

Apology.

We surrender most of our space this week to the Governor's Message. A great many important local items, &c., are left out. Next week we will give a synopsis of the proceedings of the Legislature; and will try and keep our readers posted as to the doings at the Permanent Seat hereafter. We will give every week an important act that may have passed.

We will offer no remarks on the Message—let the reader judge for himself. It is the longest message, we believe, that the present Governor has ever sent out.

THE GOVERNOR'S MESSAGE.

EXECUTIVE DEPARTMENT.

CHARLESTON, Jan. 13.

Gentlemen of the Senate and House of Representatives:

You assemble at a time of general depression in business, and although you can do nothing by legislation, to mitigate the evils incident to this state of affairs, yet in communicating to you the condition of the State, as required by the Constitution, I cannot omit a fact so far-reaching in its effects. The business of the country is in a state of prostration, and has reached widely different conclusions. The cause is certainly not to be found in the diminution of the productions of the country; for the farmer, manufacturer and miner have from year to year gradually increased their products. This was especially the case in our own State during the past year, where the crops have been abundant, and mining and manufacturing facilities have been enlarged. And it is a matter of congratulation, and at the same time an evidence of the substantial basis and conservative character of the business of the State, that yet there have been many failures among our manufacturers, bankers and commercial men, notwithstanding the general unsatisfactory condition of financial affairs. As we trace the financial depression to a falling off in the accustomed demand for articles produced, or in other words, to the want of the normal market, it is a fact that the demand for the various articles that make the wealth of the country, has declined, and many hold to the opinion that this want of demand is wholly due to an insufficient supply of money; that the circulating medium of the country is not large enough to effect the exchange of the products of agriculture, commerce and hence stagnation in business. Their remedy is simply to enlarge the value of currency by additional issues of paper currency. The amount of money that is needed at any given time can never be accurately estimated; its quantity and value are governed by the state of the market, and hence it is impossible to apply all other things being equal. The commerce of the world supplies it where it is insufficient and takes it away when in excess. Commerce alone can regulate and adjust the relations between its supply and demand. Legislation can neither create money, nor for a long period, disturb its natural relations, or establish artificial values. The civilized world has accepted gold and silver as current money, and no single government can substitute anything else for them. No matter what expedients may temporarily be resorted to, in course of time all market values must be estimated in the precious metals; they control the value of all other things which are measured, and paper currency, whether issued by banks or governments, cannot escape the inevitable rule of being measured by this standard. Therefore, a stable financial system can exist that has not gold and silver for its foundation; and any policy that may be adopted, that looks to the issue of this kind of currency, will be without effect. The ordinary means of raising the accumulated means of many years labor to execute. The ordinary means of raising the accumulated means of many years labor to execute. The ordinary means of raising the accumulated means of many years labor to execute.

Balance of Gen'l Fund \$24,335 24
Balance of School Fund 22,833 34
Balance of F'd for gen'l purposes 30,638 92
Balance of Building Fund 4,393 01

Making total balance in treasury \$82,200 51

By force of \$30,638 92 applied to general purposes, is included the sum of \$18,470, borrowed for the use of the State, and not yet paid. I recommend that an appropriation be made to pay this sum with interest due thereon. The foregoing statement shows the healthy condition of our finances; all the demands upon the treasury have been met, and a substantial balance left to carry over to the present fiscal year. The last Legislature failed to impose the 3 cents tax, heretofore known as the hospital or building tax, and consequently the revenue for the present year will be considerably reduced. I estimate this reduction at \$50,000 in revenue for the present year. The appropriations for this fiscal year must necessarily be less than heretofore, for even if it should be your pleasure to restore this tax, it can only avail for the next fiscal year. This is greatly to be regretted, for at least two of the public institutions need liberal appropriations for the construction purposes of one year. The law regulating the public deposits needs revision and amendment; it is a system of patch-work made up of the provisions of the Code, the Acts of '71 and '72-3. Without referring specifically to any one of these provisions, it is sufficient to say that the money deposited with the bank or banker that has given security and agreed to pay at least 4 per cent interest; that the deposit shall not exceed the amount of the security; and that the money collected in any senatorial district shall be deposited in some one of the designated depositories situated therein, and the deposit of funds shall be as nearly equal in each senatorial district as practicable. Several difficult questions arise in the execution of this law. In 2 of the senatorial districts there are no designated depositories; in 2 and perhaps 3 of the other districts the amount of security tendered by the depositories does not equal the amount of revenue collected in the district. What is to be done in these cases? No provision exists in the law for these contingencies. These causes also forbid equality in the deposits in the several districts. But there are other reasons why it is difficult to preserve their equality. No practical means are provided for making or keeping up the quality of deposits in the districts. The Board of Public Works designates the depositories, but can transfer funds from one to another only in case of insufficient security, and no officer is authorized to make a transfer. Again, the deposits are made directly by the sheriffs or other persons indebted to the State, or the money is paid to the Auditor and by him deposited, while on the other hand the money is checked out by the Treasurer; as long as the ultimate authority or control over the public funds is so much divided up, there is little hope of maintaining an equal distribution among the districts. An examination of the Treasurer's report will show that great inequality still exists. The policy adopted by the last Legislature of equality still exists. The policy adopted by the last Legislature of equalizing the deposits among the several districts is eminently just, but to preserve it and make it effective the power must be lodged in some officer or board to regulate or control the deposits and checks, and make transfers of funds when necessary to do so to attain the end desired. In former messages I called attention to the practice of making appropriations which expire some months before the assembling of the succeeding Legislature. The last Legislature, for example, in making appropriations provided that all money appropriated to be used within said fiscal year, and not drawn within the period of the said fiscal year, ending respectively on the 30th of September, 1873, and on the 30th of September, 1874, should not be thereafter drawn without authority of law; and that no money shall be drawn from the treasury beyond the appropriations hereby made unless the same is authorized by the constitution or by some general law not provided in this act. The last clause of the act just quoted is somewhat ambiguous. I understand it to mean simply that if the amount appropriated in any case is less than the amount authorized by the constitution or general law, then it will be lawful to pay the amount fixed by the constitution or general law, and not provided for in the act. The Auditor and Treasurer have construed it as authority to pay all salaries and other demands that are authorized by the constitution or general law, and have continued to pay such claims since the close of the fiscal year; and if public necessity can ever justify a strained construction of law, there was justification for it in this case; for it would have been a great inconvenience if the Treasury had been practically closed for such a length of time. And I therefore recommend that this action of these officers be legalized. But as the language of the constitution is imperative that "no money shall be drawn from the treasury but in pursuance of an appropriation made by law," and as my opinion was that no appropriations of any kind have been in force since September 30 last, except for the public institutions which were especially provided for, my action has been made to conform to my convictions. To prevent a recurrence of a similar state of affairs, I renew the recommendation made in my last annual message that appropriations be made to extend beyond the meeting of the next Legislature.

As long as the question of the liability of West Virginia for a portion of the debt of Virginia remains unadjusted, it will be a source of anxiety among the people. You are aware that the efforts heretofore made towards a settlement, have accomplished nothing; and there is no prospect of reaching any settlement. If any action is taken, under these circumstances, by the two States, it cannot be joint, but must be independent. The liability of the State for an equitable proportion of this debt was recognized in the first Constitution, and has never been authoritatively questioned. The serious question has been, what is the amount of this debt that must be assumed by this State. There has been no expression of opinion by any Legislature heretofore on this point, and I invite your attention to it, by the discharge of your duty, and interest will permit further delay. You will find in the able report of the Commissioners, made in 1871, the material or elements necessary to enable you to arrive at just and intelligent conclusions. It is needless for me to enter into a discussion of the important questions involved in this matter, it is sufficient to say that as this debt was created for works of internal improvement I concur with the Commissioners in the general principles laid down by them as a basis of adjustment. Should it be your pleasure to determine as far as it can be done ex parte, the amount of this liability, a sinking fund might be provided for, as a means of ultimate liquidation. I have a communication on this subject from a distinguished citizen of the State, who is interested in the matter, which I will lay before one of your committees.

The report of the State Superintendent of Free Schools is so complete and exhaustive as the material furnished him by the County Superintendents would permit. The reports of the County Superintendents have improved much over former years, but many of them are still unsatisfactory. The Superintendent informs me that there were but three perfect reports—one from the city of Wheeling, and the other two from the counties of Hardy and Braxton. For this reason you will see some inconsistencies in the statistics which cannot be explained. The number of youth enrolled during the last school year was 170,107; the number attending school was 108,356, and the average daily attendance was 93,297. There were 3,023 teachers; 2,830 school-houses, and 3,343 teachers were employed. In all of these particulars there was an increase over the preceding year. The value of school property was \$1,549,400.51, the value of school-houses being \$1,807,480.67. The total receipts during the year were \$740,938.69, and the total expenditures \$704,707.80. The average district levy was \$29.18 cents for teachers' fund, and \$19.17 cents for building fund, and \$19.17 cents for building fund. In examining the report of the State Superintendent, which I commend to your careful consideration, you will find discrepancies due to the cause just stated; hence, I cannot speak with entire confidence of the accuracy of the statistics given. It is perhaps safe to say, generally, that while the district levies have diminished, the receipts have not any handsomely decreased, while on the other hand, the schools, the teachers and the scholars have materially increased. When the importance of this branch of the public service and its pecuniary bearings are more generally realized, there will be more careful scrutiny and examination of its management in the various districts and sub-districts throughout the State. This fact, will of itself, tend to improve the system by elevating the character of the schools, and in the diminution of their expenses. The simple statement that the total disbursements by the State, exclusive of the general school fund, amounted last year to but \$416,826 78, while the total disbursements in the State for free schools amounted to \$704,707 80, is sufficient to show the large interest involved in the free-school system.

The Superintendent recommends several modifications of the school law, which you will doubtless duly consider. I shall only of such amendments as seem more directly connected with the general public service.

The spirit of the new constitution was to have only one election every two years, hence it provided that vacancies in office by appointment, and that the persons appointed should hold office until the next general election. The people had grown weary of so many elections, and it was evidently the intention of the framers of the constitution to guard against their frequent recurrence. I think the law regulating the election of school officers should be made to conform to this idea. As the matter now stands, an election must be held on the second Friday of next August for choosing school officers. There is conflict between the school law and the general election law on this point, the latter declaring that "The general election for State, district, county and county district officers, shall be held on the second Tuesday of October." When it is remembered that no county district officers are elected, except school officers, the conflict becomes apparent. Therefore if the time of election of school officers is not changed, it will be necessary to so modify the general election law, as not to include the election of County Superintendent of free schools, school commissioners and trustees. But the better plan would be to make school law conform to the general election law. This may be done by continuing in office the present school officers until December 31, 1876, and by providing for the election of their successors at the general election in October, 1876, who should enter into office January 1, 1877, at the same time with other officers chosen at the said general election.

By the 46 section of the school law, (Chapter 123, Acts 1872-3,) the sheriff, in addition to his ordinary bond, is required to give "a special bond" on account of the school money, which may come into his hands, "which bond it shall be the duty of the County Court to change from year to year." I presume the intention was to require the sheriff to give a new bond each year, but it is not explicit enough. If you think proper to continue this plan, all of the usual formalities in regard to official bonds should be provided for, such as the time, or term when the new bond is to be required, by whom it is to be approved, where it is to be filed, what action can be maintained upon it, and what is to be done in case the sheriff fail or refuse to give it. It is not unlikely that in many cases no new bonds have been given; in such instances, there would be no remedy in case of default except against the sheriff himself. I recommend that the bond be so amended as to require the sheriff to give bonds to cover the school money for the residue of their term of their office, and that additional bonds to cover the school fund that

may come into their hands should be required of all succeeding sheriffs, and made to embrace the whole term of office and bind the sheriffs therein during every year of the term. Again, sheriffs are allowed but three per cent for collecting and disbursing school money. Some tax-payers have claimed that they are entitled to the two and one half per cent reduction for prompt payment, which is allowed in other cases. The Legislature certainly never intended that sheriffs should collect and disburse any part of the taxes for a commission of one-half per cent, and yet present laws may bear this construction; the matter is at least left in doubt. The mere mention of this subject will be sufficient to arrest your attention without any special recommendation.

The situation of the Normal Schools is embarrassing. When the school law was amended and re-enacted by the act passed April 12, 1873, the Normal School system was retained, and an appropriation made to carry on the schools for that year, but no appropriation made for the last fiscal year. I called attention to this fact in my message to the Legislature at its adjourned session in October, 1873, but no action of any kind was taken. Under these circumstances, the Board of Regents found themselves charged with the duty of maintaining these schools without means placed at their disposal to do so. They conceived it to be their duty to execute the law by employing the necessary corps of teachers to keep the schools in operation; and the result is, that a considerable sum of money is due the teachers. I need hardly suggest that they need the money; the contracts with them were authorized by law. I therefore recommend that you make the requisite provision for their payment. The amount due them for the school year 1873-4, and also the present year you will find in the report of the Board of Regents, which will be presented to you.

It is highly important that some fixed, settled policy be decided upon at your present session. If you should think it advisable not to make any provision for their support in the future, the whole law upon the subject ought to be repealed and the property belonging to the State disposed of. On the other hand should it be your pleasure to continue the present system, you will doubtless make appropriations requisite to make it effective. It was fortunate that the State in the first instance undertook to establish so many of these schools, but it will be difficult now to abolish any of them without seeming to discriminate against certain localities. Each school has its special friends, and these very naturally will oppose the whole system unless their favorite school is retained. As a member of the Board of Regents, I visited during the summer all of the Normal schools, and while I am not prepared to say that they are all of equal merit, or that they have been equally successful, yet I can say that all have done much good in supplying teachers for the common schools. The weakness of our school system has been the want of a sufficient number of competent teachers, and the Normal schools are gradually meeting this want by sending out annually a corps of teachers. I earnestly invite your attention to this subject with the hope that you will take prompt and decisive action, believing the services which these schools are rendering the State will recompense her for the expense incurred.

The State Superintendent of Free Schools is necessarily better informed as to the condition and wants of our educational system than any one else can be, and there are strong reasons why he should be partly entrusted with the management of the Normal Schools, but the same reasons do not apply to the Governor, Auditor and Treasurer. I therefore recommend that the composition of this board, be so changed as to omit the Governor, Auditor and Treasurer.

From the report of the Directors of the Hospital for the Insane, you will learn that there remained in the Hospital, September 30, 1874, 247 patients, that during the year preceding there were 10 deaths; 8 patients were discharged cured, 5 improved and 2 unimproved and 1 escaped. The very small number of patients cured was owing largely to the fact that many of them had been confined in jails before they were admitted to the Hospital and had not had the benefit of medical treatment; the fact however must not only excite inquiry among the officers of the institution as to the curative means used, but also bring to your consideration the wisdom of the present policy of keeping in the Hospital so many patients that are hopelessly insane. Ninety persons were admitted during the year, and the number of deaths and discharges was twenty-six; therefore the net increase of patients was sixty-four. While this was an unusual increase, as many of them were taken from the jails, where they have been confined for more than a year, still the fact remains, that the number of inmates increases from year to year, and that in consequence, the large appropriations annually made for construction purposes, have been insufficient to provide rooms to meet the demands for admission. And if the present policy is adhered to, appropriations must continue to be made for an indefinite number of years for the same purpose. Some of these inmates have been in for more than thirty years, and many of them more than ten. There are generally incurable and harmless; the Hospital merely affords them shelter and maintenance. As the Hospital building has been constructed with double purpose of restraining and taking care of the violent, and curing the patients as far as possible, its cost has been much greater than that of any ordinary building.

The Hospital has so far cost seven hundred thousand dollars; that is to say it has cost about \$2,000 to furnish each patient. Now I am satisfied that these quiet incurable patients can be just as well cared for in a building costing far less money. I do not recommend that this class of

persons be sent to the poor-houses of their respective counties; nor do I advocate the establishment of another hospital with a new set of officers, but I do object to the policy of devoting so large a portion of the present building to their use, to the exclusion of those who may be benefited by medical treatment. The practice of putting the insane in jail has resulted in making most of them incurable lunatics, and ought not to be continued.

The Superintendent reports that there are six colored insane persons still in jail. No provision of any kind has yet been made for this class of persons, and I earnestly recommend that some prompt means may be adopted for their relief.

Since the last report, the temporary brick building in the rear of the main building has been completed; it affords accommodation for sixty patients. This building cost about \$10,000, and is a fit illustration of the mode in which for the present ample room may be provided for all the insane at a moderate cost while the main buildings are in course of construction. The section north of the central building is in course of construction; it is under roof and the first floor finished and occupied. The Board of Directors ask for an appropriation of \$25,000 to complete it. They also ask for an additional appropriation of \$90,000 for each of the fiscal years of 1875 and 1876, for the construction of another section of the building. I recommend you make as liberal appropriations as your financial condition will permit. I cannot endorse the request for means to purchase the adjacent lots while there is such an urgent demand for all available means for construction purposes. The total expenditures for the Hospital for the last year were \$98,183.57. The Superintendent asks for an appropriation of \$62,650 for the current fiscal year, and \$60,160 for the fiscal year ending September 30, 1876, for current expenses.

Owing to the resignation of the former Principal of the Institution for the Deaf, Dumb and Blind, during the session, and other causes, the Institution was left in an unsatisfactory and somewhat disorganized condition. I deemed a re-organization of the Board of Regents the best remedy, and consequently last spring, I appointed an entirely new Board with but one exception, not on account of a want of personal confidence in the old Board, but because their policy had not produced the best results. And the result has justified the wisdom of the proceeding; the members of the Board have discharged their duties with real intelligence, and the Institution is now in a very healthy and prosperous condition in all its departments. One of the Board, Mr. Robert B. Kidd, died in October—and in appreciation of his private worth and public service, I make this record of his name. His successor has since been appointed. There are in attendance, in all, seventy-six pupils—fifty-eight males and eighteen blind.

The building has recently been furnished with heating apparatus and gas, and supplied with spring water. The instructions heretofore given in the mechanical arts, has not been so complete as could be desired, this department is of prime importance in preparing the pupils for usefulness in life by teaching them trades adapted to their capacity, and an appropriation of \$8,000 is requested for building additional shops. The Board also asks for an appropriation of \$9,000 for improvements to the main building, and \$25,000 for current expenses, as an annuity. The uniform policy of the State has been to provide means, from time to time, to carry on the public institutions according to their respective wants, and I do not think it wise to change it. The more pressing wants of the Hospital for the Insane and of the University, may make it necessary to postpone, until the next fiscal year, all appropriations for construction purposes for the other institutions. I have no doubt you will cheerfully make the necessary provision for current expense, and also for construction purposes, if at all practicable. The total expenditures of this institution last year were \$24,625.51.

The very full report of the Regents of the University—will spare me the necessity of speaking at length of its condition. It is sufficient to say that it is steadily advancing in usefulness, and improving in its literary and scientific character. I commend it to your fostering care, but in saying this I do not wish to be understood as endorsing the recommendation of the President to establish two additional Chairs—one of Law, the other of Anatomy. The appropriations desired amount to \$41,401.68. This includes \$20,220.15 needed for the completion of the new hall.

In some of the States, the penitentiaries are a source of revenue, but with us, the cost of maintaining and guarding the convicts has been an important item in appropriation bills. Recently, however, the Board of Directors have inaugurated measures to make the laborer produce some valuable returns, and although, as yet, the results are not very large, they nevertheless deserve special commendation for what they have accomplished. They hope in a short time to make the Penitentiary self-sustaining. Some of the convicts have been employed by the officers in manufacturing, while others have been hired to a contractor. But the Board say, that "it has been successfully demonstrated at the prisons of several of the older States that the system of letting the labor of the convicts to manufacturing contractors, is the surest and most reliable way of rendering this labor a source of revenue to the State." I fully concur with the Board in this opinion. The Board ask for an appropriation of \$18,618 85 for support of convicts, pay of guards and salary of officers for the next year. They also desire an appropriation of \$25,500 for the construction, of the north cell building, work shops and water works. While it is desirable that this request be granted, yet for reasons before stated, I fear it cannot be done this year, but the revenue for the next fiscal year may permit it. The reports of

the Board covering the last two fiscal years will be laid before you.

I shall not attempt to refer to all the laws that seem to need amendment, but shall speak only of the more prominent. I come to the election law first, which is of primary importance. The present law authorizes the county court to appoint the commissioners of election. This would seem to be the proper plan, were it not for the provision of the constitution declaring that "the Legislature shall not confer upon any court or judge the power of appointment to office, further than the same is hereinbefore provided for." The difficulty can perhaps be best met by bestowing this power upon the president of the county court, and in Ohio county, upon the Board of Commissioners. The president of the county court is not a judge, nor is he invested with judicial powers except when sitting as one of the county court. This law further provides that the commissioners of election at the court house, shall ascertain the result of elections, but they are not required to keep any record of their proceedings. Therefore, if the certificates issued should be lost or destroyed, there would be no evidence of the election of officers, and no possible means for supplying this evidence. In any event, however, there ought to be a permanent record showing the result of each election in a county. This would constitute evidence of the election of county and district officers, and would afford the means of issuing new certificates in case any were lost in the course of transmission to the seat of government. In addition to this, these commissioners, or the clerk of the county court ought to be required to certify a list of all county officers to the Secretary of State. The official character of these officers must sometimes be certified by the Governor, or Secretary of State. Again, the 20th section of the election law requires "the commissioner authorized by the 27th section of this act" to sign and issue certificates of election. This was evidently a clerical error, the 20th was without doubt intended, but it is an error which may be fruitful in mischief, for no commissioners are referred to in the 27th section. The statute relating to the incorporation of banks needs amendment in two points. Every bank chartered by the State ought to be required to make and publish in some convenient newspaper a semi-annual statement of its resources and liabilities, verified by the affidavit of its president or cashier, and also to file a copy of such statement in the office of the Secretary of State. I see no hardship in a law of this kind; but on the contrary, it will tend to protect both stockholders and depositors. I will cause to be laid on your tables a communication from the Comptroller of the Currency bearing on this point. No bank under the existing law can be chartered unless its capital stock is at least \$25,000, but only ten per cent of its capital stock is required to be paid before securing the charter. Therefore it is possible for a bank to commence and carry on business with a paid up capital stock of \$2,500, the residue of the stock being represented by stock notes, or the simple subscription of the stockholders. This ought not to be. The whole capital subscribed should be required to be paid up in good faith before a bank is permitted to commence business. The State ought not to tolerate banking founded even in part on the individual credit of the stockholders who may be unknown to the general public. The foregoing conditions ought also to be imposed upon insurance companies, chartered by the State. Experience in other States has shown the necessity of imposing strict regulations in the organization and management of these companies. But with us, the incorporation of an insurance company is governed by the same laws as that of a mining or manufacturing company. Owing to this extreme liberality there is imminent danger of the creation of insurance companies which give little assurance of protection to policy holders. During the last calendar year, 18 of these companies were chartered, many of the stockholders being non-residents. I do not mean to say that any of them do not intend to conduct business in good faith, for I have no evidence of this kind, but insurance journals have made vigorous attacks upon our system. The good name of the State, and the interest of all legitimate insurance companies, as well as that of insurers, imperatively demand that the law on this subject be thoroughly revised and amended.

The act abolishing the writ of *capias pro fine*, I thought exceedingly unwise, it was a most useful means of punishing petty offences; without it, when an offender has no property that can be taken under a writ of *facias*, he may escape all punishment. In addition to this it is the most efficient means of collecting fines. I therefore recommend that sections 10 and 11 of chapter 30 of the Code be re-enacted; and also the power to the courts to release a prisoner from jail when confined for the non-payment of a fine. There is an inconsistency in the law in relation to juries in felony cases; section 3 of chapter 49 of the acts of 1872-3, declares that "if a case of felony be for trial in a circuit court, the clerk thereof shall issue a *venire facias* to the sheriff of the county, commanding him to summon 24 qualified jurors to attend said court;" while it is provided by chapter 229 of same acts that "in case of felony, a list of 20 qualified jurors shall be made from those in attendance, or who may be summoned by order of the court." A simple repeal of section 3 of chapter 47 will not only cure the difficulty, but save a large and unnecessary expense. The law in regard to the public printing also needs some amendment. All language in sections 3 and 9 of chapter 79 of the acts of 1872-3, which permits the counting of one measure for every 5 justifications, should be stricken out. This may seem to be an insignificant matter, but when you are assured that it is a large item in printing bills, you will appreciate its importance. The last clause of section 23 is as follows: "The contract shall in each case be awarded to the lowest bidder, or to the lowest bidder in the aggregate." There has been a marked difference between the

Commissioners and myself as to the construction to be given to this clause. I recommend that the words "or the lowest bidder in the aggregate" be stricken out; this will remove all ambiguity.

An act passed December 25, 1873, declared that "no other or further enrollment of the militia shall be made." Therefore no enrollment has been made during the past year. By an act passed February 15, 1871, the general superintendent of free schools was made *ex-officio* adjutant-general and quartermaster-general. And this act has not been repealed. But the present state superintendent of free schools has declined to discharge the duties of these offices for the reason that they are incompatible with the tenure of the office to which he was elected. The result is that the whole militia system of the State has become disorganized. Among the powers granted to Congress in the Constitution of the United States is one "to provide for organizing, arming and disciplining the militia." In the execution of this power Congress, by an act approved May 8, 1792, required that the militia of the several States should be enrolled, and that an adjutant-general should be appointed in each State. By a subsequent act, that of March 2, 1803, a quartermaster-general for each State was provided for. These acts of Congress are still in force, and as they are sanctioned by the Constitution there seems to be no discretion left with the States as to the enrollment of the militia, or the appointment of officers mentioned. I trust therefore that it will be your pleasure to provide for the enrollment of the militia, and the appointment of an adjutant-general and quartermaster-general, and that the legislation of the State may thus be in harmony with the acts of Congress. There are but two volunteer companies in the State fully organized, armed and equipped, and they are both in Wheeling. The members of these volunteer companies are subject to considerable expense in the purchase of uniforms and in rent of halls, and as they are organized for the benefit of the State, the officers think the State ought to contribute something to aid them; and their claim is not unreasonable. A company is in process of organization at Piedmont. I therefore recommend that an appropriation of two hundred dollars be made to each of the three volunteer companies referred to, to be expended under the direction of the Governor.

My attention has frequently been called to the fact that we have no State flag, and I invite your attention to the subject, for such action as you may deem advisable.

Our valuable mineral deposits are becoming widely known; they have attracted the attention of some of the leading capitalists of other States, and also of England, many of whom have visited the State with the view to investment. But unfortunately, when they come here have comparatively little authentic information to communicate to them. Our people are, in the main, ignorant of our true resources, and this sometimes leads to an exaggeration of their extent, or on the other hand, to a depreciation of their value. Some of our more enterprising citizens have had local investigations and examinations made, but these, even when made by men of the highest scientific character, are neither as reliable nor as satisfactory as a general survey. We need a general examination of our geological strata and mineral formations; when this has been done local investigations can be made intelligently and with advantage. I therefore think it would be highly conducive to the public interests to have a general geological survey made under State authority.

Adhering to the doctrine that the general government should not assume powers belonging exclusively to the States of the Union, and that the States should not intermeddle with questions over which the general government has exclusive jurisdiction, I have in former messages carefully refrained from the discussion of matters pertaining to Federal affairs, or to affairs affecting other States. But in the light of recent extraordinary events in a sister State, in which powers were asserted by the government of the United States, which if admitted, would be subversive of the rights of the States, I feel that I should not discharge my whole duty if I failed to refer to them. On the 4th inst., the military force of the United States was employed to effect by force from their seats, members of one branch of the Legislature of the State of Louisiana, and the organization of that body was thus interfered with by the direct action of the Government of the United States. Grant that this power may be rightfully exercised in Louisiana, and you cannot deny its exercise in West Virginia, or in any other State; admit this right and you deny freedom of action to State governments. Firmly convinced that no such right exists in the Federal government, I recommend that you by resolution enter a protest against any and all attempts to assert it. In doing so, you will but express the opinion of the great body of the people of the State, and re-assert principles which lie at the foundation of our system of government.

The people will look with much interest to your work this session. Many laws of a general nature, to which I have not specially referred, need amendment or revision, and the time permitted to you by the constitution for this work will be occupied by constant labor. I trust that your coming together will result in substantial and permanent benefit to the State. Notwithstanding the existence, at times, of political strife, which I cannot but believe all parties regret, yet we have happily avoided civil commotions which have torn and distracted other States. Our people have been spared the destitution and distress which have visited some sections of the country; they have been blessed with an abundant supply of the necessities of life. In view of our condition as a people it is meet that we should bow with reverence and grateful hearts before the Great Ruler of all nations and all people.

JOHN J. JACOBI