

# MAINE STATE LEGISLATURE

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**EIGHTIETH LEGISLATURE**

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**SENATE**

**NO. 200**

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In Senate, April 1, 1921.

On motion by Mr. Morison, tabled and 500 copies ordered printed.

L. ERNEST THORNTON, Secretary.

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**STATE OF MAINE**

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**IN THE YEAR OF OUR LORD ONE THOUSAND  
NINE HUNDRED AND TWENTY-ONE**

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Report of Committee on State Sanatoriums on the Clary Farm  
Bequest.

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*To the Senate and House of Representatives of the Eightieth  
Legislature:*

The committee on state sanatoriums, to which was referred certain correspondence regarding the bequest of the Clary farm, would make the following report:

In the will of the late Henry W. Clary of the town of Jefferson, who died on the 13th of December, 1919, the sixth clause is as follows:

Sixth: I give and bequeath to the board of trustees for tuberculosis sanatoriums my home farm situated in Jefferson, Maine, and my farm lying on the south side of and contiguous

to my home farm, which is also situated in said Jefferson and has been known as the Robert Clary, Jr., farm; all my household goods in my dwelling house on my said home farm, all my farming tools and farming machinery, and all my live-stock; in trust for the State of Maine for the purpose of establishing and maintaining upon said premises a sanatorium for the care and treatment of persons affected with tuberculosis. If said board of trustees for tuberculosis sanatoriums shall not within two years after this will shall have been admitted to probate accept this devise, bequest and trust, then this bequest and devise shall become void, and said real estate and goods and chattels shall become and remain a part of the residue of my estate to be disposed of as hereinafter provided.

In other clauses of the will it is provided that the residue of the estate shall be bequeathed to the town of Jefferson in trust, the income to be used for the purpose of making permanent construction and improvement of highways therein. It is also provided that in the event that the board of trustees for tuberculosis sanatoriums do not accept the devise made in the sixth section, the executors are authorized to sell and convey the farms named and to invest the proceeds.

In a letter from Lizzie H. French, secretary of the board of trustees of tuberculosis sanatoriums, to Governor Carl E. Milliken, under date of January 3, 1921, which is part of the correspondence referred to this committee, the following statement is made:

## CLARY FARM

The trustees have voted to accept, under the conditions of the will, the generous bequest of the late Henry Clary of Jefferson, and would recommend that this valuable property be used as a preventorium for children who have had marked exposure to the disease, and whose symptoms indicate tuberculous tendency.

LIZZIE H. FRENCH,

Secretary to Board of Trustees.

The committee have not visited the Clary farm, which is the subject of this report, but have been furnished with considerable information regarding it. The farm comprises about 400 acres, and is situated in the town of Jefferson, two and a half or three miles from a station on the narrow gauge railroad, and fifteen to eighteen miles by highway from Augusta, the nearest large center of population. In the appraisal of the estate it is valued at \$13,500. The house sits on an elevation, the land in a southerly slope descending to two ponds. By all who have seen the place it is enthusiastically described as an ideal location for a tuberculosis sanatorium or other health institution. There is a large farm house with barn connected, and other buildings, all in excellent condition, and a large quantity of furnishings, all of which are included in the bequest.

At a hearing on sanatorium matters before this committee, relatives of Henry W. Clary, of advancing years, appeared and urged the acceptance and use of the gift for the purpose named in the will. At other times also during the session they

have been in Augusta in connection with the same matter. It seems to be the dearest wish of the members of the Clary family that this farm, carved from the wilderness by the grandfather of Henry W. Clary, and which has ever since been in the family, should become the property of the state as provided by the will, and be used for the purpose therein specified.

At the same hearing the views of the trustees of sanatoriums and others interested were expressed. Some presented an attractive exposition of the benefit which might result from using the farm as a summer camp for tuberculous children or convalescents, for which it is unquestionably well adapted. Others considered that the expense of establishing and maintaining such an institution at this location would be more than the state could afford. A competent architect estimated that the necessary remodeling of buildings to adapt them to administration purposes and the erection of new buildings which would be advisable would make necessary an initial expense of \$40,000. In the opinion of others, the building work, together with the necessary water supply and sewerage systems, would require a considerably larger amount.

With these facts before them, and with a full appreciation of the spirit which animated the generous donor and which as fully animates his surviving relatives, the committee took the matter under advisement, and its recommendations are here presented.

The Clary farm, while splendidly adapted for the purpose intended by the testator, is not convenient of access from lines of public transportation, either of persons, express or freight.

We are already maintaining, in different parts of the state, at large expense, three tuberculosis sanatoriums, which are capable of considerable expansion as it becomes necessary, without more than a proportionate increase in overhead charges. To utilize the Clary farm as a sanatorium—the only purpose for which it is bequeathed and for which the state can use it—will require a considerable initial outlay and a constant expense for the maintenance of an additional staff during at least a part if not the whole of the year. Indeed, if the maintenance costs do not steadily increase there will be a departure from the precedent established by the history of other state institutions. The committee can see no reason why our tuberculous patients can not be practically as well cared for at existing sanatoriums, and at less expense.

While it is not in the province of the legislature to accept or decline the bequest, the legislature alone has the authority to establish another sanatorium and appropriate money for its maintenance. For the reasons which we have endeavored to set forth above, we do not recommend that the legislature do so. And we do not feel that our attitude detracts from the splendid nature of the bequest of Mr. Clary, the acceptance of which has been so feelingly urged by surviving members of the family.

We further recommend that the correspondence referred to this committee, together with this report, be referred to the governor and council, who are charged with the administration, through the board of trustees, of the affairs of our sanatoriums.

## COMMITTEE ON STATE SANATORIALS.

WILLIAM O. COBB, Chairman.

ARTHUR E. FORBES, Secretary.

March 31, 1921.