

MESSAGE

OF THE

GOVERNOR OF NEW JERSEY,

TO THE

SENATE AND HOUSE OF ASSEMBLY,

AT THE

COMMENCEMENT OF THE SESSION;

WITH

ACCOMPANYING DOCUMENTS.

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Read January 15, 1851, and ordered to be printed.  
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**New Jersey State Library**

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1851.

## MESSAGE.

Gentlemen of the Senate

And House of Assembly.

In communicating to you the condition of the State, it is a cause of the most profound gratitude to the Supreme Ruler, that I am enabled to represent it so prosperous, peaceful and happy.

During the year which has just closed, our fellow citizens have enjoyed an unusual degree of health, their enterprise has been generally crowned with success, and their labor amply rewarded. The majesty of the law has been maintained, and peace has prevailed in all our borders. Our National Union has not only been continued but confirmed. The tempest of strife and excitement through which it has recently passed has served to prove the strength of the ties that bind us; and the seventy-fifth year of our Independence finds us more than ever a united, happy and prosperous people.

In presenting the details of the state administration, I beg leave first to refer you to the report of the Treasurer, by which you will perceive that the estimates for the past year have been more than realized, and that there will be a very considerable balance in the treasury after the payment of every debt and liability of the State.

The receipts during the year ending December 31, 1850, have been:

*For transit duties from—viz:*

The Delaware & Raritan Canal Co.,	\$20,829 81
Camden & Amboy R. Road and Transportation Company,	41,421 68
N. J. Rail Road & Transportation Co.,	13,261 24
Amount carried forward,	—————\$75,512 73

Amount carried forward,	\$75,512 73
<i>Tax on Capital Stock from—viz:</i>	
N. J. Rail Road and Tr. Co.,	\$10,000 00
Paterson & Hudson River R. Road Co.,	2,665 00
	<u>\$12,665 00</u>
Amount reported by Commissioners of Investigation due from the Joint Com- panies,	\$10,694 63
Interest on the same,	2,945,67
	<u>\$13,640 30</u>
Dividends on Stock,	21,000 00
On Bonds and Mortgages,	1,121 22
Surplus earnings of the State Prison,	3,000 00
Pedlers' licenses,	485 00
Interest account,	1,158,78
	<u>\$128,583 03</u>
Cash on hand on Jan. 1, 1850,	9,961 20
	<u>\$138,544 23</u>

## DISBURSEMENTS.

The disbursements during the same period have  
been as follows:

For the ordinary expenses of the Government,	\$79,562 54
<i>For Extraordinary Expenses—viz:</i>	
To commissioners to select site for House of Refuge,	\$6,123.33
Do. building House of Refuge,	5,817.81
Do. to investigate charges against Del. and Raritan Canal, and Camden and Amboy Railroad and Trans. Co.'s,	5,223.92
To Managers of the Lunatic Asylum,	8,716.75—25,881 81
	<u>\$105,444 35</u>

Amount brought forward,	\$105,444 35
For State Prison repairs,	3,406.54
On real estate,	541.04
Special loan,	15,000 00
To Robert E. Horner, for maps under Resolution Feb. 25, 1847,	1,000.00
To collector of Mercer for keeping Warren Prisoners,	150,00—20,097 58
	<u>\$125,549 13</u>
Making total disbursements,	\$125,549 13
And leaving a balance in the treasury of	13,001 60
	<u>\$138,545 33</u>
The condition of the Treasury on the 1st January, 1851, may be estimated as follows:	
Cash on hand,	\$13,001 60
Bonds and Mortgages for State lands sold,	4,276 31
Joint Companies' Bonds,	17,000
“ “ dividend of surplus earnings,	40,000
Interest on same,	1,710
	<u>\$58,710 00</u>
Camden & Amboy Rail Road & Tr. Co.,	
Transit duties,	9,673.22
Delaware & Rar. Canal Company	
Transit duties due Jan. 1, 1851,	6,909 96—16,583 18
New Jersey R. Road & Tr. Co.	3,000 00
“ “ Tax on capital stock,	10,000,00
	<u>13,000 00</u>
Paterson and Hudson River R. R. Co.,	2,665 00
Dividends in stock,	15,000 00
	<u>\$123,236 09</u>
Amount available,	\$123,236 09
From which deduct:	
Amount due School fund	25,595.82
Interest to 27th Jan. 1851, 6 years	9,214.44
	<u>34,810.26</u>
Specie loan prior to 1847,	37,000 00—71,810 26
Leaving in the treasury after payment of all debts,	\$51,425 83

The financial condition of the State, after deducting all the liabilities, is in cash and securities as follows:

Amount deposited in sundry banks, as per certificates,	\$13,001 60
<i>Amount invested in Stocks.</i>	
1000 shs. of Cam. & Amb. R. R. Co.,	\$100,000
1000 " Cam. and Amboy and Del. & R. Canal Co.	100,000—200,000 00
<i>Bonds.</i>	
Bonds of the Joint Co.'s,	17,000
Int. due March 1, 1851,	510
Bonds of Joint Co.'s, for dividend of surplus earnings,	40,000
Int. due on same Jan. 1, 1851,	1,200—58,710 00
Bonds and mortgages on Government lots sold,	4,276 31
Dividends due, (supposed)	15,000
	<hr/>
	\$290,987 91
Surplus revenue loaned to the several counties, and paying no interest,	764,670 60
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	\$1,055,658 51
Deduct amount due school fund,	25,595 82
Int. to Jan. 27, 1851, 6 years,	9,214 44
Special loan, June, 1847,	37,000 00—71,810 26
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Balance of State fund	\$983,848 25

The amount of the School Fund is three hundred and ninety-seven thousand three hundred and fourteen dollars and fourteen cents, and its income will justify an appropriation of forty thousand dollars towards the support of the common schools, without disturbing the capital.

This fund has sustained a loss by reason of the accumulation of interest upon the sum of twenty-five thousand five hundred and ninety-five dollars and eighty-two cents due to it from the state; and as that sum cannot be paid without the

action of the legislature, I recommend the adoption of a resolution authorizing and directing the Treasurer to pay the same.

By the forthcoming report of the State Superintendent of Schools, it will be seen that the money raised for school purposes exceeds the amount raised the previous year, and more than the extra appropriation of ten thousand dollars would require. While the whole number of children between the ages of five and sixteen years does not vary much from that of the preceding year, yet the number attending school has greatly increased. The reports of the town superintendents state, generally, that the schools are better attended, the teachers better qualified, and the people more alive to the importance of educating their children. And a large proportion of them express a desire for an alteration of the present law on this subject.

It is manifest that the cause of education continues to advance, and that the public are looking for legislative aid in placing the common schools upon a more liberal and permanent basis. A large majority of the people, I am convinced, desire the adoption of a judicious system of free schools; yet many, whose opinions are not to be disregarded, are as decidedly opposed to such a measure. In this conflict of opinion, and with a view to refer it to that tribunal before which every popular question must be determined, I respectfully recommend the passage of a law authorizing the inhabitants of the townships and cities, at the annual meeting for the election of township or city officers, to determine, by the voice of two-thirds of the persons present and authorized to vote at such elections, whether they will establish free schools in their respective townships or cities; and to raise such sums of money for that purpose as in addition to the amount secured from the public funds will establish and maintain such schools. And that all surplus money that may be in the treasury at the end of each year after the payment of the necessary expenses of the State, be applied to the purpose of education.

With an economical administration of the government, and

a proper and just equalization of the taxes, the support of free schools can no longer be felt as a burden; and it is to be hoped that every township and city will then establish such schools as will afford to every child within its precincts the means of suitable instruction.

The reports of the managers of the lunatic asylum and of its superintendent and treasurer, exhibit the condition of that institution; and show that it is advancing in the confidence and favor of the community. The number of patients at the date of the last report was one hundred and ten; at the date of the present report it is one hundred and sixty-two, being an increase of about forty-five per cent. Forty-four have been discharged cured or improved, during the past year.

The whole number of patients treated since the opening of the institution on the 15th of May, 1848, is two hundred and ninety-two; of this number one hundred and four have been discharged either wholly restored to reason and health, or so far recovered as to render their return to society and their friends both proper and safe.

These results exceed our most sanguine expectations, and of themselves express the truest and highest praise of the management of the institution, and commend it to the favor of the public, and to the fostering care of the legislature.

The act of 1st March, 1849, limiting the charge upon the counties for the board and treatment of each pauper and indigent patient to two dollars per week, was passed expressly in relief of the counties, and is an implied assumption on the part of the state to meet the expense exceeding that sum. This renders necessary an annual appropriation of such an amount of money as will meet the excess.

It is estimated that the average number of those classes of patients to be treated during the current year will be one hundred and thirty, at an expense to the state of seventy cents per week each, in the whole five thousand and seventy dollars, for which sum an appropriation is asked and will, I presume, without hesitation be granted.

The further appropriations amounting to the sum of four thousand nine hundred twenty-two dollars for grading the

grounds, improving the farm, altering the plan of heating and incidental expenses, are asked for, and prompted by motives of true economy, and I therefore recommend that they be made.

The report of the superintendent presents an important and not unembarrassing question of policy as to the prospective enlargement of the means of accommodation.

While there are but one hundred and sixty-two inmates in the asylum, which is arranged to accommodate two hundred, yet such is the proportion of excited patients that it is found difficult to make the classification necessary to satisfactory and successful treatment. Your attention is particularly invited to that part of the report which presents the subject and suggests the remedy.

To discharge or refuse private patients indiscriminately, would, I believe, not only be prejudicial to the institution, but deprive many of our own citizens of the advantage to be derived from it. The adoption of such a measure would be a cause of deep regret. An enlargement of the building at this time, I am not prepared to recommend.

Whatever may have been the design of this institution, its limits render it a curative hospital, rather than an asylum for the incurable; and the propriety of retaining cases apparently hopeless to the exclusion or detriment of such as by proper treatment may be restored to reason and usefulness, will not be seriously urged. But it is submitted to your wisdom and philanthropy, to determine whether the accommodations shall be extended, or the chronic and supposed incurable cases be discharged and returned to the custody of their friends and county officers. If the latter course be pursued, the powers of the managers in that respect need to be increased; if the former, an appropriation will be required.

The reports of the Keeper and of the Moral Instructor will inform you of the condition of the State Prison.

The discipline of the prison has been well maintained, more industry has been observed, and fewer punishments required during the past, than in any preceding year. This must be attributed, in a good degree, to the labors and influence of the Moral Instructor, and proves the wisdom of establishing this

department, as well for its benevolent effects on the inmates, as for its pecuniary advantages to the state.

Although the health of the prison is now good, an unusual amount of sickness has prevailed during some parts of the year, increased, if not induced in part, by the crowded state of the cells.

The number in confinement at the commencement of the last year was one hundred and eighty-five; since that time one hundred and twenty-two have been received, making the whole number during the year three hundred and seven.—There are now two hundred and ten in confinement, rendering necessary a departure from the directions of the law requiring separate imprisonment.

This unexpected and painful state of things is to be deplored—not only as the evidence of the increase of crime in the state, but as naturally conflicting with the design of this mode of punishment, and prejudicial to the morals, and a hindrance to the industry of the prisoners. What remedy for it is to be found calls urgently for your early and deliberate consideration.

The construction of another wing to the prison will be required unless adequate relief can otherwise be found. This, it is believed, may be obtained by means of the House of Refuge and suitable work-shops connected with the county jails.

There are now in the State Prison seventeen who at the time of admission were of the age of eighteen years and under; and fifteen, for minor offences, whose terms of imprisonment are for less than a year, two of them being for nine months, two for eight, and eleven for six months—the most or all of whom are fit subjects for discipline in the counties or in the House of Refuge. Others, there is reason to believe, could be more appropriately punished in, and would be sentenced to the county prisons, if suitable employment were there provided for them. With such a disposition of this class of offenders the state prison would be at once relieved and the necessity of extension obviated.

It is gratifying to learn that several of the counties have

already embarked in the commendable and benevolent enterprise of establishing work-shops in connexion with their prisons. And it is worthy of your inquiry whether any action on that subject is required of you.

In a neighboring state a bonus of one thousand dollars was offered by the Legislature to each county that would erect a prison, with work-shops, after a certain model; and the measure has proved to be salutary and wise. Such a measure is not here proposed to you, but it is worthy of remark, that the costs of transportation to the state prison now constantly incurred for that class of offenders, would soon amount to what might be considered a liberal bonus.

The House of Refuge, by its corrective and restraining influences will arrest juvenile delinquents in their career of vice, and rescue the idle and the vagrant from the temptations that usually surround them; and train to a life of virtue and honest industry many who would otherwise become subjects of punishment, and help to crowd our penitentiaries.

Looking with some confidence to the relief thus likely to be afforded, I believe an extension of the prison is not now, and perhaps never will be, required.

The commissioners appointed to select a site for a House of Refuge have purchased, with my approval, for five thousand six hundred dollars, a tract of about seventy-five acres, near Kingston, in the county of Middlesex, on the line of the Railroad from New Brunswick to Trenton, and within a half mile of the Delaware and Raritan Canal.

This site combines the advantages of being in a central and healthy part of the state, of easy access, and yet remote from any large town. On the premises are never-failing springs of pure soft water, with sufficient power to raise it to any height required.

The committee appointed to erect the building, having visited the corrective institutions of several other states, and profited by their experience, have adopted a plan which is believed to possess more advantages than that of any heretofore erected.

It consists of a central building, with two extended wings,

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with interior dormitories, designed to accommodate one hundred and ninety-two inmates, and the attendants, and so arranged that the central building and one wing can be erected without injury to the symmetry or architectural proportions of the edifice. This perhaps will be found sufficient for the present wants of the state, and the additional wing can be completed when it shall be found to be needed. In other states the delinquents have usually, perhaps always, exceeded the number for which accommodations were originally made, and experience has taught that it is better and more economical to provide at once for all that will probably need its use.

The contracts have all been made under competition, and on terms so advantageous, that it is estimated that the entire work can be completed at an expense less than any of a like character of which we have any knowledge.

The central building and one wing can be finished, in a plain, substantial and appropriate manner, of the best materials, for about forty-two thousand dollars. The additional wing may be inclosed, without its range of dormitories, for the further sum of twelve thousand dollars, and the whole edifice, with accommodations for one hundred and ninety-two, for about sixty-four thousand dollars. Which sums may be increased indefinitely by additional or ornamental work, or diminished by inferior and inappropriate work.

The central building and one wing may be finished during the current year, if the necessary appropriation for that purpose be made, and in that event it will be necessary to provide by law for the organization of the institution.

The number of beneficiaries of the state in the institutions for the blind, in New York and Philadelphia, are 12; and in the institutions for the deaf and dumb, 15.

The report of the Commissioners of Pilotage, herewith submitted, presents the results of the labors, and the zeal, vigilance and fidelity of that Board; and proves them still worthy of the confidence of the public.

The several reports of the Adjutant General and Quarter

Master General, exhibit the condition of their respective departments.

The quota of arms drawn from the general government has not increased for the last twenty years, although the increase of population within that time would authorize a much greater number. This is for the want of such an organization of the militia as will enable the Adjutant General to report the number of militia. It is proper to inquire what plan can be adopted to save this loss to the state.

In connection with the finances of the state, I beg leave to ask your attention to the subject of taxation. Although no tax is now levied for state purposes, it is impossible to foresee how soon it may be deemed the best policy to do so; and at this time large sums of money are so levied and raised for township, county and educational purposes. The burden whether great or small, should be borne as equally as possible by all; and no proposition of political economy can be more obvious or just, than that every one should contribute towards the support of the government in proportion to the amount of his property protected by it. The passage of a law equalizing taxation seems to be imperatively demanded by the people, and I respectfully but earnestly commend it to your early consideration, and prompt and efficient action.

That laws and privileges should as far as possible be equal and alike to all, cannot with truth be denied. Partial laws and special privileges are not usually consistent with justice or sound policy, and should be enacted or conferred only in cases of manifest expediency or urgent necessity.

With these views I recommend the passage of an act authorizing the formation of rail road companies, with such restrictions and limitations as will properly protect private property and the interests of the state.

The act of the last session to authorize the business of banking, is found to be so stringent in its provisions, that no company has yet been formed under it, and complaints are made of its impracticability. The limitation of securities to so few of the public stocks and the necessity of all the corporators being citizens of the state, are among the objections

to it. Allow me to suggest the propriety of an inquiry, what are the causes of complaint, and that such action be taken as will remove them.

Laws which create unnecessary or invidious distinctions between citizens of the same state, should be avoided as offensive and unjust, and as contrary to the spirit of the constitution and the genius of our government; and with this view I recommend the repeal of those acts which make a property qualification requisite to the holding of any office or performance of any duty.

The state has a direct interest in the welfare and happiness of every citizen, and humanity and sound policy alike require that every man should as far as practicable be protected in the enjoyment of so much property as may be necessary to save himself and his family from penury and want. I therefore suggest the propriety of enacting a law to save from execution or distress such an amount of property, in addition to that now protected, as in your wisdom will accomplish the purpose here expressed.

Your attention is respectfully invited to the subject of a letter of the late Attorney General, and transmitted to the legislature at its last session, suggesting whether some of the duties of the Attorney General should not be more specifically defined, and his salary adjusted in reference to them.

It will be remembered that the salary of that officer was fixed at thirty pounds proclamation money, before the Declaration of Independence, when his duties were almost entirely confined to the prosecution of the pleas of the Crown, attended to by himself or deputies of his own appointment in every part of the state, and when the perquisites of the office afforded a liberal compensation for his services. At this time the duties of the office are very greatly increased, while the emoluments are almost entirely confined to the nominal salary of former days.

The pleas of the state are now attended to by prosecutors in each county, who, from their knowledge of the people and business of their respective neighborhoods, may be presumed to discharge that duty with more advantage than could a

stranger who only visits the counties during the terms of court.

Yet when important cases arise, the learning, talent and influence of the Attorney General is invoked in aid of the county prosecutors, in maintaining the rights and the dignity of the state.

He is moreover the constitutional adviser of the chief and other executive officers of the state, and as such, his services are in frequent requisition. In relation to the School Fund, he bears a most onerous and responsible duty, in examining and certifying to the titles and securities on which its funds are loaned, and in attending to all the details of that business. Besides these, he is charged with the duty of examining the various laws and contracts on which are dependent the various interests of the state, and the revenues that sustain the government.

The question is submitted to you whether it is just or wise to require the services of one qualified for the discharge of these duties, for the pittance now allowed, and whether his duties should not be more specifically defined.

In connection with the subject of compensation of officers, I beg leave to recommend that the allowance to the Judges of the Court of Errors be so increased that the state may not be subjected to the imputation of asking the services of some of its best citizens for an amount that merely covers their personal expenses while exercising the functions of their office.

The third section of the fourth article of the constitution requires that an apportionment of members of the General Assembly shall be made by the Legislature at its first session after every enumeration or census of the United States. It will be proper, therefore, for you to make the apportionment therein contemplated. Whether in such apportionment the counties shall be represented by members chosen by districts or at large, it is your province to determine.

Pursuant to the resolution of February 23d, 1850, I procured, and have ready for delivery, a block of stone for the National Monument now in process of erection to the memory of Washington. The block is four feet in length by two feet in width, of the finest light brown free-stone, generously pre-

sented to the state by Mr. William H. Harris, from his quarry at Little Falls, whence the stone for the Trinity Church, New York, was taken.

The design, furnished by Mr. John G. Hall, of Newark, and executed in bas relief under the direction of Mr. Amos Wilcox, consists simply of the Arms of New Jersey, beneath a semi-circle of laurels raised upon a band. On the corners above are shields resting on military trophies, on which are inscribed the words "Trenton [Dec. 26, 1776], and Monmouth [28 June, 1778,]" commemorative of the principal battles in the state at which Washington was present. Beneath is the name of the state in large capitals, above "1776," the year of its accession to the Union.

With this is transmitted the farewell address of Mons. Alexandre Vattemafe, and a letter informing of the presentation to the state of several additional volumes of rare and valuable books; and of other volumes for the use of the students of Rutgers's college, but to remain the property of the state. Also for the use of the New Jersey Historical Society a series of *fac simile* of certain charters and diplomas written between the fifth and tenth centuries. These books and charters have been received and are subject to your disposal.

I herewith communicate certain resolutions of the constitutional convention of Indiana approving of the compromise measures of the last session of the Congress of the United States. Also, resolutions of the constitutional convention of the state of New Hampshire on the same subject.

I believe that the citizens of New Jersey accord in the sentiments of these resolutions, and that they "will firmly stand by and maintain those measures, regarding them, as on the whole, not merely wise and patriotic, but essential to the Union, prosperity, peace and progress of this great confederacy;" and that they are averse to any further agitation of the exciting topics involved in them. And I submit whether it does not become you, as the representatives of the people of one of the original states, a people eminently patriotic and highly conservative, to express in calm, but firm and explicit

terms, their views and your own, upon these momentous questions.

That your deliberations, gentlemen, will be characterized by all the proprieties that become the representatives of enlightened freemen, I confidently believe; and that your action upon the important measures that are before you may meet the just expectations of our common constituents, I sincerely hope.

DANIEL HAINES.

TRENTON, January 15th, 1851.

DOCUMENTS