

Inaugural address
of
John W. Stewart
As it appears in the
Journal
of the
House of Representatives
Biennial Session,
1870

Thursday, October 6, 1870 Inaugural Address

*Gentlemen of the Senate
and House of Representatives:*

Our reverent thanks are due to Almighty God for the blessings of health and prosperity with which He has crowned the year that has elapsed since your last Annual Session.

It seems fitting, that in the name of the people whom he so ably and faithfully served, I should advert to the great public loss our State has sustained in the death of the late Governor Washburn. The wide-spread grief it occasioned is still fresh. The loss of a public servant, so upright, faithful and capable, so earnestly devoted to the best interests of the State, is indeed irreparable. We may find some solace in the thought, that he lived to meet the approval which his eminent services merited, and that his public and official life, henceforth a part of our history, is worthy ever to be held in grateful remembrance.

FINANCES.

The financial condition of the State is satisfactory.

The following is a summary of the Treasurer's report, herewith submitted.:

RECEIPTS.

Balance in Treasury, Sept. 1 st , 1869,	\$36,931 24
Vermont Bonds in the Treasury,	27,500 00
Amount of Sinking Fund,	75,694 02
Income of Agricultural College Fund,	8,151 00
Balances received from Judges of Probate,	8,218 00
License fees from foreign Insurance Companies,	476 00
Received from sundry railroads for Commissioner's salary and expenses,	547 13
Temporary loan of 1864	\$5,000 00
Temporary loan of 1867	14,500 00
Temporary loan of 1868	100,000 00

	\$119,500 00
Balance of State tax for 1868,	3,934 29
Amount collected on State tax for 1869,	511,475 37
Received from other sources,	13,141 68

	\$830,397 38

DISBURSEMENTS.

For debentures of General Assembly, 1869:

Senate,	\$4,372 00
House of Representatives,	29,315 60
Miscellaneous,	2,635 60
Council of Censors, 2 ^d and 3 ^d sessions,	1,631 60
Constitutional Convention,	10,752 80

	\$48,707 60
Extra State pay of \$7 per month,	8,644 85
Allotment pay of officers and soldiers,	5,301 00
Court orders,	56,438 82
Auditor's orders,	190,611 14
Discount on taxes allowed to collectors,	16,705 13
Suspense account on outstanding checks,	14 00

Temporary loans paid,		119,500 00
Vermont bonds redeemed,	\$61,000 00	
Less registered certificates issued,	31,500 00	
	-----	\$29,500 00
Interest paid as follows:		
Coupons from bonds,	\$49,200 00	
Registered loan,	13,335 00	
Temporary loans,	1,560 83	
Surplus fund to towns,	639 11	
Allotment accounts	1,708 10	
	-----	\$66,443 04
Vermont bonds in Treasury,		43,000 00
Sinking fund for bonds due in 1871,		196,194 02
Balance cash in Treasury,		49,338 78

		\$830,397 38

CURRENT LIABILITIES.

Auditor's orders, outstanding, estimated by Auditor,		\$2,017 43
Due to towns, U.S. Surplus Fund,		11,176 18
Agricultural College Fund,		68 40
Town's interest on Surplus Fund,		27 96
On allotment accounts,		4,558 26
Extra State pay,		17,758 49
Outstanding checks,		1,877 73
Interest on allotment accounts, estimated,		1,000 00
Coupons of '71 bonds, unpaid,		2,280 00

		\$ 40,764 45

CURRENT RESOURCES.

Balance in Treasury,	\$ 49,338 78	
Due on tax of 1869,	5,546 34	
	-----	\$ 54,885 12
Excess of resources over liabilities,		-----
		\$ 14,120 67

FUNDED LIABILITIES.

Under the authority of the act of 1867, certificates of registered loan have been issued amounting to \$247,500, of which \$9,500 have been redeemed, leaving \$238,000 outstanding September 1st, 1870.

The total of funded debt, including coupon bonds and registered loan, is as follows:

Coupon bonds due June 1 st , 1871,	\$448,500	
Registered bonds due June 1 st , 1871,	2,000	
	-----	\$450,500
Coupon bonds due Dec. 1 st , 1874,	\$95,000	
Registered bonds due Dec. 1 st , 1874,	150,500	
	-----	245,500
Coupon bonds due Dec. 1 st , 1876,	\$211,500	
Registered bonds due Dec. 1 st , 1876,	38,500	
	-----	250,000

Coupon bonds due Dec. 1 st , 1878,	\$ 52,500	
Registered bonds due Dec. 1 st , 1878,	47,000	
	-----	99,500

		\$1,045,500
Less bonds in the Treasury,		43,000

Funded debt outstanding,		\$1,002,500

ESTIMATED CURRENT EXPENSES FOR 1871.

Extra State pay and allotment accounts,		\$10,000
Interest on bonds and loans,		65,100
Other State expenses,		270,000
Funded debt due June 1 st , 1871,	\$450,500	
Less amount of sinking fund,	196,194	
	-----	254,306

		\$599,406

ESTIMATE FOR 1872.

Extra State pay and allotment accounts,		\$8,000
Interest on bonds,		35,700
Interest on loans, &c.,		1,500
Ordinary State expenses,		270,000
Sinking Fund for bonds due in 1874,		100,000

		\$415,200

The whole amount of bonds outstanding, redeemable in 1871, is \$450,500; of which \$378,500 were issued prior to the passage by Congress of the legal tender act.

It is held, by a recent decision of the Supreme Court of the United States, that the provisions of the legal tender act are not retroactive, and that debts contracted prior to its passage are payable in coin.

The coupons on these bonds, due last June and yet unpaid, amount to \$2,280; of which \$1,920 have been presented and demanded in coin—payment in which was declined—and the same are now held by the parties, awaiting the action of the Legislature.

I respectfully recommend a prompt recognition of the authority of the Supreme Judicial Tribunal of our county, by an enactment authorizing the Treasurer to pay, in coin, that portion of our debt falling within the scope of the decision referred to.

The Treasurer's estimate of expenses for the year 1871, amounting to \$599,406, is made upon a currency basis; so that if provision be made for the payment in coin of the bonds alluded to, it will be necessary to add to the estimate an amount sufficient to cover the probable premium on gold, when needed. This is estimated at about \$60,000, assuming the value of gold to remain nearly as at present.

The estimate for the year 1871 should, therefore, be \$659,406. Inasmuch as we have reason to expect that the grand list of the State will be increased, it is hoped that the tax required to meet this estimate will not greatly exceed the tax of last year.

CONSTITUTIONAL AMENDMENTS.

Since your last Annual Session, alterations in the Constitution of the State have been made, which will require corresponding modifications of our Statutes. It is not necessary that I should call your attention to all the details of the required legislation, and I therefore specially notice only those which seem most important.

By the change from Annual to Biennial Sessions of the Legislature, the tenure of office of all State and Legislative officials is necessarily extended to a corresponding period. The support of the government must be provided for during the interval between the sessions.

As appears from his report, the Treasurer's estimate of expenses for the year 1872 is \$415,200, and it is incumbent upon you to lay a tax upon the list of that year sufficient to cover the estimate.

It would also seem that some provision should be made for the revision and correction of the lists of each alternate year, when the Legislature is not convened, by the creation of a board competent for that important duty.

Under the existing law, the valuation of real estate recurs every fifth year. It is obviously necessary that the interval between valuations should consist of an even number of years, otherwise such valuations will alternately occur in the year of legislative suspension.

EDUCATION.

I congratulate you upon the manifest advancement the cause of popular education is making in our State. There is a growing interest in our public schools, and the truth is generally acknowledged that the education of the people is an indispensable safeguard to the preservation of free government. For the general diffusion of education, reliance must be had, primarily, upon free common schools. It is, therefore, of vital importance to the welfare of the State, that the instruction afforded in these schools should be of the highest character attainable. It should, however, be remembered that a system of education which fails to embrace the academic and collegiate methods and opportunities is incomplete, and must languish. Where mental culture is broadest and deepest, there are the fountains whence flow the best educational influences, ever drawing up to a higher plane what is below. In turn the common school sends up its select material to the higher institutions, and thus the extremes of the complete system reciprocally elevate and sustain each other.

I commend to your vigilant care the interests of all our institutions of education.

Experiment in all the States foremost in the cause of education, has proved the great value of the Normal School, in training teachers for common schools. Good teachers are indispensable, and the Normal School is the best instrumentality which can be employed to secure the needed supply. I venture to suggest that the time has come for the adoption in this State of a more settled and effectual policy on this subject.

For information relative to the practical working of the plan now in operation, its obvious defects, and the remedy therefore, I refer you to the report of the Board of Education, and I commend the suggestions therein set forth to your earnest consideration. While the plan referred to has not been without beneficial results, yet it manifestly falls far short of our need. The State has not in any proper sense a Normal School. It is for you carefully to consider, whether the policy so cautiously inaugurated should not now be firmly established upon such permanent basis as shall secure the desired end.

It is notorious that no small proportion of the children of the State do not attend any school. The recognized duty of the State to furnish the means of education to all her children, implies the power to compel the attendance of all. Ignorance is a prolific source of every form of social disorder. The propriety of the exercise at this time of your undoubted power for its prevention, I submit to your careful consideration.

ATTACHMENT LAW.

I esteem it my duty to call your attention to the evils of our law of summary attachment. They have long been felt and acknowledged. A perfectly solvent business man is liable to a summary attachment of all his property upon a claim which may prove wholly groundless or even fictitious; his credit may be thereby seriously impaired, and perhaps his business broken up and destroyed. On the other hand, of a debtor be really insolvent, the first attaching creditor may absorb all his assets, leaving without satisfaction or redress all other creditors, frequently comprising widows and minors, who cannot exercise the sharp diligence the law requires.

A law which not only permits by encourages the application of all the property of an insolvent debtor to the payment of one greedy creditor, to the exclusion of all others, is so manifestly unjust, that comment is unnecessary.

Entertaining these views, and believing, as I do, that this law is a positive hindrance to business enterprise, which should receive every encouragement, I respectfully recommend a careful consideration of the subject, and that the law be essentially modified, and stripped of its harsh and unjust features.

THE JAILS.

I invite your attention to the evils of our jail system. They have long been felt and deplored by those most conversant with its workings. While it would be manifestly impracticable to attempt an immediate cure of these evils, it is yet a question, worthy your earnest consideration, whether they may not be gradually ameliorated and finally abolished. For the most part our jails are used as mere houses of detention. Parties charged with crime are confined therein, only pending inquiry as to guilt or innocence. Unquestionably the great evil of the system is in the promiscuous intercourse of all the inmates, in a common room. Thus are brought together the guilty and the innocent, the old and the young, the unfortunate and the depraved. This unchecked association is wholly pernicious. It makes the common jail a public school of vice, maintained at the public expense. An expensive instrumentality for the prevention of crime thus becomes a prolific source of its perpetuation. Shut up in idleness without books, without religious privileges or instruction, the vicious become more hardened, and the innocent corrupted. The released victim of the system goes back, to inflict, in nameless crimes upon society, the penalty for its neglect.

Our jails should be so constructed as to render such intercourse impossible.

I suggest whether it would not be well that the Legislature should prescribe the plan of construction of all jails hereafter to be erected or reconstructed; and that their internal police be brought more directly under legislative supervision.

THE CENSUS.

Returns of recent census show a small increment to our population during the last decade. It is probable, however, that under the new apportionment of Representatives in Congress, to be made upon the census of 1870, our State will lose one member, and must therefore be re-districted before the next Congressional election. In order to avoid the expense of an extra session, I recommend such legislation at the present session as shall provide for the expected contingency.

ANNUAL REPORTS.

The Annual Reports to which no allusion has been made, will be submitted for your consideration. I have had no opportunity for their proper examination.

ASSESSMENT OF TAXES.

Our system for the assessment of taxes is defective. The amount of personal estate which escapes taxation is enormous. Valuations are unequal, and the burdens of taxation bear unequally upon our citizens. Real estate cannot escape, but personal property, through the much abused privilege of offset for debts, and the various shifts of evasion and concealment too commonly practiced, is largely omitted from our annual lists. As a consequence, real estate is always appraised below "its true value in money," and not seldom at less than one third of such value.

It is a serious question whether offsets for debts should not be much restricted. It may be well to inquire whether the evils of the present system may not be at least alleviated by well considered modifications of our law.

COUNTRY AND STATE.

I congratulate you on the condition of our beloved country, reunited upon the righteous basis of universal freedom and citizenship.

The evidences of renewed prosperity are abundant. While other nations are desolated by the ravages of war, we enjoy the untold blessings of peace.

There are encouraging signs of advancement in our own State. Our population and resources have materially increased within a brief period, of a ship canal connecting the waters of Lake Champlain with the Upper Lakes, thus bringing Vermont in the great highway of traffic from the West to the seaboard, will greatly stimulate our industries and develop our resources.

I invoke upon the precious interest committed to you, the Divine blessing, and upon your deliberations the guidance of Infinite Wisdom.

JOHN W. STEWART.

EXECUTIVE CHAMBER }
Montpelier, Oct. 6, 1870. }