

APPENDIX

TO THE

MINUTES

OF THE

GENERAL ASSEMBLY

EIGHTY-THIRD SESSION.



SALEM, N. J.:  
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1859.

## GOVERNOR'S MESSAGE.

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EXECUTIVE CHAMBER, }  
January, 12, 1859. }

*Senators and Members of the General Assembly:*

It becomes us, in commencing our deliberations for the public welfare, to give thanks to the Most High for the signal mercies which he has vouchsafed to us during the year which has just reached its close; to supplicate for wisdom to direct our councils; and for a continuance of His protection and favor. A season of great abundance, and of almost unprecedented health, has gladdened the hearts of our people; we have been permitted to maintain relations of tranquility and friendship with our sister States of the confederacy; to enjoy the benefits which flow from our educational institutions; to worship God each after his own faith and forms, and to live under the most equitable form of government which the world has ever enjoyed.

—It is also a subject for gratitude, that after a protracted period of commercial depression, we are inspired with the hope that the inextinguishable enterprise of our citizens will speedily effect the entire restoration of business and prosperity in every department of social industry.

The trustworthy and obliging Treasurer has provided me with the following abstract of the State finances :

STATEMENT FROM TREASURER'S BOOK, JANUARY 1, 1859.

Whole amount of receipts during the year 1858,	\$212,400.04
Balance in bank, January 1, 1858,	3,058.42
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	\$215,458.46

DISBURSEMENTS.

Ordinary expenses,	\$131,441.86
Extraordinary expenses,	70,970.52
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	\$202,412.38

APPROPRIATIONS UNPAID.

Balance of appropriation of 1858 to support Normal School,	\$2,200.00
Appropriation of 1857 to Managers of Lunatic Asylum,	9,000.00
Balance of 1858 to Public Schools,	21,520.55
Balance of 1855 to Webster's Dictionary,	
Balance of 1856 to Lippincott's Gazetteer,	

ESTIMATED RECEIPTS FOR 1859.

Transit duties,	\$120,000.00
Dividends,	16,000.00
Tax on capital stock,	24,377.25
Interest on bond, and bonds and mortgage,	2,778.00
Pedler's licences,	1,800.00
Forfeited recognizance,	500.00

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	\$165,455.25
Balance in bank January 1, 1859,	13,046.08
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	\$178,501.08

To the above estimate the tax on capital of the New Jersey Railroad, due first of January, 1860, is included, the same having been paid for the last two years on the 31st of December.

I had the honor to call the attention of your immediate predecessors to the fact that the tax upon the capital stock of the New Jersey Railroad and Transportation Company for the year 1858, (which was \$17,125,) was paid at the end of the year 1857 to the Treasurer, and used by that officer for various unpaid appropriations made prior to that date. During the year 1858 a similar transaction has occurred, the tax for 1859 being \$18,122.50. The Central Railroad Company has also anticipated the payment of its tax for the year 1859, being \$23,551.34, and this sum has, likewise, been introduced by the Treasurer into the receipts of 1858. This latter sum ought not to be regarded as a legitimate receipt into the treasury for the year 1858, but as belonging to 1859. The system thus established is only temporizing; for while the Treasurer, who, I believe, makes every effort in his power to manage the business of his department for the best interests of the State and the accommodation of its creditors, may be justifiable in receiving the revenues in advance from such companies as have the ability and disposition to furnish them, it does not, without explanation, convey a correct idea of the true condition of the treasury, but serves to make our liabilities seem less than they are in reality. The current revenue of each year ought to be used to defray its expenses.

The four hundred shares of stock of the Joint Companies—valued at forty thousand dollars—which the preceding Legislature ordered to be disposed of, have been transferred by the Treasurer to those companies, and thus has been cancelled the advance of money equal to that sum made by them to the State, and our indebtedness, as stated last year, is thereby reduced to that extent.

Our present liabilities may be set down as follows, to wit:

Standing debt,	\$95,000.00
Unpaid appropriation for Normal School, 1858,	2,200.00
Unpaid appropriation for Lunatic Asylum, 1857,	9,000.00
Balance due schools,	21,521.00
Webster's Dictionary and Lippincott's Gazetteer, (estimated;)	5,000.00
Prison liabilities,	9,246.18
<b>Total,</b>	<b>\$141,967.18</b>

This shows the apparent indebtedness, but to get at a full understanding of our true condition, we should, in my judgment, add thereto the anticipated receipt already shown. That amount belongs to the income of a future year, and the appropriation thereof to the expenses of the last year but pushes off upon the future a deficiency which, in truth and fact, belongs to the present.

It is fair to suppose that the ordinary and extraordinary disbursements for the present year will be fully equal to those of the last. If this be true, our expenses will reach at least two hundred and two thousand dollars. The Treasurer estimates the receipts for 1859, with his present deposit in bank, at about one hundred and seventy-eight thousand dollars. Even this calculation will show a probable deficiency at the end of this year of twenty-four thousand dollars. But it will be observed that the Treasurer, in his estimated receipts for 1859, states that the tax upon the capital stock of the New Jersey Railroad for the year 1860 is included therein.

Now it is very clear that if this company shall fail to pay their tax at the time anticipated—and this is purely a voluntary matter with them—the deficiency for the current year must be increased by that amount, which may be set down at eighteen thousand dollars, which, added to the twenty-four thousand dollars, would make the sum of forty-two thousand dollars.

Our State indebtedness attracts the universal attention of

the people of New Jersey; and great solicitude is manifested as to the policy which will be pursued by the Legislature in providing for its extinction. Year after year have our expenditures exceeded the receipts into the treasury, and a knowledge of this fact has excited a well-grounded apprehension in the public mind that we may eventually become so much involved that it will be no easy task to relieve our embarrassment. The framers of our constitution wisely determined that the State debt should never exceed the sum of one hundred thousand dollars, without the legally expressed approbation of the people; yet in palpable contravention of this organic law we find our indebtedness to be greater than that amount.

I respectfully and earnestly urge you, gentlemen, not to adjourn your session until some effectual means have been devised to extinguish our liabilities. Every consideration of State honor and dignity, as well as a proper regard for the rights and the interest of our creditors, impel us to the discharge of this duty.

If the State were once relieved from debt, and consequently from the interest which is annually paid thereon,—could we curtail some of our expenses and initiate a system of rigid economy in all the departments of the State government, our increasing current revenues would be amply sufficient to defray our current expenses. If it be your desire thus to economize, I would respectfully invite your attention to the bills of “taxed costs” paid for the prosecution of State prisoners; to the sum paid to the Lunatic Asylum from the treasury, under the law which provides for the payment to that institution of seventy-five cents a week for each county patient, and to the quantity of public printing. I do not wish to be understood as intimating that the expenses referred to are not in accordance with law, for I have no doubt that they are so, but if the two former could be assessed to the counties for whose benefit they are incurred, and the last curtailed, the burden would fall in the proper places, and the State relieved from an onerous load.

If, in addition to these proposed retrenchments, a more pro-

fitable system of managing our State Prison were adopted, and were all official persons, executive, legislative, and judicial, paid for their services by stated, yet liberal salaries, abolishing all fees, perquisites, and incidentals; were we, in a word, to return to the simpler—and, I am constrained to say, better,—habits which characterized our earlier history, I truly believe that there would be saved to the treasury, each year, not less than fifty thousand dollars.

Your especial and early attention is invited to the condition of the State Prison. The law contemplates the solitary confinement of the convict, yet for years past this has been rendered impossible, for the reason that the number of the prisoners has exceeded that of the cells. The more hardened and desperate have been kept alone, but those of a different class have been allowed to associate in the workshops and to occupy the same cell at night. The solitary system does not appear to have answered the expectations of its advocates, and is, under existing circumstances, entirely impracticable in our prison. I therefore submit to you whether this feature of our penal code may not be abolished with advantage to the State.

The appropriation made at your last session for the erection of a workshop, being insufficient for the purpose, the Board of Inspectors resolved to make an additional outlay, and have therewith erected a commodious and substantial fire-proof brick building. Even this improvement has not afforded sufficient accommodations for the persons employed therein, and another shop, of nearly equal dimensions, has been recently built by the contractors; to whom some of the convicts have been hired. They look to the State for reimbursement, and I hope that their expectations may not be disappointed. The plan of hiring the prisoners has thus far answered an excellent purpose. It relieves the principal officers from much of the business which has hitherto prevented him from always exercising a personal supervision of the prison, requires no use of capital for the purchase of stock, exempts the State from the possibility of loss in manufacturing or on sales, promotes the good health of the prisoner, provides him with a trade, and incul-

rates habits of industry, and it would reduce the expenses of the establishment by dispensing with the officers who are now employed to superintend the various mechanical departments. The only objection which has been urged against this plan is, that it conflicts with the interests of regular mechanics, by enabling manufacturers to have work done at less than the usual cost. I would not interfere with the rights and privileges of this worthy and valuable class of our fellow citizens, but I question whether this system is any more disadvantageous to them than the old one; whilst if something be not speedily done to assist the institution in its efforts to sustain itself, it must become a heavy burden to them, as well as to the rest of society. I therefore respectfully suggest that the existing law be so modified that it will be legal for the prisoners to be employed in the workshops, making exception to those cases where good discipline and the public safety require the close confinement of the convict. To this end, it will be necessary to authorize the construction of more workshops and the conversion of the present cells into sleeping apartments. You can thus, and at a comparatively trifling expense, relieve the pressing necessities of the case. Should you deem it advisable to adopt these suggestions, and could the more populous counties be induced to attach workhouses to their jails for the punishment of those who are found guilty of the minor crimes, and were a law enacted providing that no criminal should be sent to the State Prison for a shorter term than one year, great good would, in my judgment, result to the State. If it appears otherwise to you, the immediate construction of another range of cells is indispensable, as would also be an extension of the prison walls. It has been suggested to me by a gentleman who has given much attention to the condition of this institution, and whose judgment is worthy of respect, that one of the buildings belonging to the arsenal, formerly the old prison, and now unoccupied, might, with very little outlay of money, be accommodated to the reception of juvenile and female criminals. Constant experience demonstrates the necessity of your taking some specific action in relation to the mode and



place of punishment for the juvenile delinquents who infest our cities and towns. These enemies to society, and disturbers of its peace, oftentimes escape the penalties of the law, because there exists such a strong disinclination in the public mind to associate them in confinement with old and hardened transgressors. It is gratifying to observe that the general subject of "establishing suitable institutions for the discipline and reform of erring youth," is attracting, to so great an extent, the attention of the press and the people of the State. I submit the whole subject to your consideration, having the fullest confidence in your ability and determination to give it such a direction as will best promote the object of imprisonment and the public welfare.

The following summary of the business of the prison is presented to me by the keeper:

Profits	\$14,613 21
Costs	13,578 63
Gain	1,034 58
Liabilities	\$9,246 13

For a further account of its operations, you are referred to his annual report. Good discipline has been maintained, and the general deportment of the prisoners, highly commendable.

I cannot, in conclusion, omit bearing testimony to the fidelity with which the chief officer has discharged the duties of his position.

The attentive Superintendent of Public Schools, reports to me the gratifying intelligence that, "evidences of improvement on the subject of general education have been more strikingly exhibited during the year just closed than at any former period in the history of the State, as may be seen in the increased number of children attending school, the improved character and qualifications of teachers, and in the increased amount of money raised and appropriated for the support of the schools." His communication contains several important suggestions in which I fully concur, and to which I respectfully invite your attention.

While we rejoice in the possession of institutions for the higher branches of learning, which are justly celebrated both at home and abroad, it is certain that, as regards facilities for common school education, we have been heretofore far behind some of our sister States at the North. It is my ardent hope that this shall not continue, but that, on the contrary, the future may find New Jersey among the most liberal patrons of public schools. Such is my view of the importance of educating the whole people, that I could almost wish for some compulsory enactment requiring parents to send their children, of a certain age, to the public schools.

I need not dilate to you, gentlemen, upon the influence of education, in advancing the happiness and prosperity of mankind, nor of its being the surest and safest guarantee of the perpetuity of our liberties. I will only say, that I regard the education of the children of the State as more important than any other question of State policy,—one to which all others should, if necessary, become secondary and subservient. I rejoice to know that the popular heart responds to this sentiment, and I trust that under your wise action our present system may become so developed and improved as to insure the highest possible good results.

The question of excluding the bible from the public schools has, of late, excited much angry discussion in a neighboring State, and has, to some extent, been agitated in our own. Evil, indeed, will be the day for our country, and the world, when this Holy Book shall be banished from our schools; for from the time of that direful event, would be witnessed the rapid and inevitable decline of that liberty of the press, and person, of speech, and conscience, which so eminently distinguishes our form of government.

I would have the bible read in schools, and elsewhere, without note or comment, if desired, as a model of pure and simple English style, and language; as presenting an unapproachable standard of virtue and morality; for its wonderful history; for the eloquence of its oratory; for the exquisite and pathetic beauty of its poetry—its Psalms, and Songs, and

Lamentations; and above all, for its sublime teachings of the eternal truths of the religion of Christ.

It is a gratifying evidence of the popular estimation, in which the Normal School is held, as well as of its practical utility, that applications for teachers who have been educated therein, are so numerous that it is impossible to supply them. The demand for them comes not only from the larger public schools in the cities and villages, but from the rural districts in all sections of the State, and wherever the pupils have been employed their success has been most marked and gratifying. The introduction of improved methods of teaching and government, and the substitution of processes which address themselves to the understanding, for mere exercise of memory, are effecting a radical, and most beneficial, change in the character of our schools, as well as in the sentiments of the communities in which they are situated.

The number of pupils in attendance upon the Normal School, at the opening of the sixth term, on the 15th of February, 1858, was

Females,	68
Males,	29

Total,	97
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At the opening of the seventh term, 6th September, 1858:

Females,	87
Males,	31

Total,	118
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Whole number brought under instruction since the organization of the School is:

Females,	180
Males,	84

Total,	264
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Number now at School, 118

Whole number sent out from the School, 146

Of this number, about twenty have been disabled by sickness, or were found incompetent, and two have died.

At the end of the present term, not less than fifty more will go out to teach in the schools of the State.

The number of pupils in the Model School is three hundred. Under the contract with the proprietors of the Model School building, the trustees are acquiring for the State, should it choose hereafter to avail itself of it, an interest in the building which has already reached a considerable sum. Tuition certificates to the amount of three thousand dollars have already been redeemed. At the end of another year, the amount will probably be five thousand, and in two years and a half more, ten thousand dollars. This will be so much paid on account of the lot and building, should the State hereafter elect to purchase. It is confidently believed that in this way, before the lapse of many years, the whole property might be acquired for the State.

The act to establish a State Normal School will expire on the 9th of February, 1860, and it seems requisite that some action should be had upon the subject during your present session. The operations of the School, for the ensuing year, would be seriously embarrassed, if there should be any uncertainty as to the continuance of its existence. If you are not prepared to make it a permanent institution, you can remove this embarrassment, by renewing, for another term of five years, the provisions of the existing law.

The report of the Trustees of the School Fund will afford you the fullest information concerning that important subject. I am happy to inform you that it is in a prosperous condition, and that the whole fund is most securely invested. The policy adopted by the board is to loan only upon the best real estate and to half its value; to take invariably a first mortgage, and to lend to such persons alone as will probably be punctual in the payment of interest. The addition to the fund will be found to be of a less amount than it would otherwise have been had not the last Legislature ordered the sum of ten thousand dollars for the use of public schools, in addition to that hitherto appropriated for that purpose. In managing this fund we should look carefully to its gradual and steady increase; it is

therefore to be hoped that the necessity will not any longer exist to make more than the ordinary draft upon this sacred trust. The amount of the school fund is as follows:

On bond and mortgages,	\$193,233 01
Loans,	174,000 00
Railroad and bank stock,	28,562 00
Bonds of Joint Companies,	37,000 00
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	\$482,795 01

Increase during the year, \$16,147 00.

Additional evidence is afforded every year of the importance and usefulness of the Lunatic Asylum. This institution is managed with skill and ability, and is steadily diffusing its benefits to every portion of the State, mitigating the sufferings and curing the maladies of that unfortunate class for whom it was provided. Of all the blessings we are permitted to enjoy, none should fill us with a more lively sense of our gratitude to God, and of our entire dependence upon Him than the full possession of our mental faculties, and it would be alike unfeeling and ungrateful in us to withhold our sympathy and support from those whom He has deprived of this divine attribute.

This abstract from the account of the Treasurer will show the financial operations of this institution during the year 1858:

RECEIPTS.

Balance in Treasurer's hands,	\$4 33
Received from the State of New Jersey,	8,185 49
Received from county collectors,	25,471 82
Received from patients, and incidentals,	13,435 89
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	\$47,097 53

PAYMENTS.

Amount paid to C. Sager, Steward's orders,	\$47,097 46
Balance	07

I have again visited the blind and deaf and dumb beneficiaries of the State at the respective institutions in New York and Philadelphia. They are enjoying at those establishments all the benefits which christian philanthropy has devised for the relief and instruction of these afflicted people. The number of deaf and dumb thus sustained is twenty-six, and of the blind twelve.

The stated annual appropriation, as fixed by law, for the support of the indigent deaf and dumb, is five thousand dollars. This sum is now scarcely sufficient to defray their expenses, and in view of the number of applicants for its benefit I respectfully recommend that it be increased. These hapless children of sorrow are wholly dependent upon your munificence for their comfort and happiness, and they manifest the greatest gratitude to the State for the liberality hitherto extended to them. I trust, therefore, that this application in their behalf will not be denied.

The State Directors of the Joint Companies have addressed to me a special communication, herewith submitted, in which they state that "the present rate of transit duty payable by the railroads of this State upon manure, wood, lumber, lime, coal and ashes, is the same as upon other merchandise, and is so high as to exclude the business, and the State derives no revenue from this transportation." They "represent that a general law, reducing the transit duty to two cents upon the above named articles, instead of the present rates, would start a new business and increase the revenue of the State."

The present transit duty upon some of our railroads, on the articles enumerated, is indeed quite prohibitory, and prevents those of our citizens who live along the lines of these roads from procuring their coal, lime, lumber, &c., so conveniently or cheaply as they can be obtained by others, and, also, as the directors truly assert, deprives the State of a source of considerable revenue. In order, therefore, to promote the convenience and profit of the people, and to add to the resources of the treasury, I recommend you to give a favorable consider-

ration to the suggestions of the State Directors, which will reduce the duties to the same amount as that now taxed by law to the Delaware and Raritan Canal."

The report of the Commissioners of Pilotage gives you a full account of the operations of the New Jersey pilots for the past year.

Having learned that much damage had been sustained by the channels at Elizabethport and Shooter's Island, by persons dredging the docks at the former place, and by depositing oyster shells at the latter, I visited those localities in August last, in company with the board of Pilot Commissioners, for the purpose of making a personal examination into these alleged abuses. Special soundings were taken, and the channels were discovered to be so much obstructed as scarcely to permit the vessels which ordinarily navigate these waters to pass each other, especially at low tide. The small steamer on board which the inspection was made became grounded upon a bar now occupying a place where, a few years since, there were two fathoms of water.

During the year 1858 merchandise to the amount of about six millions and a half of dollars, four thousand and eight vessels, having an aggregate tonnage of five hundred and fifty-six thousand six hundred and eighty tons, with thirteen thousand eight hundred and nineteen men, left Elizabethport by water. When we add to this the merchandise which finds its way through this narrow channel from Philadelphia, by way of the Camden and Amboy Railroad and the Delaware and Raritan Canal, and from innumerable other places, the necessity for keeping the passage in at least its natural condition becomes so apparent as to require no argument for its enforcement. This cannot be accomplished at an individual expense, and an appropriation should be made by the general government for a scientific exploration of the whole locality and for its permanent and complete improvement. To this end I recommend that you pass resolutions calling the attention of Congress to the subject, and requesting its early and efficient interposition. In order that you may be possessed

of all the information necessary to a proper understanding of the subject, I herewith send to you a special report of the Board of Pilot Commissioners, relating thereto, a chart of the bay of Elizabeth, on which the whole subject is delineated, and the abstract furnished me by the courteous collector of the port of Elizabeth.

There exists no law upon our statute book which gives authority to any one to prevent such obstructions from being deposited in our waters. I know of no place where this power can be so appropriately vested, as in the Board of Pilot Commissioners, and to the necessity of such an enactment I respectfully invite your attention.

Nearly a generation has passed away since a survey was made by order of the general government for an artificial harbor near Cape May, at a point designated as Crow Shoal. In 1857 an elaborate report of this survey was submitted to Congress, and ever since that time an appropriation has been sought for this purpose, but thus far in vain. My attention was first called to the great importance of the proposed improvement, during the Thirty-first Congress, by the Representative from the First District of this State. This gentleman, to whose fidelity and zeal for the best interests of the State, whether acting in his public capacity, or as a private citizen, it gives me unfeigned pleasure to bear testimony, introduced a series of resolutions upon this subject, but was unsuccessful in his efforts to gain their favorable consideration. The subject has ever since been present with me, and was among those to which I briefly alluded upon the occasion of assuming the duties of my station. My attention has, however, been recently directed to it afresh, by a forcible speech made thereon in Congress, by the present member from that section, and by a personal inspection of the locality in question. Since all the ordinary means of procuring appropriations have been exhausted without success, I respectfully recommend, in view of the great importance of the case, that a commission be appointed to visit Washington—without, however, incurring



any expense to the State—for the express purpose of urging an appropriation for this work. New Jersey has never been importunate in soliciting favors at the hands of the general government; nor is this work for her benefit alone. Pennsylvania, New York, and indeed the whole navigating interest of the Atlantic seaboard, are concerned in this matter, whilst it is of vital importance to our own coasting trade. It appears by the last report upon Commerce and Navigation (1857), that there were upwards of 106,000 tons of enrolled and licensed vessels belonging to New Jersey, and of this amount more than 24,000 tons belonged to the Great and Little Egg Harbor districts in the vicinity of Crow Shoal. There were also of the same class of shipping more than 150,000 tons belonging to Philadelphia. If we add the vessels from Delaware and Maryland, and elsewhere from abroad, which find their way to this point, it will be readily seen that large fleets are constantly hovering in that neighborhood, and that when overtaken by storms, or impelled by ice, have oftentimes no refuge short of Hampton Roads. As a matter of economy, the work commends itself to the earnest consideration of the government; but when to this is added the preservation of life, the construction of a breakwater passes from one of expediency to one of imperative duty. The estimated cost of the whole work is less than the sum which has been paid for several of the custom houses in various large cities, yet how far beyond these costly edifices does the work commend itself by every consideration of wisdom and humanity!

In connection with this subject of the coast, let me ask your favorable attention to a letter, which is herewith sent to you, addressed to me by the President of the New York Pilot Association, in reference to the establishing of a light-house at the south end of the Woodland, in Ocean county. The writer is well known to me, and I have every confidence in his judgment, having had occasion to avail myself of his intimate knowledge of our coast, and skill in his profession, whilst originating the means for the better preservation of life and

property from shipwreck which now exists along the coasts of New Jersey and Long Island.

Before dismissing this branch of State concerns, it gives me pleasure to add my testimony in favor of the self-bailing and self-righting life and surf boat of Mr. Richard C. Holmes. No one could better understand what was needed for the purpose, and thus far no one seems to have hit upon an invention which so well fulfils the requisites as this of Mr. Holmes.

The Executive of New York, in his recent message to the Legislature of that State, expresses the hope that New Jersey may yet be induced to allow the New York Quarantine to be removed to Sandy Hook. A committee of our last Legislature, after having thoroughly reviewed the proposed measure in all its bearings, gave it, in a most able report, their emphatic and unqualified condemnation. This report was unanimously sustained by the Legislature, and their action has been cordially sanctioned by our people. I had hoped, after the courteous reception which was extended to the Commissioners who were delegated to present the application to our Legislature, and the decided action taken by that body, that no effort would again be made to obtain for it a favorable consideration. But since our determination does not appear to have been fully understood, I am constrained again to declare—and I do so with the highest official and personal respect for the Chief Magistrate of New York, and with a most sincere desire for the welfare of the citizens of that great State, that, in my judgment no circumstances can possibly arise which will ever induce the Legislature, or the people of New Jersey, to give their consent that this unmitigated nuisance shall be located within our borders.

In accordance with a joint resolution adopted by your immediate predecessors, I have allowed the articles enumerated in the accompanying schedule, belonging to the State, and used in the late Geological Survey, to be placed in charge of the Principal of the Normal School, for the use of that institution.

I have also endeavored to bring together all the articles of the Survey, which had not been hitherto obtained, and am happy to inform you that nearly all of any value are now either at New Brunswick or in this city.

Unless you shall order otherwise, it is my intention to have a full set of geological and mineralogical specimens collected in one place at the State House, and properly arranged and catalogued. There will be placed there, also, so much of the property referred to, consisting of sections, maps, charts, field-notes, &c., as can be conveniently received. This arrangement will be made in order that you may be more fully informed of the actual progress made by the Survey; and that the articles may be kept, as they should be, in the custody of the State. The collection, also, will constitute an additional and interesting attraction to our Capitol.

I commend to your especial and favorable consideration, some extracts from a private letter received from Professor George H. Cook, the learned and distinguished Geologist of the Survey,—relating to its further prosecution.

A well-organized militia is as essential to the well-being of our country as any other institution which has come down to us from our fathers of the revolution. It is not the part of wisdom to forget, in time of peace, the possibility of war, nor in undisturbed tranquility, the danger of civil commotions. The policy of our government is hostile to a standing army, and we must, therefore, make our chief dependence upon citizen soldiers to repel invasions, suppress insurrections, and for all the military assistance which may become necessary to enforce the laws. Within the last two years I have reviewed all the volunteer companies in the State, and find that great proficiency has been achieved by many of them, whilst they are well equipped, well officered and well drilled. Yet a thorough re-organization of our present complicated and obscure militia system is essential to their further improvement, as well as to the authority and dignity of the State. It becomes us to take such measures as will enable us to be at all times ready, if

called upon in any emergency, to protect ourselves or to furnish our quota to the general government.

You will be informed of the condition of the public arms by the report of the Quarter-Master General, herewith submitted. They will always be found in excellent order, and ready for service at the shortest notice. Under the supervision of the admirable officer who has charge of this department, the arsenal has been thoroughly repaired, and now presents an appearance which for order, neatness and convenience will bear comparison with any similar establishment in the country.

The late Adjutant General having declined to withdraw the resignation which accompanied his last annual communication, I have appointed in his stead a gentleman of acknowledged fitness for the position, who will doubtless gain distinction in the place so long and so honorably filled by his predecessor. His report is subjoined, and contains valuable suggestions designed for the improvement of our militia system, which I respectfully commend to your careful consideration and approval.

The law which regulates our common road system is very imperfect, and requires much modification to render it acceptable to those who are interested in its improvement. It was my intention to have addressed you at length upon the subject, but having read a bill relating thereto, which was presented at the last session by the honorable Senator from Somerset, and learning that he designs again to urge its passage, with some amendment, I shall only remark that no one is better qualified to supervise this important question than the honorable gentleman, and I beg in advance, for his suggestions, a favorable consideration.

To the present as well as to the future generations it is highly important that the public records and documents, not only at the seat of government, but also in the several counties, cities and townships, should be properly kept, preserved and arranged. Private rights and public interests alike demand that due care

should be exercised by all holding official stations, to keep the various books or records in their respective offices in such a manner, and so to preserve and arrange the documents connected therewith, that their successors and others interested may be enabled to obtain all the needed information relative to past transactions which they may contain. The want of some general law upon the subject has led to great diversity in practice, and it is believed that not unfrequently records are improperly kept, important proceedings left unrecorded, official papers destroyed, and books appropriated to private uses or taken away by retiring incumbents, solely in consequence of the absence of a uniform system, established by competent authority, applicable to all and binding upon all.

These defects were brought to the notice of the legislature by my immediate predecessor, and I would renew his recommendation that measures be adopted to correct them. In order to enable you to establish a proper system, it will be necessary to institute an inquiry into the present condition of the various depositories of the public records and papers. In the year 1857, the House of Assembly passed a resolution calculated to secure the desired information, but which, failing to pass the Senate, was lost. I respectfully refer the matter to your careful consideration.

With this you will receive the resolves of the General Assembly of the State of South Carolina, relative to the organization of the "Light House Board;" and also a series of resolves adopted by the legislature of the Commonwealth of Massachusetts, "in relation to the decision of the Supreme Court of the United States in the case of Scott verses Sandford," which have been forwarded to me by the respective Governors of those States. They are respectfully submitted for your consideration.

The Governor of the Choctaw nation of Indians has addressed a letter to me—and which I herewith present to you—requesting an interchange of our State Laws. It gives me great pleasure to comply with this request, and I recommend

that for the future this courtesy shall be continued by your authority:

The Choctaws are an agricultural people, steadily cultivating the arts of peace, and making rapid advances in all the attainments, in morals, learning, and government, which characterize more favored nations.

The policy of our ancestors towards the various Indian tribes who once held our territory, forms a marked feature in the history of New Jersey, and is in strong and favorable contrast with that practiced by many of our sister States. The curious may find in our State Department the original instruments which show that every foot of our domain was obtained from the Aborigines by honorable and peaceful purchase.

At so late a period even as the year 1832, the last claim of the "Delawares" was extinguished by a payment, made by our legislature, to that tribe, for their right to fish in all that portion of the State lying south of the Raritan, which right had been reserved in the original sale of that territory. As the best evidence of the manner in which New Jersey has discharged her obligations to such of this strange people as once inhabited her soil, I give you an extract from the touching and eloquent address made at Trenton, on the 12th of March, 1832, by the Chief of the Delawares, upon the occasion of his receiving this claim. He says:

"The final act of official intercourse between the State of New Jersey and the Delaware Indians, who once owned nearly the whole of its territory, has now been consummated, and in a manner which must redound to the honor of this growing State, and, in all probability, to the prolongation of the existence of a wasted, yet grateful people. Upon this parting occasion, I feel it to be an incumbent duty to bear the feeble tribute of my praise to the high-souled justice, which, in this instance, and, so far as I am acquainted, in all former times, has actuated the councils of this Commonwealth, in dealing with the aboriginal inhabitants.

"Not a drop of our blood have you spilled in battle; not an

acre of our land have you taken, but by our consent. These facts speak for themselves, and need no comment; they place the character of New Jersey in bold relief, and as a bright example to those States within whose territorial limits our brethren still remain. Nought save benedictions can fall upon New Jersey from the lips of a 'Linni Linappi.'"

I took the liberty to state in my communication of last year, that under the clause in the "fee bill" which provides that the Governor shall receive "for the seal to any certificate, exemption, or other paper," the sum of one dollar, I had, in accordance with the opinion given by the late Attorney General, and the precedent established by my immediate predecessor, drawn from the treasury a portion of my fees thus due; but that having subsequently entertained doubts as to the true meaning of the law, requested such an interpretation thereof as would set the question at rest for the future. The legislature thereupon passed a resolution fully sustaining the opinion of the law officer of the State, and the precedent which was based thereon, but did not make any alteration to the law.

I have therefore not felt authorized to make any further draft upon the treasury under this resolution; nor have I charged the fee to individuals, for this has never been the practice, and would not, in a majority of cases, comport with the dignity of the State, whilst in others it would be entirely impracticable. If it does not seem proper to you to take some specific action on the question, the Governor must, in the future, as in the past, be deprived of a perquisite which was designed to make amends for a small salary, and without which no man of moderate means can afford to occupy the position, unless he can live in his own house and be engaged in some other pursuit. Make it, if you please, obligatory upon those who receive an official paper, thus signed and sealed, to pay any specified sum into the treasury for the benefit of the State, but do not expect the Chief Magistrate of New Jersey, when he attaches the emblem of our sovereignty, the broad seal of State, to a certificate of election for his successor in office, or

to a commission to our Senators and Representatives in Congress, to the Chief Justice, Chancellor, Attorney General, or Supreme Court Judges, or any other State or county functionary, that he shall accompany it with the demand of a dollar for his services. The honors of public position should not be regarded as a compensation for official labors, pecuniary recompense alone can cancel them. The honor depends upon the manner in which the official duties are performed. I regret to be obliged to obtrude upon your attention any matter which may be regarded as personal, but justice to my successors, as well as to myself, must be my apology for its presentation. It would be better to abolish the law than to have it ever subject to such unsettled and contradictory constructions.

The evils of intemperance multiply from year to year. This horrible vice, the fearful source of so large a portion of the crime committed throughout the land, is our national sin and reproach. The vast amount of spurious and adulterated liquors that are sold to the ignorant and unwary, are poisonous to the body and soul, and ought to be dealt with accordingly. Everywhere may be found the most enticing temptations to allure the youthful and vacillating into the paths of debauchery and corruption. Your earnest attention as legislators and philanthropists should be given to devising additional means to arrest the ravages of drunkenness, and to guard the community from the suffering, disease and crime which it engenders.

The financial straits to which the General Government has been reduced, and the universal prostration of our commercial and manufacturing interests, clearly demonstrate that protection and encouragement to our own industry is vitally essential to national independence, and to the happiness and prosperity of our people. It is greatly to be desired that a change should be effected in the mode of levying duties upon foreign importations. Could a specific tariff be made to supersede the present *ad valorem* system, it would be an important step towards the relief of our manufacturers, and thus open the way to a great increase of a general prosperity. By allowing



parties interested to fix the valuation of goods in the foreign market, and assessing duties on this valuation, it is certain that the grossest frauds have been practiced for years past, to the detriment of the home manufacturer, the honest importer, and the government itself. Our manufacturers need, and in my judgment are right in demanding, an equitable and specific protection, not incidental, not accidental, but steady, unqualified, and uniform protection.

It is but a few years since the corporate authorities of New York city were compelled to apply to Congress for relief from the ship loads of paupers and criminals who were sent to this country as "emigrants," but found their way at once to the almshouses and hospitals. Congress passed certain acts restricting the number of passengers that should be brought in any one vessel, and the city authorities adopted other means to arrest the evil, but it is unquestionable that this deplorable source of crime and disease has been only partially checked. We owe it to ourselves and the country at large to take care that such contaminating influences shall not come upon our shores, nor abide within our borders.

I renew the suggestions of my former message upon the subject of a Registry Law. Our present form of government would be as nearly perfect, I truly believe, as human wisdom could devise, could we only effect a thorough purification of the ballot box. This all parties ought to desire, and to be willing to work for with unanimity. While it is conceded that the power of a majority may be wielded tyrannically, yet this is seldom likely to occur to an aggravated extent, and at any rate, if tyranny must exist in some form, our people prefer to come under their own yoke, rather than any other. An intelligent minority will submit to the will of the majority fairly expressed, and legally enforced; but when it is justly suspected that venality and corruption have been at work to defeat the honest verdict of the people, a feeling of exasperation is excited which, were it often aroused, would certainly lead to anarchy and blood-shed. A Registry Law would be an im-

portant step towards securing a fair expression of popular will, and I cordially recommend its adoption.

The practice of spending money at our elections, for the purpose of procuring the votes of a corrupt class of people, is an increasing evil, and ought to be discountenanced by all moral and legal means; I therefore recommend the passage of a law empowering the officers of election to require any one whose vote may be challenged, to answer, under oath, if he has received, or expects to receive, any money, or other valuable consideration, as payment for his services in attending the polls and voting, and when the person so challenged refuses to answer, or answers in the affirmative, that the vote of such person shall be rejected.

Some restraints upon Naturalization, so far as the right of suffrage is concerned, would be another, and an important step towards the purification of the ballot box.

Each State determines for itself what shall be the qualification for the elective franchise within its jurisdiction. Naturalization is by act of Congress, and confers some rights, and removes some disabilities, and with these we should not desire to interfere; but it cannot give the right to vote—this is the act of the State alone. It is plain that an ignorant foreigner, who is taken in hand by some unscrupulous partizan, his naturalization papers paid for, and who rushes from the Court to the polls, is not a voter in any intelligent sense, but only used as a make-weight by whatever party can secure him. To prevent this, and to add to the dignity of our elections, it is important, in my judgment, that such a change should be made in our State Constitution as will debar foreigners from exercising the right of suffrage, for some fixed period beyond their naturalization.

The obligation to support the Federal Constitution is one which is imposed very properly on all official persons in the several departments of our State government. It rests alike on the Legislature, the Judiciary, and the Executive. It is, indeed, no less binding upon the people. But in New Jersey, to support the Federal Constitution, is not an onerous duty,

but it is regarded as a high privilege. It is performed cheerfully, zealously, with the same ardor and devotion with which we love our country,

No effort has ever been made, or even proposed, by any body of men in this State to avoid the discharge of any constitutional duty, or to disregard the constitutional rights of any person, or of any State belonging to the Union: on the contrary, the people of New Jersey have always promptly, earnestly, and by large majorities, resisted and condemned every attempt to violate the constitution—to impose new and sectional misconstructions upon it—to abandon the impartial, just, and truly national policy adopted by its founders, and to substitute therefor a novel policy of sectional aggrandizement, not for, but against “the general welfare” of the Union, if not intended by some, at least, to prepare the way for its dissolution.

Let us hope that such attempts will be pretermitted for the future. If they shall be, New Jersey will rejoice most heartily in the domestic tranquility and fraternal harmony which will, in consequence, prevail throughout the Union. But if, on the other hand, attempts should again be made, as has been too common in the last few years, to pervert or disregard the constitution, to subvert the ancient policy of the government, to re-agitate pernicious questions respecting slavery, and to engage the Federal Government in schemes for its extension; to force, by threats or bribes, a pro-slavery constitution upon an unwilling and resisting territory, to which “popular sovereignty” had been promised in an especial manner—or, worse than all, to revive, in utter disregard of the laws and the constitution, that cruel and barbarous traffic, the African slave trade; if such efforts should be made, it would be the duty of the people of the State of New Jersey to resist them—and that duty they would assuredly perform. They would rally, almost as one man, to the defence of the constitution and the free institutions it has established. With all the energy of patriotism they would endeavor to defeat such attempts, and

they would stamp them with enduring marks of their disapprobation and displeasure.

You will pardon me for suggesting to you the necessity of making frequent visits, during your session, to the various State departments and institutions. In this way only can you be made fully aware of their condition and practical working, and I am persuaded that you will be amply rewarded by the satisfaction derived from witnessing the excellent manner in which they are conducted, whilst you will at the same time, be giving encouragement to the officers in charge to continue in well doing.

The good of the community will be best subserved by confining the number of the legislative enactments within the limits of absolute necessity. I venture, therefore, to express the hope that you will be able to complete your labors within the time contemplated by the constitution, and that they may be characterized by that enlarged courtesy and liberal policy which will tend to elevate the character of New Jersey, and to advance the welfare of its citizens.

I commend the great interests of the State to your care, and to the kind Providence of the everlasting Father who rules "in the armies of heaven and amongst the inhabitants of the earth."

WILLIAM A. NEWELL.