

Farewell address
of
John L. Barstow
As it appears in the
Journal
of the
House of Representatives
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Wednesday, October 1, 1884
Farewell Address

Gentlemen of the Senate

and House of Representatives:

The law imposes upon the retiring governor the duty of making certain reports to you, while the increasing duties devolving upon the executive by the action of each succeeding legislature seem to make a general report, or message, at the close of the biennial term, the only method of conveying to the general assembly the information necessary to legislation upon the subjects to which those duties relate. I shall, therefore, without apology, follow the example of my predecessors, and lay before you such report with some brief comments and suggestions upon matters of public interest.

BENEFICIARIES.

In obedience to the requirements of law, I have the honor to transmit a report of disbursements for the support of the deaf, dumb and blind and of feeble-minded youth. (See appendix.)

The provisions of section 684 of the Revised Laws, making it the duty of boards of civil authority to report the number of these unfortunates to their respective county clerks are not observed, and I recommend that this duty be transferred to the listers, and that they report to the secretary of state, or else that the law be repealed.

MISCELLANEOUS REPORTS AND MEMORIALS.

The reports of the Mary Fletcher hospital at Burlington and of the St. Albans hospital, made in accordance with law, will be found in the appendix.

I have the honor to transmit, as requested, certain joint resolutions adopted by the legislature of the State of Tennessee, relating to an anniversary celebration of the inauguration of President Washington.

I also transmit, by request, the following documents:

A communication from the secretary of the interior at Washington, calling attention to the provisions of the United States law under which the general government pays one half the expense of a state inter-decennial census;

A communication from the Hon. Geo. B. Loring, commissioner of agriculture, relating to forestry;

A communication from the American committee of the statue of Liberty in regard to the inscription of the coat-of-arms of the State of Vermont upon the pedestal of the Bartholdi statue of Liberty in the harbor of New York;

A communication relating to an American Exhibition in London;

A memorial from the chiefs of the Iroquois, or St. Regis Indians, asking the appointment of a commissioner to adjust their claim against the State of Vermont. The claim of these Indians has frequently been laid before the general assembly. In 1855, the committee on claims of both houses recommended the payment to them of a certain sum, the amount of which is not now known, as the papers were burned with the state house in 1857. Full information on the subject can be found in the appendix to the house journal for 1855 on page 619.

APPOINTMENTS.

Under the joint resolution of 1882, relating to the forests of the state, I appointed Redfield Proctor, Frederick Billings, and Edward J. Phelps, as commissioners. These gentlemen, realizing the importance of the subject, accepted the appointment, and their report will be laid before you.

Having received from the secretary of state at Washington a request to nominate a commissioner and alternate commissioner for the New Orleans Cotton Exposition, I complied therewith by selecting Joel H. Gates,

of Burlington, and Henry G. Root, of Bennington, and they were duly commissioned by the president. As commissioners for the woman's department of the same exposition, Mrs. J. Gregory Smith, of St. Albans, and Mrs. Edward W. Peck, of Burlington, were appointed.

Gen. Edward H. Ripley was appointed commissioner for Vermont to the American Exhibition at London, and William P. Fairbanks, of St. Johnsbury, commissioner to the Denver National Mining and Industrial Exposition.

Delegates to various national educational, agricultural and charitable conventions have also been appointed.

Vacancies occasioned by death occurred in the probate districts of Manchester and Washington. They were filled by the appointment of Loveland Munson in the first, and Hiram Carleton in the second named district. Both of these gentlemen have since been elected by the people to fill the office in their respective districts.

Under the provisions of "An act regulating the practice of dentistry," I appointed, as commissioners, O.P. Forbush, of Montpelier, Jas. Lewis, of Burlington, L.T. Lawton, of Rutland, G.H. Swift, of Manchester, and R.M. Chase of Bethel.

Prof. Chas. D. Mead, and Principals Chas. E. Putney and C.C. Gove, were appointed examiners of normal schools for the year ending Nov. 30, 1883. Believing that the interests of the state would be subserved by subjecting these institutions to the scrutiny of a larger number of our eminent teachers, I appointed an entirely new board of examiners for the year ending November 30th, 1884, consisting of Principals C. H. Dunton, B.F. Bingham and S.W. Landon.

RIOT AT VERSHIRE.

I regret to state that for the first time since 1846, there has been an instance where the local civil authorities of our state have been unable to enforce the laws and preserve order without calling upon the executive for military assistance. On the 6th of July, 1883, I was informed by the sheriff and other prominent men of Orange county, including the selectmen of Vershire, that there was a riot and insurrection in the town of Vershire beyond the power of the civil authority to suppress; that a body of men, composed mainly of miners who had not been paid their wages, to the number of 300 or more, partially armed and organized, held possession of the village and the mining property at Vershire, including a large quantity of powder; that money had been extorted by threats of violence, and private houses had been broken open and searched; that, fearing further outbreaks, families had packed their valuables and were preparing to leave the vicinity, and that notice had been given by a delegation from the rioters to the managers of the mine, that, unless the men were paid before 4 o'clock, P.M., the next day, the whole property of the company would be destroyed. It was also represented that these threats would undoubtedly be carried out unless the rioters were subdued by a force greater than the local authorities could command, and a formal demand was made upon me for assistance. It was stated that the amount due the men was about twenty-two thousand dollars, and that the mining company could not possibly raise over four thousand dollars. As Vershire was beyond telegraphic communication, and I was unable to obtain information from other sources, I informed the sheriff by messenger that assistance would be rendered, but that I should insist upon having the four thousand dollars in the hands of the company distributed among the workmen, in proportion to what was due them. I directed Adjutant-General Peck to order five companies, under command of Col. Greenleaf, to report to the sheriff of Orange county, at Vershire, at daylight the next morning, and gave Col. Greenleaf written orders to the end that the military force should be held under strict subordination to the civil power.

It was not supposed that over twenty men from a company could possibly respond to a sudden call, but nearly double this number were found in the ranks. Col. Greenleaf is a brave, cool, and discreet officer, and I was sure that no rash or imprudent measures would be adopted, particularly after I learned that Adjutant-General Peck had volunteered to join him.

I accompanied the force solely in the interest of the laborers, hoping, in case resistance was offered, to be able to influence them to submit to the laws without a conflict.

I exacted a promise from the managers of the mining company that the money in their hands should be paid to the workmen that day, but as Col. Greenleaf succeeded in surprising the miners in their beds, no resistance was offered, and the payment was by mutual consent deferred a few days. I visited the place again the next week and I learned upon both occasions, from consultation with a number of the most reliable citizens and town authorities, that the representations made to be my the sheriff and others were not exaggerated except in some minor points. Differing statements come from those who in the beginning evinced the greatest alarm and anxiety.

The men were paid according to agreement, but there still remain due them over sixteen thousand dollars. The mining company is in the hands of a receiver, but the unfortunate men have scattered away without filing their claims. In view of these facts, I respectfully submit that legislation should be enacted to give labor a first lien upon its products, and a speedy method of enforcing its claims.

The expense of the expedition was much less than I expected, a the bills of the Central Vermont and Passumpsic railroad companies were at the regular muster rates and made no extra charge for special trains. The state auditor places the expense under the head of "militia," while it might with equal propriety have been classed with "court expenses."

Whatever may be said as to the propriety of my action, the expedition demonstrated that the

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are not merely "on paper." Ninety per cent of officers and men responded to a call for instant, actual service. The regiment and battery have reached a point of proficiency that is indeed gratifying. They are, with few exceptions, made up of the very best young men in their respective localities.

Adjutant-General Peck and Col. Greenleaf have for years been assiduous in their efforts to promote that feeling of pride and emulation so indispensable in an organization of this kind.

I earnestly recommend that the governor be given the power to appoint the adjutant and inspector-general and the quarter-master-general. In every state where the best methods of fostering the National Guard are adopted, the governor is allowed to appoint his staff.

The expenses of the militia for two years past have been increased by the legislation of 1882 which requires an officers' drill each year, and authorizes the purchase of new uniforms when found to be necessary by a board of survey.

In considering the expense of the militia, it should be borne in mind that the state has received, during the past twenty years, according to a statement furnished by Brigadier-General Kingsley, from sales and exchanges of military property and from credits at the war department, the sum of one hundred and ninety-seven thousand two hundred and ninety dollars. The interest on this sum will nearly pay the expenses of the National Guard.

At the annual muster at St. Johnsbury in 1883, a private in the battery lost his arm while in the discharge of his duty. It will be in accordance with precedent, and justice as well, that suitable provision be made for him.

THE BOARD OF AGRICULTURE

is appointed biennially in accordance with the law of 1880 under which Governor Farnham appointed the present members of the board. I found their report for 1882 so full and valuable and their work so satisfactory that I re-appointed the entire board. In 1882 they printed an edition of over two thousand copies of their report, and, during the biennial term ending that year, held forty-four meetings, all at an expense within the limited appropriation. During the last term forty-seven meetings have been held and a larger edition of their report will be printed. The services of Dr. Cutting, secretary of the board, are of great value to the state in many directions.

CONSTITUTIONAL AMENDMENTS.

The two articles of amendment of the constitution which were concurred in by the last legislature were duly submitted to the people at their town meetings in March, 1883, and the same having been ratified and adopted by a majority of the freemen voting thereon, proclamation thereof was duly made, as required by an act passed in 1882.

I trust that the legislature will properly enforce the first article of amendment which is designed to carry into effect the previously existing provision of our constitution – so often disregarded – making federal office-holders ineligible to membership in the general assembly. There are several cases reported of the election of United States officials to the present legislature.

THE HUNTINGTON BEQUEST.

The duty of securing to the state the full benefit of this bequest was by joint resolution of 1878 imposed upon the governor. I gave the matter my first attention, and finding that the validity of the will was likely to be established, and that no person had been designated and authorized by the state to receive the funds and receipt therefor to the executor, I called the attention of the judiciary committees of the two houses to the necessity of legislation conferring such authority upon some one. The result was the passage of a joint resolution giving the state treasurer requisite power to act in the case, and, on the 18th day of December, 1882, all the papers in the case were turned over to that officer, who, with Auditor Powell, as counsel, made full settlement with the executor and received the funds, securities and accrued interest, amounting, at par value, to two hundred and five thousand one hundred and eleven dollars and twenty-two cents. This duty was performed in a discreet and economical manner.

PARDONS.

There have been nearly sixty applications for pardon during this biennial term, and their careful consideration has involved much time and labor, and has been a painful duty.

In addition to my own examination of these petitions, I have referred many of them to the board of state prison directors, but both the directors and myself have been reluctant to interfere with the action of the courts.

Two pardons have been granted to inmates of the state prison, but in one case the sentence had nearly expired. One prisoner at the house of correction, having thirteen days to serve, was pardoned that he might be present at the death-bed of his wife. One child at the reform school was pardoned, but the parents in a few days applied to have him returned.

In two cases fines have been remitted, and five conditional pardons have been granted. In one case the prisoner failed to comply with the conditions of his pardon, and was remanded under the law of 1880.

THE PENAL INSTITUTIONS AND REFORM SCHOOL

are in the hands of experienced and able men, and are equal to the best in equipment and management. The still unsatisfied demand for labor removes the temptation to crime and keeps the number of inmates at a low figure. These three institutions have a capacity for accommodating four hundred and twenty-six persons, while the number of inmates in each, on the first day of August, was as follows:

	1878	1880	1882	1884
State Prison	176	142	90	89
House of Correction.....		70	45	61
Reform School	145	122	86	84
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	321	334	221	234

On the 9th of May, 1883, Mr. Rice, superintendent of the prison, whose administrative ability had been of such service in enlarging and rebuilding the prison, and who had brought order and system out of confusion and dishonesty, resigned his office, and, upon the recommendation of the directors, Mr. E. W. Oakes, who was his assistant, was appointed to fill his place. He has greatly reduced the expenses of the prison without any diminution in the comfort or welfare of the inmates and had introduced some much needed changes.

Both he and Mr. Eayres, superintendent at the house of correction, are faithful, honest, economical and capable men. At the reform school, Mr. and Mrs. Fairbank continue the same kind and paternal government

that has distinguished them for so many years, while the trustees have performed the numerous and somewhat complicated duties devolving upon them with great thoroughness and humanity.

In the appendix will be found an interesting table as to the cost of these institutions. In my judgment, one board of three persons should be appointed by the governor to have charge of all the institutions, and a uniform system of book-keeping should be adopted at the beginning of the next fiscal year. The governor should have the power of granting conditional pardons to inmates of the reform school; prisoners should work out their fines and costs at the state prison as they do at the house of correction; contracts for labor should not be made without advertising for proposals.

It is claimed that United States prisoners sentenced to confinement, but not at hard labor, in the house of correction, are entitled to the privileges accorded to jail prisoners under section 4452 of the Revised Laws. Whether this claim can be maintained is uncertain, but I recommend that such legislation be enacted as shall beyond all doubt subject United States prisoners confined in the house of correction, under sentence, to the same regulations of prison discipline which are applied to state prisoners committed to that institution.

SAVINGS BANKS AND TRUST COMPANIES.

The reports of Mr. DuBois, the able inspector of finance for 1880 – '81 – '82 gave repeated warning as to the inadequacy of his power under the law to protect depositors in these institutions from the results of mismanagement and dishonesty. Deeply impressed with his pointed statements, I joined him in most earnest efforts to secure needed legislation. To the legislature of 1882 I said with reference to his report, "*his cautious but decided words in regard to certain banks that he does not name, if not heeded, may lead to disaster and distress. I especially recommend to your notice his remarks as to trust companies, and in regard to large loans to, and deposits from, a single person.*"

In the failure of the St. Albans trust company the predicted disaster and distress were fully realized. Aside from the alleged criminality of its officers, its weakness was due to the precise fault in regard to which Mr. DuBois so often asked additional legislation viz.: large loans to one person, and that person an officer of the bank.

Believing it to be quite possible that one or two other institutions were similarly situated, I judged that, in the language of the law "the protections of the rights of the state: demanded that I should indicate to these self-constituted guardians of the weak and defenceless, throughout the state, that any infraction of the law, or violation of their charters, would not go unwhipped of justice, if my efforts could prevent it. I therefore informed the state's attorney of Franklin county that assistance would be furnished him to ascertain, in this instance, whether the law had been violated, and, if so, to bring the guilty parties to punishment, and an attorney was assigned to this duty whose ability and honesty were a guaranty that nothing would be left undone on the part of the prosecution to accomplish this end.

When, on the 6th of October, 1882, Mr. DuBois resigned the office of inspector to accept that of treasurer, I persuaded him to withhold his resignation until the adjournment of the legislature, so that he might be able, in his official capacity, to assist in framing suitable restrictive laws. At that time, I appointed Mr. Charles Dewey, of Montpelier, as his successor, a gentleman who for a long time had been at the head of one of the largest and most successful moneyed institutions in the state, and who was thoroughly conversant with bank bookkeeping and with the value of all securities in the market. He accepted the office only after much hesitation. He has devoted a great deal of time to his duties, and has accomplished much desirable work, and I regret to learn that his business interests will not allow him to continue in office. I commend his report to your consideration with the firm belief that all needful legislation will no be enacted and with the hope that the excitement and distress occasioned by the failure of one institution will not lead to such radical measures as to destroy the usefulness of others.

UNIVERSITY OF VERMONT AND STATE AGRICULTURAL COLLEGE.

I am happy to call your attention to the unusual prosperity and bright prospects of this institution. These are due in large measure to the generous gifts which the university has lately received from its friends. The reconstruction of the main college buildings through the bounty of Mr. John P. Howard, alluded to in my former

message as in progress, has since been completed, and his recent gift of a new medical school building adds one more to the many benefactions of that gentleman to the university. The library building, which is now in process of erection and will cost \$100,000, is the gift of Mr. Frederick Billings, who takes this beautiful way of providing a suitable repository for his former invaluable gift, the library of the late Geo. P. Marsh, and for the other literary treasures of the college.

On the 26th day of June, 1883, the university celebrated with appropriate exercises the relaying of the corner-stone of the main college building and the unveiling of a bronze statute of Lafayette, also a gift from Mr. Howard. I detailed two companies of the National Guard to participate in the ceremonies of that occasion.

THE SUPREME COURT.

The announcement that Judge Redfield would retire from the bench at the close of his present term, though not unexpected, occasions general regret. The cause of Justice suffers when so eminent a judge withdraws from her councils, and in the deliberations of that court whose decisions continue to hold so high a place in the jurisprudence of the country, the loss of Judge Redfield's experience and fine legal instinct will be most deeply felt.

Since the last session the great railroad suits have been ended, and I am informed that the general business of the courts had declined. Hence, as my successor is a member of the bar, and may feel some delicacy in the matter, I shall venture to express what I believe is, in the main, the opinion of many members of the bar and of numerous other well informed persons, by recommending that the number of judges be reduced to six; that their salaries be increased four hundred dollars each; that they be paid their actual expenses for railroad and stage fare while on official duty; and that they be prohibited from acting as referees, auditors or special masters.

The eminent ex-Chief Judge Poland said, on the floor of the house, in 1878, that six judges were all that were needed, and that when ever a vacancy occurred, he should favor a reduction in the number. This is the highest authority and may well carry conviction to the mind of every one not having personal knowledge of the matter.

THE INSANE.

Section 7 of the Revised Laws reads as follows: "*The words 'insane person' shall include every idiot, non-compos, lunatic, and distracted person.*" It is under this definition that towns, according to statements of previous boards of supervisors, have sent their vicious, demented and idiotic paupers to the asylum as burdens upon the state, and it was to this class that two years since I applied the term "harmless insane," while the supervisors call them "not dangerous." Under the corrective legislation of last session, the supervisors, up to this time, have discharged twenty-nine persons for whom the state was paying over four thousand dollars per year, and for whom it had paid in the aggregate over twenty thousand dollars.

The supervisors propose to pursue this reform still further, provided additional authority is given. The wise and practical suggestions of their report are heartily approved, and I earnestly solicit your attention to them. The present board are eminently qualified to perform their duties under the law and have been faithful and fearless in the discharge of them. It would be a misfortune to the state to have a change made in the board at this time.

In view of the crowded condition of some of the wards at the asylum, I respectfully suggest that the new asylum at Burlington be allowed to receive state patients upon the same terms upon which they are received at Brattleboro.

It should be made the duty of the supervisors to verify and approve all bills before payment.

The state paid for the support of its beneficiaries at the asylum the fiscal year ending

July 31, 1861	\$5,065.00
“ 1871.....	13,061.00
“ 1881.....	35,345.00
“ 1882.....	37,198.00

“ 1883.....	35,241.00
“ 1884.....	35,085.00

These figures in each case represent the sum paid for the preceding year, and the bill for the year 1883 – '84, paid since the closing of the fiscal year, is \$33,834.00.

FINANCES AND TAXATION.

The current state expenses for the last two years were \$648,494, or over \$70,000 less than for the term ending in 1882.

Great discrepancy exists in official reports of the aggregate court expenses of past years. I have, therefore, placed in the appendix a statement of the gross amount of these expenses each year since 1878, with the chief items of the same. The auditor's report of *net* court expenses shows that they are \$134,468 less than for the term ending 1878. The saving of this sum is of less consequence than the eradication of the evil methods in vogue at that time. Legislation is needed to prevent a return to those methods when public attention becomes diverted or a less faithful auditor is in office.

The treasurer's report shows a deficiency of \$32,171, which amount was borrowed from the Huntington fund. For many years previous to 1883 large balances were in the hands of the treasurer, and were the direct incentive to extravagance and loose practices in administration. The present situation is more satisfactory though less convenient to the treasurer.

The clause in the grand list requiring returns of the list to be made to the secretary of state was inadvertently omitted in the amendment of 1882. But Dr. Nichols, with the attention and fidelity that have for so many years characterized his administration of that office secured the returns for 1883, though he was unable to obtain them for the present year, several towns not responding to his call.

I append the list of taxable property for 1883 and former years:

	1880	1881	1882	1883
Real estate	\$71,114,747	\$102,437,102	\$106,577,559	\$104,549,674
Personal property	15,037,262	46,896,967	46,996,025	49,586,310
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Total	\$86,152,009	\$149,334,069	\$153,573,584	\$154,135,984

Offsets on personal property for debts were, in 1882, \$32,000,000. No returns have since been received.

The direct taxes levied and collected on the grand list,

For 1881 and 1882 were	\$479,097
For 1883 and 1884 were	162,710

Reduction in taxation on grand list	\$316,387

The amount of taxes received from corporations, less savings bank tax refunded to towns, as per treasurer's report,

For 1883 and 1884 was	\$197,714
For 1881 and 1882 was	36,107

Increase in taxes from corporations	\$161,607

CORPORATION TAX LAW.

Under the corporation tax law of 1882, I appointed, with the advice and consent of the senate, William P. Dillingham as commissioner of state taxes, and he has performed the duties of his office with such ability, tact and discretion as to win universal commendation. His comprehensive report merits your careful attention, and I

doubt not the claims of injustice made by certain corporations will be met by you in a spirit of fairness and with a desire to do justice to all, even to the extent of refunding any tax that may be found to have been excessive.

The taxes collected for the first and only year that the law has been in practical operation amount to \$196,678.51, of which \$85,516.96 were collected from railroads and \$56,506.70 were paid under protest. I have the sanction of the commissioner for suggesting that the time within which suits may be brought for the recovery of taxes paid under protest should be limited by special statute.

The theory of many of those advocating this law was that, although the principle of the constitution, that every member of society is bound to contribute his proportion toward the expense of the protection afforded by the laws, should be adhered to, it did not follow that all taxes must be levied in the same way or for the same purposes; that they might be levied in one way on certain kinds of property for certain purposes, and in another way on other property for other or for the same purposes. But the utmost wisdom of the legislature should be exerted to have taxation as nearly equal as possible upon all property not exempt by law.

To ascertain whether the present tax is "equal" it is necessary to know the average rate of taxation through the state upon real and personal estate. No statistics are gathered upon this subject, but from a somewhat extended inquiry, I am satisfied that it is not less than sixty per cent upon the grand list.

It is also necessary to know the value of all railroad property in the state. Of this no official appraisal has been made, but the railroad commissioner, who has better opportunity of knowing the value of this property than most others, estimates it at \$41,000,000.

If these estimates are substantially correct, we find that trust companies pay a tax equivalent to one hundred per cent on the grand list; real estate and personal property, sixty per cent; savings banks, fifty per cent; railroad property, twenty-one per cent.

If the receipts, expenditures and the law remain substantially the same as they have been for the last two years, the deficit at the end of the fiscal year 1885, will be about \$100,000, and at the end of the fiscal year 1886, will be further increased to about \$130,000.

Under these circumstances it is manifest that you will seek to increase the revenue either from present sources, or by a tax upon the people or otherwise. If the Huntington fund is turned into the treasury and its interest made a perpetual charge upon the state, to be paid annually to towns for the support of common schools, in the same manner that the United States surplus fund is now paid to the towns declining to take the principal, no tax per capita or upon the grand list would seem to be necessary at present.

RAILROADS.

In my former message I suggested the appointment of a commission to which should be delegated the general powers of the state over railroad companies. Such commission, if appointed, should, I think, be paid by the state, and be required to make inquiry as to complaints in regard to discriminating and excessive rates for freight and passengers.

The free-pass system constantly brings obloquy upon the state, and I trust you will consider the propriety of wiping out the reproach.

But nothing is of such paramount importance to the material interests of the state as proper action by congress in regard to the regulation of inter-state commerce. I am informed that freight is sent from Chicago to Liverpool at a less rate than is charged Vermont farmers on their products to Boston. All are aware that the value of farm lands and products is largely increased by their proximity to manufacturing centres. But it is claimed that high and discriminating rates on raw material, fuel, and manufactured goods are such as to practically exclude manufacturers from establishing themselves in this state, except, perhaps, at a few points, and if we seek our markets in Boston or New York, we are charged higher rates than are paid to the same points by dealers in the far west.

This is a grievance that neither Vermont nor Vermont railroads can remedy.

You have doubtless observed that Mr. Steward, our member of congress from the first district, has introduced a bill for the regulation of inter-state commerce. The governors of several states have advocated the necessity of national legislation upon this subject, and the president urged its propriety in his message to congress in December last. The republican national convention at Chicago committed that party to the adoption of measures looking to the same end.

Allow me to express the belief that if you follow the example of many other states and give the people a railroad commission and also give an impetus to the inter-state commerce movement by arousing the interest of the remaining members of our delegation in congress, you may be assured of a life-long and kindly remembrance from your constituents.

JOHN L. BARSTOW.

EXECUTIVE CHAMBER,
Montpelier, Vt., Oct. 1, 1884

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