31, 1902, 9 pupils .....	<u>2,100.00</u>
	\$4,300.00
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MASSACHUSETTS SCHOOL FOR THE FEEBLE-MINDED, WAVERLY, MASS.

School year ending July 1, 1901, 9 pupils .....	\$2476.61
School year ending July 1, 1902, 10 pupils .....	<u>2,514.46</u>
	\$4,991.07
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HOSPITAL COTTAGES FOR CHILDREN, BALDWINVILLE, MASS.

School year ending July 1, 1901 .....	\$139.27
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THE MYSTIC SCHOOL FOR THE DEAF, MYSTIC, CONN.

School year ending June 30, 1901, 1 pupil .....	\$200.00
School year ending June 30, 1902, 1 pupil .....	<u>225.00</u>
	\$425.00
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BLIND INSTRUCTED WITHIN THE STATE.

Minnie C. Fisher, Brattleboro, 1900-1902.....\$17.95  
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The total expense of all beneficiaries during the terms mentions is.....\$17,198.29  
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VERMONT INDUSTRIAL SCHOOL.

For the greater portion of the past biennial term this institution has been under the immediate direction of Mr. and Mrs. S.A. Andrews, Superintendent and Matron. They tendered their resignations to take effect on the 15th day of September, and the vacancies so created have been filled by the appointment of Mr. and Mrs. Elwin L. Ingalls, Superintendent and Matron. Mr. and Mrs. Andrews' work has shown good results.

The largest number of children in this institution at any one time was one hundred seventy-nine, the smallest number one hundred forty-two, and the average daily number one hundred sixty. The average cost a year for each child confined in the institution has been one hundred thirty-four dollars and four cents.

Acting in accordance with and under No. 130, Acts of 1900, an addition to the property of this institution consisting of a house, barn and about fifteen acres of land has been purchased and converted into a good substantial cottage and grounds sufficient for the accommodation of thirty-five to forty boys; which is designed for the younger and less criminal youth. This with an improvement in the water supply has bettered the condition of the children at the institution so that sickness among them has materially decreased.

Attention is called to the need of a better water supply at this institution as shown in the Superintendent's report.

HOUSE OF CORRECTION.

This institution has been managed the past biennial term by the same Superintendent as formerly, under the control of the Directors of the State Prison and House of Correction.

The average number of prisoners confined therein has been, to use the nearest whole number, one hundred and fifty a day. Net cost to the State for the past two years has been four thousand five hundred nineteen dollars and eighty-one cents, that is, an average cost of fifteen dollars and two cents a year for each convict.

For details of expenses, receipts and other matters of administration you are referred to the reports of the officers of the institution.

Early in the year 1901 it became evident that additional room both for manufacturing purposes and for accommodation of the women convicts was an absolute necessity, and as there was no existing appropriation which could be used for that purpose and no way provided by law in which funds could be paid out of the State Treasury for new construction, and the amount required did not warrant the calling of a special session to make an appropriation, the Board of Visitors to State Institutions raised the money on their personal obligations, and there was erected as an addition to the buildings already standing a structure of brick, forty by sixty feet, two stories in height, costing nine hundred sixty dollars, the labor of construction with one exception being performed entirely by convicts.

Further particulars concerning this will be found in the Director's report.

STATE PRISON.

The affairs of the State Prison have been efficiently conducted the past two years by the Superintendent, E.W. Oakes, and his assistants, under the supervision of the Board of Directors. The smallest number of convicts confined there at any one time during the past biennial period was one hundred thirty-one, and the largest number one hundred fifty-seven. The daily average for the two years has been, to use the nearest whole number, one hundred forty-six.

The institution has been more than self-sustaining, the receipts for labor of convicts exceeding the expenses by four hundred fifty-eight dollars and thirty-three cents.

The present contract for the labor of prisoners in the State Prison went into effect May 1, 1901, and will terminate by its limitation May 1, 1906. Under this contract the State is paid seventy-five cents a day for each able-bodied man, being advance of three cents a day on the price under the former contract.

The boilers now in use in the prison buildings for making steam for driving machinery and heating purposes are of insufficient capacity, and are old and constantly in need of repairs. They should be replaced with boilers of modern construction and greater capacity.

A school is maintained for the benefit of the prisoners, and on account of lack of room the school is conducted in the room used for a hospital; but when prisoners are ill in the hospital, the sessions of the school must be suspended. This room, used for both school and hospital, is directly over the cook room, and is constantly filled with its odors.

Suitable provisions, therefore, should be made for a hospital.

For the details of the administration of this institution your attention is directed to the reports of the officers of the Vermont State Prison.

### CONDITIONAL DISCHARGE AND PAROLE OF CONVICTS.

The Governor, having doubts as to the constitutionality of those sections of the statutes, viz.: section 5306-5309 of the Vermont Statutes, and No. 126 of the Acts of 1898 and No. 104 of the Acts of 1900, which in terms undertake to regulate the exercise of the pardoning power, and confer some portion of that power upon a Board of Prison Commissioners, and impose upon the Governor in connection therewith the duty of issuing warrants for the recommitment of convicts who may have violated the conditions of their discharges, and under the leave granted to him in section 1006 of the Vermont Statutes, required of the judges of the Supreme Court their opinion in writing upon the questions of law connected with the discharge of his duties arising under the Statutes above stated, making the following inquiries:

1. Under the provision of the law as it now stands, has the Governor authority to discharge conditionally from the State Prison and House of Correction convicts sentenced thereto before November 16, 1898?
2. Has the Governor authority to discharge conditionally for the State Prison and House of Correction convicts sentenced after November 16, 1898, and before November 27, 1900?
3. Has the Governor authority to discharge conditionally from the State Prison and House of Correction convicts sentenced after November 27, 1900?
4. Has the Board of Prison Commissioners authority to discharge conditionally from the State Prison and House of Correction any convicts excepting after the expiration of the minimum term of such convicts as have been sentenced to a maximum and minimum term?
5. Has the Governor authority to issue a warrant to return to the State Prison or House of Correction a convict conditionally discharged before November 16, 1898, who has violated the conditions of such discharge?
6. Has the Governor authority to issue a warrant to return to the State Prison or House of Correction a convict sentenced before November 16, 1898, and conditionally discharged after November 16, 1898, and before November 27, 1900, who has violated the conditions of such discharge?
7. Has the Governor authority to issue a warrant to return to the State Prison or House of Correction a convict sentenced and discharged after November 16, 1898, and before November 27, 1900, who has violated the conditions of such discharge?
8. Has the Governor authority to issue a warrant to return to the State Prison or House of Correction a convict sentenced and conditionally discharged after November 27, 1900, who has violated the conditions of such discharge?



9. Is a convict conditionally discharged by the Governor between November 16, 1898, and November 27, 1900, lawfully at liberty?

In reply the judges of the Supreme Court on the 29<sup>th</sup> day of May, 1901, answered questions 1, 2, 3 and 9 in the affirmative; and questions 5, 6, 7 and 8 in the negative. As to question 4, five of the judges answered:

“The Board of Prison Commissioners has no authority to grant a conditional discharge, nor a parole to a convict in any case.”

On this question one judge dissented and one doubted.

In disposing of the questions the judges used the following language:

“The power to grant pardons is given to the executive by the constitution in unrestricted terms, except in cases of treason, murder and impeachment; and that such general power includes the authority to grant all kinds of pardon known to the common law, is well settled. The grant may be for a full, partial, absolute, or conditional pardon, provided the condition be not illegal, immoral, or impossible to perform. This power can neither be restricted nor taken away by legislative action. Nor can a like power be given by the Legislature to any other officer or authority.”

In the performance of the duties imposed upon him by the law as declared by the judges of the Supreme Court, the Governor has attempted to carry out the intentions of the Legislature in the matter of conditional pardons as expressed in the statutes concerning which inquiry was made of the judges of the Supreme Court.

#### HOSPITALS FOR THE INSANE.

In the matter of the care of its insane poor, the State has seemingly done its duty, as will appear from the reports of the Supervisors of the Insane, the Trustees of the Vermont State Hospital for the Insane, and the officers of the Brattleboro Retreat, to which reports you are referred for details of their work and needs.

The expenditure for the support of the insane poor is one of the largest items of State expenses and seems to be constantly increasing. One cause of this is the general tendency of towns to transfer to the State the burden of supporting their idiotic and demented poor who are not dangerous. Many have been returned to the towns during the biennial term, as the reports of the supervisors show.

Another cause is the general increase of insanity in the community. At present the rule is, not to see how cheaply the insane can be cared for and supported, but how well it can be done at the least cost. There are about 725 State patients at the hospital and retreat.

#### NEW YORK WITNESS LAW.

The courts of this State have always had difficulty in securing the attendance of persons found in the State of New York as witnesses to testify in criminal causes pending in this State. For many persons possessed of knowledge of facts necessary to be shown on the part of this State in such causes have exhibited a disposition to trade upon the necessities of the State, and insisted upon the payment of exorbitant compensation before coming into this State to testify.

This difficulty became so aggravated in a recent case that persons desired as witnesses in behalf of the State insisted upon the payment in advance of one hundred dollars a day and expenses each.

The Governor called this matter to the attention of the Governor and Legislature of the State of New York, and that law-making body, seeing at once the justice and propriety of remedying this evil, enacted a law which became operative on the 6th day of March, 1902, whereby any person within the borders of the State of New York can be compelled by subpoena to attend as a witness in all trials of persons charged with offenses of the grade of felony in the courts of this State, upon a proper application for such subpoena by the proper officers of this State, and tender to the person desired as a witness of the sum of ten cents for each mile to be traveled to and from the court wherein the trial is pending, and the sum of five dollars for each day that his attendance is required.

Our own statute on this subject (V.S. §§ 1919 and 1920) is reciprocal except that it provides for the payment of a sum so much smaller than this that it seems inadequate to meet the necessary expenses of a person sent into a large city for several days, and it is recommended that our statute be made reciprocal in respect of fees.

#### SUPREME COURT.

The Hon. Russell S. Taft, Chief Judge of the Supreme Court, died at his home in the city of Burlington on the 22d day of March last, at the age of 67 years, after a useful career of long public service marked throughout by honesty of purpose and fidelity to duty.

The vacancy thus made in the highest judicial office in the State was filled by me on the 31st day of the same month in the appointment of Hon. John W. Rowell, of Randolph, who was at that time the first assistant judge of the Supreme Court. Each of the other assistant judges was then promoted. The office of sixth assistant judge thus left unoccupied was filled by the appointment of Hon. Seneca Haselton of the city of Burlington.

#### BOARD OF RAILROAD COMMISSIONERS.

The Board of Railroad Commissioners was filled on the first day of December, 1900, by the appointment, with the advice and consent of the Senate, of Hon. Jonathan Ross, of St. Johnsbury, Hon. Lavant M. Read, of Rockingham, and Hon. Henry S. Bingham, of Bennington. These gentlemen accepted the appointment and acted as such Board until the death of Judge Read, a man honest and fearless, and therefore a good public servant. The vacancy caused by his death was filled by the appointment of Hon. James M. Boutwell, of Montpelier.

This Board has prepared and submitted to you a careful and thoughtful report, to which your serious consideration is directed. The interests committed to this Board are large and varied; and its membership should be composed of strong and safe men. It should then be given more authority and power to enforce its orders and judgments; otherwise the Board is of doubtful usefulness, and should be abolished.

#### SERGEANT-AT-ARMS.

The office of Sergeant-at-Arms was made vacant by the death of Truman C. Phinney on the 16th day of December, 1901, and James W. Brock, of Montpelier, was appointed in his place on the 17th day of the same month.

Mr. Phinney was first elected to the office in 1870, and has since then received continuous elections. At the time of his death he was beginning the thirty-second year of his service.

It is not out of place here to say that he was uniformly kind and obliging, and performed every duty faithfully and efficiently. His familiar figure will be greatly missed by all those now living who within the last generation have had occasion to do business at the Capitol.

#### PORTRAIT OF GENERAL LISCUM.

In consideration of the distinguished valor of Brigadier-General Emerson H. Liscum, commanding the Ninth Regiment, United States Infantry, who gave his life for the flag in the assault at the siege of Tien Tsin, China, July 13, 1900, the General Assembly at its last session authorized the Governor in behalf of the people of the State to contract with an artist for the painting of his portrait. It was ordered to be suitably inscribed and placed in the Capitol as a token of affection and admiration of the people of his native State.

In obedience to this provision, Mr. Walter Gilman Page, of Boston, the artist who completed the portrait of Governor Fairbanks, which is in the Executive Chamber, was given the commission.

The portrait was to be accepted on condition that it should be a good likeness and satisfactory to General Liscum's friends and family and it meets those requirements. Mrs. Liscum, the widow of the General, writes: "I hope General Liscum's Vermont friends will be as well pleased with the portrait as I have been. I was so much pleased with it that I asked Mr. Page to paint a copy of it for me. It is most satisfactory to me and all my friends."

The portrait has been delivered, and it is in the keeping of the Sergeant-at-Arms. It is designed to have it unveiled with appropriate exercises, at the meeting of the Vermont Officers' Reunion Society, which is to be held here during the present session.

#### PORTRAIT MEDALLION OF MAJOR GENERAL SMITH.

The following correspondence will fully explain what has taken place in reference to the gift to the State of the portrait medallion of Major General William Farrar Smith and its acceptance.

The tablet was delivered to me with the accompanying letter of General Wistar, at Montpelier on August 21st last by Hon. Samuel E. Pingree, some time Lieutenant Colonel of the Third Vermont Regiment in the War of the Rebellion.

PHILADELPHIA, AUGUST 11, 1902.

Hon. WM. W. STICKNEY, Governor of Vermont:

Dear Sir.—A few of the military friends of Major General William Farrar Smith, and who are not from his native State, desire to testify their appreciation of his distinguished services to his country in the great War of the Rebellion, and would ask your acceptance of the accompanying tablet to be placed in the State House amongst those of other prominent Vermonters.

The official records of the Rebellion, which must, after all, be the source from which the historian will draw his facts, contain the unembellished story of the deeds of our greatest soldiers.

From these official records we have selected an extract from a special report of the then Assistant Secretary of War, Charles A. Dana, which briefly discloses the eminent standing as a commander in which General Smith was held by the men then at the head of affairs—great men confronting most momentous events.

The portrait medallion is a replica from that designed by J.E. Kelly, the celebrated New York sculptor, for Colonel Jerome B. Wheeler, an old Comrade in Arms of General Smith, and kindly furnished for the present purpose. It is an excellent likeness.

With great respect, I am very truly yours,

ISAAC J. WISTAR  
*Late Brig. General N.Y. Volunteers,  
On behalf of the presentors.*

MONTPELIER, AUGUST 22, 1902.

Gen. ISAAC J. WISTAR, Philadelphia, Pa.:

Dear Sir.—I beg to acknowledge your esteemed favor of recent date in which you indicate the purpose of a few military friends to present to Vermont a portrait medallion of Major General William Farrar Smith.

In behalf of the State, permit me to convey to you and through you to the other friends concerned, the profound thanks of all our people for this most acceptable gift. We highly appreciate the noble impulse which prompted you to thus honor one of our sons whose merit and distinguished service reflects great credit upon his native State.

I have directed the tablet to be placed in the vestibule of the hall of the House of Representatives in plain view of our most precious trophies of the war of the Great Rebellion, the sixty-seven battle flags borne, defended and returned by the bravery of Vermont's citizen soldiers—the best blood of the hills—many of whom at one time or another were under the command of General Smith whom they loved and respected.

I shall request the Legislature at its next session to take further the more formal steps in recognition and acceptance of your donation.

I am, very respectfully, your obedient servant,

WILLIAM W. STICKNEY.

In accordance with my letter to General Wistar I now recommend such legislative action in the premises as to you seems appropriate and due to the generous donors.

#### PORTRAIT OF CAPTAIN CLARK.

By joint resolution, at the last session of the General Assembly, the Governor was commissioned and directed in behalf of the people of the State to request of Captain Charles E. Clark, lately in command of the United States battleship Oregon, to sit for a portrait to be placed with a suitable inscription in the State Capitol in commemoration of his distinguished service to his country, and as a token of the abiding affection and admiration of all the people of his native State.

In taking action on the foregoing proposition, in each House of the General Assembly, the members arose in their places, so the record runs, “as a distinguishing mark of homage to a commander eminent alike for his ability, his bravery, his devotion to duty, and his modesty, and who has made one of the brightest pages in the naval history of any country.”

Under this resolution Mr. Frederic P. Vinton of Boston, a gentlemen eminent in the art of portrait painting, was awarded the commission. He has completed the work and produced a portrait of life size, three quarters length. It is historical in character and represents the Captain as he stood on the bridge of the Oregon in her pursuit of the Cristobal Colon in the fight off the southern shore of Cuba, when the Spanish squadron made its unsuccessful attempt to escape from Santiago Bay.

#### BIRTHPLACE OF PRESIDENT ARTHUR.

The last Legislature determined that it was fitting that Vermont should provide a memorial to mark the place of the birth in the town of Fairfield of her illustrious son, Chester A. Arthur, the twenty-first President of the United States.

The Governor was therefore authorized to cause to be erected a memorial tablet, with a suitable inscription, at the birthplace of President Arthur, on condition that good title to sufficient land for its erection could be obtained without expense to the State.

On account of the failure to fulfill the condition that a good title to sufficient land be obtained, there was delay in contracting for the memorial tablet. But on August 22d last a deed of a tract of land fifty feet wide and extending from the public highway to the rear of the location of the Arthur house, was executed and delivered to the State. The purchase price was paid by the generosity of Mr. P.B.B. Northrup, of Fairfield.

A contract was then immediately made for a granite tablet, which will be completed and put in place during the present month of October. Its cost, with an iron fence around it, will not exceed the appropriation.

#### LIBRARIES.

From the report of the Board of Library Commissioners it appears that there are now in the State eighty-six towns without library facilities except the traveling library stations maintained by the State.

At the session of 1900, by Act No. 32, the sum of five hundred dollars annually for purchase of books and equipment and one hundred dollars annually for labor of cataloging and other necessary labor was appropriated for the maintenance of traveling libraries.

With these sums traveling library stations have been established in twenty-seven of these towns, leaving fifty-nine towns having no library facilities whatever. This work of extending the free use of books to the people is invaluable and should be continued.

The Secretary of the Board of Library Commissioners performs a large amount of work and should not longer be asked to do it as a gratuity to the State, and I also recommend that the appropriations for traveling libraries be a least doubled.

#### PAN AMERICAN EXPOSITION.

At the urgent solicitation of the Buffalo Society of Vermonters that Vermont be represented at the Pan American Exposition, the matter was taken up by me and a very large number of public spirited citizens of the State contributed a fund for providing proper representation for the State at the Exposition.

About four thousand dollars was raised for this purpose on the express understanding that no reimbursement should be asked or received from the State.

With this sum Vermont's equal share in the New England States' building was paid, and a Vermont room was prepared and properly furnished.

The Buffalo Society of Vermonters provided a custodian for the room and it was made a convenient and pleasant place of meeting for Vermonters and their friends throughout the Exposition.

Much credit is due to Mrs. Henry S. Bingham, of Bennington, for the good judgment and taste displayed in the selection of the furnishings and their arrangement in this room.

Vermont Day was observed August 8th by appropriate exercises in the Temple of Music, attended by the Governor and Staff, the two United States Senators from Vermont and many other Vermonters.

#### DIGEST OF VERMONT REPORTS.

Under the authority of No. 115 of the Acts of 1900, Hon. Seneca Hazelton of Burlington, and Hon. H. Charles Royce of the City of St. Albans, have received and accepted appointment to act with the State Librarian as a Committee to arrange and provide for the compilation and issue, in proper and serviceable form, of a Digest of the Reported Decisions of the Supreme Court of this State.

This committee, after careful consideration of the matters placed in its charge, formulated and submitted to the Governor for his approval a general plan for the prosecution of its work, and the plan was approved.

According to this plan the committee have contracted with Robert Roberts, Esq., of Burlington, for the publication and delivery to the State Librarian for the use of the State of four hundred copies of the Digest.

The copyright is to be taken out in the name of the Secretary of State, and to be the property of the State.

Mr. Roberts has the right to dispose of the remaining copies of the first edition for his own use, the price thereof to the members of the Vermont Bar not to exceed ten dollars a copy.

All copy to be completed and sent to press on or before June 1, 1904.

#### SURVEYOR GENERAL'S PAPERS.

The office of Surveyor General was created early in the history of the State. The Assembly Journal under the date of June 3, 1779, contains the following resolution and record.

“Resolved, That a Surveyor General be appointed to procure copies of all Charters that ever was made of lands lying in this State in order to make out one General plan of this State in order to know where vacant lands are ; and it shall be his duty to follow the instructions he shall from time to time receive from the Governor and Council or from this Assembly.

“The ballots being taken, Ira Allen, Esqr was Elected Surveyor General.”

Ira Allen continued in this office until 1787. He was succeeded by James Whitelaw of Ryegate, the veteran surveyor, who held the office for many years. The last Surveyor General was Ambrose L. Brown of Rutland.

The office was abolished by Act No. 25, Laws of Vermont, 1838. The Surveyor General was directed to deliver to the Secretary of State, the surveying instruments belonging to the State to be kept in that office for the use of the State.

In the early years this office was very important. Many valuable papers and records were in its possession, the most valuable of which were the surveys of town lines.

By an Act passed October 22, 1782, it was provided that,--“All charters of lands within this State whether granted by this State or any other government, be sent to the Surveyor General’s office for record, that where the original charters cannot be obtained attested copies should be received, and that the Surveyor General is directed to record all such charters or attested copies as aforesaid; that the Surveyor General be directed to proceed as soon as may be after the rising of the next session of this Assembly to perambulate the lines of the towns in this State by himself or deputies, and that they begin where the respective charters begin.”

The records of the surveys of town lines with the charts or maps of the towns filled ten volumes.

On the abolition of the office of Surveyor General no provision was made for preserving the books and records in his custody. They were, however, gathered up later by one Henry Stevens of Barnet and purchased by the State, as appears from a report made by the Secretary of State to the Senate in 1849. But they soon thereafter disappeared and have since not been in the possession of the State. About nine years ago they were discovered in the State Library at Albany. The State of New York obtained them from the administrator of Henry Stevens by purchase.

Under joint resolution of the last session the Governor was authorized to procure either these original papers or duly authenticated copies thereof.

After a number of communications and conferences the Regents of the University of the State of New York, in whose custody these papers were, entered into an arrangement to return all the papers in their possession which belonged in any way to the Surveyor General’s office, thirty-six volumes in number, on the basis of an exchange for certain Vermont books.

Some of these books were in our State Library in duplicate and were furnished without expense. The more valuable ones, however, were purchased by the Hon. Hiram A. Huse, who in the matter rendered valuable assistance. Since then Mr. Huse’s career of usefulness has closed; and this public servant, of sterling honesty, rugged ability, modest deportment and most exemplary fidelity, has passed away.

I recommend that the State commemorate in some fitting way his long and devoted service.

I have caused these papers to be delivered to the Secretary of State with instructions that they be properly preserved, rebound and made ready for use.

I cannot leave this subject without mentioning the kind offices of Mr. James Russell Parsons Jr., Secretary of the University, and Mr. Melvil Dewey, Director of the State Library of New York, who took the broad view that, although these papers were held by New York by purchase, they were official documents of the State of Vermont and in justice should be returned and kept within the State where they would be of the most service to all concerned.

I would respectfully recommend that by your enactment these volumes be placed permanently in the custody of the Secretary of State, and that copies thereof duly certified by that officer be permitted to be used in evidence in any Court where they are deemed material.

## BOUNDARY LINE BETWEEN VERMONT AND NEW YORK.

Governor Odell, of New York, in a communication under date of June 27, 1901, requested my co-operation in the renewal of the missing monuments on the State line between New York and Vermont.

It is a matter of record that in the year 1790 the two States, first through commissioners and later by legislation, established the boundary line between them as follows:

“Beginning at the northwest corner of the State of Massachusetts, thence westward along the south boundary of Pownal, to the southwest corner thereof, thence northerly, along the western boundaries of the townships of Pownal, Bennington, Shaftsbury, Arlington, Sandgate, Rupert, Pawlet, Wells and Poultney, as the said townships are now held or possessed, to the river commonly called Poultney River, thence down the same through the middle of the deepest channel thereof, to East Bay, thence through the middle of the deepest channel of East Bay and the waters thereof, to where the same communicate with Lake Champlain, thence through the middle of the deepest channel of Lake Champlain, to the eastward of the Islands called the Four Brothers, and the westward of the Islands called the Grand Isle and Long Isle or the Two Heroes, and to the westward of the Isle La Mott, to the forty-fifth degree of north latitude.”

The line from the northwest corner of the State of Massachusetts to Poultney River, in the above description, was originally marked with permanent monuments at points where its course and direction changed, at important highways and at town corners. These are the monuments in question.

Governor Odell transmitted to me with his communication a statement from Hon. Edward A. Bond, State Engineer of New York, in which he says: “There were originally thirty-three monuments placed to mark this line, of which only six are in perfect condition. Of the remaining twenty-seven, eight should be reset, six are entirely missing and ten should be replaced by new and more conspicuous monuments, and the location of three is doubtful.”

A reply was immediately sent to Governor Odell that there was no law which enabled the Governor of this State to act in the matter.

I requested him to ascertain from the State Engineer what would be the probable cost of fixing the location and supplying the needed monuments, to the end that full information might be obtained upon which you could intelligently act.

Mr. Bond, to use his own language, responded:

“My understanding is that there is no dispute in regard to the location of the line between the State of Vermont and the State of New York, but many of the old monuments have been broken or heaved out of the earth by action of the frost, &c., and that at several places new monuments will be required and the old ones straightened up. This does not necessarily require highly skilled men, but it needs to be observed by parties representing each State so the proper certificate can be made showing that the new monuments are in the same location as the old ones.

“I think the total cost of the work will be \$4,000 and I desire that each State pay one half the expenses connected therewith including the cost of new monuments and all legitimate expenses in connection with the work.

“I cannot too strongly urge that this work be arranged at the earliest date possible, as it has been many years since this line was overhauled as herein contemplated.”

This request of the Governor and State Engineer of our sister State seems reasonable and should be granted on the ground of state comity.

Besides, both States are equally interested to have the old boundary maintained and marked by suitable monuments in order to prevent, in the future, any jurisdictional or other complications.

## CONCLUSION.

In conclusion, permit me to say that after serving the State for two years and observing officially the operations of government, I am more than ever before impressed with the wisdom of the founders of our State, who placed in its constitution the admonition: *That frequent recurrence to fundamental principles and a firm adherence to justice, moderation, temperance, industry and frugality are absolutely necessary to preserve the blessings of liberty and keep government free.*

WILLIAM W. STICKNEY.

Montpelier, October 2, 1902.