
ANNUAL REPORT
OF THE
COMPTROLLER OF THE TREASURY
OF THE
STATE OF NEW JERSEY,
FOR THE YEAR 1869.

REPORT.

STATE OF NEW JERSEY,
OFFICE OF COMPTROLLER OF THE TREASURY, }
TRENTON, January 15, 1870. }

To the Legislature :

The income of the State from the ordinary sources of revenue for the year ending November 30th, 1869, was estimated a year since, at five hundred and forty-four thousand three hundred and eleven dollars and eight cents. coupled with the condition that if certain contingencies arose, the income would be increased some forty thousand dollars. The actual receipts therefrom, including sixty thousand dollars from the State tax, have been five hundred and ninety-two thousand eight hundred and eight dollars and seventy-three cents, and these relate exclusively to the State Fund, and have no connection whatever with the moneys paid to the credit of the War or School Funds, or to the State Library, Agricultural College, and Bank Note Redemption Funds, which will be treated separately herein, or to moneys received from any extraordinary source whatever. Of this amount received by the State Fund, five hundred and nine thousand four hundred and four dollars and fifty-three cents were paid by eleven railroad and two canal companies, either as dividends, interest on bonds, tax on capital or cost of road, tax in lieu of transit duties or rent of lands under water. Last year only nine of these companies paid anything, and the amount received was four hundred and thirty-two thousand two hundred and seventy-seven dollars and twenty-two cents, so that the increase in this regard for the year 1869 was seventy-seven thousand one hundred and twenty-seven dollars and thirty-one cents.

As the traditional policy of the State prior to the creation of the

war debt in 1861 was, with rare exceptions, to levy no State tax, but depend for defraying the expenses of the State government upon the revenue derived from other sources, of which these companies, at least in 1868, had contributed eighty per cent; that of the railroads chartered by the State, some made no reports at all, and others that did, showed from their returns that nothing was due according to their charters. Perceiving that the expenses of the State government were steadily increasing year by year, from increase of population and other causes, and being unwilling that the antiquated policy, which required all persons, natural or artificial, to live within their incomes, should be subverted, it was determined to ascertain, if possible, whether sums of money, large or small, were not due and unpaid to the State from certain railroads, either reporting or non-reporting, and whether for the year preceding or previous years.

The first railroad company that came up for review was the Paterson and Hudson River. This is an old corporation, chartered January 31st, 1831, and required by its act of incorporation to pay, after the expiration of five years from its passage, one quarter of one per cent. annually upon its capital paid in, and after the expiration of ten years, one-half of one per cent. upon the same. It had been leased by legislative assent to the Erie Railway Company. As no report had been made and no tax had been paid under this charter, since the creation of this office in 1865, and its records not extending beyond the date of its creation, recourse was had to the books of a late deceased Treasurer to ascertain whether any tax had ever been paid by this company and, if so, the date of the last payment. After diligent search by the Treasurer and his clerks, it was discovered that the last tax paid was for the year 1862. The lessee was then promptly informed that the State claimed the tax from 1863 to 1869, six years inclusive. After a brief delay and some correspondence, the tax was received, and amounted to eighteen thousand nine hundred dollars.

From an examination of the same books, it appeared that the Jersey City and Bergen Railroad Company had formerly paid a tax, but for some years it had been pretermitted, the company making no report annually, as required by law. Correspondence was opened immediately, which resulted in payment by the company of all arrears, which amounted to ten thousand and sixty-four dollars and nine cents. Of this sixty-four dollars and nine cents were paid in cash, and the bond of the company, endorsed by the New Jersey Railroad and Transportation Company, for ten thousand dollars filed with the Treasurer.

It appeared from the return of the Cape May and Millville Railroad Company for 1868 that they had paid a dividend of three per cent. in December of that year, and had been leased to the West Jersey Railroad Company, and by referring to the charter of the former, it further appeared that as soon as dividends were declared

an annual tax of one-half of one per cent., upon the cost of the road accrued to the State. This tax was demanded and paid, and amounted to three thousand seven hundred and sixty-six dollars and eighty-two cents.

The Millville and Glassboro' Railroad Company made no report in 1869, but in 1868 it did, stating that it was under lease, and had paid two dividends, amounting to \$51,548. As its charter provided that as soon as seven per cent. dividends were declared, and so long as it paid them, a tax of one-half of one per cent. upon the cost of the road should be paid into the State Treasury, and deeming, from this report, that the contingency had arisen, the tax for 1867 was demanded of this company, and here a long correspondence ensued with the counsel of the company, but, owing to the peculiar phraseology of this charter, and its doubtful interpretation, the claim was finally abandoned.

The charter of the West Jersey Railroad Company provides that when the net proceeds or income of the road shall be equal to seven per cent. upon its cost, that it shall pay a tax of one-half of one per cent. upon that cost, and the report of this company, made in 1869, conclusively showing that the tax for 1868 was due, demand was made for it accordingly. This case, like the last, passed into the hands of counsel, and it is presumed that the tax will, sooner or later, be paid; it is an honest claim on the part of the State, and there is no intention of abandoning it.

There is undoubtedly a large amount of money due the State from divers companies at present unknown, which have neglected to pay the taxes of preceding years, and it is the intention of this office, as it clearly is its duty, to trace them up and bring them to their responsibility without delay.

The sum received from fines and forfeited recognizances was \$2,742.06, a decrease from the preceding year of \$3,710.27. This is not to be accounted for on any fair presumption, since the criminal business of the State increases annually. The act of 1868, which, under a penalty, made it the duty of the court clerks, at certain times, to transmit a true abstract of fines and amercements awarded, and the amount of all judgments on forfeited recognizance for the public use, has been very generally disregarded throughout the State (the worthy clerk of the County of Cape May always excepted) and entirely so by the clerks of the most populous counties, who, at the same time, display considerable alacrity in collecting from the public treasury their numerous bills of criminal costs and transportation. Prior to that act, the sheriff only was entitled to a commission of five per cent. upon all moneys received by him on execution issued against recognizers, but as he frequently became possessed of these moneys, for the use of the State, without execution, and even before the award of *scire facias*, the constant usage had been to permit him to deduct his commission. After a while it became common for the bail to pay the forfeiture to the

prosecuting attorney or to the clerk of the Court, who in their turn, claimed the right to deduct the commission, although they were clearly without the statute.

To remedy this state of things, was one of the objects of the law of 1868, which provided that whether the Sheriff, Prosecutor of the Pleas or Clerk of the Court received the money, he who paid it over to the State Treasurer should be permitted to deduct the commission. But it appears, in spite of the liberality of this act, that the revenue from this source has within the last year decreased more than one hundred per cent. Being satisfied that moneys belonging to the State were retained in some of the counties, letters were addressed to the prosecutors of a number of them, calling their attention to this matter and the law. But the returns amounted to very little, and in one case the officer not only deducted the commission, but also the amount of two bills of costs in other cases of recognizance, where judgment had been entered, execution issued, and the Sheriff had returned *nulla bona*, the object being to indemnify himself for the worthlessness of the bail, which he himself had assisted to take. He was informed that his plea was not only demurred to, but was held insufficient. The Legislature should take prompt action in the premises, and forbid the payment of all costs, in the cases of State Prison convicts coming from counties whose clerks make no returns, and whose officers, or any of them, retain the moneys which properly belong to the State.

From licenses and fees were received \$11,278.90, which is an increase beyond the receipts of the preceding year in the same account of \$1,643.88, and from assessments of private acts \$9,350; being an increase of \$1,447.40. The aggregate income from these last three ordinary sources of revenue, was \$23,370.96 against \$23,989.95 the year before, showing an aggregate decrease of \$618.99, which is attributable to the diminution in the return of moneys from fines and forfeited recognizances before referred to.

Among the receipts of the State Fund during the last fiscal year were \$33.24, although a much larger amount has been paid in since, under "An act to increase the revenue of the State," approved March 31st, 1869. This act requires the payment of the tax within sixty days after the first Monday in November in each year. The terms of this law are exceedingly broad, including every private banker and broker, and every unincorporated banking and saving institution and express company doing business in this State, and all corporations incorporated by or doing business in the State, except such as by some existing law do now pay an annual tax directly to the State Treasurer for the use and benefit of the State. All these parties are by this statute required to make return of their net earnings or income to the Comptroller on the first Monday of November annually. This act was in the main copied from a Pennsylvania statute, but in the latter, provision is made

for ascertaining the names and localities of the parties taxable, by certificates filed in the proper office, which is not found in the former.

It is by no means easy in cities having directories, to ascertain who are taxable under the law, but in the country the difficulty is great. In order to make the best of it, a notice was issued from this office directed to every newspaper establishment in the State, requesting publication, reciting the provision of the law in brief, and calling upon every party interested to respond. It is believed that this notice appeared in every newspaper published within the State.

In addition to this, blank forms of return were printed and sent by mail from this office to every party known, or supposed to be liable. Forty-five returns have been made and filed, and the amount of money already paid in is \$491.00. But these returns and payments have been made by the smaller dealers, whilst the great moneyed corporations of the State have wrapped themselves in the mantle of contemptuous silence, not even acknowledging the receipt of the printed forms transmitted to them.

Most statutes are encumbered with machinery, but that objection does not apply to this act. The taxable party must make return of income before the last day of each year, under a penalty of ten per cent. for neglect, which is to be added to the amount of tax found due in the settlement of the account. But suppose the party to make no return, upon what is the ten per cent. to be computed? And to what system of algebra or other science dealing with unknown quantities, shall recourse be had?

In another section, the Comptroller and the Treasurer are authorized to examine the books and papers of any party to verify the return made, but where is their authority to act if no return be made? Again, the Governor may appoint agents, not exceeding two, who are authorized to examine the books and papers of any taxable party to verify the accuracy of the return made. The question recurs, if no return be made, what then?

It is hoped that this matter will be so treated by the Legislature, as to remove these doubts or difficulties, by a supplement prescribing definite and certain penalties for not reporting income and non-payment of it, at the times designated in the statute.

In connection with this subject, it may here be stated, that the agent appointed by the Governor has given all his time in aid of the efficient execution of this law, with a fidelity that merits commendation. He has, with great labor, compiled an alphabetical index of every corporation chartered by the State, or which has under its authority filed certificates in the office of Secretary of State, whether liable to taxation or not, and has thereby rendered valuable aid to the officers of the Treasury in other departments of their duty.

WAR FUND.

The income of this fund during the past fiscal year consisted of the following items, viz: From State tax \$290,000.00, and from the United States \$27,549.45, in the aggregate amounting to \$317,549.45. If to this be added the moneys refunded from the state fund, \$93,270.71, and the balance in bank December 1, 1868, \$5,012.97, the total amount is \$415,833.13; and the disbursements, in payments to the Commissioners of the Sinking Fund of their portion of the State tax to the Soldier's Children's Home and other objects, which have been considered as especially chargeable to this fund, amounted to \$414,406.32, with a balance in bank December 1, 1869, to the credit of the fund of \$1,426.81.

It is noticeable that this debt of \$93,270.71 which the State owed the war fund a year ago has now been discharged. At that time it was suggested to the Legislature, that to enable the Treasurer to pay this debt, a portion of the bond for \$500,000 given by the United Companies for shore front at Harsimus Cove should be appropriated; but as no action was taken thereon, the bond remained intact, and the money has been repaid the war fund from other sources.

It is quite apparent that the receipts of this fund for the current year will be limited mainly to the receipts from the State tax, all of which will be consumed, in the payments made, on account of the bonded debt.

At the date of this report, that debt is two millions nine hundred and ninety-six thousand two hundred dollars (\$2,996,200.00) of which one hundred thousand dollars are to be paid January 1st, 1871, with interest on the whole debt at the same time for the preceeding six months, and interest due July 1st, 1871, on two millions eight hundred and ninety-six thousand two hundred dollars, which will be the debt at that time, and the aggregate of principal and interest moneys thus reckoned, will be two hundred and seventy-six thousand seven hundred and seventy-two dollars, (276,772.00).

This must be raised by tax, as provided in the statutes creating the debt, and the amount to be levied should not be less than the usual sum of three hundred and fifty thousand dollars, of which two hundred and seventy-seven thousand dollars should be paid to the Commissioners of the sinking fund, in discharge of the principal and interest payments aforesaid, and the balance should be appropriated to the general uses of the State. As compared with last year, this will of course increase the receipts of the State fund \$6,000.00, but on the other hand that fund will have to support, if possible, divers objects, which hitherto have been justly chargeable to the war fund. And the important question to be asked, and which will meet its answer during the current year, is this: How can these objects be maintained as heretofore without taxa-

tion, and from the ordinary resources of the treasury? Additional moneys, but in small amounts, may be paid by the United States upon the war claims of New Jersey, and if the vigilance and pertinacity of the Quartermaster General can make these moneys come, they will come; but we have institutions growing out of the war, that cannot live on small amounts, and the aggregate disbursements on their account, in comparison with the receipts of the State fund, have been relatively large. This fund has provided for the following objects, to wit:

The Soldiers' Children's Home, which last year received \$46,977, including \$20,000 for a new wing, will this year require at least \$35,000, for the number of pupils at last report was 193, for each of whom the State allows \$150. And by a law of last winter, wages and salaries, not exceeding \$500 a quarter, was made a charge upon the treasury.

To the Home for Disabled Soldiers, \$17,886.36 were disbursed during the past year. The State appropriates to this object \$25,000 annually, and besides this appropriation for 1870, the institution has a balance to its credit upon the appropriations of the last two years, of \$35,076.14.

There are recorded in this office the names of 160 single men and 85 married men, belonging to the Tenth Regiment of volunteers; 175 single men and 90 married men of the First Regiment of cavalry; 190 naval recruits and 40 colored men; none of whom, either by themselves or their families, have received the State pay. To pay these now, with what is supposed to be due on account of deceased volunteers and soldiers in the service of the United States, would require \$30,000. The amount paid last year on all these accounts, was \$1,949.15, against \$12,298.47 paid out the year before.

It is impossible to estimate how many of these claims will be presented during the present year. Judging from the progressive annual decrease in amounts demanded, not more than \$2,500 will be required to discharge them, during the year 1870.

The whole number of names of naval recruits registered to date is 5,230, and of colored troops 2,525, and their families, and those of about twenty others in the army of the United States, are entitled to the bounty of the State.

There are certain salaries hitherto chargeable to the War Fund, such as those of the Sinking Fund Commissioners and their secretary, and of certain clerks in the State House offices. The payment of these salaries will require \$12,000 during the current year.

The unexpended balances of appropriations to the cemeteries at Antietam and Gettysburg amount to \$3,612.43, and, with the salary of the military store-keeper and arsenal pay roll, with other incidental expenses, will require \$18,000 for their payment.

The foregoing sums amount to \$127,576.41, of which, undoubt-

edly, \$100,000, at least, will be demanded during the present year, and must be paid from the moneys of the State Fund, assisted, as that fund may be, in some small measure, by receipts from the United States.

SCHOOL FUND.

The receipts of this fund, including \$65,000 appropriated to public schools, and the balance in bank December 1, 1868, were \$137,681.11. Of this sum \$38,941.16 were received as interest from bonds and mortgages, the property of the fund, and \$4,030 from dividends on stocks. Mortgages to the amount of \$19,326.33 were paid off, and the investments made, by order of the trustees of the fund, amounted to \$28,393.44. The disbursements were \$128,393.44, and the balance to the credit of the fund, on the 1st December, 1869, was \$9,287.67.

The Trustees of the School Fund, at the time required by law, distributed the sum of one hundred thousand dollars for the benefit of the public schools, among the several counties, as follows, to wit:

Counties.	No. of Children.	Appropriation.
Atlantic,	4,774	\$1,986 10
Bergen,	7,694	3,200 89
Burlington,	15,089	6,610 22
Camden,	12,138	5,049 71
Cape May,	2,383	991 38
Cumberland,	9,002	3,745 06
Essex,	32,654	13,584 88
Gloucester,	7,130	2,996 26
Hudson,	30,180	12,555 65
Hunterdon,	10,780	4,484 75
Mercer,	12,082	5,026 41
Middlesex,	11,841	4,926 25
Monmouth,	14,084	5,859 29
Morris,	12,330	5,129 59
Ocean,	4,457	1,854 22
Passaic,	11,656	4,849 18
Salem,	7,538	3,135 99
Somerset,	6,825	2,839 38
Sussex,	7,835	3,259 55
Union,	9,039	3,760 45
Warren,	10,059	4,184 79
	<hr/> 240,370	<hr/> \$100,000 00

STATE LIBRARY FUND.

The receipts were, from the United States for rent of rooms for the use of the Federal Courts, \$800; moneys returned, \$10, and from the State \$250, and the balance to the fund December 1, 1868, \$346.12. The disbursements were \$1,283.74, leaving a balance due the fund of \$122.38.

BANK NOTE REDEMPTION FUND.

The receipts were \$331.30, and the balance in bank December 1, 1868, \$7,845.54; total, \$8,176.84. The disbursements were \$1,442.60, and the balance in bank to the credit of this fund December 1, 1869, was \$6,734.24. This balance mainly belongs to the Bloomfield Bank.

AGRICULTURAL COLLEGE FUND.

This fund consists of State bonds held by the Treasurer, who pays the interest as it accrues, semi-annually, to the Trustees of Rutgers' College for the benefit of the scientific school connected with that institution. The income paid over was \$6,924; but there was a balance to the credit of this fund of \$545.95. As this was an odd as well as a fractional sum, the officers or friends of the college contributed \$54.05, which raised the balance to \$600, and this sum was invested by the Treasurer in securities of the State.

STATE FUND.

The income of this fund was \$678,908.73, which includes \$60,000 temporarily loaned to the Treasurer (and borrowed in anticipation of revenue accruing) by the Mechanics' National Bank, at Trenton, and the Trenton Banking Company, and the disbursements were \$676,148.25, leaving a balance to credit of \$2,760.48. These disbursements contain the payment of \$93,270.71 to the War Fund, as before stated, and the residue thereof or \$582,877.54 were paid out strictly on State account, and on objects connected therewith, as follows, to wit:

State Prison.—The amounts paid from the Treasury on account of this institution for the past year were as follows: For salaries, \$40,790.43; repairs, \$13,009.58; on appropriations, \$66,234.00; State Prison improvements, \$20,372.49; total, \$140,406.50; which exceeds the expenditures of 1868 \$25,000. But it should be noticed that when the Supervisor entered upon the duties of his office, he found credited upon the Prison books, November 30, 1868, the net capital thereof, or \$27,056.33, and appropriation moneys drawn between that date and March 31, 1869, of \$30,000. These sums had not only been absorbed, but at this last date the liabilities exceeded

the assets \$6,524.70, which have since been paid from the income. By the last Legislature \$9,734 were appropriated to finish the wing for female convicts, and \$500 for the Prison library. In three instances the salaries of employes have been raised, and the item for improvements expresses the amount paid out during the fiscal year on account of the construction of the new shop, a massive stone structure 240 feet long, 50 feet wide and two stories high, which with apparatus for heating, ventilating and motive power will probably cost \$50,000. When this is completed, the prisoners engaged upon contract work can be transferred, and the shops now occupied by them taken down, and room thus made within the walls for the erection of a new wing according to a law of the last session. About 300 prisoners are now employed on the contract work, at 60 cents per day for each person, which is a large advance upon previous rates. A slaughter house has also been erected, at which, when economy or convenience demand, the meats for the use of the Prison can be dressed; and there is no reason in the world, after the new shop is paid for, why the Prison should not be self-maintaining. That is to say, the State should be called on for no aid beyond the repairs of the Prison, which are without the jurisdiction of the Board of Supervisors and belong to the Inspectors, the payment of salaries, and the annual sum of \$10,000 which by a permanent law is appropriated to its use; and if vigilance, economy, and integrity united in the person of the Supervisor can bring about this result, it will be accomplished. In aid of this great object, the diminution in the cost of maintaining the institution, much depends upon its sanitary condition and discipline. These conditions are now believed to have been unsurpassed at any previous era in its history, and the members of the Legislature are respectfully invited to verify this statement for themselves. They are declared by statute to be official visitors, having the right to examine the Prison and every cell therein, and the Keeper is specially instructed to afford them every facility for so doing.

Lunatic Asylum.—There were paid out for salaries last year, \$7,957.25, and for county patients, \$23,509.76; total \$31,467.01. In 1868 \$59,628.25, an apparent decrease of \$28,161.24 in 1869; but when it is considered that in 1868 \$32,000 were paid on account of appropriations for building, &c., which do not figure in the accounts of the past year, and that the salary account in 1868 was \$7,890.26, and for county patients \$19,737.99, it will be manifest that in these last two items, there was an actual increase of expenditure of \$3,838.76. But in the item of county patients, is included the maintenance of eight State Prison convicts, sent to the Asylum as lunatics, on the warrant of the Chief Justice, by virtue of the statute entitled "An Act for the Government and Regulation of the State Prison," approved March 26th, 1869. For these convicts the Asylum charges the State for each, a dollar per day. In the case of county patients, the State pays for each person, one dollar

per week in addition to the sum paid by the counties, which is fixed by law at \$3.50 per week.

Cost and Transportation.—On this account payments have been made as follows: Criminal costs \$21,304.31, and for the transportation of convicts to the State Prison \$3,455.15. Total expenditure \$24,759.46, a decrease from the expenditure of the year before of \$1,383.25. This decrease is attributable to the fact, that in 1867 and subsequently, laws had been passed having reference to the counties of Essex, Hudson and Camden, which provide in substance that when any person should be charged upon oath with any offence triable in the court of General Quarter Sessions of the county, and the party charged should in writing waive indictment and jury trial, and request immediate trial, he might be tried by the presiding judge and two other Common Pleas Judges (in Camden one) constituting a court of Special Quarter Sessions. If convicted he should receive such punishment or fine as should be authorized by law in case such person had been duly indicted and convicted. Instead of an indictment by the Grand Jury he was to be tried on "an allegation in writing," to be preferred by the prosecutor of the pleas; and the same result was reached if he entered a plea of guilty. But this law provides that the costs "if not paid by the party convicted shall be paid by the Board of Chosen Freeholders," as in proceedings under the 34th and 35th sections of the Act for the Punishment of Crimes, approved April 16th, 1846.

These sections refer to the trial of persons charged with larceny below the value of twenty dollars. Upon request, this might take place before two justices of the peace without indictment, and upon an "accusation in writing." The fine inflicted upon a convict could not exceed \$100, nor the imprisonment three months in the county jail, and the court could not send the convict to the State Prison.

This law, adopted by the revisors in 1846, and incorporated in the revised statutes, was an old law passed at least as early as 1829, when there was no provision in the Constitution of the State which prohibited it. But in the Constitution of 1844, occur the following paragraphs: "The right of a trial by jury shall remain inviolate," and in civil suits where the matter in dispute did not exceed \$50, the trial might be before a jury of six men. Again, "in all criminal prosecutions the accused shall have the right to a speedy and public trial by an impartial jury," and again, "no person shall be held to answer for a criminal offence, unless on the presentment or indictment of the grand jury, except in cases of impeachment, or in cases cognizable by justices of the peace or arising in the army or navy, or in the militia, when in actual service, in time of war, or public danger." It was urged that the costs resulting from conviction, whether on the confession or trial of the prisoner, without indictment, were not valid charges against the State, and that the consent of the prisoner amounted to nothing

since consent could not confer jurisdiction; but without stopping to inquire whether there was conflict or not, between the text of the Constitution and the statute, and leaving that question to be decided by the courts, if it ever comes up, the bills of costs in all cases coming from the special sessions, where no indictment had been found, were remitted to the Sheriff for settlement by the county collector, while the bills for transportation were paid by the State.

It is true, that the 3d section of the State Prison Act of March 26, 1869, provides that the costs of conviction of every offender sentenced to the prison shall be paid by the State, but so, and in so many words, did the 3d section of the act of 1846, which this later law repeals; it also repeals all other acts and parts of acts inconsistent with itself, "to the extent that they are so inconsistent." Now, when these special session laws were passed, the general law provided for the payment of the costs of all convicts sentenced to the State Prison, and yet the special laws declared the county liable, and not the State. Did the law of 1869 repeal so much of these special laws, as cast the costs upon the county? And it was held that it did not. For, while the latter repeals the former law, which is contrary to it, on the same subject matter, yet this is a repeal by implication only, which the law does not favor. And if both laws, by fair interpretation, can stand, they shall; nor can there be any repeal, unless such was the clear intention of the Legislature. And he must be of easy faith who can believe that in making a new State Prison law, by bodily transferring sections and sentences from an old one, it ever entered the legislative mind that by so doing the special session's law of costs would be repealed.

The payment of these bills was therefore declined, and this was done by the advice of the late Attorney General.

The act relating to the Mercer county special sessions was passed on the same day with the Camden act, but the provision as to the payment of costs is quite different. In Mercer county they are to be taxed and paid in the same manner as costs on indictment in the Oyer and Terminer, and so in the county of Union.

And so in the county of Middlesex, by Act of February 24, 1869. And so in the county of Monmouth, by act of March 25, 1869.

It seems, therefore, that the costs of criminals sent to the State Prison from three of the counties are to be paid by the Boards of Freeholders, and from the other counties by the State. This ought not to be; they should all be placed upon the same footing.

Again, in six of these counties, under their special laws, the prosecutor of the pleas could only recover ten dollars as a conviction fee. But a supplement was passed for the county of Middlesex, March 24, 1869, which gives to the prosecutor the same fees as he would get for like services in criminal cases, in the Oyer and Terminer; that is, in plain English, he shall receive fifteen dollars

for conviction upon trial, instead of ten, in which there is no propriety, unless the same provision is extended to the other five counties.

The following schedule will show the payments of costs and transportation during the past year by counties, viz:

Counties.	Costs.	Transportation.
Atlantic,	\$209 25	\$73 80
Bergen,	1,635 10	226 80
Burlington,	1,386 22	72 45
Camden,	2,417 31	268 95
Cape May,	38 26	30 90
Cumberland,	399 88	142 00
Essex,	4,419 68	711 45
Gloucester,	465 97	82 00
Hudson,	2,418 64	768 00
Hunterdon,	1,571 87	56 00
Mercer,	427 80	24 00
Middlesex,	591 69	75 40
Monmouth,	155 65	32 00
Morris,	1,266 69	227 20
Ocean,
Passaic,	1,069 61	236 25
Salem,	802 92	114 00
Somerset,	662 26	68 00
Sussex,	62 62	50 50
Union,	1,239 59	156 95
Warren,	63 30	39 00
	\$21,304 31	\$3,455 15

These last three statements are suggestive. They reveal the fact that the crime and pauperism, which come under State supervision and find refuge either in the State Prison or Asylum, cost last year, within a fraction, twice as much as the State appropriated to public schools. Ignorance has been called the mother of devotion; certainly it is the fruitful parent of both crime and pauperism, and when the children of the State are all educated, as they will be, these evils, as far as they relate to the native population, will measurably disappear.

Printing.—The State printing cost during the past year \$69,057.24. In 1868, \$53,843.01; showing an increase for 1869 of \$15,214.23. This increase is owing in part to the increase of newspapers in the State. By the law, each newspaper may publish such laws as are transmitted by the Secretary of State for that purpose, and at the rate of sixty cents a folio of one hundred words, but there is a proviso in the statute that confines the publication to

such newspapers as have been in existence for at least one year ; but the proviso amounts to very little, since it is a practice quite common for the Legislature to avoid it by a special act empowering the persons therein named to publish the laws irrespective of the limitation, and in the next place, the legislative business increases yearly, thus swelling the bills current for printing the Journals of the Senate and Assembly, the Legislative Documents and Pamphlet Laws. Taking the last item for instance, the Pamphlet Laws of 1869 made a book of 1,600 pages, which is larger than the volume of 1868 by 250 pages. This book, with the volume of Legislative Documents, make a pair of literary curiosities as to external form, and bid fair in a few years to become as thick as they will be long. The following schedule will show the items of this expenditure :

Laws in newspapers,	\$35,469 15
Current printing,	12,226 35
Senate Journal,	3,508 20
Assembly Minutes,	4,325 36
Legislative Documents,	\$4,740 06
Pamphlet Laws,	7,874 50
Proclamations, advertisements, &c.,	556 82
Rules of the Court of Chancery,	355 80
	<hr/>
	\$69,057 24

The permanent work mentioned in this schedule has been well done, upon good paper, and in all respects according to the requirements of the statute, and the Laws were delivered to the Treasurer on the second day of July last.

Beneficiaries in other States.—One hundred and four persons were maintained in the Asylums of New York, Pennsylvania and Connecticut, during the last year at the cost of \$28,565.85. In 1868, eighty-five persons were maintained at the same institutions at the annual cost of \$18,246.19 ; showing an increase in 1869 of nineteen persons and \$10,319.16. The entire disbursements of last year exceed the appropriations \$6,565.85, and this is the first time that such excess in the aggregate has appeared. In 1868, the payments on account of the Deaf and Dumb were in excess of the appropriations \$1,054.57, but the payments on account of the Blind and Feeble Minded were within the appropriations \$4,807.88. The State annually appropriates for the support, education and clothing of the Blind \$9,000 ; of the Deaf and Dumb \$8,000 and of the Feeble Minded \$5,000, and limits the annual charge for the deaf mute at \$285, and for the others at \$300 for each person. All these institutions have balances standing to their credit for past years which brought forward in aid of the present expenditure, will relieve them from the charge of overdrawing their accounts. The follow-

ing table will show the location of these pupils at the respective dates of the last reports mentioned therein, with the expenditure for each class :

Places.	Date of last report in 1869.	No.	Amount.
Philadelphia Blind Asylum,	Oct. 30,	20	\$12,217 58
New York " "	June 30,	18	
Philadelphia Deaf and Dumb Asylum,	Sept. 1,	11	10,812 21
New York " " "	June 30,	30	
Hartford, Ct., " " "	Oct. 15,	2	5,535 06
Media, Penna., Training School,	July 1,	23	
		<hr/> 104	<hr/> \$28,565 85

Education and State Board.—The disbursements for schools are fixed and limited by law, and were paid accordingly, viz : To the public schools, \$65,000 ; to the Normal School, \$10,000, and to the Farnum School at Beverly, \$1,200, in all \$76,200, which is the identical amount paid out for the same objects in 1868. The amount disbursed on account of the State Board of Education was \$2,216, of which \$557.42 were in payment of the personal expenses of the seventeen members of the board as authorized by law ; for printing, \$880.11 ; for Institutes held in the counties of Morris, Warren, Burlington and Camden, \$400, and the residue for clerk hire, postage, stationery, and other incidental expenses.

Reform School.—On the first of April, 1869, the Legislature made an appropriation to this school of \$10,000 for the enlargement of the main building, by the erection of a wing, and \$12,500 for the maintenance and instruction of its pupils ; there was besides a balance of appropriations of \$2,500 from the preceeding year. The disbursements on its account in 1869 were \$25,000, which equal the foregoing appropriations. A letter has been received at this office dated January 3d, 1870, from the President of the Board of Trustees of this institution, which states that in order to pay off the deficit of the last year, finish and furnish the new wing and support the school for the current year, \$20,000 will be required.

Geological Survey.—In 1864 a law was approved that provided that the geological survey should be completed in four years, at an expense not exceeding \$20,000, aside from the cost of publication. It appears, however, that it was not finished at the end of the four years, although the money was, for a supplement was approved April 1, 1869, which stated that for the purpose of completing said survey the annual appropriation of \$5,000 should be continued for a further period of four years, subject to suspension at the discretion of the Governor.

There were disbursed on this account during the last fiscal year

\$10,635.83, which appears to be a large excess over the appropriations, but it is not so, the apparent excess arises from the fact that by the law of 1864, the State agreed to pay, not only the \$5,000 a year, but also the "cost of publication." This cost of publication a year since had reached the sum of \$10,663.75, it now stands at \$18,905.61.

It is due to the eminent gentleman who fills the position of State Geologist, to say that he placed the books and maps pertaining to this survey, on sale at the lowest cash price for the benefit of the people, and from the sale thereof during the last year has returned to the treasury \$420.

Salaries and Fees.—In this account is to be found the salary of the Governor and other State Officers, and of every clerk in the public service, not chargeable to the War Fund and not engaged on private account. The disbursements, therefore, the past year were \$26,388.16, being an excess of \$2,382.81. But it must be remembered that the office of Supervisor of the State Prison at a salary of \$2,500 per annum, of an Assistant Secretary to the Governor at a salary of \$750 per annum, and of a Revenue Agent at \$1,500 per annum, have been added to the pay roll of salaries.

Militia.—The payments on this account were \$29,763.03 as follows :

Cost of Equipments, &c.,	\$3,708 45
Pay of Officers,	1,819 14
Allowance for Armory rent, or, in lieu thereof,	19,503 91
Transportation,	2,843 25
Miscellaneous,	1,888 28
	<hr/>
	\$29,763 03

The expenditures, a large amount of which were on old account, are in excess of the amount spent in 1868, \$7,474.49. The act of March 9th, 1869, authorizing the organization of the National Guard, supersedes and repeals all the militia laws before that time to be found on the statute books, except a single supplement, approved March 18, 1868. This law declares that the active militia shall be known as the National Guard, and shall consist of not more than sixty companies of infantry, two batteries, and six cavalry companies, to be comprised in one division, and not more than three brigades. The thirty-fourth section provides, that in lieu of the moneys disbursed by the State for uniforms, armory rent, and pay, five hundred dollars for each company duly organized shall be paid annually on the first Monday of April to the paymaster of the regiment or battalion for the purpose of procuring drill rooms and uniforms, and defraying incidental expenses.

On the 30th day of November last, the National Guard was composed of forty-six companies of infantry and one company of artillery.

The First Regiment, of Newark, had six companies.
 The Second Regiment, of Newark, had eight companies.
 The Third Regiment, of Elizabeth, had seven companies.
 The Fourth Regiment, of Jersey City, had seven companies.
 The Fifth Regiment, of Newark, had six companies.
 Battery "A," of Hoboken, had one company.
 First Battalion, of Hoboken, had three companies.
 Second Battalion, of Leonia, had one company.
 Third Battalion, of Trenton, had three companies.
 Fifth Battalion, of Camden, had three companies.
 Sixth Battalion, of Millville, had two companies.

Since the 30th of November the force has been increased, and at the present time there are in the National Guard forty-nine companies of infantry and two batteries, in all fifty-one companies, entitled each, under this law, to five hundred dollars.

State House Expenses.—This account includes all expenditures made for repairs or improvements in the State House building and grounds, and for the purchase or repair of furniture for the several departments. In it are to be found the salaries of the janitor and his subordinates, and the payments made for fuel, water, &c. Last year the disbursements were \$11,551.22. In 1868, \$12,685.53, being a decrease in 1869 of \$1,134.31, although a night watchman had been employed early in 1869 at \$1.75 per night.

Legislative and Judiciary Salaries.—On legislative account were paid out last year \$34,505.67. In 1868, \$59,683.64; decrease in 1869, \$25,177.97. But this decrease is more apparent than real, since the account of 1868 contains payments ordered by the incidental bill passed that year, which amounted to more than \$24,000.

The disbursements on account of Judiciary salaries were \$38,491.04, which are less than the expenditures in 1868, \$4,330.10; but the account for 1869 does not include the per diem and mileage of the Courts of Appeals and Pardons for November term, which amounted to \$2,389, and was paid on the 3d day of December, after the close of the last fiscal year.

Estimates.—The total receipts of the State for the past year, from all sources and the property of all funds, were one million one hundred and fifty-six thousand two hundred and fifty-nine dollars and twenty-two cents (\$1,156,259.22), and the disbursements one million one hundred and thirty-five thousand nine hundred and twenty-seven dollars and sixty-four cents (1,135,927.64), with a balance in bank to the credit of all the funds, December 1, 1869,

(except the Agricultural College Fund) in the aggregate amounting to twenty thousand three hundred and thirty-one dollars and fifty-eight cents (\$20,331.58).

To defray the expenses of the State for the current year on civil account will probably require the following sums, to wit :

Printing,	\$65,000 00
State Prison salaries, &c. (including annual appropriation of \$10,000 for 1870),	52,000 00
Repairs of State Prison (under charge of Inspectors)	10,000 00
Judiciary salaries, circuit fees, mileage, per diem, reports, &c.,	43,000 00
Legislature,	36,000 00
Public Schools and State Board,	66,500 00
Lunatic Asylum and county patients,	33,000 00
Salaries and fees,	28,000 00
Militia,	28,000 00
Reform School,	20,000 00
Transportation and costs,	27,000 00
Normal and Farnum Schools and Normal School repairs,	12,000 00
State House expenses,	10,000 00
Stationery, binding and postage,	7,000 00
Pensions, requisitions and wrecks,	1,200 00
County Institutes and Colonization Society,	1,300 00
Geological Survey and publication,	10,000 00
Blind, deaf mutes and idiots,	22,000 00
Completion of State Prison shops,	30,000 00
Riparian commission, act of March 31, 1869,	5,000 00
Contingent and incidental,	20,000 00
	<hr/>
	\$527,000 00

To which should be added the appropriation balances, to wit :

State Prison Joint Resolution, April 1, 1869, and appropriation, \$10,000, 1869,	20,000 00
State Library (including annual appropriation),	372 30
Geological Survey,	2,697 03
New York Institution for Deaf and Dumb (act of April 16, 1868),	480 00
	<hr/>
	\$550,549 33

And to the above must also be added the estimated War Fund items,	100,000 00
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	\$650,549 33

The receipts derived from ordinary sources of revenue and which hitherto have been disbursed on civil account, will in the course of the current year no doubt exceed the income of 1869 from the same sources, and may be estimated at six hundred thousand dollars. Here is an apparent deficiency of \$50,000. How is this to be supplied? If it were a certainty that the foregoing estimates of disbursements would not be exceeded, the answer would be easy, for that deficiency would be supplied from moneys already received from the Riparian Commission Board. But experience yearly demonstrates that the expenditures exceed the estimates. Those of last year on civil account exceeded the disbursements of 1868 more than eighty-five thousand dollars. This in a great degree is owing to unexpected and extraordinary appropriations. But the estimated revenue for the current year may be increased as follows :

First—The Attorney General has been instructed to bring suit against the Newark and New York Railroad, to recover the sum of ten thousand dollars upon their agreement, by the act of April 11, 1867, to pay the same for rent of lands in Hudson County, one-half of which accrued in April, 1868, and the other moiety in April, 1869. He has accordingly brought suit in the Supreme Court, in debt, in the name of the State against that company, the writ being returnable November 2, 1869, and the declaration filed December 2d in the same year. If a recovery be had and payment made during the year, so much will be added to the income.

Second—The Riparian Commission is progressing with its labors. Already fifty-one thousand five hundred dollars have been received by the State Treasurer on this account; but how much more may be received from this source it is, of course, impossible to predict.

Third—At the passage of the act to increase the revenue of the State, its friends supposed that a large increase would be derived from it. Thus far the expectation has not been realized. Forty-five corporations and individuals have made returns; the amount of net income returned by them was \$176,288.23, the tax on which at two per cent. would amount to \$3,525.76; but of this last amount only \$491.00, as before stated, have reached the Treasury. If the law was amended, as suggested in a former part of this report, large returns might be expected from its faithful execution, but if not, then no estimate can be made as to the result whatever.

But to avoid all misunderstanding, it is here stated, that the returns under this act already received and referred to, did not, in some cases, make any return of taxable income whatever. Eighteen of the forty-five were of this character, and were decidedly multi-form in the nature of their returns. Some of these parties had made nothing, and consequently had no net income or earnings to report; others were incorporated by other States and paid taxes there; others indulged in earnest protests against the law, or presented a learned argument upon its unconstitutionality, or had paid their municipal or county taxes, which they said included this tax,

because a part thereof went to the use of the State in payment of the State tax; some could not understand the law at all and needed instruction in its interpretation; one or two of them threatened to leave the State, if the tax was insisted on; and of those who returned income, several made the computation from the date of the passage of the bill, March 31, and not from the preceding November.

• *Ratables.*—The County Collectors of every county in the State have returned their abstracts to this office, a fact worthy of recognition and grateful acknowledgement, because it is a service performed without remuneration. No more important papers could be submitted to the Legislature, because they show the valuations upon which the annual State tax is levied. The following table will show not only the taxable value of the real and personal property of the State by counties, but also the county tax:

County.	Valuation in 1868.	Valuation in 1869.	County Tax 1869.
Atlantic,	\$ 4,313,303 00	\$ 4,362,871	\$ 14,000 00
Bergen,	20,846,619 00	23,211,941	50,000 00
Burlington,	25,984,954 00	29,089,991	149,999 69
Camden,	16,500,000 00	16,914,700	120,000 00
Cape May,	3,200,000 00	3,350,000	8,500 31
Cumberland,	10,450,000 00	11,170,000	60,000 00
Essex,	84,344,000 00	94,373,000	427,087 25
Gloucester,	12,295,800 00	12,590,600	25,000 00
Hudson,	78,849,212 00	85,133,272	350,000 00
Hunterdon,	26,862,058 00	27,312,116	60,000 00
Mercer,	27,379,772 62	28,803,050	67,616 00
Middlesex,	21,996,000 00	22,053,000	140,561 40
Monmouth,	26,675,640 00	27,780,147	63,265 32
Morris,	23,129,512 00	23,760,000	60,000 00
Ocean,	4,847,598 00	4,348,710	9,208 56
Passaic,	21,826,900 00	24,205,000	120,000 00
Salem,	17,356,375 00	17,150,394	92,914 51
Somerset,	15,406,000 00	15,571,370	50,000 00
Sussex,	16,761,062 00	16,435,526	35,000 00
Union,	21,461,090 00	23,553,000	225,000 00
• Warren,	22,160,144 00	22,092,573	40,000 00
	<u>\$502,645,949 62</u>	<u>\$533,261,261</u>	<u>\$2,188,153 04</u>

Increase in 1869,

\$30,615,311 58 \$30,660 18

From the foregoing statements it appears that the taxable property of the State has increased \$30,615,311 58 during the past year, an increase so large that if a tax of one per cent. were levied upon it, it would produce a sum largely in excess of the amount necessary to discharge in any one year the principal and interest moneys accruing upon the war debt. This is most satisfactory, because it

proves that while the State, its towns, counties and cities were on war account indebted in the year 1866 twenty-seven millions of dollars, a debt which demanded a largely increased rate of taxation, and had sent tens of thousands of her sons to the fields of contests, yet in less than four years the indebtedness has been materially diminished, and the State recovered from the staggering blows of the past, has steadily advanced from year to year in material prosperity. The population has increased, and if the State is not as large as some others, and does not possess their capital, population or territorial extent, yet in industries, energy, faithful administration of justice, literary institutions, morality, financial honor in contracting obligations, with the financial ability to pay them, New Jersey is the peer of any of them. And further, if in 1866 the rate of State taxation was less than one-tenth of one per cent. upon a taxable basis of \$467,918,324, what must it be now?

Coal and Stationery.—The contract for furnishing coal to the State House for the current year was given to Blackfan, Wilkinson & Company, as the lowest bidders. Their charge, including delivery, was \$836.25, and they furnished for this sum sixty-five tons of egg, thirty-five tons of stove sizes, and ten tons of chestnut coal.

The contract for supplying the Legislature with stationery, for the opening of the session was awarded to William T. Nicholson, as the lowest bidder, for \$417.21; this exceeds the expenditure of the previous year in this behalf, \$239.48. But the assortment this year is better, more abundant, and more varied. Experience is of no avail unless its lessons are learned, and it was soon discovered after the last legislative session began, that the stationery furnished was insufficient in quantity, quality and variety, and thus the present purchase is a much nearer approach to the statutory limit of five hundred dollars.

During the last Autumn, the Commissioners of the State Library, upon request of the Governor, and with the assent of the Comptroller, assigned one of the rooms occupied by the latter, to the Governor, thereby rendering his suite of rooms more comfortable and commodious, and at the same time they directed the Comptroller to enclose and convert the vacant space between one of his rooms and the Assembly Chamber, into an office, and in lieu of the one assigned to the Executive use. And this has been done at the least possible cost to the State, either as to the money expended or in the room enclosed, the latter being of no practical use to the State House before its recent occupation.

All which is respectfully submitted.

WM. K. McDONALD,
Comptroller, &c.