

MAINE STATE LEGISLATURE

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Public Documents of Maine:

BEING THE

ANNUAL REPORTS

OF THE VARIOUS

Public Officers and Institutions

FOR THE YEAR

—❧ 1886 ❧—

VOLUME II.

AUGUSTA:

SPRAGUE & SON, PRINTERS TO THE STATE.

1886.

MINORITY REPORT

OF

TRUSTEE OF STATE REFORM SCHOOL.

CAPE ELIZABETH, ME.

1885.

AUGUSTA:

SPRAGUE & SON, PRINTERS TO THE STATE.

1886.

STATE OF MAINE.

COUNCIL CHAMBER, }
February 24, 1886. }

Referred to Committee on Reform School, and ordered printed.

ORAMANDAL SMITH,
Secretary of State.

REPORT.

To His Excellency, the Governor, and the Honorable Council of the State of Maine.

The report of the majority (my four colleagues) of the Board of Trustees of the Reform School, for the year 1885, ending the 30th of November, was first brought to my attention on the 13th of January, 1886, and for my signature. After a careful reading of the same, I felt constrained to return it without my signature, as it did not quite reflect my views under some heads treated of therein, while upon one very pressing question it is remarkably silent. Five days later (18th of January), I was called upon by Mr. Bolster of the Board—who, it appears, had written the report, under some arrangement unknown to me—and asked my reasons for declining to sign the document, and which were unhesitatingly given him. He suggested a special meeting of the Board to further consider the subject of the disagreement, in order that the report might have my signature appended thereto, to which proposition I very gladly assented, whereupon Mr. Bolster departed to consult with Mr. Albion Little, President of the Board, and resident of Portland; returning in an hour thereafter with the information to me, that, as Mr. Little was to set out for New York the next morning, and could not be back before Monday following (25th of January, the date appointed for a stated meeting of the Governor and Council at the Capitol), and that until his return the papers would be held back, for I had intimated that, otherwise, I should forward a minority report on the 25th of January. So far, so well. Imagine my surprise, however, while awaiting a notice of the promised special meeting for conference, on reading in the “Portland Press” of the morning of the 27th of January, 1886, a paragraph in reference to the Trustees’ report having been received by the Governor and Council at their meeting at Augusta the previous day.

This, together with the dove-tailing of the clause "without the written permission of one of the Trustees," into section 6, chapter VII of the revised by-laws of the Board, adopted in October (which, if permitted to stand, defeats the very object sought to be accomplished and discussed when the section was under consideration), after the same had passed out of the hands of the Secretary as completed, and attested by his official signature, to be laid before the Governor and Council, is at variance with my notions of propriety, and my sense of public duty. I may here add that the new by-laws are not the digest of an unanimous board.

On the newspaper intelligence I immediately addressed a respectful communication to the Governor, reciting the circumstance as to the majority report and claiming an equal right for the printing and publication of my report, with that of the majority. It is an unpleasant task to have to refer to such strange proceedings, but, having accepted under a solemn oath the trust reposed in me by the Governor, and which I have not ceased to regard as an evidence of a broader liberality than has been illustrated in the course pursued by my colleagues, I cannot depart from the belief that my duty as trustee is a *public trust*, to be administered disinterestedly, and when this seems to me to become impracticable from cause, I propose to surrender it to the power which transmitted the trust.

The delusion recounted having worked so effectually, will account for the failure of your honorable body not having received my report at your session of the 26th of January, 1886.

I now proceed to render it. Much, however, of what I now propose to state will be more in the nature of a development of some points touched upon in the majority report, rather than as differing therefrom. With their presentation of some particulars I must conscientiously differ, while withholding unqualified approval from matters of which I have not an accurate personal or official knowledge. Neither can I authoritatively allude to the reports of the Superintendent of the Institution for the year, nor direct any reference thereto, since they have not been before me and have not been presented to the Board, of which I am its secretary. Consequently, I am obliged to confine myself to the heads of a few subjects noted in, and omitted from, the majority report.

That certain improvements and alterations, made possible by the liberality of the Legislature of 1885, for the safety of the buildings and property, the comfort and health of the officers and inmates of

the Institution, introduced in the course of the year closed, such as an abundant supply of pure water and additional heating apparatus, are very valuable, and supply needed wants long desired ; also some changes in the previous method of ventilation which, when perfected, it is believed may prove satisfactory.

All my colleagues on the Board being constituted an "Executive Committee," taking the entire control of the alterations and repairs, the purchase of the heating apparatus, the piping in all its details for water and steam, and of the expenditures incurred therefor, and of the finances generally of the Institution, can best pronounce under these heads.

I do not concur in the adoption of the two-year rule, or, in the erection of any barrier for the detention of a boy in the Reform School, longer than is absolutely necessary. At one time the statute enforced discipline for at least one year on boys committed to the School ; this law was repealed some years ago, leaving the Trustees free to exercise their option in favor of an inmate, regardless of his time in the School. I believe that, so soon as a boy's conduct entitles him to the privilege, and that he can be properly cared for at his home, or in the custody of his guardian, it is for the best interests of the boy and for the benefit of the State, that he be permitted to leave the School, on trial. Until finally *discharged* the Board possess the legal power to return him to the School for a misdemeanor. It is not unusual for boys committed for petty offences to attain "Honor" after "Honor" many months prior to the completion of a term of two years from date of committal to the School and, practically, the attainment of this distinction is—in so far as the rules for the government of the School can promote the boy's good behavior—considered as the test of reformation.

Fortified by good deportment in his passage through the several grades to the highest rank, I conceive no good to be subserved in retaining such boys at expense to the State, much longer than is consumed in the passage to achieve this reward they know awaits them. But I can perceive the constant danger to which boys of exceptionally good behavior are exposed—the contaminating influence of the seemingly incorrigible, and the noxious example of inmates arriving from time to time for various crimes, to say nothing of the secret disorders, hurtful alike to the moral and physical well-being of the boys, and acknowledged to me by some of them as unheard of prior to their entering the Reform School. I wish I

could give assurance that these abominations have been checked. A powerful and certain aid in suppressing these secret disorders, to the extent they may have affected the Catholic inmates, has been wrongfully rejected by my colleagues; I refer to the sacred, confidential communication between confessor and penitent. It was owing to the discovery of these evils, that, soon after entering upon the duties of Trustee of the School, I suggested as a proper reformatory measure, a division of the dormitory, so that the younger children (8 to 14), when retired for their needed night's repose, would be separated from the larger boys (14 to 21 years of age), but all continue to be associated in the same dormitory, which, in figure resembles the letter "T."

I dissent from the recommendation advising an amendment of the law for the recovery of the tax of \$1, imposed by sections 3, 4 and 5 of chapter 142, Revised Statutes, from cities and towns, for the maintenance of juvenile offenders sent therefrom to the Reform School, as I believe the law in its present form simplifies the duty of the Superintendent in such cases.

Touching the subject of food furnished the inmates, there is, I agree, room for improvement, and it seems to me, judging from the amount of the farm products annually disposed of in the markets of Portland—the result of the boys' labor—and from some of the articles that are now placed on the diet table, all the change desirable could be accomplished at a very inconsiderable additional expense. Considering that the very large amount of \$25,000, in round numbers, to meet the ordinary expenses of the Institution (these figures have been taken from the Trustees' printed report for 1884; as I have not seen the Treasurer's report for 1885, I am therefore unable to state the total receipts and expenditures for the current year), and which include the annual appropriation, the value of the farm products, as per printed table, the per capita tax from cities and towns and the proceeds of the boys' labor in the chair shops, is annually expended in the maintenance of the School (average number of inmates for 1884 was 97), and in view of the fact that my colleagues have the scrutiny of the expenditure and disbursement of this large sum, the question is suggested whether it may not be quite possible—without a perceptible increase in the annual appropriation—by instituting a rigid scrutiny in the interest of a closer economy in channels not essential, and applying the residue obtained to increase and improve the variety of the boys' diet.

Of this much, however, I am convinced, from personal inspection on occasion of my visits, that the exercise of a more diligent supervision over those entrusted with the preparation of the food, while employed in the act, especially as regards the bread, which could be made always sweet, and not too old; would, doubtless, give increased satisfaction while reducing to a minimum the sometimes audible irritation, amounting in some cases to disorderly conduct of some of the boys while seated at the meals, and resulting in degradation in grade of the boys exhibiting any disaffection from improperly-prepared food. But it must not be inferred that the boys are not more frequently furnished with meals so satisfactory that they leave the dining-room in a cheerful mood.

I disapprove of the practice "taking down" a boy's name with loss of rank, simply because he may have whispered to an associate at meals, inaudible beyond the limits of the table, and not producing disorder, as a too rigid, and in my opinion, unnecessary rule, sets back good discipline; it is a tincture of the prison rather than government of a school of juveniles on the "family plan."

While making due acknowledgment for every earnest and faithful effort in the exercise of their respective duties, by the several officers for the instruction and reformation of the inmates, and the preservation of the State property, another source of disquietude obtains and which arises from a frequent change of officers (in the selection of which I have not known the Board to have been consulted) often of unsuitable age and degree of experience, as in my judgment, not warranting the highest results. Need it, therefore, be matter for any surprise if—having such officers, from time to time, (some apparently as youthful as the larger inmates) inexperienced in the management of boys, and with temperaments ill-adapted to their new responsibilities, add to which a misunderstanding of their instructions, and of the rules of the Board, perhaps; taken together with the mischievous ingenuity of some of the boys, given such jarring elements to harmonize—the Board, at times, finds itself hearing complaints and devising a remedy for each case.

The industrial departments of the Institution are three, namely: the chair shops, sewing room and mechanical shop; the former being the only one from which a revenue is derived. In the chair shops all that is now possible is being accomplished, and in my opinion, more than is good for the smaller boys of from 8 to 12 years of age. Entering at an early hour in the morning, they are required

to stand and work at their forms, making as long hours as the larger boys; of course, their "stint" is not so great, nor should it be, but the lassitude sustained by the imposed erect posture is correspondingly greater, and the promise of recreation in the yard when the task is completed does not improve their condition, since the inducement held out tends to excessively stimulate the nervous system to a degree unendurable for any great period. Tested under this high tension, there is danger in assuming the work so executed, to be the measure of the boy's ordinary capacity to his physical detriment, and herein is founded another and powerful reason for variety in the quality of the food furnished to nourish the body.

Much more, in my opinion, could be accomplished in the sewing room to rejoice the friends of the Institution, and I yet indulge the hope that my colleagues may see that (as I have heretofore suggested), with a competent officer in this department, capable of instructing boys in *how to cut* and prepare the materials for the suits of clothing, and *to press* the work completed, inmates upon graduation from the School could accept lucrative employment either as *cutters* or *pressmen*, not only sustaining themselves but contributing to the support of younger brothers or sisters and their parents. As I have no statistics before me of the purchases for the wants of the inmates for the current year, I must refer to the Trustees' printed reports for a few years back. From these I gather there has been paid out for material for clothing, not including shoes, sums varying between \$800 to \$3000, in round numbers, annually, all of which I assume has been fabricated into garments in the sewing room.

Thus, wasted opportunity, with abundant material for the suggested instruction, has gone on year after year, without any matured plan of imparting skilled knowledge in this department whereby inmates could profit after having left the School. If it be urged that the ordinary annual income, \$25,000, would not warrant the employment of a higher salaried instructor in this department, it seems to me perfectly feasible within the funds, to employ a competent person from time to time to teach classes organized from the meritorious boys of the School. But, I believe it to be practicable without an increase of salary, or in the number of officers at present employed in the Institution. Such an instructor could very well find ample time to perform the duties of Assistant Superintendent, in addition. The present Assistant Superintendent, in addition to his duties as such, was formerly one of the teachers in the school-rooms, from which he

has been relieved, with an increase in salary, within the year, and another teacher substituted. Simply as Assistant Superintendent, he is practically clerk to the Superintendent, notwithstanding that the rules of the Board assign him certain duties that are largely performed by other officers. And as it is very desirable that more of the Superintendent's time may be devoted to a closer supervision of affairs at the School, much of which is consumed, almost daily, in making purchases, &c., in the city of Portland, but which, in my judgment, can be obviated by a system of purchase and delivery, under written contract, simple, safe and reliable. I propose to add a recommendation later on in this connection, by the adoption of which I believe the School would be much benefitted.

In the mechanical school, the instruction was suspended in the month of May, in consequence of the discharge by the board of the instructor, for violation of the rules. The classes were resumed in the month of September under a new instructor, who appears zealous in the discharge of his duties, exhibits good tact in so imparting knowledge as to closely interest the boys in the different pieces of study placed before them on their benches to work up. Their progress is illustrated in the several minor repairs and improvements made at the School.

The year's experience in the school-rooms warrant the statement that, notwithstanding the ever changing attendance of the pupils and the unavoidable demand on the labor of the larger boys, necessarily diminishing their hours for study, together with changes in teachers, commendable progress in the studies taught can be reported. But the best directed efforts in this department of instruction will fail of the aim for which the Institution was founded if the intellect is to be educated at the expense of the heart.

Education not based upon a full recognition of the rights of conscience is, to use Chancellor Kent's language, a "vicious or defective education," for the simple reason that a power is produced destitute of the necessary moral check, control. The Illustrated Christian Weekly, a Baptist religious organ, contains this statement: "We have to-day in New York State 740,000 children of school age who are not reached with religious instruction by any denomination, whether Catholic or Protestant. They are educated in our public schools, and are fast becoming a serious menace to free institutions, because armed with the power of knowledge without being told how to use it."

This subject leads me to a more intimate consideration of the religious question, as it certainly involves the future welfare of the inmates, spiritual as well as temporal. I mean their religious instruction in the school.

Article I, section 3, Constitution of Maine, proclaims "All men "have a natural and unalienable right to worship Almighty God "according to the dictates of their own consciences, and no one "shall be hurt, molested or restrained in his person, liberty or estate "for worshiping God in the manner and season most agreeable to "the dictates of his own conscience, nor for his religious profes- "sions or sentiments." If the boys of our Reform School would all become worthy citizens, religion, to be profitable to them in after years, must not be made a meaningless skeleton now in their youth, for "as the twig is bent so will the tree incline." It is a notorious fact that the long list of annual defalcations, embezzlements and misappropriation of funds, public and private, of "good men gone wrong," and numerous other crimes, are in the main traceable to the intellectual training, unbridled by the checks which the practice of religion applies to the heart; and yet some men are found to wonder thereat. With the daily accumulating evidence of the loose condition of public morals ramifying the social order to the very core, who, that are entrusted with the reformation of youth, can neglect or deny them—without incurring a fearful responsibility—early religious training, that they be taught the fact continually, by example as well as by precept, that they are ever in the presence of God, to whom they are accountable for their acts, and that this fact be impressed upon them by the divinely appointed minister of religion whose mission is the salvation of souls. Without this ennobling influence, whatever the system may be, the "family" or the "congregation," which latter now prevails, its discipline and instruction should be founded on the practice of their religion by the inmates if permanent success is to be derived, otherwise the State will continue to discharge boys from the Institution without having accomplished for them all that was possible and at no additional expense to the State Treasury; and just so surely contribute its quota to the formation of a dangerous class in society which has already secured foothold in our large cities, enunciating principles hostile to, and subversive of the moral code. Most sincerely impressed with those weighty reasons, I have earnestly supported the very reasonable

request made by the Right Rev. Bishop Healy, addressed to the Board, in the following communication :—

“ PORTLAND, MAINE, October 11, 1885.

“ *Dear Sir :*

“ I have been delaying for a long time what I deem a necessary severance of our connection with the Reform School.

“ When I first promised to send a Catholic priest to the School, I stated most distinctly that it was for the Catholic children only, and that, as in our Catholic institutions, no one should be compelled to assist at a service distasteful to them or odious to their parents. This condition has been constantly ignored, and by making the service obligatory upon all the inmates, the priest had to choose between teaching what he knew would be distasteful to the majority, or content himself with glittering generalities of morality, which neither instruct the mind nor touch the heart of Catholics.

“ Under a former Superintendent this want was in some measure supplied by his requiring the Catholic children to learn and say their prayers, to learn and recite their catechism of religion. But of late there has been such a change that we consider it useless, and even worse than useless to continue our visitation. A Protestant Bible Catechism has been imposed upon our Catholic children; the very invitation to the Catholic instruction is made in such form of words as to discourage; and the priest is kept under the supervision of an officer of the Reform School in his most confidential and sacred communications.

“ I cannot permit the teacher of morals to be insulted by a presence and watching which make him suspected by the inmates of the Reform School. Having in vain endeavored to better this condition of things, I think it best, for the children, to discontinue our services; they will at least be spared the sight of their religion degraded in the person of their minister.

“ I have been unable to write at any length; and have been absent from the city during the week, or I would have notified you of this resolution before this date.

“ I shall be happy to continue our services for our Catholic children under such conditions as are due to their rights, and to the proper respect for religion and its ministers.

“ Until I hear from you, I shall abstain from any publicity whatever, and from advising Catholic parents to allow their children to go to the jail, where they will be for a short time and free from contamination, rather than subject their faith to this trial and their morals to the risk of bad association for years.

“ With all respect, I remain,

“ Yours truly,

“ JAMES AUG. HEALY,

“ *Bishop of Portland.*

“ MR. D. O'C. O'DONOGHUE,

“ *Secretary of Board of Trustees of Reform School.*”

The rights referred to in the letter of the Bishop, are guaranteed in the foregoing quotation from the fundamental law of the State; but I regret very much to have to state that my colleagues have refused to grant them.

My official relations with those gentlemen have, notwithstanding differences of views upon some matters, and until the recent strain put upon my sense of fair play, been of so cordial a character that I confess I was unprepared for so great a surprise, which, in justice to myself, the rights of those unfortunate children of my faith, confined at the Reform School (they numbering about a third), as well as to the exalted dignity of the Bishop of the Diocese, I am reluctantly compelled to draw public attention to their action.

While I hold that men ought always possess the courage to do right, for justice's sake, still I am a believer in that they are often led to do so from argument mirrored in good example, a case in point being furnished in the adjacent State of New Hampshire, where the authorities very gladly afford the bishop of that recently created diocese, every facility requisite for the religious instruction of the Catholic youth in its reform school; and the amiable superintendent of that institution bears willing testimony to the gain accomplished in furthering the designs of the reformatory, through this religious aid in moulding the temperaments of irascible youths to the apparent asperities of its discipline. In the State of Massachusetts, similar provision has been provided for the religious instruction of the Catholic inmates in its several institutions. And, referring to the report of the Trustees of the Connecticut Reform School, I read that the Sisters of Mercy instruct the Catholic boys every Sunday afternoon in their own catechism.

In contrast to the attitude of my colleagues, I would also invite attention to the following extract from a report of a special committee appointed by the New York Legislature to investigate the affairs of the Rochester House of Refuge: "The moral and religious instruction of the inmates is in charge of the two esteemed Chaplains—one a Protestant, the other a Roman Catholic. Each conducts a service and a Sunday-school session on Sunday at different hours, and has more or less frequent intercourse with the inmates during the week. This sectarian division is by permission of the Board of Managers, without being mandatory, *and has resulted to their entire satisfaction thus far.* The Chaplains continue a limited oversight of many of the inmates after they leave the Institution."

And it would work equally as well in the Maine Reform School, any argument to the contrary notwithstanding; the essential prerequisite being that the office of trustee should be regarded a *public* trust to be exercised in compliance with law for the greater public good.

Judge Story explicitly enunciates the absolute inviolability of the sacred rights of conscience in defining the scope of the clause in the United States Constitution, thus: "No man or society of men have any authority to impose their opinions or interpretations on any other, the meanest Christian; since in matters of religion, every man must know and believe, and give an account of himself; the rights of conscience are, indeed, beyond the just reach of any human power. They are given by God and cannot be encroached upon by human authority, without a criminal disobedience of the precepts of natural as well as of revealed religion." But in the face of this declaration, my colleagues, by their action, place themselves above the palladium of our liberties, in denying the Catholic boys committed to the Reform School, their birthright—to be instructed by their clergyman in the truths of the religion of their parents. Contrast this narrow and illiberal course with the humane action of the managers of the New York Catholic Protectory, to which Protestant as well as Catholic children had been sent by the courts, until on request of the managers, the practice of sending non-Catholic children to this Institution was discontinued—under some officer of the Protectory, the non-Catholic inmates were conducted to the nearest Protestant church for divine service, just as in England, Catholic inmates in similar institutions are marched on Sundays to the nearest Catholic church to hear Mass, and this be it remembered in a country which by law has an established State church.

The many charitable institutions established by Congress in the District of Columbia and supported from the public treasury, afford ample facilities for freedom of religious worship, the respective superintendents making provision for from two to as many as *six* chaplains, in each one of which the Catholic priest is included. Of the nine institutions in the district, two—the "Home for the Aged," and the "Providence Hospital," are placed under the exclusive direction of the Little Sisters of the Poor, and the Sisters of Charity, respectively, and in which no wider latitude could reasonably be desired than is permitted by those religious ladies to every visiting denominational clergyman solicitous to minister to the spiritual

wants of, and instruct, inmates of his persuasion. I make the following quotations from the Washington Star newspaper :

“ In reply to the article in the Evening Star regarding the Protestant patients in the Providence Hospital, I would simply state that their ministers have free access to them, and give them spiritual comfort whenever they please without let or hindrance. Rev. Dr. Pritzer has been to Providence Hospital many times to see his sick, as also Dr. Leonard and others.

“

Most respectfully,

SISTER BEATRICE.”

Rev. Dr. Pritzer is a Presbyterian clergyman and replied that—

“ This declaration of the Sister Superior must be accepted as authoritative and final, and all true Christians will be gratified at every manifestation of tolerance, courtesy and charity,”

and which is supplemented by the succeeding communication of an Episcopal clergyman :

“ I notice in a communication sent to your paper of last evening that Sister Beatrice of the Providence Hospital has referred to me as one of the clergymen admitted from time to time. I hasten, therefore, to express publicly my appreciation and thanks to her and her good associates for the kindly and always cordial manner in which they have welcomed me to the wards of the hospital. The clergymen assisting me in this parish would also bear testimony to the same. We have been to the Providence Hospital many times, and have had a number of patients under treatment there. Whenever we have desired to administer the Holy Communion, or to have prayers with them, every facility has been accorded by the Sisters and generous courtesies extended. It affords me great pleasure to be able in this way to acknowledge the obligations under which these Christian ladies have placed me.

“

I am very truly yours.

“

WM. A. LEONARD,

“

Rector St. John's Parish.”

Viewed in the light of the foregoing convincing testimony, true Christians in Maine and elsewhere must look upon the denial of my colleagues, of the right of the Catholic boys in the Reform School, to worship God in accordance with the dictates of conscience, as an extraordinary proceeding.

It is a moral axiom that, on *virtue* and intelligence combined depends the future welfare of the State. And how are the youth in our reformatory institution to be instructed in the practice of moral excellence, if not by their natural teachers, those commissioned of God? Certainly not by men whose chief interest is dollars and

cents. The illiberality manifested by my colleagues has but one counterpart in all the breadth of this wide land ; but the power that constituted them trustees has also the remedy to right the injustice complained of, and unless I am sadly deceived in the spirit of justice and fair play, which I believe to be a 19th-century idea throughout the " Dirigo " State, this latest attempt of playing Sampson pulling down the pillars of the temple, crushing himself in the debris, will not meet with the approbation of any very considerable proportion of the respectable sentiment of the State.

In conclusion, I would recommend :

First, A change in section 3, chapter 142, making ten years, instead of eight years, as the law now stands, as the minimum age at which a boy may be committed to the Reform School. The commitment of children of the very tender age of ten years and under, I regard as an evil to be deplored full as much, if not more, than the petty offence that may be complained of, for, not very long after having been received at the Institution, they have acquired, from contact with the larger boys, a knowledge of evil not known before.

•When the parent or guardian is capable of caring for a child of the tender ages of eight to ten years, I would suggest the imposition of a fine in lieu of separation ; and in cases where such child cannot be afforded that protection, or is an orphan without a fixed home, if found to be of Catholic parentage, the law should explicitly order him sent to the Catholic Orphan Asylum, and if found to be of non-Catholic parentage, then, in that case, to the Protestant Orphan Asylum.

Second, The passage of an act requiring all supplies furnished for the maintenance of the Reform School, be purchased and delivered under written contract, upon proposals submitted by dealers, after due notice has been given in at least one newspaper of each of the two dominating political parties, and published in the three most populous cities of the State, and prohibiting, under a penalty, any trustee or officer of the Institution having an interest, either directly or indirectly, in any such contracts.

This last recommendation expresses an experience gained, and I have no hesitation in observing that such a law would be a benefit to the government of the School, and in my opinion, advantageous to the State.

Respectfully submitted.

D. O'C. O'DONOGHUE,
Trustee and Sec'y of the Board.