21

JOURNAL

OF THE

PROCEEDINGS OF THE CONVENTION

TO FORM

A CONSTITUTION

FOR THE GOVERNMENT

OF THE

STATE OF NEW JERSEY;

HARVARD LAW SCHOOL LIBRARY

BEGUN AT TRENTON ON THE FOURTEENTH DAY OF MAY, A. D. 1844,
AND CONTINUED TO THE TWENTY-NINTH DAY OF JUNE, A. D. 1844.

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TRENTON:
PRINTED BY FRANKLIN S. MILLS.
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STATE OF NEW JERSEY.

AN ACT to provide for the election of delegates to a convention, to prepare a constitution for the government of this state, and for submitting the same to the people thereof, for ratification or rejection.

SEC. I. BE IT ENACTED *by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same,* That an election for delegates, to meet in convention to frame a constitution for the government of this state, shall be held in the several counties of this state, on the eighteenth day of March next, at the places where the last annual election for township or city officers were held in the several townships or cities in this state; and that the said election shall be conducted and held by the same officers who held the last annual election for members of the legislature, except in those cases where new officers shall be elected prior to the eighteenth day of March next; and, in that case, said election shall be held by such newly elected officers, and shall, in all respects, be conducted, as nearly as may be, according to the law regulating the annual state election that may be in force on the said eighteenth day of March; *provided*, that every white male citizen of the United States, above the age of twenty-one years, who shall have resided within this state for one year next preceding the said election, and shall be an actual resident of the township or ward where he offers to vote, and in the county where he claims to vote, for three months next preceding such election, shall be entitled to vote for delegates to said convention.

SEC. II. *And be it enacted*, That the number of delegates to be chosen to such convention, by virtue of this act, shall be

equal to the number of members of the General Assembly which the respective counties, at the time of such election, may be authorized by the then existing laws to elect, and shall be chosen in and by the respective counties.

SEC. III. *And be it enacted*, That each voter shall give his vote by a single ballot, which shall be a paper ticket, on which shall be written or printed, or partly written and partly printed, the name or names of the person or persons for whom the voter intends to vote; and no ballot shall contain a greater number of names of delegates than that to which the county where such ballot is cast is entitled.

SEC. IV. *And be it enacted*, That the votes given at such election shall be canvassed, and the result certified by the same officers, according to the directions, as nearly as may be, of the laws regulating the election of members of the state legislature which shall be in force on the eighteenth day of March.

SEC. V. *And be it enacted*, That in the absence of any of the officers of said elections, such vacancy or vacancies shall be filled in the manner provided by the general election laws of this state.

SEC. VI. *And be it enacted*, That the delegates, so chosen as aforesaid, shall assemble at the State House, in Trenton, on the fourteenth day of May next: they shall be the judges of the qualifications, election, and returns of their own members; shall have power to choose a president and secretary, and all other necessary officers, and make such rules and regulations for the government of the convention as a majority of the delegates shall approve; and, before entering upon the discharge of their duties under this act, they shall severally take an oath or affirmation to support the constitution of the United States, and to perform the duties of their offices honestly and faithfully; which oath or affirmation shall be administered by the governor, or person administering the govern-

ment of this state, or, in his absence, by the secretary of this state for the time being.

SEC. VII. *And be it enacted*, That when said convention shall have agreed upon a constitution to be submitted to the people of this state, they shall cause the same to be engrossed, and signed by the president and secretary, and delivered to the governor, or person administering the government of this state, under whose direction it shall be filed in the office of the secretary of this state.

SEC. VIII. *And be it enacted*, That there shall be paid to each member of the said convention the sum of two dollars per day, and to the president thereof, one dollar in addition, for each and every day they shall attend the sitting of said convention; and to each member of said convention, the further sum of two dollars for every twenty miles of the estimated distance, by the most usual route, between his place of residence and the seat of government, in going and returning, on a certificate, to be produced to the treasurer of this state, expressing the sum due and the number of days and miles, signed by the president of said convention; and the secretary and other officers of said convention shall receive such pay as a majority of said convention shall think right and proper: the contingent expenses of the convention shall be paid by the treasurer, on the warrant of the presiding officer.

SEC. IX. *And be it enacted*, That, for the purpose of ascertaining the sense of the people, as to the adoption or rejection of the constitution agreed upon by said convention, an election shall be held in the several counties of this state, on the second Tuesday in August next; and every person qualified to vote for delegates to the convention authorized by this act shall be entitled to vote at such election.

SEC. X. *And be it enacted*, That the said last mentioned election shall, in all respects, be conducted according to the law then in force regulating the election of members of the

state legislature, excepting as herein otherwise provided, and shall be held under the direction of the officers appointed to hold and conduct the next annual state election, and at the places where the election for delegates shall have been holden under this act.

Sec. XI. *And be it enacted*, That the voting at said election shall be by ballot: and it shall be the duty of the officers conducting such election to receive tickets, written or printed, or partly written and partly printed, from citizens entitled as aforesaid to vote at said election, and to deposite them in a box provided for that purpose; the ballots of those persons voting for the adoption of the said constitution shall contain the word "Constitution," and those against its adoption, the words "No Constitution"; and in case a majority of all the votes cast shall be given in favour of the adoption of the constitution, so as aforesaid submitted, it shall become and be declared the constitution of this state.

Sec. XII. *And be it enacted*, That it shall be the duty of the officers of the said last mentioned election, in the several townships and wards of any city in this state, having first carefully estimated the number of votes given for or against the adoption of the said constitution, to make out duplicate returns thereof, in words at length, and not in figures only, to be signed by said officers, one of which shall be deposited in the clerk's office of the proper county, and the other sealed up, directed, and transmitted, by mail or otherwise, to the governor, or person for the time being administering the government of this state, at the city of Trenton; which said return, and duplicate thereof, shall be signed, deposited, sealed up, directed, and transmitted, as aforesaid, within five days after the close of the said last mentioned election: and in case no return shall have been received from any township or townships, ward or wards of any city corporate, by the governor, or person administering the government of this state, within ten days after the expiration of the time herein before prescribed, it shall be the duty of the governor, or person administering the government

of this state, to send an express or expresses to procure such deficient return or returns, and to take such other means and measures as he may deem necessary for that purpose.

Sec. XIII. *And be it enacted*, That it shall be the duty of the governor, or the person administering the government of the state, within ten days after receiving the returns of the last mentioned election, to lay them before a privy council, to be by him summoned for that purpose, in the State House in the city of Trenton; and, after casting up the whole number of votes given in the state at the said last mentioned election, the said governor, or person administering the government of the state, and said privy council, shall proceed to determine whether a majority of the votes are in favour of or against the adoption of the said constitution: and if the governor and council aforesaid shall determine that a majority of the votes were cast in favour of the said constitution, the governor shall issue his proclamation, declaring that the constitution has been adopted by a majority of the votes of the people of this state, and shall direct that an election for such officers as may be required to be elected under and by virtue of the said constitution, shall be held at the time and in the manner prescribed in the said constitution, and take all other necessary measures to carry said constitution into effect.

Sec. XIV. *And be it enacted*, That it shall be the duty of the governor of this state for the time being to issue his proclamation immediately upon the passage of this act, requiring all the persons whose duty it may be to hold and conduct the election authorized by the first section of this act, to attend at the times and places named in this act for holding the said election, and conduct the same according to law.

Sec. XV. *And be it enacted*, That in case one or more of the delegates elected to said convention shall die, remove out of this state, or become disqualified from serving in such convention, then it shall be the duty of the governor of this state for

the time being to issue his proclamation, directing an election to be held at such time as he shall therein appoint, to fill such vacancy or vacancies; and that said election shall be conducted, in all respects, as is provided for the election of delegates under this act.

Sec. XVI. *And be it enacted*, That as soon as the said constitution shall have been deposited in the office of the secretary of state, it shall be the duty of the governor of this state for the time being to cause the same to be published in each of the newspapers printed in this state, for the space of six weeks, successively, at least once in each week, for the information of the people.

Sec. XVII. *And be it enacted*, That this act shall take effect upon the passage thereof.

Passed February 23, 1844.

STATE OF NEW JERSEY.

PROCLAMATION.

Whereas, by an act of the legislature of the State of New Jersey, entitled "An act to provide for the election of delegates to a convention, to prepare a constitution for the government of this state, and for submitting the same to the people thereof, for ratification or rejection," passed the 23d day of February, A. D. 1844, it is provided—

That an election for delegates, to meet in convention to frame a constitution for the government of this state, shall be held in the several counties of this state, on the eighteenth day of March next, at the places where the last annual election for township or city officers was held in the several townships or cities in this state; and that the said election shall be conducted and held by the same officers who held the last annual election for members of the legislature, except in those cases where new officers shall be elected prior to the eighteenth day of March next; and in that case the said election shall be held by such newly elected officers, and shall, in all respects, be conducted, as nearly as may be, according to the law regulating the annual state election, that may be in force on the said eighteenth day of March—

And that the number of delegates to be chosen to such convention, by virtue of the said act, shall be equal to the number of members of the General Assembly which the respective

counties at the time of such election may be authorized by the then existing laws to elect, and shall be chosen in and by the respective counties:

Now, THEREFORE, I, DANIEL HAINES, governor of the State of New Jersey, in pursuance of the directions of the said act, do hereby give notice to, and require all persons whose duty it may be to hold and conduct the said election, to attend at the times and places named in the said act for holding the said election, and to conduct the same according to law.

L. S. GIVEN under my hand and privy-seal, at the city of Trenton, the twenty-third day of February, in the year of our Lord one thousand eight hundred and forty-four.

DANIEL HAINES.

A LIST OF DELEGATES

ELECTED TO THE CONVENTION

TO FORM A GOVERNMENT FOR THE PEOPLE OF

THE STATE OF NEW JERSEY.

ATLANTIC COUNTY.

Jonathan Pitney.

BERGEN COUNTY.

John Cassedy, Abraham Westervelt.

BURLINGTON COUNTY.

William R. Allen, Charles Stokes,
Jonathan J. Spencer, John C. Ten Eyck,
Moses Wills.

CAMDEN COUNTY.

Abraham Browning, John W. Mickle.

CAPE MAY COUNTY.

Joshua Swain.

CUMBERLAND COUNTY.

Joshua Brick, Daniel Elmer,
William B. Ewing.

ESSEX COUNTY.

Silas Condit, David Naar,
Oliver S. Halsted, William Stites,
Joseph C. Hornblower, Elias Van Arsdale,
Isaac H. Williamson.

GLOUCESTER COUNTY.

John R. Sickler, Charles C. Stratton.

HUDSON COUNTY.

Robert Gilchrist.

HUNTERDON COUNTY.

Peter I. Clark, Jonathan Pickel,
David Neighbour, Alexander Wurts.

MERCER COUNTY.

Richard S. Field, Henry W. Green,
John R. Thomson.

MIDDLESEX COUNTY.

Moses Jaques, Joseph F. Randolph,
James Parker, James C. Zabriskie.

MONMOUTH COUNTY.

Bernard Connolly, Thomas G. Haight,
George F. Fort, Daniel Holmes,
Robert Laird.

MORRIS COUNTY.

[illegible] Field, Ephraim Marsh,
Mah[illegible]erson, William N. Wood.

PASSAIC COUNTY.

Elias B. D. Ogden, Andrew Parsons.

SALEM COUNTY. —

Alexander G. Cattell, John H. Lambert,
Richard P. Thompson.

SOMERSET COUNTY.

George H. Brown, Ferdinand S. Schenck,
Peter D. Vroom.

SUSSEX COUNTY.

John Bell, Joseph E. Edsall,
Martin Ryerson.

WARREN COUNTY.

Samuel Hibbler, Phineas B. Kennedy,
Robert S. Kennedy.

JOURNAL.

TRENTON, 14th May, 1844.

This being the time appointed by law for the meeting of the delegates to a convention to prepare a constitution for the government of this state, and for submitting the same to the people thereof, for ratification or rejection, the following persons, viz:

FROM THE COUNTY OF ATLANTIC,

Jonathan Pitney;

FROM THE COUNTY OF BERGEN,

Abraham Westervelt, John Cassedy;

FROM THE COUNTY OF BURLINGTON,

William R. Allen, Jonathan J. Spencer,
John C. Ten Eyck, Charles Stokes,
Moses Wills;

FROM THE COUNTY OF CAMDEN,

Abraham Browning, John W. Mickle;

FROM THE COUNTY OF CAPE MAY,

Joshua Swain;

FROM THE COUNTY OF CUMBERLAND,

Daniel Elmer, William B. Ewing,
Joshua Brick;

FROM THE COUNTY OF ESSEX,

Silas Condit, William Stites,
Joseph C. Hornblower, Elias Vanarsdale,
Isaac H. Williamson, Oliver S. Halsted,
David Naar;

FROM THE COUNTY OF GLOUCESTER,

John R. Sickler, Charles C. Stratton;

FROM THE COUNTY OF HUDSON,

Robert Gilchrist;

FROM THE COUNTY OF HUNTERDON,

Alexander Wurts, Jonathan Pickel,
Peter I. Clark, David Neighbour;

FROM THE COUNTY OF MERCER,

Henry W. Green, Richard S. Field,
John R. Thomson;

FROM THE COUNTY OF MIDDLESEX,

Moses Jaques, Joseph F. Randolph,
James Parker, James C. Zabriskie;

FROM THE COUNTY OF MORRIS,

Francis Child, Ephraim Marsh,
Manlon Dickerson, William N. Wood;

FROM THE COUNTY OF MONMOUTH,

Bernard Connolly, Thomas G. Haight,
George F. Fort, Daniel Holmes,
Robert Laird;

FROM THE COUNTY OF PASSAIC,

Elias B. D. Ogden, Andrew Parsons;

FROM THE COUNTY OF SALEM,

Alexander G. Cattell, John H. Lambert,
Richard P. Thompson;

FROM THE COUNTY OF SOMERSET,

George H. Brown, Ferdinand S. Schenck,
Peter D. Vroom;

FROM THE COUNTY OF SUSSEX,

John Bell, Joseph E. Edsall,
Martin Ryerson;

FROM THE COUNTY OF WARREN,

Samuel Hibbler, Phineas B. Kennedy,
Robert S. Kennedy,

appeared, produced their respective certificates of election, were qualified, and took their seats.

The convention then proceeded to the choice of president; when,

On motion of Mahlon Dickerson,

Isaac H. Williamson, of the county of Essex, was unanimously elected.

On motion of Mr. Parsons,

Mr. Dickerson and Mr. Hornblower were appointed a committee to conduct the president to the chair;

Which having been done, the president returned thanks to the convention, in an appropriate manner, for the honour conferred upon him, and took his seat.

The convention then proceeded to the choice of secretary;

When William Paterson, of the county of Middlesex, was unanimously elected, and, being duly qualified, took his seat.

The convention then proceeded to the choice of assistant secretary;

When Thomas J. Saunders, of the county of Gloucester, and Daniel Dodd, jun., of the county of Essex, were nominated,

and, upon the convention being called, the following gentlemen voted for Thomas J. Saunders, *viz:*

Mr. Allen,	Mr. Green,	Mr. Pitney,
Brick,	Haight,	Randolph,
Browning,	Hibbler,	Sickler,
Cassedy,	Holmes,	Spencer,
Cattell,	Jaques,	Stratton,
Child,	P. B. Kennedy,	Stokes,
Clark,	R. S. Kennedy,	Swain,
Connolly,	Laird,	Ten Eyck,
Dickerson,	Lambert,	R. P. Thompson,
Edsall,	Mickle,	Wills,
Elmer,	Parker,	Westervelt,
Ewing,	Parsons,	Zabriskie—37.
Fort,		

For Daniel Dodd, jun.:

Mr. Brown,	Mr. Marsh,	Mr. Stites,
Bell,	Naar,	J. R. Thomson,
Condit,	Neighbour,	Van Arsdale,
Field,	Ogden,	Vroom,
Gilchrist,	Pickel,	Wood,
Halsted,	Ryerson,	Wurts—20.
Hornblower,	Schenck,	

Thereupon Thomas J. Saunders was declared duly elected, and, after being duly qualified, took his seat.

William Napton, being nominated for sergeant-at-arms,
Was declared to be unanimously elected.

Mr. Field offered the following preamble and resolutions:

Whereas, the delegates composing this convention have assembled in pursuance of law to prepare a constitution for the government of the state of New Jersey;—and whereas, upon the issue of our deliberations may depend, under Providence, the welfare and happiness of this and future generations;—and whereas, in view of the solemn and responsible duties devolved upon us, it is meet that we should acknowledge

our dependance upon God, and invoke his blessing upon our labours—therefore,

Resolved, That the sittings of this convention be opened every morning with prayer; and that the clergymen of the city of Trenton and its vicinity be invited to officiate upon such occasions.

Resolved, That the secretary be authorized to make the necessary arrangements for carrying into effect the foregoing resolution;

Which were read, and temporarily withdrawn, at the request of Mr. Browning, who offered the following:

Resolved, That a committee of five be appointed to consider and report rules for the regulation and government of this convention; and that the rules of the General Assembly of this state, so far as they are applicable to the business of this convention, be adopted by this convention, until otherwise ordered;

Which was read, adopted, and

Messrs. Browning, Parsons, Cassedy, Ryerson, and Pickel were appointed said committee.

Mr. Field then renewed the preamble and resolutions offered by him.

Mr. Mickle moved that the same do lie on the table,

And, the yeas and nays being demanded, it was determined in the negative, as follows, *viz:*

YEAS.

Mr. Allen,	Mr. Jaques,	Mr. Parker,
Dickerson,	Mickle,	Sickler,
Fort,	Naar,	Stokes,
Holmes,	Neighbour,	Wills—12.

NAYS.

Mr. Brown,	Mr. Child,	Mr. Edsall,
Browning,	Clark,	Elmer,
Cassedy,	Condit,	Ewing,
Cattell,	Connolly,	Field,

Mr. Gilchrist,	Mr. Ogden,	Mr. Ten Eyck,
Green,	Parsons,	J. R. Thomson,
Haight,	Pickel,	R. P. Thompson,
Halsted,	Pitney,	Van Arsdale,
Hibbler,	Randolph,	Vroom,
Hornblower,	Ryerson,	Westervelt,
P. B. Kennedy,	Schenck,	Williamson, (pr.)
R. S. Kennedy,	Spencer,	Wood,
Laird,	Stites,	Wurts,
Lambert,	Stratton,	Zabriskie—44.
Marsh,	Swain,	

A division of the resolutions being called, was ordered, and the question being on agreeing to the first resolution,

The yeas and nays were demanded, and it was decided in the affirmative, as follows, viz:

YEAS.

Mr. Allen,	Mr. Green,	Mr. Randolph,
Bell,	Haight,	Ryerson,
Brown,	Halsted,	Schenck,
Browning,	Hibbler,	Spencer,
Cassedy,	Holmes,	Stites,
Cattell,	Hornblower,	Stratton,
Child,	P. B. Kennedy,	Swain,
Clark,	R. S. Kennedy,	Ten Eyck,
Condit,	Laird,	J. R. Thomson,
Connolly,	Lambert,	R. P. Thompson,
Dickerson,	Marsh,	Van Arsdale,
Edsall,	Neighbour,	Vroom,
Elmer,	Ogden,	Westervelt,
Ewing,	Parker,	Williamson, (pr.)
Field,	Parsons,	Wood,
Fort,	Pickel,	Wurts,
Gilchrist,	Pitney,	Zabriskie—51.

NAYS.

Mr. Jaques,	Mr. Naar,	Mr. Stokes,
Mickle,	Sickler,	Wills—6.

The preamble and second resolution were then severally adopted.

On motion of Mr. Parsons,

Ordered, That when this convention adjourns, it will adjourn to meet to-morrow morning at ten o'clock.

Mr. Van Arsdale offered the following resolution:

Resolved, That a committee of nine be appointed to consider and report the manner in which it will be expedient to proceed in the business of this convention;

Which was read, and pending the consideration thereof,

The convention adjourned till to-morrow morning at ten o'clock.

WEDNESDAY MORNING, 15th May.

At ten o'clock the convention met, pursuant to adjournment, and was opened with prayer by the Rev. Mr. Hall.

Mr. Parsons presented a petition from Phillips and Boswell, requesting to be appointed printers to the convention;

Which was read, and,

On motion of Mr. R. P. Thompson, was ordered to lie on the table.

Mr. Cassedy offered the following resolution:

Resolved, That a committee of three members be appointed to receive propositions for executing the printing of the convention, and that such committee forthwith report the propositions to the convention for consideration;

Which was read, and ordered to lie on the table.

Mr. Browning, from the committee on rules, made the following report:

RULES TO BE OBSERVED AS THE STANDING ORDERS OF THE CONVENTION.

1st. A house, to do business, shall consist of a majority of the whole number of delegates; but a less number may meet and adjourn from day to day, and fifteen may call the house, and send for the absent members.

2d. The president shall take the chair every day at the hour to which the convention shall have adjourned on the preceding day, shall immediately call the members to order, and, on the appearance of a quorum, shall cause the journal of the preceding day to be read, that any mistake therein may be rectified. He shall preserve order, prevent personal reflections, and confine members to the question under discussion. He shall decide questions of order, subject to an appeal to the convention on a motion to that effect, made and seconded; and such appeal shall be decided without debate. When two or more members rise at the same time, he shall name him who shall speak first. He may call any member to perform the duties of the chair; but such substitution shall not (except in committee of the whole) extend beyond an adjournment. He shall appoint all committees, unless, in special cases, it shall be otherwise ordered by the convention. He shall order the yeas and nays, at the request of any five members, on any question which may arise before the convention.

In case of the absence of the president, a president *pro tempore* may be chosen by a majority of the members present; who, while he so officiates, shall have all the powers, and perform all the duties of the president.

3d. The order of business for each day (after reading and correcting the journal,) shall be as follows, *viz:*

1. The presentation of original resolutions, propositions, and other papers.

2. Reports of such committees as shall be ready to report.

3. Business up before the convention, and unfinished at the last adjournment.

4. Special orders of the day.

5. Promiscuous business.

4th. Every member rising to speak, shall address himself to the president; and, while speaking, none shall pass between him and the chair, or hold discourse with another, or in any way cause interruption or disturbance.

5th. A member shall not speak oftener than twice on the same question without leave, and not the second time, until every other member shall have had an opportunity of speaking.

6th. No member shall absent himself from the house without leave, except in case of sickness or other personal disability; nor shall he refuse to vote on any question, unless excused for special reasons.

7th. Every motion shall be reduced to writing, if the president or any member requests it, and all motions entered on the journal, shall be entered in the names of those who make them. A motion to adjourn shall always be in order (except when a vote is being taken) and shall be decided without debate; and a motion to lie on the table shall also be decided without debate.

8th. When a question is under debate, no motion shall be received but to adjourn, to lie on the table, for the previous question, to postpone, or to commit or amend; which several motions shall have precedence in the order in which they are here arranged.

9th. A question which is divisible, shall at the request of any member be divided, and put separately upon the propositions of which it is compounded; and all questions shall be put in the order in which they are moved, except in cases of amendment and in filling up blanks, when the amendment last proposed, the largest sum, greatest number, longest time and most distant day, shall be first put.

10th. When a question has been once decided, either in the affirmative or negative, it shall be in order for any member who voted with the majority to move a reconsideration

thereof, either on the same or the succeeding day; which motion shall require a majority of the whole number of delegates to sustain it.

11th. The previous question shall be in this form, "SHALL THE MAIN QUESTION BE NOW PUT?" It shall be admitted when demanded by a majority of the members present, be decided without debate, and until decided shall preclude all further discussion of the main question; but when ordered it shall not cut off pending amendments.

12th. Any business before the convention may be made the order of a particular day; but it may be postponed, on the day, to some other specified time.

13th. After a motion or resolution is stated by the president, or read by the secretary, it shall be deemed to be in possession of the convention; but may be withdrawn by the mover, at any time before an amendment or decision.

14th. In forming committees of the whole, the president, before he leaves the chair, shall name a member to preside in committee; and the rules and orders of the convention shall be observed therein, so far as they may be applicable, except that the previous question shall not be put. A motion to go into committee, or that the committee rise, shall always be in order, and be decided without debate.

15th. All questions, on which the convention is about to vote, shall be distinctly stated by the president, and put in the following form, *viz: "As many as are in favour of (the question) will say aye;"* and after the affirmative is expressed, *"those of a contrary opinion, no."* If there be doubt, or a division be called for, those in the affirmative will rise first, and after being counted, and having resumed their seats, those in the negative will rise.

16th. No article or provision shall be finally adopted as a part of the constitution, nor shall the constitution be adopted, except by a majority of the whole number of delegates.

17th. Should any particular question or business arise

before the convention, to which the adopted rules will not apply, then the rules of the General Assembly of this state, or any of them, so far as they will apply, shall govern any such particular question or business; and these rules may be suspended or amended, from time to time, by a majority of the whole number of delegates.

A. BROWNING,
A. PARSONS,
JONATHAN PICKEL,
JOHN CASSEDY,
MARTIN RYERSON,
} *Committee.*

Which was read, and,

On motion of Mr. Hornblower, was ordered to lie on the table and be printed.

Mr. Browning offered the following resolution:

Resolved, That the secretary be directed to have the rules, as reported, printed; and that until some general rule upon the subject of printing be adopted, the secretary procure all such printing to be done as shall be ordered by the convention.

Which was read and adopted.

Mr. Naar offered the following resolutions:

Resolved, For the purpose of giving to the people of the state a correct statement of the acts of this convention, that a competent reporter be employed, whose duty it shall be to make a verbatim report of the proceedings thereof.

Resolved, That a committee of —— be appointed, with authority to engage some suitable person as reporter to the convention, with powers to arrange and determine the compensation of such reporter, provided that such compensation do no exceed the sum of —— per week.

Which were read, and,

On motion of Mr. Randolph, ordered to lie on the table.

Mr. Cassedy called up the resolution, offered by him this morning, relative to the current printing;

Which was read, and amended so as to read as follows:

Resolved, That a committee of four members be appointed

to receive propositions for executing the current printing of the convention, and that such committee contract with the lowest bidder for said printing.

The resolution, as amended, was then adopted, and

Messrs. Cassedy, Zabriskie, Child, and Swain were appointed said committee.

Mr. Stites offered the following resolution:

Resolved, That the sergeant-at-arms be authorized to employ an assistant, at a compensation not to exceed seventy-five cents a day;

Which was read and adopted.

On motion of Mr. Parsons,

The convention then proceeded to the consideration of the unfinished business of yesterday afternoon, being the resolution relative to appointing a committee to report the manner in which it will be expedient to proceed in the business of this convention.

Mr. Ryerson moved to amend, by striking out the word "nine," and inserting "ten;"

Which was agreed to.

Mr. Ewing moved to amend, by striking out all after the word "Resolved," and inserting the following:

"That the convention now proceed to take up the constitution of New Jersey, and to consider its provisions by sections, for the purpose of a free and full consideration and discussion of such alterations and amendments as in their best judgment may be deemed expedient, as drawn from experience, a knowledge of the public sentiment, and in accordance with the best interests of the people of the state."

And the yeas and nays being demanded, it was decided in the negative, as follows, *viz:*

YEAS.

Mr. Bell,	Mr. Mickle,	Mr. Stokes,
Ewing,	Parker,	Swain,
Hibbler,	Pickel,	Westervelt—10.
P. B. Kennedy,		

NAYS.

Mr. Allen,	Mr. Green,	Mr. Schenck,
Brick,	Haight,	Sickler,
Brown,	Halsted,	Spencer,
Browning,	Hornblower,	Stites,
Cassedy,	Jaques,	Stratton,
Cattell,	Laird,	Ten Eyck,
Child,	Lambert,	J. R. Thomson,
Clark,	Marsh,	R. P. Thompson,
Condit,	Naar,	Vanarsdale,
Connolly,	Neighbour,	Vroom,
Dickerson,	Ogden,	Williamson, (pr.)
Edsall,	Parsons,	Wills,
Elmer,	Pitney,	Wood,
Field,	Randolph,	Wurts,
Fort,	Ryerson,	Zabriskie—46.
Gilchrist,		

Mr. Field moved to reconsider the vote by which the word "nine" was stricken out of the resolution, and "ten" inserted;

Which was agreed to.

On motion of Mr. Field,

The amendment was disagreed to.

The question then recurring on agreeing to the resolution, it was decided in the affirmative, and

Messrs. Vanarsdale, Vroom, Dickerson, Parker, Spencer, J. R. Thomson, Green, Brick, and Stokes were appointed said committee.

Mr. Browning offered the following resolution:

Resolved, That the secretary of state furnish to this convention a tabular statement of the census of the people of this state in the years 1800, 1810, 1820, 1830, and 1840, so arranged as to exhibit the number of free white and free coloured persons; and also the number of slaves at each of the said periods, not only in the whole state, but also in each of the counties of the state.

Which was read, and,

On motion of Mr. Zabriskie, ordered to lie on the table.

Mr. Pickel offered the following resolution:

Resolved, That when this convention adjourns, it will adjourn to meet this afternoon at three o'clock, and that that be the hour of afternoon sittings, until otherwise ordered.

Which was read, and, pending the consideration thereof,

The convention adjourned to this afternoon, at four o'clock.

At four o'clock the convention met, pursuant to adjournment.

Mr. Vanarsdale, from the committee appointed to consider the manner of proceeding in the business of the convention, made the following report:

The committee appointed to consider and report the manner in which it will be expedient to proceed in the business of this convention, report—

That they have considered of the subject referred to them, and that it is expedient to adopt the following resolutions:

1. *Resolved*, That so much of the constitution to be formed by this convention, as relates to the legislative department, be referred to a committee to report thereon.

2. *Resolved*, That so much thereof as relates to the executive department, be referred to a committee to report thereon.

3. *Resolved*, That so much thereof as relates to the judicial department, be referred to a committee to report thereon.

4. *Resolved*, That so much thereof as relates to the power of appointment to office, and the tenure thereof, be referred to a committee to report thereon.

5. *Resolved*, That so much thereof as relates to the right of suffrage, and qualification of persons to be elected, the time of

election, and the meeting of the legislature, be referred to a committee to report thereon.

6. *Resolved*, That so much thereof as relates to future amendments or alterations in the said constitution, be referred to a committee to report thereon.

7. *Resolved*, That so much thereof as is not embraced in the foregoing resolutions, be referred to a committee to report thereon.

8. *Resolved*, That a committee be appointed to inquire into the expediency of adopting a bill of rights and privileges, and to report thereon.

ELIAS VANARSDALE, *Chairman*.

Dated 15th May, 1844.

Which was read and adopted.

On motion of Mr. Green,

Ordered, That the committee on a bill of rights and privileges consist of eight members, and that seven be appointed on each of the other committees above named.

On motion of Mr. Ryerson, it was

Resolved, That the governor of this state, the ex-governors, the justices of the supreme court, and the attorney general, be allowed seats within the bar of this house.

On motion of Mr. Ryerson, it was

Resolved, That the secretary be authorized to furnish the necessary stationery for the use of the house.

The convention then adjourned till to-morrow morning, at ten o'clock.

THURSDAY MORNING, 16th May.

At ten o'clock the convention met, pursuant to adjournment, and was opened with prayer by the Rev. Mr. Starr.

On motion of Mr. Parsons, it was

Resolved, That the librarian be requested to open the library daily, for the accommodation of the members of the convention, and that he furnish the members with such books and public documents as they may from time to time require.

The president announced the following committees on the respective parts of the constitution to be formed, pursuant to the resolution authorizing the appointment of the same, *viz:*

On the Legislative Department.—Messrs. Vroom, Ewing, Clark, Stratton, Haight, Gilchrist, Child.

On the Executive Department.—Messrs. Hornblower, R. S. Kennedy, Brown, Pitney, R. P. Thompson, Parsons, Ryerson.

On the Judiciary Department.—Messrs. Vanarsdale, Green, Allen, Ogden, Randolph, Cassedy, Schenck.

On the Appointing Power.—Messrs. Dickerson, Field, Cattell, Browning, Condit, Edsall, Zabriskie.

On the Right of Suffrage.—Messrs. J. R. Thomson, Wurts, Elmer, Halsted, Holmes, Mickle, Wood.

On the Provision for Future Amendments.—Messrs. Brick, Connolly, Sickler, Wills, Neighbour, Westervelt, Hibbler.

On the parts not referred to other committees.—Messrs. Spencer, Laird, Stites, P. B. Kennedy, Lambert, Marsh, Fort.

On the Bill of Rights.—Messrs. Parker, Ten Eyck, Naar, Bell, Pickel, Stokes, Jaques, Swain.

Mr. Naar called up the resolutions, offered by him yesterday, for the employment of a competent reporter to the convention;

Which were taken up, considered, and amended, so as to read as follows:

Resolved, For the purpose of giving to the people of the state a correct statement of the acts of this convention, that a competent reporter be employed, whose duty it shall be to make an accurate report of the proceedings and debates thereof,

Resolved, That a committee of —— be appointed, with

authority to engage some suitable person as reporter to the convention, with powers to arrange and determine the compensation of such reporter, provided that such compensation do not exceed the sum of —— per week.

The question then being on agreeing to the resolutions, as amended,

A division being called, was ordered; and on the question, shall the first resolution be agreed to,

The yeas and nays were demanded, and it was decided in the negative, as follows, *viz:*

YEAS.

Mr. Browning,	Mr. Mickle,	Mr. Stokes,
Cattell,	Naar,	Stratton,
Child,	Neighbour,	J. R. Thomson,
Clark,	Ogden,	R. P. Thompson,
Connolly,	Parsons,	Vanarsdale,
Edsall,	Pickel,	Vroom,
Field,	Ryerson,	Williamson, (pr.)
Fort,	Schenck,	Wood,
Green,	Sickler,	Zabriskie—28.
Jaques,		

NAYS.

Mr. Allen,	Mr. Haight,	Mr. Parker,
Bell,	Halsted,	Pitney,
Brick,	Hibbler,	Randolph,
Brown,	Holmes,	Stites,
Cassedy,	Hornblower,	Swain,
Condit,	P. B. Kennedy,	Ten Eyck,
Dickerson,	R. S. Kennedy,	Westervelt,
Elmer,	Laird,	Wills,
Ewing,	Lambert,	Wurts—29.
Gilchrist,	Marsh,	

On motion of Mr. Mickle,

Ordered, That the second resolution be postponed.

The convention adjourned to this afternoon, at three o'clock.

At three o'clock the convention met.

On motion of Mr. R. P. Thompson,

The convention proceeded to the consideration of the second resolution, relative to the employment of a reporter, which was postponed this morning.

The same having been read,

Mr. R. P. Thompson moved to amend, by striking out all after the word "Resolved," and inserting the following:

"That a committee of three persons be appointed to inquire and report for what sum a competent reporter can be obtained, to make an accurate report of the proceedings and debates of this convention."

And the question being on the adoption of the amendment,

The yeas and nays being demanded, it was decided in the negative, as follows, *viz:*

YEAS.

Mr. Browning,	Mr. Hornblower,	Mr. Schenck,
Cattell,	Jaques,	Sickler,
Child,	Mickle,	Stokes,
Connolly,	Naar,	Stratton,
Edsall,	Parsons,	R. P. Thompson,
Field,	Pickel,	Williamson, (pr.)
Fort,	Ryerson,	Zabriskie—21.

NAYS.

Mr. Allen,	Mr. Haight,	Mr. Pitney,
Bell,	Halsted,	Randolph,
Brick,	Hibbler,	Stites,
Brown,	Holmes,	Swain,
Cassedy,	P. B. Kennedy,	Ten Eyck,
Clark,	R. S. Kennedy,	Vanarsdale,
Condit,	Laird,	Vroom,
Dickerson,	Lambert,	Westervelt,
Elmer,	Marsh,	Wills,
Ewing,	Neighbour,	Wood,
Gilchrist,	Parker,	Wurts—34.
Green,		

On motion of Mr. Parker, it was

Ordered, That the resolution be dismissed.

The convention adjourned till to-morrow morning, at ten o'clock.

FRIDAY MORNING, 17th May.

At ten o'clock the convention met, pursuant to adjournment, and was opened with prayer by the Rev. Mr. Kidder.

On motion of Mr. Wurts, it was

Resolved, That the president be authorized to admit such, and as many stenographers and reporters, within the bar of the house, as he may deem proper.

On motion of Mr. R. P. Thompson,

Resolved, That the use of this hall be granted this evening to Major Tochman, a Polish exile, to address such members of this convention as choose to attend, and the citizens generally, on the wrongs and sufferings of Poland.

Mr. Wills, from a majority of the Committee on Future Amendments, made the following report:

Be it ordained, That if, at at any time hereafter, any specific amendment or amendments to the constitution shall be proposed in the Senate or Assembly, and if the same shall be agreed to by a majority of the members elected to each of the two houses, such proposed amendment or amendments shall be entered on their journals, with the yeas and nays taken thereon, and referred to the legislature then next to be chosen; and shall be published for three months previous to making such choice in at least one newspaper of each county, if any be therein; and if, in the legislature next chosen as aforesaid, such proposed amendment or amendments shall be agreed to by two-thirds of all the members elected to each house, then it

shall be the duty of the legislature to submit such proposed amendment or amendments to the people, in such manner and at such time, at least three months after being so agreed to by the two houses, as the legislature shall prescribe: and if the people shall approve and ratify such amendment or amendments, by a majority of the electors qualified to vote for members of the legislature voting thereon, such amendment or amendments shall become part of the constitution; *provided*, that if more than one amendment be submitted, they shall be submitted in such manner and form that the people may vote for or against each amendment separately and distinctly.

JOSHUA BRICK, *Chairman.*

May 16th, 1844.

Which was read, laid on the table, and ordered to be printed.

Mr. J. R. Thomson, from the Committee on the Right of Suffrage, made the following report, *viz:*

The committee to whom was referred the following resolution—

"*Resolved*, That so much thereof as relates to the right of suffrage and qualification of persons to be elected, the time of election, and the meeting of the legislature, be referred to a committee, to report thereon," beg leave to report:

1st. *On the Right of Suffrage.*

Every white male citizen of the United States of the age of twenty-one years, who shall have been an inhabitant of this state one year, and of the county in which he claims his vote five months, next before the election, shall be entitled to vote for all officers that now are, or hereafter may be elected by the people; *provided*, that no person in the military, naval, or marine service of the United States shall be considered as acquiring a residence in this state, by being stationed in any garrison, barrack, or military or naval place or station within this state: and no idiot, or insane person, or pauper, or person convicted of the crime of bribery, forgery, perjury, theft,

or other offence, for which an infamous punishment is or may be inflicted, shall enjoy the right of an elector.

2d. *On the Qualification of Persons to be Elected.*

No person shall be a member of the Legislative Council who shall not have attained the age of twenty-five years, and have been a citizen and inhabitant of the state for four years, and of the county for which he shall be chosen one year, next before his election; and no person shall be a member of the General Assembly who shall not have attained the age of twenty-one years, and have been a citizen and inhabitant of the state for two years, and of the county for which he shall be chosen one year, next before his election; *provided*, that no person shall be eligible as a member of either house of the legislature who shall not be entitled to the right of suffrage.

3d. *On the time of Elections and the Meeting of the Legislature.*

The members of the Legislative Council and General Assembly shall be elected, yearly and every year for ever, on the second Tuesday of October, and shall meet, separately, on the first Tuesday in January next after the said day of election.

JNO. R. THOMSON, *Chairman.*

Dated May 17th, 1844.

Which was read, laid on the table, and ordered to be printed.

On motion of Mr. Ryerson,

The convention then proceeded to the consideration of the report of the committee on the rules to be observed as the standing orders of the convention, during its session;

Which was read, and,

The first rule being under consideration, the same was adopted without amendment.

The second rule being under consideration, the same was amended in the last clause, by striking out the word "shall," and inserting "may"; and the rule, as amended, was agreed to.

The third rule having been read,
Pending the consideration thereof,
The convention adjourned to this afternoon, at three o'clock.

At three o'clock the convention met.

The president presented a communication from Maj. George Tochman, returning thanks for the resolution granting him the use of the hall.

The convention proceeded to the consideration of the unfinished business of the morning, being the report of the committee on rules.

The third rule being under consideration, the same was adopted without amendment.

The fourth rule having been read and considered, the same was agreed to without amendment.

The fifth rule being under consideration, the same was amended by striking out the words "nor more than thirty minutes at any one time," and, as amended, was adopted.

The sixth rule having been read and considered, the same was agreed to without amendment.

The seventh rule being under consideration, the same was amended by striking out the words "not on paper," and, as amended, was adopted.

The eighth rule being under consideration, the same was amended, so as to read as follows:

"8th. When a question is under debate, no motion shall be received, but to adjourn, to lie on the table, for the previous question, to postpone, or to commit or amend; which

several motions shall have precedence in the order in which they are here arranged";

And as amended, was adopted.

The ninth rule being under consideration, the same was amended by striking out the words "longest time";

And as amended, was adopted.

The tenth rule having been read and considered, the same was agreed to without amendment.

The eleventh rule being under consideration, the same was amended, by adding thereto the following: "but when ordered, it shall not cut off pending amendments";

And as amended, was adopted.

The twelfth and thirteenth rules having been read and considered, the same were severally agreed to, without amendment.

The fourteenth rule, being under consideration, was amended by inserting, after the word "motion," the words "to go into committee, or";

And as amended, was adopted.

The fifteenth and sixteenth rules were read and considered, and agreed to without amendment.

The seventeenth rule being under consideration, the same was ordered to be stricken out.

The eighteenth rule being under consideration, the same was amended, by inserting before the word "amended," the words "suspended or"; and, as amended, the same was adopted as rule 17.

The report and rules, as amended, were then collectively adopted.

Mr. Cassedy, from the Committee on Printing, made the following report, viz:

The Committee on Current Printing respectfully report:

That Phillips and Boswell, printers, of this city, having offered to execute the current printing of the convention on lower terms than those offered by any other person, the committee

have therefore considered it their duty, under the resolution, to accept the same.

JOHN CASSEDY,
FRANCIS CHILD,
JOSHUA SWAIN,
JAMES C. ZABRISKIE,
} *Committee.*

Which was read and adopted.

Mr. Child offered the following resolution:

Resolved, That a vice president of convention be appointed, whose duty it shall be to officiate in the absence, or at the request of the president; and who, while he so officiates, shall have all the powers, and perform all the duties of the president;

Which was read, and ordered to lie on the table.

Mr. Wood offered the following resolution:

Resolved, That the seventeenth rule of the convention be amended, by striking out the words "these rules";

Which was read, and ordered to lie on the table.

Mr. Hornblower called up the resolution relative to obtaining census documents;

Which was read, considered, and amended so as to read as follows:

Resolved, That the secretary of state furnish to the convention a tabular statement of the census of the people of this state, in the years 1830 and 1840, so arranged as to exhibit the number of free white and free coloured persons, and also the number of slaves, at each of the said periods, not only in the whole state, but also in each of the counties of the state.

The resolution, as amended, was then adopted.

On motion of Mr. Wills, it was

Ordered, That when this convention adjourns, it will adjourn to meet on Monday afternoon, at three o'clock.

Mr. Hornblower, from the Committee on the Executive Department, made the following report:

The committee to whom was referred the following resolution:

"*Resolved*, That so much thereof, as relates to the executive department, be referred to a committee to report thereon," beg leave to report:

THE EXECUTIVE DEPARTMENT.

I. The executive power of the state shall be vested in a governor.

II. The governor shall be elected by the legal voters of this state, at the times and places where they shall respectively vote for members of the state legislature: the returns of every election for governor shall be sealed up and transmitted to the seat of government, directed to the secretary of state, who shall open and publish them, in the presence of the members of both houses of the legislature, on the day next after the time appointed by law for the meeting of the legislature, or as soon thereafter as a quorum of both houses shall be present: the person having the highest number of votes shall be the governor; but if two, or more, shall be equal and highest in votes, one of them shall be chosen governor by the vote of the majority of the members of both houses, in joint-meeting: contested elections for the office of governor shall be determined by a committee, to be selected from both houses of the legislature, and to be formed and regulated in such manner as the legislature shall direct by law.

III. The governor shall hold his office for three years from the ——— day of January next ensuing his election; and he shall be ineligible to that office for three years next after his term of office shall have expired.

IV. The governor shall be not less than thirty years of age, and shall have been for twenty years, at least, a citizen of the United States, and a resident of this state seven years next before his election, unless he shall have been absent during that time on the public business of the United States or of this state.

V. The governor shall, at stated times, receive for his services a compensation, which shall be neither increased nor

diminished during the period for which he shall have been elected.

VI. He shall be the commander-in-chief of all the military and naval forces of the state: he shall have power to convene the legislature, or the Senate only, whenever in his opinion public necessity requires it: he shall communicate by message to the legislature, at the opening of each session, and at such other times as he may deem necessary, the condition of the state, and recommend such measures as he may deem expedient: he shall take care that the laws be faithfully executed, and grant, under the seal of the state, commissions to all such officers as shall by law be required to be commissioned.

VII. Every bill which shall have passed both houses shall be presented to the governor; if he approve, he shall sign it, but if he shall not approve, he shall return it, with his objections, to the house in which it shall have originated, who shall enter the objections at large on their journal, and proceed to reconsider it: if after such reconsideration, a majority of the whole number of that house shall agree to pass the bill, it shall be sent, together with the objections, to the other house, by which it shall likewise be reconsidered; and if approved by a majority of the whole number of that house, it shall become a law; but in all such cases the votes of both houses shall be determined by yeas and nays, and the names of the persons voting for and against the bill shall be entered on the journal of each house, respectively: if any bill shall not be returned by the governor within ten days, Sundays excepted, after it shall have been presented to him, the same shall be a law, in like manner as if he had signed it, unless the legislature, by their adjournment, prevent its return, in which case it shall be a law, unless sent back within three days after their next meeting.

VIII. No member of Congress, or person holding an office under the United States or this state, shall exercise the office of governor; and in case the governor, or person administering the government of this state, shall accept any office under

the government of the United States, or of this state, his office of governor shall thereupon be vacant.

IX. The governor shall have power to remit fines and forfeitures, and grant reprieves, to extend until the rising of the court of pardons next after the conviction; but this power shall not extend to cases of impeachment.

X. The governor, chancellor, and the justices of the supreme court shall constitute a court of pardons; and a majority of the court may grant pardons after conviction, in all cases except impeachment.

XI. The governor, and all other civil officers under this state, shall be liable to impeachment for any misdemeanor in office; but judgment in such cases shall not extend farther than to removal from office, and disqualification to hold any office of honour, trust, or profit under this state; the party, whether convicted or acquitted, shall nevertheless be liable to indictment, trial, judgment, or punishment, according to law.

XII. In case of the death, resignation, or removal from office of governor, the powers, duties, and emoluments of the office shall devolve upon the president of the Senate for the time being, until another governor shall be duly qualified; but in such case another governor shall be chosen at the next election for members of the state legislature, unless such death, resignation, or removal shall occur within two months immediately preceding such next election, in which case a governor shall be chosen at the second succeeding election for members of the state legislature.

XIII. In case of the impeachment of the governor, his absence from the state, or inability to discharge the duties of his office, the powers, duties, and emoluments of the office shall devolve upon the president of the Senate for the time being, until the governor, absent or impeached, shall return or be acquitted, or until the disqualification or inability shall cease, or until a new governor be elected.

XIV. In case of a vacancy in the office of governor, from any other cause than those herein enumerated, or in case of

the death of the governor elect before he is qualified into office, the legislature shall have power to provide by law for filling such vacancy.

JOS. C. HORNBLOWER, *Chairman.*
ROBERT S. KENNEDY,
JONATHAN PITNEY,
GEO. H. BROWN,
A. PARSONS,
MARTIN RYERSON,
R. P. THOMPSON.

Which was read, ordered to lie on the table, and be printed.

The convention then adjourned to Monday afternoon, at three o'clock.

MONDAY AFTERNOON, 20th May.

At three o'clock the convention met, pursuant to adjournment, and was opened with prayer by the Rev. Mr. Reed.

On motion of Mr. Pickel,

The convention adjourned till to-morrow morning, at ten o'clock.

TUESDAY MORNING, 21st May.

At ten o'clock the convention met, pursuant to adjournment, and was opened with prayer by the Rev. Mr. Young.

On motion of Mr. Stites, it was

Resolved, That three hundred copies of the report of the committees on the "Right of Suffrage," "Future Amendments

to the Constitution," and the "Executive Department," be severally printed.

On motion of Mr. Clark,

The convention adjourned till to-morrow morning, at ten o'clock.

WEDNESDAY MORNING, 22d May.

At ten o'clock the convention met, pursuant to adjournment, and was opened with prayer by the Rev. Mr. Starr.

Mr. Ten Eyck, from the Committee on Bill of Rights, made the following report:

The committee appointed to inquire into the expediency of adopting a bill of rights and privileges, report the following:

I. All men are born equally free and independent, and have certain natural and unalienable rights, among which are those of enjoying life and liberty, acquiring, possessing, and protecting property, and of possessing and obtaining safety and happiness.

II. All political power is inherent in the people; government is instituted for the protection, security, and benefit of the people, and they have the right at all times to alter or reform the same, and to abolish one form of government, and establish another, whenever the public good may require it.

III. No person shall ever, within this state, be deprived of the inestimable privilege of worshipping Almighty God in a manner agreeable to the dictates of his own conscience, nor under any pretence whatever be compelled to attend any place of worship contrary to his faith and judgment; nor shall any person within this state ever be obliged to pay tithes, taxes, or other rates, for the building or repairing any church or churches, place or places of worship, or for the maintenance

of any minister or ministers, contrary to what he believes to be right, or has deliberately and voluntarily engaged himself to perform.

IV. There shall be no establishment of any one religious sect, in this state, in preference to another; and no inhabitant of this state shall be denied the enjoyment of any civil right, merely on account of his religious principles.

V. Every person may freely speak, write, and publish his sentiments on all subjects, being responsible for the abuse of that right: no law shall be passed to restrain or abridge the liberty of speech or of the press: in all prosecutions or indictments for libels, the truth may be given in evidence to the jury; and if it shall appear to the jury that the matter charged as libellous is true, and was published with good motives and for justifiable ends, the party shall be acquitted; and the jury shall have the right to determine the law and the fact.

VI. The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated; and no warrant shall issue but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched, and the papers and things to be seized.

VII. The right of trial by jury shall continue inviolate.

VIII. In all criminal prosecutions, the accused shall have the right to a speedy and public trial by an impartial jury; to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favour, and the assistance of counsel in his defence.

IX. No person shall be held to answer for a criminal offence, unless on the presentment or indictment of a grand jury, except in cases of impeachment, or in cases cognizable by justices of the peace, or arising in the army or militia, when in actual service in time of war or public danger.

X. No person shall be twice put in danger of punishment

for the same offence: all persons shall, before conviction, be bailable by sufficient sureties, except for capital offences, when the proof is evident or presumption great.

XI. The privilege of the writ of habeas corpus shall not be suspended, unless when in case of rebellion or invasion the public safety may require it.

XII. The military shall be in strict subordination to the civil power.

XIII. No soldier shall, in time of peace, be quartered in any house without the consent of the owner, nor in time of war, but in a manner prescribed by law.

XIV. Treason against the state shall consist, only, in levying war against it, or in adhering to its enemies, giving them aid and comfort: no person shall be convicted of treason, unless on the testimony of two witnesses to the same overt act or on confession in open court.

XV. No bill of attainder, ex post facto law, or law impairing the obligation of contracts, shall be passed.

XVI. Excessive bail shall not be required, excessive fines shall not be imposed, and cruel and unusual punishments shall not be inflicted.

XVII. Private property shall be held inviolate, but subject to public use, provided a just compensation be made to the owner.

XVIII. The people have the right freely to assemble together, to consult for the common good, to make known their opinions to their representatives, and to petition for redress of grievances.

JAMES PARKER,
JNO. C. TEN EYCK,
DAVID NAAR,
JOHN BELL,
JONATHAN PICKEL,
M. JAQUES,
JOSHUA SWAIN.

Which was read, laid on the table, and five hundred copies ordered to be printed.

On motion of Mr. Browning,

Ordered, That the several reports from the committees on "Bill of Rights," "Future Amendments to the Constitution," "Right of Suffrage," and "Executive Department," be taken up, and referred to the committee of the whole.

The convention then resolved itself into committee of the whole, Mr. Wurts in the chair, upon the consideration of the report of the Committee on Future Amendments to the Constitution,

And, after some time spent therein, the committee rose, reported progress, and asked leave to sit again.

The convention adjourned to this afternoon, at three o'clock.

At three o'clock the convention met, pursuant to adjournment.

The convention resolved itself into committee of the whole, Mr. Wurts in the chair, upon the consideration of the unfinished business of the morning, being the report of the Committee on Future Amendments to the Constitution,

And, after some time spent therein, the committee rose, reported progress, and had leave to sit again.

The convention adjourned till to-morrow morning, at ten o'clock.

THURSDAY MORNING, 23d May.

At ten o'clock the convention met, pursuant to adjournment, and was opened with prayer by the Rev. Mr. Beck.

The convention resolved itself into committee of the whole, Mr. Wurts in the chair, upon the consideration of the unfinished business of yesterday, being the report of the Committee on Future Amendments to the Constitution,

And, after some time spent therein, the committee rose, reported progress, and had leave to sit again.

The convention adjourned to this afternoon, at three o'clock.

At three o'clock the convention met, pursuant to adjournment.

The president presented a communication from the secretary of state, transmitting copies of the census of the state, for the years 1830 and 1840, in accordance with a resolution heretofore passed for that purpose;

Which was read, laid on the table, and one hundred and twenty copies of the census ordered to be printed.

The convention then resolved itself into committee of the whole, Mr. Wurts in the chair, upon the consideration of the unfinished business of this morning, being the report of the Committee on Future Amendments to the Constitution,

And, after some time spent therein, the committee rose, reported the same to the convention, with sundry amendments, and were discharged from the further consideration of the same.

The convention adjourned till to-morrow morning, at ten o'clock.

FRIDAY MORNING, 24th May.

At ten o'clock the convention met, pursuant to adjournment, and was opened with prayer by the Rev. Mr. Hall.

Mr. Parsons called up the resolution, offered some days since, relative to the appointment of a vice president, as follows:

Resolved, That a vice president of convention be appointed, whose duty it shall be to officiate in the absence, or at the request of the president, and who, while he so officiates, shall have all the powers and perform all the duties of the president;

Which was read and adopted.

The convention then proceeded to the choice of a vice president; when,

On motion of Mr. Hornblower,

Alexander Wurts, of the county of Huntingdon, was unanimously elected.

On motion of Mr. Ryerson, it was

Resolved, That the convention first act upon the reports of the several committees in committee of the whole, before proceeding to any final action in the convention on any of the reports.

The convention then resolved itself into committee of the whole, Mr. Stites in the chair, upon the consideration of the report of the Committee on the Right of Suffrage,

And, after some time spent therein, the committee rose, reported progress, and had leave to sit again.

The convention adjourned to this afternoon, at three o'clock.

At three o'clock the convention met, pursuant to adjournment.

The convention resolved itself into committee of the whole, Mr. Stites in the chair, upon the consideration of the unfinished business of this morning, being the report of the Committee on the Right of Suffrage;

And, after some time spent therein, the committee rose, reported progress, and had leave to sit again.

Mr. Ewing asked leave of absence during the morrow;

Which was unanimously granted.

Mr. Elmer asked, and obtained leave of absence during the morrow.

The convention adjourned till to-morrow morning, at ten o'clock.

SATURDAY MORNING, 25th May.

At ten o'clock the convention met, pursuant to adjournment, and was opened with prayer by the Rev. Mr. Kidder.

The convention resolved itself into committee of the whole, Mr. Haight in the chair, upon the consideration of the unfinished business of yesterday, being the report of the Committee on the Right of Suffrage;

And, after some time spent therein, the committee rose, reported progress, and had leave to sit again.

On motion of Mr. Pickel, it was

Ordered, That when this convention adjourns, it will adjourn to meet on Monday afternoon, at three o'clock.

The convention then adjourned to Monday afternoon, at three o'clock.

MONDAY AFTERNOON, 27th May.

At three o'clock the convention met, pursuant to adjournment, and was opened with prayer by the Rev. Mr. Reed.

The convention resolved itself into committee of the whole, Mr. Stites in the chair, upon the consideration of the unfinished business of Saturday, being the report of the Committee on the Right of Suffrage;

And, after some time spent therein, the committee rose, reported progress, and had leave to sit again.

The convention adjourned till to-morrow morning, at ten o'clock.

TUESDAY MORNING, 28th May.

At ten o'clock the convention met, pursuant to adjournment, and was opened with prayer by the Rev. Mr. Young.

Mr. Vroom, from the Committee on the Legislative Department, made the following report:

The committee to whom was referred the following resolution:

"*Resolved*, That so much of the constitution, to be formed by this convention, as relates to the legislative department, be referred to a committee to report thereon," beg leave to report as follows:

THE LEGISLATIVE DEPARTMENT.

I. The legislative department of this state shall be vested in a Senate and General Assembly.

II. The Senate shall be composed of one senator from each county in the state, elected by the legal voters of the counties, respectively, for three years: and each senator shall have one vote.

III. As soon as the Senate shall meet after the first election to be held in pursuance of this constitution, they shall be divided, as equally as may be, into three classes. The seats of the senators of the first class shall be vacated at the expiration of the first year; of the second class, at the expiration of the second year; and of the third class, at the expiration of the third year; so that one-third may be elected every year: and if vacancies happen, by resignation or otherwise, the persons elected to supply such vacancies shall be elected for the unexpired terms only.

IV. The members of the General Assembly shall be annually elected by the legal voters of the counties, respectively, and shall be apportioned among the said counties according to the number of their inhabitants. The present apportionment to continue until the next census of the United States shall have been taken, when the same may be changed by the legislature, and shall then remain unaltered until another census shall have been taken; *provided*, that each county shall at all times be entitled to one member.

V. Each house shall direct writs of election for supplying vacancies, occasioned by death, resignation, or otherwise; but if vacancies occur during the recess of the legislature, the writs may be issued by the governor, under such regulations as may be prescribed by law.

VI. Each house shall be the judge of the elections, returns, and qualifications of its own members, and a majority of each shall constitute a quorum to do business; but a smaller number may adjourn from day to day, and may be authorized to compel the attendance of absent members, in such manner and under such penalties as each house may provide.

VII. Each house shall choose its own officers, determine the rules of its proceedings, punish its members for disorderly behaviour, and, with the concurrence of two-thirds, may expel a member.

VIII. Each house shall keep a journal of its proceedings,

and from time to time publish the same; and the yeas and nays of the members of either house, on any question, shall, at the desire of one-fifth of those present, be entered on the journal.

IX. Neither house, during the session of the legislature, shall, without the consent of the other, adjourn for more than three days, nor to any other place than that in which the two houses shall be sitting.

X. All bills and joint resolutions shall be read three times in each house, before the final passage thereof; and no bill or joint resolution shall pass, unless there be a majority of all the members of each body personally present and agreeing thereto.

XI. The senators and members of the General Assembly shall receive a compensation for their services, to be ascertained by law, and paid out of the treasury of the state; which compensation shall not exceed the sum of three dollars per day for the period of forty days from the commencement of the session, and shall not exceed the sum of one dollar and fifty cents per day for the remainder of the said session. They shall also receive the sum of one dollar for every ten miles they shall travel, in going to and returning from their place of meeting, on the most usual route. The president of the Senate and the speaker of the House of Assembly shall, in virtue of their offices, receive an additional compensation, equal to one-third of their per diem allowance as members.

XII. The senators and members of the General Assembly shall, in all cases except treason, felony, and breach of the peace, be privileged from arrest during their attendance at the sitting of their respective houses, and in going to and returning from the same; and for any speech or debate, in either house, they shall not be questioned in any other place.

XIII. No member of the Senate or General Assembly shall, during the time for which he was elected, be appointed to any civil office under the authority of this state which shall have

been created, or the emoluments whereof shall have been increased, during such time.

XIV. If any member of the Senate or General Assembly shall be elected to represent this state in the Senate or House of Representatives of the United States, and shall accept thereof, or shall accept of any office or appointment under the government of the United States, his seat in the legislature of this state shall thereby be vacated.

XV. That the legislative department may, as much as possible, be preserved from all suspicion of corruption, none of the judges of the supreme court, or of any other court, sheriffs, nor any person or persons possessed of any office of profit under the government of this state, or of the United States, shall be entitled to a seat, either in the Senate or in the General Assembly; but that on being elected, and taking his seat, his office shall be considered vacant.

XVI. All bills for raising revenue shall originate in the House of Assembly; but the Senate may propose or concur with amendments, as on other bills.

XVII. No money shall be drawn from the treasury, but for appropriations made by law.

XVIII. The credit of the state shall not be directly or indirectly loaned in any case.

XIX. The legislature shall not, in any manner, create any debt or debts, liability or liabilities, of the state, which shall singly, or in the aggregate, at any time exceed one hundred thousand dollars, except for purposes of war, or to repel invasion, or to suppress insurrection, unless the same shall be authorized by a law for some single object or work, to be distinctly specified therein; which law shall impose and provide for a direct annual tax sufficient, with such other appropriations as may be made therein, exclusive of loans, to pay the interest of such debt or liability as it falls due, and also to pay and discharge the principal of such debt or liability within twenty years from the time of the contracting thereof: and no

such law shall take effect until it shall, at a general election, have been submitted to the people, and have received the sanction of a majority of all the votes cast for or against it at such election; and all money to be raised by the authority of such law shall be applied, only, to the specific object stated in such law, and to the payment of the debt thereby created.

XX. The assent of two-thirds of the members elected to each house shall be requisite to the passage of every law appropriating public money or property to local or private use, and also to the passage of every law granting prerogative rights or special privileges, or for creating, continuing, or renewing private corporations, other than those for religious, literary, or charitable purposes: and all such laws may be altered, modified, or repealed by the legislature, whenever, in their opinion, the public good may require it.

XXI. All charters for banks or money corporations shall be limited to the term of twenty years, but may be renewed.

XXII. No county or township shall be created, nor shall the boundaries of any county or township be altered, without the assent of two-thirds of the whole number of members elected to each house to a law for that purpose, and without three months' public notice having been given of the time of applying for such law.

XXIII. No divorce shall be granted by the legislature.

XXIV. No lottery shall be authorized by this state, and the legislature shall pass laws to prevent the sale of all lottery tickets, except in lotteries which may now be authorized by a law of this state.

XXV. The legislature shall not pass any bill of attainder, ex post facto law, or law impairing the obligation of contracts.

XXVI. To avoid improper influences, which may result from intermixing in one and the same act such things as have no proper relation to each other, every law shall embrace but one object, and that shall be expressed in the title.

XXVII. The laws of this state shall begin in the following style: "Be it enacted by the Senate and General Assembly of this state, and it is hereby enacted by the authority of the same."

XXVIII. The fund for the support of free schools, and all the proceeds thereof, dividends, stocks, and other property, now or hereafter to be appropriated for that purpose, shall remain a perpetual fund, without diminution of the principal by the legislature, and shall be sacredly devoted to the encouragement and support of common schools, for the equal benefit of all the people of the state, in the mode prescribed, or hereafter to be prescribed, by the legislature, and to no other use or purpose whatever.

XXIX. The General Assembly shall have the sole power of impeaching all civil officers of the state for corrupt conduct in office or for crimes and misdemeanors; but a majority of all the members elected shall be necessary to direct an impeachment.

XXX. The Senate shall have the sole power to try all impeachments, and, when sitting for that purpose, they shall be on oath or affirmation; and no person shall be convicted without the concurrence of two-thirds of the members present. Judgment in cases of impeachment shall not extend farther than to removal from office, and disqualification to hold and enjoy any office of honour, trust, or profit under this state; but the party convicted shall nevertheless be liable and subject to indictment, trial, judgment, and punishment, according to law.

Signed, by the committee,
28th May, 1844.

P. D. VROOM,
W. B. EWING,
PETER I. CLARK,
T. G. HAIGHT,
ROBT. GILCHRIST,
FRANCIS CHILD.

I concur in this report, with the exception of the clause relating to county and township lines.

CHARLES C. STRATTON.

Which was read, laid on the table, and three hundred copies ordered to be printed.

The convention then resolved itself into committee of the whole, Mr. Stites in the chair, upon the consideration of the unfinished business of yesterday, being the report of the Committee on the Right of Suffrage;

And, after some time spent therein, the committee rose, reported progress, and had leave to sit again.

The convention adjourned to this afternoon, at three o'clock.

At three o'clock the convention met, pursuant to adjournment.

The convention resolved itself into committee of the whole, Mr. Stites in the chair, upon the consideration of the unfinished business of the morning, being the report of the Committee on the Right of Suffrage;

And, after some time spent therein, the committee rose, and reported the same to the convention, with sundry amendments, and,

On motion of Mr. Stites, were discharged from the further consideration of the same.

The report and amendments were ordered to lie on the table and be printed.

On motion of Mr. Child, it was

Ordered, That when this convention adjourns, it will adjourn to meet to-morrow morning, at eight o'clock.

The convention then adjourned till to-morrow morning, at eight o'clock.

WEDNESDAY MORNING, 29th May.

At eight o'clock the convention met, pursuant to adjournment, and was opened with prayer by the Rev. Mr. Hall.

On motion of Mr. Randolph, it was

Resolved, That the stated hour for the meeting of the convention be at nine o'clock A. M., until otherwise ordered by the convention.

The convention resolved itself into committee of the whole, Mr. Haight in the chair, upon the consideration of the report of the Committee on a Bill of Rights and Privileges;

And, after some time spent therein, the committee rose, reported progress, and had leave to sit again.

On motion of Mr. Allen, it was

Ordered, That when this convention adjourns, it will adjourn to meet to-morrow morning at nine o'clock.

The convention then adjourned till to-morrow morning, at nine o'clock.

THURSDAY MORNING, 30th May.

At nine o'clock the convention met, pursuant to adjournment, and was opened with prayer by the Rev. Mr. Starr.

Mr. Vanarsdale, from the Committee on the Judiciary Department, made the following report:

The committee appointed by this convention on the judiciary department of the constitution to be formed, respectfully report—

I. That the judicial power of this state shall be vested in a court of errors and appeals in the last resort in all causes, as heretofore; a court for the trial of impeachments; a court of chancery; a prerogative court; a supreme court, and such other courts as now exist, and as may be ordained and established by the legislature.

The court of errors and appeals shall consist of the chancellor, the justices of the supreme court, and six judges, or a major part of them; which judges are to be appointed for six years.

Immediately after the court shall first assemble, the chancellor, or, in his absence, the chief justice, or any justice of the supreme court, shall arrange the six judges in such manner that the seat of one of them shall be vacated every year, in order that thereafter one judge may be annually appointed.

Such of the six judges as shall attend the court, shall receive, respectively, such per diem compensation as shall be provided by law.

The secretary of state shall be the clerk of this court.

When an appeal from an order or decree shall be heard, the chancellor shall inform the court, in writing, of the reasons for his order or decree; but he shall not sit as a member, or have a voice in the hearing or final sentence.

When a writ of error shall be brought, no justice who has given a judicial opinion or judgment in the cause, in favour of or against any error complained of, shall sit as a member, or have a voice on the hearing, or for its affirmance or reversal; but the reasons for such opinion or judgment shall be assigned to the court in writing.

II. The House of Assembly shall have the sole power of impeaching; and all impeachments shall be tried by the Senate:

the members, when sitting for that purpose, to be on oath or affirmation "truly and impartially to try and determine the charge in question: and no person shall be convicted without the concurrence of two-thirds of the members of the Senate present.

When a governor or chancellor is tried, the chief justice shall preside; and when a chief justice or an associate justice of the supreme court is tried, the chancellor shall preside. When the chancellor or chief justice shall preside, he shall have a vote when the members are equally divided on preliminary questions, but shall have no other vote.

The person impeached shall be suspended from exercising his office until his acquittal; and the judgment shall not extend farther than to removal from office, and to disqualification to hold and enjoy any office of honour, profit, or trust under this state; but the party convicted shall nevertheless be liable to indictment, trial, and punishment according to law.

The secretary of state shall be clerk of this court.

III. The court of chancery shall consist of a chancellor, who shall be appointed in the same manner, hold his office for the like term, and receive the same salary as the chief justice of the supreme court.

IV. The chancellor shall be the ordinary, or surrogate general, of the prerogative court.

All persons aggrieved by any order, sentence, or decree of the orphans' court, may appeal from the same, or from any part thereof, to the prerogative court; but such order, sentence, or decree shall not be removed into the supreme court, if the subject matter thereof be within the jurisdiction of the orphans' court.

The secretary of state shall be the register of the prerogative court, and shall perform the duties required of him by law in that respect.

V. The supreme court shall consist of a chief justice and five associate justices.

Six several terms of the court shall be held in each year.

Two of the said terms shall be held in the eastern part of the state, two in the middle part of the state, and two in the western part of the state, at such times and places as the legislature, from time to time, may ordain and establish.

Any one or more, and not exceeding three of the justices, shall hold the said courts at any of the said terms; but the concurrence of two of the justices shall be necessary to a decision in every controverted matter: and the said justices shall arrange among themselves to hold the courts, alternately, at said terms.

The present clerk of the supreme court, during his continuance in office, shall attend all said courts personally, or by a deputy appointed by him to act in his stead, until the legislature shall prescribe which of the said courts he shall statedly attend: and whenever there shall be two or more clerks of the said supreme court in office, each one, on the first and third Mondays in every month, shall transmit to the other, or others, a duly certified transcript of all the judgments which shall have been docketed since that time, and afterwards, since the time of making the previous transcript; which shall be a true transcript of the original docket that is to be kept in his office: and that no inconvenience may arise from this article being carried into effect, the supreme court shall continue to be held at the times and place when and where it is now held, until the fourth day of July, one thousand eight hundred and forty-five.

VI. One of the justices of the supreme court for the time being shall be one of the judges of the orphans' court now existing in and for the several counties of this state, in all cases, except every regular term of the said orphans' courts when no circuit court is held in the county, such orphans' court may be held without a justice of the supreme court; but nothing in this article contained shall at any time hereafter abridge or restrain the power of the legislature to alter, change, or annul the same, and ordain otherwise, as the public interest may require.

VII. There shall be not less than three, nor more than seven judges of the inferior court of common pleas, in and for each of the several counties of this state.

This provision shall take effect in each county, when the number of said judges now in office in said county shall not exceed seven.

VIII. There shall not be less than two justices of the peace for the number of townships in each county in this state, nor more than —— justices of the peace in and for any of said counties; and this provision shall take effect in each county, when the number of said justices now in office in said county shall not exceed ———.

IX. All justices of the supreme court, and all other judicial officers now holding any office or appointment from the joint-meeting of the legislature of this state, shall, respectively, continue in the exercise of the duties of their respective offices, according to their appointments, for the times allowed by law.

By order of the committee.

ELIAS VANARSDALE, *Chairman.*

Dated 30th May, 1844.

Which was read, laid on the table, and three hundred copies ordered to be printed.

Mr. Randolph, of the same committee, offered the following, as a substitute for articles six and seven of the foregoing report:

Art. VI. The orphans' court, and the court of oyer and terminer and general jail delivery, in each county of the state, shall be held by one of the justices of the supreme court, and the judges of the inferior court of common pleas appointed under this constitution, or by any three of them.

Art. VII. From amongst the judges of the inferior court of common pleas, now holding commissions in the respective counties of the state, five shall be selected and appointed to be judges of said court under this constitution; and after the

commissions of the judges now in office shall expire, there shall be but five judges of said courts. The judges of the said court shall be appointed for the term of five years, and at the first term thereof, held in the respective counties, they shall arrange themselves in such manner that the seat of one of them shall be vacated every year, in order that one judge may be annually appointed or re-appointed. The legislature may at any time hereafter increase or lessen the number of associate justices of the supreme court, or change the mode, or terms, or places, of holding the same. The mode of appointing the six judges of the court of appeals may be changed, and their number increased, so that they shall never exceed in number the justices of the supreme court and the chancellor. The legislature may also abolish, or otherwise alter, any of the courts of the state, except those specified in the first article; but the number of judges of the inferior court of common pleas and of justices of the peace, in the respective counties and townships, shall never be increased.

Which was read, ordered to lie on the table, and be printed with the report of the Committee on the Judiciary Department.

The convention then resolved itself into committee of the whole, Mr. Haight in the chair, upon the consideration of the unfinished business of yesterday, being the report of the Committee on a Bill of Rights and Privileges;

And, after some time spent therein, the committee rose, reported progress, and had leave to sit again.

The convention then adjourned to this afternoon, at three o'clock.

At three o'clock the convention met, pursuant to adjournment.

Mr. Stokes presented a petition from sundry coloured inhabitants, praying to be admitted to the right of suffrage;

Which was read, and, on motion of Mr. J. R. Thomson, was ordered to lie on the table.

The convention then resolved itself into committee of the whole, Mr. Haight in the chair, upon the consideration of the unfinished business of the morning, being the report of the Committee on a Bill of Rights and Privileges;

And, after some time spent therein, the committee rose, reported the same to the convention, with sundry amendments, and were discharged from the further consideration of the same.

On motion of Mr. Ewing, it was

Ordered, That the report and amendments do lie on the table, and one hundred and twenty copies thereof be printed.

The convention adjourned till to-morrow morning, at nine o'clock.

FRIDAY MORNING, 31st May.

At nine o'clock the convention met, pursuant to adjournment, and was opened with prayer by the Rev. Mr. Hall.

Mr. Jaques offered the following resolution:

Resolved, That a select committee of five be appointed to inquire into the propriety of instituting a court, to be called the court of reconciliation, and that they report thereon;

Which was read, adopted, and

Messrs. Jaques, Naar, Edsall, Westervelt, and R. S. Kennedy were appointed said committee.

Mr. R. P. Thompson moved to rescind the resolution heretofore adopted, as follows:

"*Resolved*, That the convention first act upon the reports of the several committees in committee of the whole, before proceeding to final action in the convention upon any of the reports;"

Which motion was not agreed to.

The convention then resolved itself into committee of the whole, Mr. Stratton in the chair, upon the consideration of the report of the Committee on the Executive Department;

And, after some time spent therein, the committee rose, reported progress, and had leave to sit again.

On motion of Mr. Clark,

The convention adjourned to this afternoon, at three o'clock.

At three o'clock the convention met, pursuant to adjournment.

Mr. Stokes presented a petition from sundry coloured inhabitants of New Jersey, praying to be admitted to the right of suffrage;

Which was read, and

Mr. Hornblower moved that the petition, together with the one presented yesterday on the same subject, be referred to a select committee of five;

Which motion was disagreed to.

On motion of Mr. J. R. Thomson,

The petition was ordered to lie on the table.

The convention then resolved itself into committee of the whole, Mr. Stratton in the chair, upon the consideration of the unfinished business of the morning, being the report of the Committee on the Executive Department;

And, after some time spent therein, the committee rose, reported progress, and had leave to sit again.

The convention adjourned till to-morrow morning, at nine o'clock.

SATURDAY MORNING, 1st June.

At nine o'clock the convention met, pursuant to adjournment, and was opened with prayer by the Rev. Mr. Kidder.

The convention resolved itself into committee of the whole, Mr. Stratton in the chair, upon the consideration of the unfinished business of yesterday, being the report of the Committee on the Executive Department;

And, after some time spent therein, the committee rose, reported progress, and had leave to sit again.

The convention adjourned to this afternoon, at three o'clock.

At three o'clock the convention met, pursuant to adjournment.

A quorum not appearing present,

The convention adjourned to Monday afternoon, at three o'clock.

MONDAY AFTERNOON, 3d June.

At three o'clock the convention met, pursuant to adjournment, and was opened with prayer by the Rev. Mr. Reed.

On motion of Mr. Vanarsdale, it was

Resolved, That the committee to whom is referred all matters not referred to other committees, report whether it is advisable that the secretary of state, ex officio, shall assist the

committee appointed by the legislature to settle the accounts of the treasurer, and shall prepare, annually, an account of all charges which ought to be made by the state against him, and carefully examine all discharges for which he claims allowance.

Mr. Elmer asked, and obtained leave of absence.

The convention resolved itself into committee of the whole, Mr. Stratton in the chair, upon the consideration of the unfinished business of Saturday, being the report of the Committee on the Executive Department;

And, after some time spent therein, the committee rose, reported progress, and had leave to sit again.

Mr. Vroom asked, and obtained leave of absence.

On motion of Mr. Hornblower,

The convention adjourned till to-morrow morning, at nine o'clock.

TUESDAY MORNING, 4th June.

At nine o'clock the convention met, pursuant to adjournment, and was opened with prayer by the Rev. Mr. Hall.

The convention resolved itself into committee of the whole, Mr. Stratton in the chair, upon the consideration of the unfinished business of yesterday, being the report of the Committee on the Executive Department;

And, after some time spent therein, the committee rose, reported the same to the convention, with sundry amendments, and were discharged from the further consideration thereof.

On motion of Mr. Wood, it was

Ordered, That the report and amendments do lie on the table and be printed.

The convention resolved itself into committee of the whole,

Mr. Stokes in the chair, upon the consideration of the report of the Committee on the Judiciary Department;

And, after some time spent therein, the committee rose, reported progress, and had leave to sit again.

The convention adjourned to this afternoon, at three o'clock.

At three o'clock the convention met, pursuant to adjournment.

On motion of Mr. Ewing,

The convention resolved itself into committee of the whole, Mr. Stokes in the chair, upon the consideration of the unfinished business of the morning, being the report of the Committee on the Judiciary Department;

And, after some time spent therein, the committee rose, reported progress, and had leave to sit again.

On motion of Mr. J. R. Thomson,

The convention adjourned till to-morrow morning, at nine o'clock.

WEDNESDAY MORNING, 5th June.

At nine o'clock the convention met, pursuant to adjournment, and was opened with prayer by the Rev. Mr. Deruelle.

On motion of Mr. Ryerson,

The convention resolved itself into committee of the whole, Mr. Stokes in the chair, upon the consideration of the unfinished business of yesterday, being the report of the Committee on the Judiciary Department;

And, after some time spent therein, the committee rose, reported progress, and had leave to sit again.

On motion of Mr. R. P. Thompson,

The convention adjourned to this afternoon, at three o'clock.

At three o'clock the convention met, pursuant to adjournment.

On motion of Mr. Ewing,

The convention resolved itself into committee of the whole, Mr. Stokes in the chair, upon the consideration of the unfinished business of the morning, being the report of the Committee on the Judiciary Department;

And, after some time spent therein, the committee rose, reported progress, and had leave to sit again.

On motion of Mr. R. P. Thompson,

The convention adjourned till to-morrow morning, at nine o'clock.

THURSDAY MORNING, 6th June.

At nine o'clock the convention met, pursuant to adjournment, and was opened with prayer by the Rev. Mr. Starr.

Mr. Sickler offered the following:

Resolved, That it is the privilege, as well as the duty of this convention, to continue its sessions, without respect to the law under which we are assembled, until we have completed our work;

Which was read, and, on motion of Mr. Randolph, was ordered to be postponed.

On motion of Mr. Ewing,

The convention resolved itself into committee of the whole, Mr. Stokes in the chair, upon the consideration of the unfinished business of yesterday, being the report of the Committee on the Judiciary Department;

And, after some time spent therein, the committee rose, reported progress, and had leave to sit again.

On motion of Mr. Parsons,

The convention adjourned to this afternoon, at three o'clock.

At three o'clock the convention met, pursuant to adjournment.

On motion of Mr. Parker, it was

Resolved, That the secretary of state be requested to inform this convention the number of judges of the inferior court of common pleas and justices of the peace now in commission in the several counties of this state, distinguishing the number in each county, and the month and year in which they were respectively appointed.

On motion of Mr. Clark,

The convention resolved itself into committee of the whole, Mr. Stokes in the chair, upon the consideration of the unfinished business of the morning, being the report of the Committee on the Judiciary Department;

And, after some time spent therein, the committee rose, reported the same to the convention, with sundry amendments, and were discharged from the further consideration thereof.

On motion of Mr. Allen,

Ordered, That the same do lie on the table and be printed.

On motion of Mr. R. P. Thompson,

The convention adjourned till to-morrow morning, at nine o'clock.

FRIDAY MORNING, 7th June.

At nine o'clock the convention met, pursuant to adjournment, and was opened with prayer by the Rev. Mr. Reed.

Mr. Dickerson, from the Committee on the Appointing Power, made the following report:

APPOINTING POWER AND TENURE OF OFFICE.

The committee to whom was referred so much of the constitution "as relates to the power of appointment to office, and the tenure thereof," beg leave to report—

I. *Militia Officers.*

1. The legislature shall provide by law for enrolling, organizing, and arming the militia.

2. Captains, subalterns, and non-commissioned officers shall be elected by the members of their respective companies.

3. Field officers of regiments and of independent battalions shall be elected by the commissioned officers of their respective regiments or battalions.

4. Brigadier generals shall be elected by the field officers of their respective brigades.

5. Major generals shall be nominated by the governor, and appointed by him, with the advice and consent of the Senate.

6. The legislature shall provide, by law, the time and manner of electing militia officers, and of certifying their elections to the governor, who shall grant their commissions and

determine their rank, when not determined by law; and no commissioned officer shall be removed from office but by the sentence of a court martial, pursuant to law.

7. In case the electors of subalterns, captains, or field officers, shall refuse or neglect to make such elections, the governor shall have power to appoint such officers, and to fill all vacancies occasioned by such refusal or neglect.

8. Brigade inspectors shall be chosen by the field officers of their respective brigades.

9. The governor shall appoint the adjutant general, commissary general, and all other militia officers not otherwise provided for in this constitution.

10. Major generals, brigadier generals, and commanding officers of regiments and independent battalions, shall appoint the staff officers of their divisions, brigades, regiments, and independent battalions, respectively.

11. All militia officers now in commission shall continue in office as if this constitution had not been made.

II. *Civil Officers.*

1. Justices of the supreme court, chancellor, and judges of the court of errors and appeals, shall be nominated by the governor, and appointed by him, with the advice and consent of the Senate.

The justices of the supreme court and chancellor shall hold their offices for the term of seven years; shall, at stated times, receive for their services a compensation, which shall not be diminished during their continuance in office: and they shall hold no other office under the state or United States government.

2. Judges of the courts of common pleas shall be nominated by the governor, and appointed by him, with the advice and consent of the Senate.

They shall hold their offices for five years; except when appointed to fill vacancies, they shall hold for the unexpired term only.

3. The treasurer and keeper and inspectors of the state

prison shall be appointed by the Senate and General Assembly, in joint-meeting, and commissioned by the governor.

They shall hold their offices for one year, and until their successors shall be duly qualified into office.

4. Attorney generals, prosecutors of the pleas, clerks of the supreme court and court of chancery, and secretary of state, shall be nominated by the governor, and appointed by him, with the advice and consent of the Senate.

They shall hold their offices for five years.

5. Mayors, recorders, aldermen, and other officers of cities and boroughs, shall be elected or appointed, and shall hold their repective offices in the manner, and for the time or times, provided in their respective charters.

6. Law reporters shall be appointed by the justices of the supreme court, or a majority of them; and chancery reporters shall be appointed by the chancellor.

They shall hold their offices for five years.

7. Clerks and surrogates of counties shall be elected by the people of their respective counties, at the annual elections for members of the General Assembly of this state.

They shall be commissioned by the governor, and hold their offices for five years.

8. Sheriffs and coroners shall be elected annually, by the people of their respective counties, at the annual elections for members of the General Assembly of this state.

They may be re-elected until they shall have served three years, but no longer, after which, three years must elapse before they can be again elected.

They shall be commissioned by the governor.

9. Constables and freeholders shall be elected every year, at the annual town-meetings of the townships in the several counties of the state.

10. Justices of the peace shall be elected, by ballot, at the annual meetings of the townships in the several counties of the state, and of the several wards in the city of Newark.

They shall be commissioned by the governor, for the county,

and their commissions shall bear date and take effect on the first day of May next after their election.

They shall hold their offices for five years: except when elected to fill vacancies, they shall hold for the unexpired term only; *provided*, that the commission of any justice of the peace shall become vacant on his ceasing to reside in the township in which he was elected.

The first election for justices of the peace shall take place at the next annual town meetings of the townships in the several counties of the state and of the several wards in city of Newark.

In all elections of justices of the peace, if no more than two are to be elected in the township or ward, no elector shall vote for more than one person; if no more than four are to be elected, no elector shall vote for more than two; and if five are to be elected, no elector shall vote for more than three.

11. All other officers, not otherwise provided by law, shall be nominated by the governor, and appointed by him, with the advice and consent of the Senate; and they shall hold their offices for the time prescribed by law.

12. United States senators shall be chosen by the Senate and General Assembly, in joint-meeting.

They shall be commissioned by the governor.

MAHLON DICKERSON, *Chairman.*

Which was read, and

Mr. Ewing moved,

That the report be recommitted, with instructions, for the purpose of changing the appointment of the chancellor, the judges of the supreme court, and court of errors, the judges of the common pleas, the attorney general, &c., from the governor and Senate, to the joint-meeting, as under the old constitution;

Which motion was disagreed to.

On motion of Mr. Zabriskie,

The report was ordered to lie on the table and be printed.

Mr. Parsons offered the following resolution:

Resolved, That the committee upon such parts of the constitution as were not referred to the several special committees, be requested to take into consideration the expediency of providing in the constitution for a state enumeration of the inhabitants of this state every ten years, commencing in the year 1845;

Which was read, and referred to the committee on that subject.

Mr. Wurts called up the resolution, offered yesterday, with regard to the power and duty of the convention to continue its sessions;

Which was read, and

Mr. Wurts moved that the same be dismissed from the files of the convention:

Pending the consideration whereof,

Mr. Sickler asked, and obtained leave to withdraw the resolution.

On motion of Mr. Ryerson,

The convention resolved itself into committee of the whole, Mr. Cassedy in the chair, upon the consideration of the report of the Committee on the Legislative Department;

And, after some time spent therein, the committee rose, reported progress, and had leave to sit again.

On motion of Mr. Clark,

The convention adjourned till this afternoon, at three o'clock.

At three o'clock the convention met, pursuant to adjournment.

The vice president presented a communication from the secretary of state, transmitting, pursuant to the resolution

heretofore passed, a list of appointments of judges and justices, for the several counties in this state, from 25th October, 1839, to 13th March, 1844;

Which was read, and,

On motion of Mr. Ryerson,

Ordered, That the same do lie upon the table.

On motion of Mr. R. P. Thompson,

The convention resolved itself into committee of the whole, Mr. Cassedy in the chair, upon the consideration of the unfinished business of the morning, being the report of the Committee on the Legislative Department;

And, after some time spent therein, the committee rose, reported progress, and had leave to sit again.

On motion of Mr. Zabriskie,

The convention adjourned till to-morrow morning, at nine o'clock.

SATURDAY MORNING, 8th June.

At nine o'clock the convention met, and was opened with prayer by the Rev. Mr. Young.

On motion of Mr. Allen,

The convention resolved itself into committee of the whole, Mr. Cassedy in the chair, upon the consideration of the unfinished business of yesterday, being the report of the Committee on the Legislative Department;

And, after some time spent therein, the committee rose, reported progress, and had leave to sit again.

Mr. Field offered the following, as a substitute for Art. XXII of the report of the committee on the Legislative Department:

"No law for the creation of a township or county shall take effect until it shall, at a special election, to be ordered for that

purpose, have been submitted to the people residing within the bounds of such proposed county or township, and have received a majority of all the votes cast for and against it, at such election: and no law which has for its object to annex a county or township, or any part thereof, to another county or township, shall take effect until it shall, at a special election, to be ordered for that purpose, have been submitted to the people residing within the bounds of the county or township, or the part thereof, thus proposed to be annexed, and have received a majority of all the votes cast for and against it at such election: and public notice shall be given of the time of applying for such laws, in one of the newspapers printed and published in this state, thirty days before the preceding annual election for members of the legislature";

Which was read, laid on the table, and ordered to be printed.

Mr. Stratton offered the following, as a substitute for the same article of the same report:

"No law shall be passed to create counties or alter county lines, unless the territory proposed to be set off into a new county, and the territory left in the county or counties affected thereby, shall severally be entitled, by the population embraced in each, to two representatives in the General Assembly";

Which was read, and ordered to lie on the table and be printed.

Mr. Browning offered the following:

"The powers of the government shall be divided into three distinct departments, the legislative, executive and judicial; and no person or persons belonging to, or constituting one of these departments, shall exercise any of the powers properly belonging to either of the others, except as herein expressly provided";

Which was read, and referred to the Committee on subjects not referred to other committees.

On motion of Mr. Allen, it was

Ordered, That when this convention adjourns, it will adjourn to meet on Monday afternoon, at three o'clock.

The convention then adjourned to Monday afternoon, at three o'clock.

MONDAY AFTERNOON, 10th June.

At three o'clock the convention met, pursuant to adjournment, and was opened with prayer by the Rev. Mr. Kidder.

On motion of Mr. Ewing,

The convention resolved itself into committee of the whole, Mr. Cassedy in the chair, upon the consideration of the unfinished business of Saturday, being the report of the Committee on the Legislative Department;

And, after some time spent therein, the committee rose, reported progress, and had leave to sit again.

On motion of Mr. Ryerson,

The convention adjourned till to-morrow morning, at nine o'clock.

TUESDAY MORNING, 11th June.

At nine o'clock the convention met, pursuant to adjournment, and was opened with prayer by the Rev. Mr. Wack.

On motion of Mr. Randolph,

The convention resolved itself into committee of the whole, Mr. Cassedy in the chair, upon the consideration of the unfin-

ished business of yesterday, being the report of the Committee or the Legislative Department;

And, after some time spent therein, the committee rose, reported progress, and had leave to sit again.

On motion of Mr. Mickle,

The convention adjourned to this afternoon, at three o'clock.

At three o'clock the convention met, pursuant to adjournment.

On motion of Mr. Wills,

The convention resolved itself into committee of the whole, Mr. Cassedy in the chair, upon the consideration of the unfinished business of the morning, being the report of the Committee on the Legislative Department;

And, after some time spent therein, the committee rose, reported progress, and had leave to sit again.

On motion of Mr. Mickle,

The convention adjourned till to-morrow morning, at nine o'clock.

WEDNESDAY MORNING, 12th June.

At nine o'clock the convention met, pursuant to adjournment, and was opened with prayer by the Rev. Mr. Hall.

Mr. Jaques, from the select committee appointed to inquire into the propriety of instituting a court of reconciliation, made the following report:

The committee to whom was referred the following resolution, *viz:*

"*Resolved*, That a select committee of five be appointed to inquire into the propriety of instituting a court, to be called the court of reconciliation, and that they report thereon," report—

That your committee, having had under consideration the subject submitted to them, have made diligent inquiry, and have been informed that courts exist in one of the governments of Europe, and perhaps in more, constituted for the purpose of inducing reconciliation in all matters of controversy, previous to the recourse to legal proceedings. Your committee will briefly delineate the formation and duties of those courts.

In each town, or precinct, two persons are chosen by the people, who sit one day in each week, for the receiving of complaints, issuing summonses for the appearance of parties at the next regular day of meeting, and for hearing the parties already summoned. The courts sit with closed doors, and none but the parties themselves, or their special attorneys, are permitted to be present. The duty of the court is to hear the complaints and reply of the parties, and to endeavour to induce them to adjust their differences amicably. As an absolute rule, nothing that passes in the court, is divulged by the members of it, and is forbidden as evidence in the courts of law. Should the attempt for reconciliation fail, the court grants to each of the parties a certificate, stating that they had appeared, but did not reconcile their differences. These certificates are required by the courts of law, in order to oblige parties to seek reconciliation.

The fee of this proceeding is very trifling, and is paid by one or both of the parties, as may be decided by the reconciling judges.

Your committee suppose that it is unnecessary for them to say anything in recommendation of a tribunal so simple in its formation, and so evidently useful; but they cannot refrain from calling the attention of the convention to the fact of the numberless cases which are subjects of lengthy, expensive, and vexatious lawsuits, which have their origin in trifling differ-

ences between neighbours and friends, and which the amicable agency of a third party could reconcile and set for ever at rest.

Your committee, being aware that the proposition submitted to them is of a novel character, believe that the extent of their duty will be complied with by submitting, in addition to the remarks already made, the recommendation that there be engrafted on the constitution, in the first section of the report of the judiciary committee, the words—

That the legislature may ordain and establish courts of reconciliation.

M. JAQUES, *Chairman.*

Which was read, and,

On motion of Mr. Pickel, was ordered to lie on the table and be printed.

On motion of Mr. Ewing,

The convention resolved itself into committee of the whole, Mr. Cassedy in the chair, upon the consideration of the unfinished business of yesterday, being the report of the Committee on the Legislative Department;

And, after some time spent therein, the committee rose, and reported the same to the convention, with sundry amendments, and were discharged from the further consideration thereof.

On motion of Mr. Randolph,

Ordered, That the report and amendments lie on the table, and be printed.

On motion of Mr. Field,

Ordered, That the subject of common schools be referred to a select committee of five.

Messrs. Field, Stokes, Parker, Halsted, and Ryerson were appointed on said committee.

On motion of Mr. Ewing,

The convention resolved itself into committee of the whole, Mr. Parsons in the chair, upon the consideration of the report of the Committee on the Appointing Power and Tenure of Office;

And, after some time spent therein, the committee rose, reported progress, and had leave to sit again.

On motion of Mr. J. R. Thomson,

The convention adjourned to this afternoon, at three o'clock.

At three o'clock the convention met, pursuant to adjournment.

On motion of Mr. Ewing,

The convention resolved itself into committee of the whole, Mr. Parsons in the chair, upon the consideration of the unfinished business of the morning, being the report of the Committee on the Appointting Power and Tenure of Office;

And, after some time spent therein, the committee rose, reported progress, and had leave to sit again.

On motion of Mr. Child,

The convention adjourned till to-morrow morning, at nine o'clock.

THURSDAY MORNING, 13th June.

At nine o'clock the convention met, pursuant to adjournment, and was opened with prayer by the Rev. Mr. Starr.

Mr. Spencer, from the Committee on Subjects not referred to other Committees, made the following report:

The committee to whom was referred the following resolution:

"*Resolved*, That so much thereof, as is not embraced in the foregoing resolutions, be referred to a committee to report thereon," beg leave to report—

I. *Preamble.*

We, the people of the State of New Jersey, grateful to Almighty God for the civil and religious liberty which He hath so long permitted us to enjoy, and looking to Him for a blessing upon our endeavours to secure and to transmit the same unimpaired to succeeding generations, do ordain and establish this constitution.

II. *Distribution of the Powers of Government.*

The powers of the government shall be divided into three distinct departments—the legislative, executive, and judicial; and no person or persons belonging to, or constituting one of these departments, shall exercise any of the powers properly belonging to either of the others, except as herein expressly provided for.

III. *Schedule.*

That no inconvenience may arise from the change in the constitution of this state, and in order to carry the same into complete operation, it is hereby ordained and declared, that—

1. All laws now in force in the state of New Jersey, not repugnant to this constitution, shall remain in force until they expire by their own limitation, or be altered or repealed by the legislature; and all writs, actions, prosecutions, contracts, claims, and rights of individuals and of bodies corporate, shall continue as if no change had taken place.

2. All officers now filling any office or appointment, shall continue in the exercise of the duties of their respective offices or appointments, for the term for which they have been commissioned or appointed, unless, by this constitution, it is otherwise directed.

3. The present governor of this state shall continue in office

until a successor, elected under this constitution, shall be sworn or affirmed into office.

4. In case of the death, resignation, or disability of the present governor, then the person who may be vice president of Council at the time of the adoption of this constitution shall continue in office, and administer the government of this state, until a governor of this state shall have been elected and sworn or affirmed into office under this constitution.

5. The seal of the state shall be kept by the governor, and used by him officially, and shall be called the great seal of the State of New Jersey.

6. All grants and commissions shall be in the name and by the authority of the State of New Jersey, sealed with the seal, signed by the governor, and countersigned by the secretary, and shall run thus: "The State of New Jersey to ——— ———, greeting:" and all writs shall be in the name of the state; and all indictments shall conclude in the following manner, *viz:* "against the peace of this state, the government and dignity of the same."

7. Members of the legislature, and all officers commissioned by authority of this state, shall, before they enter on the duties of their respective offices, take and subscribe the following oath and affirmation: "I do solemnly swear, or affirm, as the case may be, that I will support the constitution of the United States and the constitution of the State of New Jersey, and that I will faithfully discharge the duties of the office of ———, according to the best of my ability." And members elect of the Senate or General Assembly are hereby empowered to administer to each other the said oath or affirmation.

8. This constitution shall go into operation on the —— day of ——.

IV. *Provisional Articles.*

1. The secretary of state shall be ex officio an auditor of the accounts of the treasurer, and, as such, it shall be his duty

to assist the legislature in the annual examination and settlement of his accounts.

2. All property in the state of New Jersey shall be taxed according to its value, that value to be ascertained in such manner as the legislature shall direct, so that the same shall be equal and uniform throughout the state. No one species of property, from which a tax may be collected, shall be taxed higher than any other species of property of equal value; *provided nevertheless*, the legislature shall have power to tax special privileges, in such manner as they may from time to time direct.

J. J. SPENCER,
R. LAIRD,
EPHRAIM MARSH,
WILLIAM STITES,
P. B. KENNEDY,
JNO. H. LAMBERT,
GEO. F. FORT.

Which was read, laid on the table, and,

On motion of Mr. Ten Eyck,

Three hundred copies were ordered to be printed.

Mr. Jaques submitted the following resolution:

Resolved, That the chairman of the following committees, *viz:* the Judicial, Legislative, Executive, Bill of Rights, Amendments, Right of Suffrage, Appointing Power, and Subjects not referred to other committees, be now constituted a committee to arrange and unite the several reports, as acted upon by the committee of the whole, and present them, in a connected form, for the consideration of the convention;

Which was read, and, on motion of Mr. Wurts, V. P., was

Ordered to lie on the table.

On motion of Mr. Child,

The convention resolved itself into committee of the whole, Mr. Parsons in the chair, upon the consideration of the unfinished business of yesterday, being the report of the Committee on the Appointing Power and Tenure of Office;

And, after some time spent therein, the committee rose, reported progress, and had leave to sit again.

On motion of Mr. Mickle,

The convention adjourned to this afternoon, at three o'clock.

At three o'clock the convention met, pursuant to adjournment.

On motion of Mr. Wills,

The convention resolved itself into committee of the whole, Mr. Parsons in the chair, upon the consideration of the unfinished business of the morning, being the report of the Committee on the Apppointing Power and Tenure of Office;

And, after some time spent therein, the committee rose, reported the same to the convention, with sundry amendments, and were discharged from the further consideration thereof.

On motion of Mr. Parsons,

The report and amendments were laid on the table, and ordered to be printed.

On motion of Mr. Mickle,

The convention adjourned till to-morrow morning, at nine o'clock.

FRIDAY MORNING, 14th June.

At nine o'clock the convention met, pursuant to adjournment, and was opened with prayer by the Rev. Mr. Beck.

On motion of Mr. Pickel,

The convention resolved itself into committee of the whole, Mr. Schenck in the chair, upon the consideration of the report of the Committee on subjects not referred to other committees;

And, after some time spent therein, the committee rose, reported progress, and had leave to sit again.

On motion of Mr. Mickle,

The convention adjourned to this afternoon, at three o'clock.

At three o'clock the convention met, pursuant to adjournment.

On motion of Mr. Stites,

The convention resolved itself into committee of the whole, Mr. Schenck in the chair, upon the consideration of the unfinished business of the morning, being the report of the Committee on subjects not referred to other committees;

And, after some time spent therein, the committee rose, reported the same to the convention, with sundry amendments, and were discharged from the further consideration thereof.

On motion of Mr. Wood,

The report and amendments were ordered to lie on the table, and be printed.

Mr. Field, from the select committee to which had been referred the subject of common schools, submitted the following report:

The committee to whom was referred the subject of common schools, beg leave to report, that the following provision ought to be inserted in the constitution:

The fund for the support of free schools, and all money,

stock, and other property, which may hereafter be appropriated for that purpose, shall be securely invested, and remain a perpetual fund; and the income thereof, except so much as it may be judged expedient to apply to an increase of the capital, shall be annually appropriated to the support of public schools, for the benefit of all the people throughout the state; and it shall not be competent for the legislature to borrow, appropriate, or use the same, or any part thereof, for any other purpose, under any pretence whatever.

Which was read, and,

On motion of Mr. Field,

The convention resolved itself into committee of the whole, Mr. Mickle in the chair, upon the consideration of the foregoing report, and of that of the select committee appointed to inquire into the propriety of instituting a court of reconciliation;

And, after some time spent therein, the committee rose, and reported the report of the committee on the school fund to the convention, without amendment; and also reported that they had disagreed to the report of the committee on the court of reconciliation, and were discharged from the further consideration of the said reports.

On motion of Mr. Parker,

The report of the committee of the whole on the school fund, was ordered to lie on the table.

On motion of Mr. Stratton,

The report of the committee of the whole on the court of reconciliation, was ordered to lie on the table.

On motion of Mr. Zabriskie, it was

Ordered, That when this convention adjourns, it will adjourn to meet on Monday afternoon, at three o'clock.

On motion of Mr. Stites,

The convention adjourned to Monday afternoon, at three o'clock.

MONDAY AFTERNOON, 17th June.

At three o'clock the convention met, pursuant to adjournment, and was opened with prayer by the Rev. Mr. Kidder.

Mr. Vanarsdale presented the petition of sundry citizens of this state, praying that no distinction be observed in the constitution between citizens born in the United States and those of foreign birth, in respect to their qualifications for members of the House of Assembly and governor, and to exclude from the provisions of the constitution all distinctions between citizens;

Which was read, and,

On motion of Mr. Wurts, was ordered to lie on the table.

On motion of Mr. R. P. Thompson,

The convention proceeded to the consideration of the report of the Committee on a Bill of Rights and Privileges, as amended in committee of the whole;

And the first section being under consideration, the same was agreed to, without amendment.

The second section being under consideration, the amendment made to the same, in committee of the whole, was agreed to.

The same section being still under consideration,

Mr. Jaques moved to amend, by adding thereto the following words: "On entering into society, men give up none of their rights; they only adopt new modes, by which they are better secured."

And on the question, shall the amendment be agreed to? the yeas and nays were demanded, and

It was decided in the negative, as follows, *viz:*

YEAS.

Mr. Jaques,	Mr. Pickel,	Mr. Naar—4.
Nickle,		

NAYS.

Mr. Allen,	Mr. Haight,	Mr. Stites,
Bell,	Hibbler,	Stokes,
Brick,	Hornblower,	Stratton,
Cassedy,	P. B. Kennedy,	Swain,
Cattell,	R. S. Kennedy,	Ten Eyck,
Child,	Lambert,	J. R. Thomson,
Clark,	Marsh,	R. P. Thompson,
Condit,	Neighbour,	Vanarsdale,
Connolly,	Ogden,	Vroom,
Dickerson,	Parker,	Williamson (pr.)
Ewing,	Pitney,	Wills,
Field,	Ryerson,	Wurts (v. p.)
Gilchrist,	Schenck,	Zabriskie—39.

The same section being still under consideration,

Mr. Gilchrist moved to amend the same, by striking out the words "inherent in", and inserting "derived from";

Which was not agreed to.

The section, as amended, was then adopted.

The third section being under consideration,

Mr. Stokes moved to amend the same, by striking out the word "ministers", and inserting "ministry";

Which was agreed to.

The section, as amended, was then adopted.

The fourth section being under consideration, the same was adopted, without amendment.

The fifth section being under consideration, the same was agreed to, without amendment.

The sixth section being under consideration, the same was adopted, without amendment.

The seventh section being under consideration, the amendment made to the same, in committee of the whole, was agreed to.

Mr. Ogden moved to strike out the word "sums", in the

amendment made in committee of the whole, and insert the words "matters in dispute";

Which was agreed to.

The section, as amended, was then adopted.

The eighth section being under consideration, the amendment made to the same in committee of the whole was agreed to; and the section, as amended, was then adopted.

The ninth section being under consideration, the same was agreed to, without amendment.

The tenth section being under consideration,

Mr. Field moved to amend the same, by striking out the words "be twice put in danger of punishment for the same offence", and inserting, in lieu thereof, "after an acquittal, be tried for the same offence";

Which was agreed to, and the section, as amended, was then adopted.

The eleventh section being under consideration, the same was agreed to, without amendment.

The twelfth section being under consideration the same was adopted, without amendment.

The thirteenth section being under consideration, the same was agreed to, without amendment.

The fourteenth section being under consideration,

Mr. Dickerson moved to amend the same, by adding the words "and no punishment for treason shall exceed fine and imprisonment";

Which was not agreed to.

The section was then adopted, without amendment.

The fifteenth section being under consideration,

On motion of Mr. Child, it was

Ordered, That the same be stricken out.

The sixteenth section being under consideration, the same was adopted, without amendment.

The seventeenth section being under consideration,

Mr. Cassedy moved to amend the same, by inserting between the words "be" and "made" the word "first";

And on this question, the yeas and nays being demanded,

It was decided in the negative, as follows, *viz:*

YEAS.

Mr. Allen,	Mr. Lambert,	Mr. J. R. Thomson,
Cassedy,	Mickle,	R. P. Thompson,
Child,	Naar,	Vanarsdale,
Connolly,	Neighbour,	Vroom,
Ewing,	Pickel,	Wills,
Haight,	Ryerson,	Wurts (v. p.)
Jaques,	Sickler,	Zabriskie—22.
P. B. Kennedy,		

NAYS.

Mr. Bell,	Mr. Hibbler,	Mr. Spencer,
Brick,	Hornblower,	Stites,
Cattell,	R. S. Kennedy,	Stokes,
Clark,	Marsh,	Stratton,
Condit,	Ogden,	Swain,
Dickerson,	Parker,	Ten Eyck,
Field,	Parsons,	Williamson (pr.)
Gilchrist,	Pitney,	25.
Green,	Schenck,	

The seventeenth section being under consideration, and the question being on agreeing to the same,

The yeas and nays were demanded, and

It was decided in the affirmative, as follows, *viz:*

YEAS.

Mr. Bell,	Mr. Field,	Mr. R. S. Kennedy,
Brick,	Gilchrist,	Lambert,
Cassedy,	Haight,	Marsh,
Child,	Hornblower,	Mickle,
Condit,	Jaques,	Naar,
Ewing,	P. B. Kennedy,	Neighbour,

Mr. Ogden,	Mr. Sickler,	Mr. J. R. Thomson,
Parker,	Spencer,	Vanarsdale,
Parsons,	Stites,	Williamson (pr.)
Pickel,	Stokes,	Wurts (v. p.)
Pitney,	Stratton,	Zabriskie—35.
Ryerson,	Swain,	

NAYS.

Mr. Allen,	Mr. Dickerson,	Mr. Ten Eyck,
Cattell,	Green,	R. P. Thompson,
Clark,	Hibbler,	Vroom,
Connolly,	Schenck,	Wills—12.

Mr. R. P. Thompson offered the following, to be inserted as Sec. XVIII:

"Nothing in this constitution shall be construed to require payment to be made for land taken for public highways, unless the legislature shall otherwise direct by law";

Which was disagreed to.

The eighteenth section being under consideration,

Mr. Ryerson moved to strike out the word "is", and insert the word "be";

Which was agreed to.

On motion of Mr. Dickerson,

The section was further amended, by adding thereto the words "either in contracting the debt, disposing of his property, or concealing the same."

Mr. Ryerson moved to reconsider the vote just taken on the amendment;

Which was not agreed to.

On motion of Mr. Cassedy,

The section was further amended, by inserting the word "property" in place of "estate."

Mr. Hornblower moved to strike out the words "strong presumption of";

Which was not agreed to.

Mr. Green moved to amend, by striking out all after the word debt, in the first line, and inserting the following: "but provision may be made by law for compelling a debtor to surrender his property for the benefit of his creditors, or for the punishment of fraud committed by the debtor";

Which was disagreed to.

The question then recurring upon the adoption of the section, as amended,

The yeas and nays were demanded, and

It was determined in the affirmative, as follows, viz:

YEAS.

Mr. Brick,	Mr. Jaques,	Mr. Schenck,
Cassedy,	P. B. Kennedy,	Sickler,
Cattell,	Lambert,	Spencer,
Child,	Marsh,	Stites,
Clark,	Mickle,	Stokes,
Condit,	Narr,	Stratton,
Connolly,	Neighbour,	Swain,
Ewing,	Ogden,	J. R. Thomson,
Field,	Parker,	R. P. Thompson,
Gilchrist,	Parsons,	Vanarsdale,
Green,	Pickel,	Wills,
Haight,	Pitney,	Wurts,
Hibbler,	Ryerson,	Zabriskie—40.
Hornblower,		

NAYS.

Mr. Allen,	Mr. Dickerson,	Mr. Williamson (pr.)
Bell,	Ten Eyck,	5.

The nineteenth section being under consideration, the same was agreed to, without amendment.

The twentieth section, which was added in committee of the whole, being under consideration, and the question being on agreeing to the same,

Mr. J. R. Thomson moved the following, as a substitute:

"This enumeration of rights shall not be construed to impair or deny others retained by the people";

Which was agreed to.

On motion of Mr. Ewing,

The convention adjourned till to-morrow morning, at nine o'clock.

TUESDAY MORNING, 18th June.

At nine o'clock the convention met, pursuant to adjournment, and was opened with prayer by the Rev. Mr. Young.

On motion of Mr. Ryerson, it was

Resolved, That every motion or amendment on which a vote of the convention is taken, be inserted on the minutes.

The minutes of yesterday afternoon were then ordered to be amended accordingly.

On motion of Mr. Vanarsdale, it was

Resolved, That a committee of five be appointed to arrange and write the several reports, as acted upon by the convention, and present them in a connected form for consideration, with power to alter or amend the phraseology, without altering the meaning of the several reports.

On motion of Mr. Clark, it was

Ordered, That the vote by which the eighteenth section of the report of the Committee on a Bill of Rights and Privileges, as amended, was adopted, be reconsidered.

The question then recurring on agreeing to the section, as amended, the yeas and nays were demanded, and

It was determined in the negative, as follows, *viz:*

YEAS.

Mr. Brick,	Mr. Hibbler,	Mr. Pickel,
Cassedy,	Holmes,	Pitney,
Child,	Lambert,	Ryerson,
Condit,	Marsh,	Swain,
Connolly,	Mickle,	J. R. Thomson,
Edsall,	Neighbour,	Vanarsdale,
Fort,	Ogden,	Wills—23.
Haight,	Parsons,	

NAYS.

Mr. Allen,	Mr. R. S. Kennedy,	Mr. Stokes,
Bell,	Naar,	Stratton,
Clark,	Parker,	Ten Eyck,
Dickerson,	Randolph,	Williamson (pr.)
Ewing,	Schenck,	Wood,
Gilchrist,	Sickler,	Wurts (v. p.)
Jaques,	Spencer,	Zabriskie—23.
P. B. Kennedy,	Stites,	

Mr. Clark then offered the following, to be inserted as Sect. XVIII:

"No person shall be imprisoned for debt, unless in cases of fraud."

Mr. Ryerson moved to amend the same, by striking out all after "debt", and inserting "in any action, or on any judgment founded upon contract, unless in cases of fraud";

Which was agreed to.

Mr. Hornblower moved to amend the same, by adding, "nor shall any person be imprisoned for a militia fine in time of peace";

Which was agreed to.

The question then recurring on agreeing to the section to be inserted as Sec. XVIII,

The yeas and nays were demanded, and it was determined in the affirmative, by the votes of all the members present.

On motion of Mr. Ryerson,

The convention then proceeded to the consideration of the report of the Committee on the Right of Suffrage, and of the amendments made thereto, in committee of the whole.

And the first section being under consideration, and the question being on agreeing to the amendment made in committee of the whole, to strike out "an inhabitant", and insert "a resident", the same was concurred in.

The amendment made in committee of the whole to the same section, to strike out "as acquiring a residence", and insert "a resident", was agreed to.

The same section being still under consideration, and the question being on agreeing to the amendment made in committee of the whole, to strike out the words "or pauper",

The previous question being demanded, there was a second: and on the question,

Shall the main question be now put? it was decided in the affirmative.

The main question then being on agreeing to the amendment, the yeas and nays were demanded, and

It was determined in the negative, as follows, *viz:*

YEAS.

Mr. Bell,	Mr. Jaques,	Mr. Pickel,
Connolly,	P. B. Kennedy,	Pitney,
Edsall,	Lambert,	Swain,
Fort,	Narr,	Zabriskie—14.
Hibbler,	Parker,	

NAYS.

Mr. Allen,	Mr. Condit,	Mr. Haight,
Brick,	Dickerson,	Holmes,
Cassedy,	Ewing,	Hornblower,
Cattell,	Field,	R. S. Kenne
Child,	Gilchrist,	Marsh,
Clark,	Green,	Mickle,

Mr. Neighbour,	Mr. Sickler,	Mr. J. R. Thomson,
Ogden,	Spencer,	Vanarsdale,
Parsons,	Stites,	Williamson (pr.)
Randolph,	Stokes,	Wills,
Ryerson,	Stratton,	Wood,
Schenck,	Ten Eyck,	Wurts (v. p.)–36.

The first section being still under consideration, the amendment made in committee of the whole to strike out "of the crime of bribery, forgery, perjury, theft, or other offence for which an infamous punishment is or may be inflicted", and insert "of a crime which now excludes him from being a witness," was agreed to.

The amendment made, in committee of the whole to the same section, by inserting "unless pardoned or restored by law to the right of suffrage", was agreed to.

The further amendment to the same section, to add "The legislature may pass laws to deprive persons of the right of suffrage who shall be convicted of bribery at elections", was agreed to.

The question then being on agreeing to the section, as amended, it was decided in the affirmative.

Mr. Parker offered the following, to be inserted as an additional clause:

"No person alien born shall be entitled to vote until one year after the time of his naturalization."

The previous question being demanded, there was a second, and on the question,

Shall the main question be now put? it was decided in the affirmative.

The main question being on the adoption of the additional clause, the yeas and nays were demanded, and

It was decided in the negative, as follows, *viz:*

YEAS.

Mr. Allen,	Mr. Clark,	Mr. R. S. Kennedy,
Cattell,	Condit,	Marsh,

Mr. Mickle,
Parker,
Schenck,
Mr. Spencer,
Swain,
Ten Eyck,
Williamson, (pr.)
Wood—14.

NAYS.

Mr. Bell,
Brick,
Cassedy,
Child,
Connolly,
Dickerson,
Edsall,
Ewing,
Field,
Fort,
Gilchrist,
Green,
Mr. Haight,
Hibbler,
Holmes,
Hornblower,
Jaques,
P. B. Kennedy,
Lambert,
Naar,
Neighbour,
Ogden,
Parsons,
Pickel,
Mr. Pitney,
Randolph,
Ryerson,
Sickler,
Stokes,
Stratton,
J. R. Thomson,
Vanarsdale,
Wills,
Wurts (v. p.)
Zabriskie—35.

Mr. Clark offered the following, to be inserted as Article 2d.

"Art. 2d. No person born after the adoption of this constitution shall be entitled to vote, under the same, unless he can read the English language, except in cases of physical disability."

And the question being on agreeing to the same, the yeas and nays were demanded, and

It was determined in the negative, as follows, viz:

YEAS.

Mr. Clark,
Field,
Gilchrist,
Mr. R. S. Kennedy,
Naar,
Randolph,
Mr. Sickler,
Stites—8.

NAYS.

Mr. Allen,
Bell,
Brick,
Cassedy,
Mr. Cattell,
Child,
Condit,
Connolly,
Mr. Dickerson,
Edsall,
Ewing,
Fort,

Mr. Green,
Haight,
Hibbler,
Holmes,
Hornblower,
Jaques,
P. B. Kennedy,
Lambert,
Marsh,
Mickle,
Mr. Neighbour,
Ogden,
Parker,
Parsons,
Pickel,
Pitney,
Ryerson,
Schenck,
Stokes,
Mr. Stratton,
Swain,
Ten Eyck,
J. R. Thomson,
Vanarsdale,
Williamson (pr.)
Wills,
Wurts (v. p.)
Zabriskie—40.

The second section being under consideration, the amendment made in the committee of the whole, by striking out "Legislative Council" and inserting "Senate", was agreed to.

The amendment made to the same section in committee, striking out "twenty-five" and inserting "thirty", was agreed to.

Mr. Parker moved to amend the same section, by inserting after "and", in the third line of the printed bill, the words "a freeholder and inhabitant."

And the question being on agreeing to the amendment, the yeas and nays were demanded, and

It was decided in the negative, as follows, viz:

YEAS.

Mr. Clark,
Condit,
Mr. Parker,
Mr. Schenck—4.

NAYS.

Mr. Allen,
Brick,
Cassedy,
Cattell,
Child,
Connolly,
Dickerson,
Edsall,
Ewing,
Mr. Field,
Fort,
Gilchrist,
Green,
Haight,
Hibbler,
Holmes,
Hornblower,
Jaques,
Mr. P. B. Kennedy,
R. S. Kennedy,
Lambert,
Marsh,
Mickle,
Naar,
Neighbour,
Ogden,
Parsons,

Mr. Pickel, Mr. Stites, Mr. Vanarsdale,
Pitney, Stokes, Wills,
Randolph, Stratton, Wood,
Ryerson, Swain, Wurts (v. p.)
Sickler, J. R. Thomson, Zabriskie—42.

The second article being still under consideration,

Mr. Naar moved to amend, by striking out the whole article, and inserting the following:

"All persons who are or shall be entitled to the right of suffrage, shall be eligible to all offices that are, under this constitution, made elective by the people."

And the question being on agreeing to the amendment, the yeas and nays were demanded, and

It was determined in the negative, as follows, viz:

YEAS.

Mr. Connelly, Mr. Jaques, Mr. Ryerson,
Edsall, P. B. Kennedy, J. R. Thomson,
Fort, Naar, Zabriskie—11.
Hibbler, Pickel,

NAYS.

Mr. Allen, Mr. Haight, Mr. Stratton,
Bell, Holmes, Swain,
Brick, Hornblower, Schenck,
Cassedy, R. S. Kennedy, Sickler,
Cattell, Lambert, Stites,
Child, Marsh, Stokes,
Clark, Mickle, Ten Eyck,
Condit, Neighbour, Vanarsdale,
Dickerson, Ogden, Williamson (pr.)
Ewing, Parker, Wills,
Field, Parsons, Wood,
Gilchrist, Pitney, Wurts (v. p.)—38.
Green, Randolph,

The same article being still under consideration,

Mr. Condit moved to amend, by striking out "twenty-one" and inserting "twenty-five";

Which was not agreed to.

Mr. Mickle moved to amend, by striking out twenty-one" and inserting "twenty-three";

And on this question, the yeas and nays being demanded,

It was decided in the negative, as follows, viz:

YEAS.

Mr. Allen, Mr. Hornblower, Mr. Pitney,
Brick, R. S. Kennedy, Schenck,
Cattell, Lambert, Stites,
Child, Marsh, Stokes,
Clark, Mickle, Swain,
Condit, Narr, Ten Eyck,
Connolly, Ogden, Vanarsdale,
Dickerson, Parker, Wills—24.

NAYS.

Mr. Bell, Mr. Haight, Mr. Randolph,
Cassedy, Hibbler, Ryerson,
Edsall, Holmes, Sickler,
Ewing, Jaques, Stratton,
Field, P. B. Kennedy, J. R. Thomson,
Fort, Neighbour, Wood,
Gilchrist, Parsons, Wurts (v. p.)
Green, Pickel, Zabriskie—24.

The same article being still under consideration,

Mr. Hornblower moved to amend the same, by striking out "twenty-one" and inserting twenty-two";

Which was disagreed to.

The question then being on the adoption of the article, as amended,

The previous question was demanded, and there was a second,

And on the question, shall the main question be now put? it was decided in the affirmative.

And on the main question of agreeing to the second article, as amended, it was determined in the affirmative.

The third article being under consideration,

Mr. Randolph moved to amend, by striking out to the word "October" inclusive, and inserting the following:

"The election for members of the Senate and General Assembly shall be held on the first Tuesday of November next, and the day following, and on the second Tuesday of November annually thereafter, or at such other times as may be provided by law for the election of members of Congress or of electors of president and vice president."

Pending the consideration of the same,

The convention adjourned to this afternoon, at three o'clock.

At three o'clock the convention met, pursuant to adjournment.

Mr. Ten Eyck presented a petition from sundry inhabitants of the county of Burlington, asking that the right of suffrage be extended to women;

Which was read, and,

On motion of Mr. Mickle,

Ordered, That the same do lie on the table.

Mr. Ewing asked, and unanimously obtained leave to change his vote on the question of allowing paupers the right of suffrage.

The vice president announced the following committee, as appointed by the president, under the resolution to arrange and unite the several reports, *viz:*

Messrs. Vanarsdale, Vroom, Green, Spencer, and Stratton.

The convention then proceeded to the consideration of the unfinished business of the morning, being the report of the Committee on the Right of Suffrage, as amended in committee of the whole.

The third article being under consideration,

The amendments made in committee of the whole to the same, were severally agreed to.

The question then being on agreeing to the amendment under consideration at the adjournment of the convention this morning,

The yeas and nays were demanded, and

It was determined in the negative, as follows, *viz:*

YEAS.

Mr. Allen,	Mr. Gilchrist,	Mr. Spencer,
Bell,	Hornblower,	Stites,
Brick,	R. S. Kennedy,	Stratton,
Cattell,	Marsh,	Swain,
Clark,	Parsons,	Ten Eyck,
Condit,	Randolph,	Westervelt,
Field,	Schenck,	Wood—21.

NAYS.

Mr. Cassedy,	Mr. Holmes,	Mr. Pickel,
Child,	Jaques,	Piney,
Connolly,	P. B. Kennedy,	Ryerson,
Dickerson,	Laird,	Sickler,
Edsall,	Lambert,	Stokes,
Ewing,	Mickle,	J. R. Thomson,
Fort,	Neighbour,	Wills,
Green,	Ogden,	Wurts (v. p.)
Haight,	Parker,	Zabriskie—28.
Hibbler,		

The third article being still under consideration,

Mr. Ryerson moved to amend the same by adding, "but the

time of holding such election may be altered by the legislature";

Which was agreed to.

Mr. Cattell moved to amend the same, by striking out "yearly and every year" and inserting "every second year."

And on this question the yeas and nays were demanded, and

It was decided in the negative, as follows, *viz:*

YEAS.

Mr. Brick,	Mr. Fort,	Mr. Lambert,
Cattell,	Haight,	Marsh,
Clark,	Holmes,	Randolph,
Condit,	Hornblower,	Stites,
Connolly,	P. B. Kennedy,	Swain,
Edsall,	R. S. Kennedy,	Wood—20.
Ewing,	Laird,	

NAYS.

Mr. Allen,	Mr. Naar,	Mr. Spencer,
Bell,	Neighbour,	Stokes,
Cassedy,	Ogden,	Stratton,
Chil[illegible]	Parker,	Ten Eyck,
Dickerson,	Parsons,	J. R. Thomson,
Field,	Pickel,	Vanarsdale,
Gilchrist,	Pitney,	Westervelt,
Green,	Ryerson,	Wills,
Hibbler,	Schenck,	Wurts (v. p.)
Jaques,	Sickler,	Zabriskie—31.
Mickle,		

On motion of Mr. Stites, it was

Ordered, That the foregoing report, and that on a "Bill of Rights and Privileges," as amended, be referred to the select committee appointed to arrange and write the several reports.

On motion of Mr. Zabriskie,

The convention proceeded to the consideration of the report of the committee on subjects not referred to other committees,

and the amendments made to the same in committee of the whole.

The preamble and section relative to the distribution of the powers of government, were read, considered, and adopted, and,

On motion of Mr. Zabriskie,

The same were referred to the select committee appointed to arrange and write the several reports, and the further consideration of the report was postponed.

On motion of Mr. Zabriskie,

The convention proceeded to the report of the Committee on the Executive Department, and the amendments made thereto in committee of the whole.

The first section being under consideration,

Mr. Randolph moved to amend, by adding "and lieutenant governor";

Which was not agreed to, and the section adopted, without amendment.

The second section being under consideration, the amendments made thereto in committee of the whole were agreed to, and the section, as amended, adopted.

The third section being under consideration, the amendment made in committee, by the substituting the following:

"The governor shall hold his office for three years from the third Tuesday of January next ensuing the annual election by the people; and he shall be ineligible to that office for three years next after his term of service shall have expired; *provided*, that no appointments or nominations to office shall be made by the governor during the last week of his said term,"

Was agreed to.

Mr. Ewing moved to amend the substitute, by striking out "three" before the word "years", and inserting two";

And the yeas and nays being demanded,

It was decided in the negative, as follows, *viz:*

YEAS.

Mr. Cassedy,	Mr. Lambert,	Mr. Pitney,
Cattell,	Marsh,	Ryerson,
Connolly,	Mickle,	Stokes,
Dickerson,	Naar,	J. R. Thomson,
Ewing,	Neighbour,	Vanarsdale,
Fort,	Parker,	Westervelt,
Jaques,	Pickel,	Wood—22.
P. B. Kennedy,		

NAYS.

Mr. Allen,	Mr. Hibbler,	Mr. Sickler,
Bell,	Holmes,	Spencer,
Brick,	Hornblower,	Stites,
Child,	R. S. Kennedy,	Stratton,
Clark,	Laird,	Swain,
Condit,	Ogden,	Ten Eyck,
Field,	Parsons,	Wills,
Gilchrist,	Randolph,	Wurts (v. p.)
Green,	Schenck,	Zabriskie—28.
Haight,		

The third section being still under consideration,

Mr. Ryerson moved to amend, by striking out the words "and he shall be ineligible to that office for three years next after his term of service shall have expired."

And on this question the yeas and nays were demanded, and It was determined in the negative, as follows, *viz:*

YEAS.

Mr. Connolly,	Mr. P. B. Kennedy,	Mr. Parker,
Edsall,	Laird,	Pickel,
Fort,	Mickle,	Ryerson,
Hibbler,	Naar,	Stokes—13.
Hornblower,		

NAYS.

Mr. Allen,	Mr. Haight,	Mr. Spencer,
Bell,	Holmes,	Stites,
Brick,	Jaques,	Stratton,
Cassedy,	R. S. Kennedy,	Swain,
Cattell,	Lambert,	Ten Eyck,
Child,	Marsh,	J. R. Thomson,
Clark,	Neighbour,	Vanarsdale,
Condit,	Ogden,	Westervelt,
Dickerson,	Parsons,	Wills,
Ewing,	Pitney,	Wood,
Field,	Randolph,	Wurts (v. p.)
Gilchrist,	Schenck,	Zabriskie—38.
Green,	Sickler,	

The same section being still under consideration,

Mr. Parsons moved to amend, by striking out the word "third" before "Tuesday", and inserting "second";

Which was disagreed to.

Mr. Child moved to amend the same section, by striking out "from" and inserting "commencing on"; and also after "people" to insert "and terminating on the third Tuesday of January, three years thereafter;"

Which were, severally, not agreed to.

Mr. Wood moved to amend the same section, by striking out "for three years next after";

Which was disagreed to.

The section, as amended, was then adopted.

The fourth section being under consideration,

Mr. Vanarsdale moved to amend, by striking out "twenty" and inserting "ten";

And on this question the yeas and nays were demanded, and It was determined in the negative, as follows, *viz:*

YEAS.

Mr. Child,	Mr. Dickerson,	Mr. Ewing,
Connolly,	Edsall,	Haight,

Mr. Hibbler, Jaques, P. B. Kennedy, Naar, Neighbour, Mr. Ogden, Parker, Parsons, Pickel, Ryerson, Mr. Stokes, J. R. Thomson, Vanarsdale, Wurts (v. p.) Zabriskie—21.

NAYS.

Mr. Allen, Bell, Brick, Cassedy, Cattell, Clark, Condit, Field, Fort, Gilchrist, Mr. Green, Hornblower, R. S. Kennedy, Laird, Lambert, Marsh, Mickle, Pitney, Randolph, Schenck, Mr. Sickler, Spencer, Stites, Stratton, Swain, Ten Eyck, Westervelt, Wills, Wood—29.

The same section being still under consideration,

Mr. Naar moved to amend, by striking out "thirty" and inserting "thirty-five"; and also by striking out "twenty" and inserting "fourteen."

A division of the amendments was called, and the question ordered to be taken on each separately.

The amendment offered, to strike out "thirty" and insert "thirty-five", was disagreed to.

The question then being on agreeing to the amendment, to strike out "twenty" and insert "fourteen", the yeas and nays were demanded, and

It was decided in the negative, as follows, *viz:*

YEAS.

Mr. Cassedy, Child, Connolly, Dickerson, Edsall, Mr. Ewing, Fort, Haight, Hibbler, Holmes, Mr. Jaques, P. B. Kennedy, Laird, Neighbour, Ogden,

Mr. Parker, Parsons, Pickel, Mr. Ryerson, Stokes, J. R. Thomson, Mr. Vanarsdale, Wurts, Zabriskie—24.

NAYS.

Mr. Allen, Bell, Brick, Cattell, Clark, Condit, Field, Gilchrist, Green, Hornblower, Mr. R. S. Kennedy, Laird, Lambert, Marsh, Mickle, Naar, Pitney, Randolph, Schenck, Mr. Sickler, Spencer, Stites, Stratton, Swain, Ten Eyck, Westervelt, Wills, Wood—28.

The same section being still under consideration,

Mr. Gilchrist moved to amend, by inserting after "resident" the words "and a freeholder";

And on this question the yeas and nays were ordered, and

It was decided in the negative, as follows, *viz:*

YEAS.

Mr. Condit, Gilchrist, Mr. Mickle, Parker, Mr. Schenck—5.

NAYS.

Mr. Allen, Bell, Brick, Cassedy, Cattell, Child, Clark, Connolly, Dickerson, Edsall, Mr. Ewing, Field, Fort, Green, Haight, Hibbler, Holmes, Hornblower, Jaques, P. B. Kennedy, Mr. R. S. Kennedy, Laird, Lambert, Marsh, Naar, Neighbour, Ogden, Parsons, Pickel, Pitney,

Mr. Randolph,	Mr. Stokes,	Mr. Vanarsdale,
Ryerson,	Stratton,	Westervelt,
Sickler,	Swain,	Wills,
Spencer,	Ten Eyck,	Wood,
Stites,	J. R. Thomson,	Wurts (v. p.)—45.

The question then being on agreeing to the section, the same was adopted, without amendment.

The fifth section being under consideration, the same was agreed to, without amendment.

The sixth section being under consideration,

Mr. Ogden moved to amend, by inserting before "seal" the word "great";

Which was agreed to.

Mr. Allen moved to amend the same section, by striking out the words "or the Senate only";

Which was agreed to, and the section, as amended, was then adopted.

The seventh section being under consideration, the amendments made thereto in committee of the whole were agreed to, and the section, as amended, was then adopted.

The eighth section being under consideration, the same was agreed to, without amendment.

The ninth section being under consideration, the amendment made in committee of the whole, by striking out the same, and inserting the following:

"The governor shall have power to suspend fines and forfeitures, and grant reprieves, to extend until the expiration of a time not exceeding ninety days after conviction; but this power shall not extend to cases of impeachment",

Was agreed to.

Mr. Ryerson moved to amend the same, by inserting, after "suspend" the words "the collection of";

Which was agreed to.

Mr. Ogden moved further to amend, by inserting, after the

word "governor", the words "or person administering the government";

Which was agreed to.

The question then being on the section, as amended, the same was adopted.

The tenth section being under consideration, the amendments made thereto in committee of the whole were agreed to.

Mr. Ogden moved to amend the same, by inserting the following, as a substitute:

"The governor, or person administering the government, the chancellor and the six judges of the court of errors and appeals, or a major part of them, of whom the governor, or person administering the government, shall be one, may remit fines and forfeitures, and grant pardons after conviction, in all cases except impeachment."

Mr. Schenck moved to amend the amendment, by striking therefrom "and the six judges of the court of errors and appeals" and insert "president of the Senate and speaker of the House of Assembly";

Which was not agreed to.

The question then being on agreeing to the section, as amended, the yeas and nays were demanded, and

It was determined in the affirmative, as follows, *viz:*

YEAS.

Mr. Allen,	Mr. Fort,	Mr. Parker,
Brick,	Green,	Parsons,
Cattell,	Haight,	Pitney,
Child,	Hibbler,	Randolph,
Clark,	P. B. Kennedy,	Stites,
Condit,	Lambert,	Stokes,
Connolly,	Marsh,	Swain,
Dickerson,	Mickle,	Vanarsdale,
Edsall,	Naar,	Westervelt,
Ewing,	Neighbour,	Wills,
Field,	Ogden,	Zabriskie—33.

NAYS.

Mr. Bell,	Mr. Laird,	Mr. Spencer,
Gilchrist,	Pickel,	Stratton,
Holmes,	Ryerson,	Ten Eyck,
Hornblower,	Schenck,	J. R. Thomson,
Jaques,	Sickler,	Wurts (v. p.)–15.

The eleventh section being under consideration,

Mr. Ogden moved to amend the same, by striking out all after the word "office";

Which was agreed to.

Mr. Parker moved to amend, by striking out the word "any";

Which was agreed to.

The section, as amended, was then adopted.

The twelfth section being under consideration, and the question being on agreeing to the amendment made in committee of the whole, to strike out the words "for the time being",

On motion of Mr. Green, the same was disagreed to.

The other amendments made in committee of the whole were then severally agreed to, and the section, as amended, was adopted.

The thirteenth section being under consideration the amendment made thereto in committee of the whole was agreed to, and the section, as amended, was then adopted.

The fourteenth section being under consideration, the same was agreed to, without amendment.

The amendment proposed by Mr. Parker to Sec. II, in committee of the whole, which reads as follows, viz:

"The returns of the votes for governor, at the first election under this constitution, shall be transmitted to the governor of the state, or the person administering the government, and shall be counted, and the election declared in the manner now provided by law in the case of election of electors of president and vice president of the United States",

Was then taken up, and

Pending the consideration thereof,

On motion of Mr. Parker,

The convention adjourned till to-morrow morning, at nine o'clock.

WEDNESDAY MORNING, 19th June.

At nine o'clock the convention met, pursuant to adjournment, and was opened with prayer by the Rev. Mr. Hall.

On motion of Mr. Wills, it was

Resolved, That the constitution agreed upon by this convention be engrossed upon parchment.

On motion of Mr. Ryerson, it was

Ordered, That the select committee appointed to arrange and unite the several reports, be authorized to have the same, as agreed upon in the convention, printed forthwith.

The convention then proceeded to the consideration of the unfinished business of yesterday afternoon, being the report of the Committee on the Executive Department, and the amendments made to the same, in committee of the whole.

The amendment proposed in committee of the whole being still under consideration,

Mr. Parker moved to reconsider the vote by which the second section, as amended, was adopted;

Which was agreed to.

Mr. Parker moved to amend the second section, by striking out the following words: "the returns of every election for governor shall be sealed up and transmitted to the seat of government, directed to the secretary of state, who shall open and publish them in the presence of the members of both houses of the legislature on the day next after the time

appointed for the meeting of the legislature, or as soon thereafter as a quorum of both houses shall be present";

Which was agreed to.

Mr. Hornblower moved to recommit the second section to a select committee;

Which was disagreed to.

Mr. Stites moved to recommit the same to the Committee on the Executive Department;

Which was not agreed to.

Mr. Ryerson moved to amend the same section, by striking out "forthwith" and inserting" as soon as both houses of the legislature are organized";

Which was agreed to.

Mr. Pickel moved to amend the same, by striking out the following words: "by a committee to be selected from both houses of the legislature, and to be formed and regulated";

Which was agreed to.

Mr. Child moved to reconsider the vote by which the amendment to insert the words "as soon as both houses of the legislature are organized";

Which was agreed to, and the question then recurring on agreeing to the amendment, it was determined in the negative.

The section, as reconsidered and amended, was then adopted.

Mr. Cassedy moved to reconsider the fourth section, for the purpose of striking out "twenty" and inserting "seven";

Which was disagreed to.

Mr. Parker moved to reconsider the vote by which the third section was adopted;

Which was not agreed to.

On motion of Mr. Parsons, it was

Ordered, That the report of the committee on the Executive Department, as amended, be referred to the select committee appointed to arrange and unite the several reports.

On motion of Mr. Ryerson,

The convention proceeded to the consideration of the report

of the Committee on the Judiciary Department, and the amendments made thereto, in committee of the whole.

The first section being under consideration, the amendments made in committee of the whole to the first paragraph were agreed to.

Mr. Ogden moved to amend the section, by striking out the first paragraph, to the word "requires" inclusive, and inserting the following:

"The judicial power of this state shall be vested in a court of errors and appeals in the last resort in all causes, as heretofore; a court for the trial of impeachments; a court of chancery; a prerogative court; a supreme court; circuit courts and such inferior courts as now exist, and as may be hereafter ordained and established by law; which inferior courts the legislature may alter or abolish, as the public good shall require";

Which was agreed to.

Mr. Ryerson moved to amend the same section, by striking out, in the second paragraph, the words "the justices of the supreme court";

And on this question the yeas and nays were demanded, and

It was decided in the negative, as follows, *viz:*

YEAS.

Mr. Cassedy,	Mr. Jaques,	Mr. Neighbour,
Connolly,	Laird,	Parker,
Edsall,	Lambert,	Pickel,
Fort,	Mickle,	Pitney,
Holmes,	Naar,	Ryerson,
Stokes,	J. R. Thomson,	Westervelt—18.

NAYS.

Mr. Allen,	Mr. Cattell,	Mr. Ewing,
Bell,	Child,	Field,
Brick,	Clark,	Gilchrist,
Browning,	Condit,	Green,

Mr. Haight,	Mr. Randolph,	Mr. R. P. Thompson,
Halsted,	Schenck,	Vanarsdale,
Hibbler,	Sickler,	Williamson (pr.)
P. B. Kennedy,	Spencer,	Wills,
R. S. Kennedy,	Stites,	Wood,
Marsh,	Stratton,	Wurts (v. p.)
Ogden,	Swain,	Zabriskie—35.
Parsons,	Ten Eyck,	

The same section being still under consideration,

Mr. Pickel moved to amend the second paragraph, by striking out the words "and six judges";

Which was disagreed to.

Mr. Child moved to amend the same paragraph, by striking out the word "six" wherever it occurs before "judges", and inserting "ten";

And on this question the yeas and nays were demanded, and

It was determined in the negative, as follows, *viz:*

YEAS.

Mr. Child,	Mr. Hibbler,	Mr. Marsh,
Connolly,	Holmes,	Mickle,
Fort,	Jaques,	Naar—10.
Haight,		

NAYS.

Mr. Allen,	Mr. Gilchrist,	Mr. Parsons,
Bell,	Green,	Pickel,
Brick,	Halsted,	Pitney,
Browning,	Hornblower,	Randolph,
Cassedy,	P. B. Kennedy,	Ryerson,
Cattell,	R. S. Kennedy,	Schenck,
Clark,	Laird,	Sickler,
Condit,	Lambert,	Spencer,
Edsall,	Neighbour,	Stites,
Ewing,	Ogden,	Stokes,
Field,	Parker,	Stratton,

Mr. Swain,	Mr. Vanarsdale,	Mr. Wood,
Ten Eyck,	Westervelt,	Wurts (v. p.)
J. R. Thomson,	Williamson (pr.)	Zabriskie—43.
R. P. Thompson,		

The first section being still under consideration,

Mr. Parker moved to amend the second paragraph, by striking out the words "six judges" and inserting "the members of the Senate":

Pending the consideration thereof,

On motion of Mr. Ewing,

The convention adjourned to this afternoon, at three o'clock.

At three o'clock the convention met, pursuant to adjournment.

The convention proceeded to the consideration of the unfinished business of the morning, being the report of the Committee on the Judiciary Department, as amended in committee of the whole.

The first section being still under consideration,

Mr. Connolly moved to amend the second paragraph, by striking out all after the words "and six", to the end of the same, and inserting the following: "ten judges, two to be elected from each of the congressional districts of this state, and shall be elected by the people, for the term of six years, at the annual election for state officers.

Mr. Child moved to amend the same, by striking out the first word "six" and inserting "eight"; and also, by striking out the second "six" and inserting "four."

The previous question being demanded, there was a second;

And on the question, shall the main question be now put?

The yeas and nays were ordered, and
It was decided in the affirmative, as follows, *viz:*

YEAS.

Mr. Allen,	Mr. Haight,	Mr. Randolph,
Bell,	Halsted,	Ryerson,
Brick,	Hibbler,	Schenck,
Browning,	Holmes,	Sickler,
Cassedy,	Jaques,	Spencer,
Cattell,	P. B. Kennedy,	Stites,
Child,	R. S. Kennedy,	Stokes,
Clark,	Lambert,	Stratton,
Connolly,	Marsh,	Swain,
Edsall,	Mickle,	J. R. Thomson,
Elmer,	Neighbour,	R. P. Thompson,
Ewing,	Ogden,	Vanarsdale,
Field,	Parsons,	Wills,
Fort,	Pickel,	Wurts (v. p.)
Gilchrist,	Pitney,	Zabriskie—46.
Green,		

NAYS.

Mr. Condit,	Mr. Parker,	Mr. Westervelt—5.
Hornblower,	Ten Eyck,	

The question then recurring on the amendment under consideration at the adjournment of the convention this morning, to strike out, in the second paragraph, the words "six judges" and insert "the members of the Senate",
The yeas and nays were demanded, and
It was decided in the negative, as follows, *viz:*

YEAS.

Mr. Edsall,	Mr. Lambert,	Mr. Pickel,
Fort,	Mickle,	Ryerson,
Haight,	Neighbour,	Wills—11.
Jaques,	Parker,	

NAYS.

Mr. Allen,	Mr. Green,	Mr. Schenck,
Bell,	Halsted,	Sickler,
Brick,	Hibbler,	Spencer,
Brown,	Holmes,	Stites,
Browning,	Hornblower,	Stokes,
Cassedy,	P. B. Kennedy,	Stratton,
Cattell,	R. S. Kennedy,	Swain,
Child,	Laird,	Ten Eyck,
Clark,	Marsh,	J. R. Thomson,
Condit,	Naar,	R. P. Thompson,
Connolly,	Ogden,	Vanarsdale,
Elmer,	Parsons,	Westervelt,
Ewing,	Pitney,	Wurts (v. p.)
Field,	Randolph,	Zabriskie—43.
Gilchrist,		

The question then being on agreeing to the amendment first offered this afternoon,
The yeas and nays being demanded,
It was decided in the negative, as follows, *viz:*

YEAS.

Mr. Connolly,	Mr. Jaques,	Mr. Neighbour,
Edsall,	Mickle,	Parker,
Fort,	Naar,	Pickel—10.
Hibbler,		

NAYS.

Mr. Allen,	Mr. Clark,	Mr. Halsted,
Bell,	Condit,	Holmes,
Brick,	Elmer,	Hornblower,
Brown,	Ewing,	P. B. Kennedy,
Browning,	Field,	R. S. Kennedy,
Cassedy,	Gilchrist,	Laird,
Cattell,	Green,	Lambert,
Child,	Haight,	Marsh,

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Mr. Ogden,	Mr. Spencer,	Mr. R. P. Thompson,
Parsons,	Stites,	Vanarsdale,
Pitney,	Stokes,	Westervelt,
Randolph,	Stratton,	Wills,
Ryerson,	Swain,	Wurts (v. p.)
Schenck,	Ten Eyck,	Zabriskie—44.
Sickler,	J. R. Thomson,	

The question then being on the amendment secondly offered this afternoon, the same was disagreed to.

The amendments made to the remainder of the section, in committee of the whole, were then severally agreed to.

The first section being still under consideration,

Mr. Ogden moved to amend the fourth paragraph, by striking out the word "such" before "per diem" and insert "a"; and also, by striking out the words "as shall" and inserting "to";

Which was agreed to.

Mr. Ryerson moved to amend the same section, by striking out the words "or judgment", near the end of the section;

Which was agreed to.

Mr. Mickle moved to strike out all after the first paragraph;

Which was not agreed to.

The section, as amended, was then adopted.

The second section being under consideration, the amendment made to the same in committee of the whole, to strike out, in the first paragraph, the word "impeaching" and insert "impeachment", was agreed to.

The other amendments made to the same, in committee of the whole, were then agreed to collectively.

The second section being still under consideration,

Mr. Vanarsdale moved to amend the same, by striking out, in the third paragraph, "the person impeached" and inserting "when an impeachment shall be prosecuted against the chancellor or any justice of the supreme court, he";

Which was disagreed to.

The section, as amended, was then adopted.

The third section being under consideration,

Mr. Ryerson moved to amend the same, by striking out all after the word "chancellor";

Which was agreed to.

Mr. Jaques moved to strike out the section;

Which was disagreed to.

The section, as amended, was then adopted.

The fourth section being under consideration,

Mr. Ogden moved to amend the same, by inserting, after "court", the words "or circuit courts";

Which was agreed to.

Mr. Hornblower moved to amend, by striking out all after the words "prerogative court";

Which was not agreed to.

Mr. Field moved to amend, by inserting, after "surrogate general", the words "and judge";

Which was agreed to, and the section, as amended, was then adopted.

The fifth section, which was substituted in committee of the whole, being under consideration, as follows:

"The supreme court shall consist of a chief justice and four associate justices; but the number of the associate justices may be increased or decreased by law, and never be less than two.

The circuit courts shall be held in every county of this state, by one or more of the justices of the supreme court, and shall in all cases within the county, except in those of a criminal nature, have common law jurisdiction concurrent with the supreme court: and any final judgment of a circuit court may be docketed in the supreme court, and shall operate as a judgment obtained in the supreme court, from the time of such docketing.

Final judgments in any circuit court may be brought by writ of error into the supreme court, or directly into the court of errors and appeals in the last resort."

Mr. Ogden moved to amend the same, by inserting, after "supreme court", the words "or a judge appointed for that purpose";

Which was agreed to.

Mr. Connolly moved to amend, by inserting, after the word "docketing", the following: "The circuitcourts shall also be invested with chancery powers, so far as relates to the foreclosure of mortgages within the several counties of this state";

And on this question the yeas and nays were demanded, and

It was decided in the negative, as follows, *viz:*

YEAS.

Mr. Bell,	Mr. P. B. Kennedy,	Mr. Ryerson,
Brick,	Laird,	Stokes,
Cassedy,	Lambert,	Swain,
Connolly,	Mickle,	J. R. Thomson,
Dickerson,	Neighbour,	R. P. Thompson,
Fort,	Parker,	Wills,
Haight,	Pickel,	Zabriskie—23.
Hibbler,	Pitney,	

NAYS.

Mr. Brown,	Mr. Halsted,	Mr. Spencer,
Browning,	Hornblower,	Stites,
Cattell,	R. S. Kennedy,	Stratton,
Child,	Marsh,	Ten Eyck,
Clark,	Naar,	R. P. Thompson,
Condit,	Ogden,	Vanarsdale,
Elmer,	Parsons,	Westervelt,
Ewing,	Randolph,	Wood,
Gilchrist,	Schenck,	Wurts (v. p.)—29.
Green,	Sickler,	

The section, as amended, was then adopted.

The sixth section being under consideration,

Mr. Randolph moved to postpone the same; which was disagreed to.

The question being on agreeing to the amendment made, in committee of the whole, to strike out the words, "One of the justices of the supreme court for the time being shall be one of the judges of the orphans' court now existing in and for the several counties of this state, in all cases except every regular term of said orphans' court when no circuit court is held in the county, such orphans' court may be held without a justice of the supreme court", and insert the following: "The orphans' court in each county of the state shall be held by the judges of the inferior court of common pleas appointed under this constitution, or by any three of them";

And the yeas and nays being demanded,

It was decided in the affirmative, as follows, *viz:*

YEAS.

Mr. Allen,	Mr. Hibbler,	Mr. Pickel,
Bell,	Holmes,	Pitney,
Brick,	Jaques,	Ryerson,
Cassedy,	R. S. Kennedy,	Sickler,
Child,	Laird,	Stites,
Connolly,	Lambert,	Stokes,
Dickerson,	Marsh,	Swain,
Ewing,	Naar,	J. R. Thomson,
Fort,	Neighbour,	Westervelt,
Green,	Parker,	Wills,
Haight,	Parsons,	Zabriskie—34.
Halsted,		

NAYS.

Mr. Brown,	Mr. P. B. Kennedy,	Mr. Stratton,
Browning,	Mickle,	Ten Eyck,
Cattell,	Ogden,	R. P. Thompson.
Clark,	Randolph,	Vanarsdale,
Condit,	Schenck,	Wood—17.
Gilchrist,	Spencer,	

Mr. Ryerson moved to amend the same section, by striking out the words "appointed under this constitution";

And the previous question being demanded, there was a second:

And on the question, shall the main question be now put? it was decided in the affirmative.

The question then being on agreeing to the amendment, the yeas and nays were demanded, and

It was decided in the affirmative, as follows, *viz:*

YEAS.

Mr. Bell,	Mr. P. B. Kennedy,	Mr. Sickler,
Browning,	Laird,	Stokes,
Cassedy,	Lambert,	Stratton,
Child,	Mickle,	Swain,
Connolly,	Neighbour,	J. R. Thomson,
Ewing,	Ogden,	R. P. Thompson,
Fort,	Parker,	Vanarsdale,
Haight,	Pickel,	Wills,
Hibbler,	Pitney,	Wurts (v. p.)
Holmes,	Ryerson,	Zabriskie—31.
Jaques,		

NAYS.

Mr. Allen,	Mr. Green,	Mr. Randolph,
Brick,	Halsted,	Schenck,
Brown,	Hornblower,	Spencer,
Cattell,	R. S. Kennedy,	Stites,
Clark,	Marsh,	Ten Eyck,
Condit,	Naar,	Westervelt,
Elmer,	Parsons,	Wood—22.
Gilchrist,		

The sixth section being still under consideration,

Mr. Hornblower moved to amend, by inserting, after the word "three," the words "and not more than five";

Which was not agreed to.

On motion of Mr. Ogden,

Ordered, That the whole section be stricken out.

The seventh section being under consideration, the same as amended in committee of the whole, by substituting the following, in lieu thereof, was agreed to.

Sec. VII. "There shall be no more than five judges of the inferior court of common pleas in each of the counties of this state, after the terms of the judges of said court now in office shall terminate. One judge for each county shall be appointed every year, and no more, except to fill vacancies, which shall be for the unexpired term only.

The commissions for the first appointments of judges of said court shall bear date and take effect on the first day of April next. And all subsequent commissions for judges of said court shall bear date and take effect on the first day of April in every successive year, except commissions to fill vacancies, which shall bear date and take effect when issued."

The eighth section, which was substituted, in committee of the whole, for the section as originally reported by the committee, being under consideration, as follows:

"There shall be elected under this constitution, two, and not more than five justices of the peace, in each of the townships of the several counties of this state, and in each of the wards of the city of Newark.

Whenever the population of a township or ward of the city of Newark shall not exceed two thousand, it shall have two justices only; when more than two, and not exceeding three thousand, it shall have three justices only; when more than three, and not exceeding six thousand, it shall have four justices only; and when more than six thousand, it may have five justices.

The population of the townships in the several counties of the state, and of the several wards in the city of Newark, shall be ascertained by the last preceding census of the United States, until the legislature shall provide by law some other method of ascertaining it."

Mr. Parsons moved to amend the same, by striking out, at

the end of the first paragraph, "of the city of Newark" and inserting "in cities that may vote in wards";

Which was agreed to.

Mr. Parsons moved further to amend the same, by striking out the words "in the city of Newark" where they occur in the remainder of the section;

Which was agreed to.

Mr. Parsons moved to further amend the same, by adding, after the words "five justices", the following: "*provided*, that whenever any township in this state, not divided into wards, has a population of more than nine thousand inhabitants, the electors of such township may elect an additional justice for each three thousand inhabitants above six thousand";

Which was agreed to.

Mr. Ogden moved to amend the same, by striking out the word "shall" after "three" in the first paragraph; the same word before "have two justices", "have three justices", and "have four justices", and insert "may" in lieu of each severally; and also to strike out the word "only" where it occurs;

Which was agreed to.

Mr. Hibbler moved to amend, by striking out all after the first paragraph to the end of the section;

Which was not agreed to.

Mr. Ryerson moved to amend the same, by leaving out "three" where it occurs in the second paragraph, and insert "four", and to strike out the words, and not exceeding six thousand, it shall have four justices only, and when more than four";

Which was agreed to.

The section, as amended, was then agreed to.

The ninth section being under consideration,

On motion of Mr. Ryerson, the same was ordered to be stricken out.

On motion of Mr. Ryerson,

Ordered, That the report of the Committee on the Judiciary Department, as amended and adopted, be referred to the select committee appointed to arrange and unite the several reports.

Mr. Mickle moved to reconsider the vote by which the fourth section of the report of the Committee on the Executive Department was adopted;

Which was not agreed to.

The convention adjourned till to-morrow morning, at nine o'clock.

THURSDAY MORNING, 20th June.

At nine o'clock the convention met, pursuant to adjournment, and was opened with prayer by the Rev. Mr. Starr.

Mr. Mickle presented four petitions from sundry inhabitants of this state, praying that the constitution provide that the governor shall be a native-born citizen of the United States;

Which were read, and,

On motion of Mr. Ryerson,

Ordered, That the same do lie on the table.

On motion of Mr. Zabriskie,

The convention proceeded to the consideration of the report of the Committee on the Appointing Power and Tenure of Office, with the amendments made thereto in committee of the whole.

The first article, relative to the appointment of "militia officers," being under consideration, the first section of the same was agreed to, without amendment.

The second section of the same article was adopted, without amendment.

The third section being under consideration, the amendments made in committee of the whole to the same, were agreed to, and the section, as amended, was adopted.

The fourth section was agreed to, without amendment.

The fifth section being under consideration,

Mr. R. S. Kennedy moved to amend, by substituting the following:

"Major generals shall be elected by the field officers of their respective divisions";

Which was disagreed to.

Mr. Dickerson moved to amend, by adding to the section the words "and House of Assembly in joint-meeting";

Which was not agreed to.

Mr. Hornblower moved to amend the section, by striking out "nominated" and inserting "appointed"; and also, by striking out all after the word "governor";

Which was disagreed to.

The section was then adopted, without amendment.

The sixth section was agreed to, without amendment.

The seventh section was adopted, without amendment.

The eighth section was agreed to, without amendment.

The ninth section being under consideration, the amendment made to the same, in committee of the whole, was agreed to, and the section, as amended, was adopted.

The tenth section being under consideration, the amendments made to the same, in committee of the whole were agreed to, and the section, as amended, was adopted.

The eleventh section being under consideration, the same was ordered to be stricken out.

The second article, relative to the appointment of "civil officers", being under consideration,

The amendment made, in committee of the whole, to the first section was agreed to.

Mr. Ten Eyck moved to amend the first section, by striking out all after the words "shall be" in the first clause, to the end of the same, and inserting the following: "appointed by the Senate and General Assembly in joint-meeting, and commissioned by the governor."

The previous question being demanded, there was a second,

And on the question, shall the main question be now put?

It was determined in the affirmative.

The question then being on agreeing to the amendment, the yeas and nays were demanded, and

It was decided in the negative, as follows, *viz:*

YEAS.

Mr. Allen,	Mr. Elmer,	Mr. Randolph,
Bell,	Ewing,	Stites,
Brown,	Gilchrist,	Swain,
Cattell,	Green,	Ten Eyck,
Child,	Hornblower,	Westervelt,
Condit,	Marsh,	Wills,
Dickerson,	Parker,	Wood—21.

NAYS.

Mr. Brick,	Mr. P. B. Kennedy,	Mr. Schenck,
Cassedy,	Laird,	Sickler,
Clark,	Lambert,	Spencer,
Connolly,	Mickle,	Stratton,
Edsall,	Naar,	J. R. Thomson,
Field,	Neighbour,	R. P. Thompson,
Fort,	Ogden,	Vanarsdale,
Haight,	Parsons,	Vroom,
Halsted,	Pickel,	Williamson (pr.)
Hibbler,	Pitney,	Wurts (v. p.)
Holmes,	Ryerson,	Zabriskie—34.
Jaques,		

The section, as amended, was then adopted.

On motion of Mr. Parsons,

The convention adjourned to this afternoon, at three o'clock.

At three o'clock the convention met, pursuant to adjournment.

On motion of Mr. Connolly, it was

Resolved, That a committee of three be appointed to examine and report the amount of incidental and other expenses incurred by this convention.

Messrs. Connolly, Halsted, and Ewing were appointed said committee.

The convention then proceeded to the consideration of the unfinished business of the morning, being the report of the Committee on the Appointing Power and Tenure of Office, as amended in committee of the whole.

The second article being still under consideration,

Mr. Green moved to reconsider the vote by which the first section of the same was adopted;

Which was agreed to.

Mr. Green moved to amend the first section, by striking out for the term of "seven years" and inserting "during good behaviour, or until removed in the manner hereinafter prescribed";

And the yeas and nays being demanded,

It was decided in the negative, as follows, *viz:*

YEAS.

Mr. Allen,	Mr. Field,	Mr. Parker,
Bell,	Green,	Spencer,
Brown,	Halsted,	Stratton,
Clark,	Hornblower,	Ten Eyck—12.

NAYS.

Mr. Brick,	Mr. Elmer,	Mr. Holmes,
Cassedy,	Ewing,	Jaques,
Condit,	Fort,	P. B. Kennedy,
Connolly,	Gilchrist,	R. S. Kennedy,
Dickerson,	Haight,	Laird,
Edsall,	Hibbler,	Lambert,

Mr. Marsh,	Mr. Pitney,	Mr. Vanarsdale,
Mickle,	Randolph,	Vroom,
Naar,	Ryerson,	Westervelt,
Neighbour,	Sickler,	Wills,
Ogden,	Stites,	Wood,
Parsons,	Swain,	Wurts (v. p.)
Pickel,	R. P. Thompson,	Zabriskie—39.

Mr. Green moved further to amend the same section, by striking out "seven" before the word "years", and inserting "ten";

And on this amendment the yeas and nays were demanded, and

It was decided in the negative, as follows, *viz:*

YEAS.

Mr. Allen,	Mr. Green,	Mr. Spencer,
Bell,	Halsted,	Stratton,
Brick,	R. S. Kennedy,	Swain,
Brown,	Parker,	Ten Eyck,
Clark,	Sickler,	Wood—16.
Elmer,		

NAYS.

Mr. Cassedy,	Mr. Hornblower,	Mr. Pitney,
Cattell,	Jaques,	Randolph,
Condit,	P. B. Kennedy,	Ryerson,
Connolly,	Laird,	Schenck,
Dickerson,	Lambert,	Stites,
Edsall,	Marsh,	R. P. Thompson,
Ewing,	Mickle,	Vanarsdale,
Field,	Naar,	Vroom,
Fort,	Neighbour,	Westervelt,
Gilchrist,	Ogden,	Wills,
Haight,	Parsons,	Wurts (v. p.)
Hibbler,	Pickel,	Zabriskie—37
Holmes,		

Mr. Jaques moved to amend the same section, by striking out "seven", before the word "years", and inserting "five";

And on this amendment the yeas and nays were demanded, and

It was decided in the negative, as follows, *viz:*

YEAS.

Mr. Jaques, Mr. Naar—2.

NAYS.

Mr. Allen,	Mr. Haight,	Mr. Randolph,
Bell,	Halsted,	Ryerson,
Brick,	Hibbler,	Schenck,
Brown,	Holmes,	Sickler,
Cassedy,	Hornblower,	Spencer,
Cattell,	P. B. Kennedy,	Stites,
Clark,	R. S. Kennedy,	Stratton,
Condit,	Laird,	Swain,
Connolly,	Lambert,	Ten Eyck,
Dickerson,	Marsh,	R. P. Thompson,
Edsall,	Mickle,	Vanarsdale,
Elmer,	Neighbour,	Vroom,
Ewing,	Ogden,	Westervelt,
Field,	Parker,	Wills,
Fort,	Parsons,	Wood,
Gilchrist,	Pickel,	Wurts (v. p.)
Green,	Pitney,	Zabriskie—51.

The question then being on agreeing to the section, the yeas and nays were demanded, and

It was determined in the affirmative, as follows, *viz:*

YEAS.

Mr. Brick,	Mr. Connolly,	Mr. Fort,
Cassedy,	Edsall,	Haight,
Clark,	Field,	Halsted,

Mr. Hibbler,	Mr. Neighbour,	Mr. Sickler,
Holmes,	Ogden,	Spencer,
Jaques,	Parker,	Stratton,
P. B. Kennedy,	Parsons,	J. R. Thomson,
R. S. Kennedy,	Pickel,	R. P. Thompson,
Laird,	Pitney,	Vanarsdale,
Lambert,	Randolph,	Vroom,
Mickle,	Ryerson,	Wurts (v. p.)
Naar,	Schenck,	Zabriskie—36.

NAYS.

Mr. Brown,	Mr. Ewing,	Mr. Swain,
Cattell,	Green,	Ten Eyck,
Condit,	Hornblower,	Westervelt,
Dickerson,	Marsh,	Wood—14.
Elmer,	Stites,	

The second section being under consideration,

Mr. Brick moved to amend, by striking out all after the words "common pleas", to the end of the section, and inserting "shall be appointed by the Senate and General Assembly in joint-meeting, and be commissioned by the governor";

And on this question the yeas and nays were demanded, and being called,

It was decided in the affirmative, as follows, *viz:*

YEAS.

Mr. Allen,	Mr. Haight,	Mr. Pickel,
Bell,	Hibbler,	Pitney,
Brick,	Holmes,	Ryerson,
Cassedy,	P. B. Kennedy,	Stites,
Cattell,	Laird,	Swain,
Child,	Lambert,	Ten Eyck,
Condit,	Marsh,	J. R. Thomson,
Dickerson,	Mickle,	Vanarsdale,
Edsall,	Neighbour,	Westervelt,
Ewing,	Ogden,	Wills,
Fort,	Parsons,	Wurts (v. p.)—33.

NAYS.

Mr. Brown,	Mr. Halsted,	Mr. Schenck,
Clark,	Jaques,	Stratton,
Connolly,	R. S. Kennedy,	R. P. Thompson,
Elmer,	Naar,	Vroom,
Field,	Parker,	Wood,
Gilchrist,	Randolph,	Zabriskie—18.

The same section being still under consideration,

Mr. Connolly moved to amend, by striking out the whole section, and inserting the following:

"Judges of the courts of common pleas shall be elected by the people of their respective counties, at the annual elections for members of the General Assembly of this state";

And on this question the yeas and nays were demanded, and being called,

It was determined in the negative, as follows, viz:

YEAS.

Mr. Cassedy,	Mr. Jaques,	Mr. Naar,
Connolly,	P. B. Kennedy,	Pickel,
Edsall,	Marsh,	Sickler—10.
Fort,		

NAYS.

Mr. Allen,	Mr. Gilchrist,	Mr. Ogden,
Bell,	Green,	Parker,
Brick,	Haight,	Parsons,
Brown,	Halsted,	Pitney,
Cattell,	Hibbler,	Randolph,
Child,	Holmes,	Ryerson,
Clark,	Hornblower,	Schenck,
Condit,	R. S. Kennedy,	Spencer,
Dickerson,	Laird,	Stites,
Elmer,	Lambert,	Stratton,
Ewing,	Mickle,	Swain,
Field,	Neighbour,	Ten Eyck,

Mr. J. R. Thomson,	Mr. Vroom,	Mr. Wood,
R. P. Thompson,	Westervelt,	Wurts (v. p.)
Vanarsdale,	Wills,	Zabriskie—45.

The same section being still under consideration,

Mr. Allen moved to amend, by inserting after "common pleas" the words "and prosecutors of the pleas";

Which was disagreed to.

The section, as amended, was then adopted.

The third section being under consideration,

Mr. Stratton moved to amend the same, by striking out the words "and inspectors" after "keeper";

Which was disagreed to.

The section was then adopted, without amendment.

The fourth section being under consideration, the amendment made in committee of the whole to the same, by prefixing the word "the", was agreed to.

The question being on agreeing to the amendment made in committee of the whole to the same section, to strike out "prosecutors of the pleas",

The yeas and nays were demanded, and, being called,

It was determined in the negative, as follows, viz:

YEAS.

Mr. Clark,	Mr. P. B. Kennedy,	Mr. Ogden,
Fort,	Naar,	Vroom—7.
Hornblower,		

NAYS.

Mr. Allen,	Mr. Condit,	Mr. Hibbler,
Bell,	Dickerson,	Holmes,
Brick,	Edsall,	Jaques,
Brown,	Elmer,	R. S. Kennedy,
Cassedy,	Ewing,	Laird,
Cattell,	Gilchrist,	Lambert,
Child,	Haight,	Marsh,
Connolly,	Halsted,	Neighbour,

Mr. Parker,	Mr. Sickler,	Mr. Vanarsdale,
Parsons,	Spencer,	Westervelt,
Pickel,	Stratton,	Wills,
Pitney,	Swain,	Wood,
Randolph,	Ten Eyck,	Wurts (v. p.)
Ryerson,	J. R. Thomson,	Zabriskie—44.
Schenck,	R. P. Thompson,	

The fourth section being still under consideration,

Mr. Dickerson moved to amend the same, by striking out all after the words "shall be" to "Senate" and inserting appointed by the Senate and General Assembly in joint-meeting";

And on this question the yeas and nays were demanded, and

It was decided in the negative, as follows, *viz:*

YEAS.

Mr. Allen,	Mr. Elmer,	Mr. Parker,
Brown,	Ewing,	Swain,
Cattell,	Fort,	Ten Eyck,
Child,	Haight,	Westervelt,
Condit,	Hibbler,	Wills,
Dickerson,	Marsh,	Wood—18.

NAYS.

Mr. Bell,	Mr. R. S. Kennedy,	Mr. Ryerson,
Brick,	Laird,	Schenck,
Cassedy,	Lambert,	Sickler,
Clark,	Mickle,	Spencer,
Connolly,	Naar,	Stratton,
Edsall,	Neighbour,	J. R. Thomson,
Gilchrist,	Ogden,	R. P. Thompson,
Halsted,	Parsons,	Vanarsdale,
Holmes,	Pickel,	Vroom,
Hornblower,	Pitney,	Wurts (v. p.)
Jaques,	Randolph,	Zabriskie—34.
P. B. Kennedy,		

Mr. Naar moved to amend the same section, by striking out "secretary of state";

Which was not agreed to.

The section, as amended, was then adopted.

Mr. Wood offered the following, to be inserted as an independent section:

"To guard the people against the inconvenience which may arise from vacancies not filled by reason of the non-concurrence of the Senate in the nomination of the governor, in case any vacancy shall not be filled by the governor and Senate within ten days after the first nomination shall have been made, such office shall be forthwith filled by the Senate and General Assembly in joint-meeting";

And the yeas and nays being demanded,

It was decided in the negative, as follows, *viz:*

YEAS.

Mr. Allen,	Mr. Dickerson,	Mr. Marsh,
Brown,	Ewing,	Stites,
Cattell,	Gilchrist,	Ten Eyck,
Clark,	Green,	Westervelt,
Condit,	Hornblower,	Wood—15.

NAYS.

Mr. Bell,	Mr. P. B. Kennedy,	Mr. Ryerson,
Brick,	R. S. Kennedy,	Schenck,
Cassedy,	Laird,	Sickler,
Child,	Lambert,	Spencer,
Connolly,	Mickle,	Stratton,
Edsall,	Naar,	Swain,
Elmer,	Neighbour,	J. R. Thomson,
Fort,	Ogden,	R. P. Thompson,
Haight,	Parker,	Vanarsdale,
Halsted,	Parsons,	Vroom,
Hibbler,	Pickel,	Wills,
Holmes,	Pitney,	Wurts (v. p.)
Jaques,	Randolph,	Zabriskie—39.

The fifth section being under consideration, the amendment made in committee of the whole, by striking out the same, was agreed to.

The sixth section being under consideration,

Mr. Stratton moved to amend the same, by inserting after the word "chancellor" the words "and surrogates of the counties by the surrogate general";

And on this amendment the yeas and nays were demanded, and

It was decided in the negative, as follows, *viz:*

YEAS.

Mr. Brown,	Mr. Parker,	Mr. Stites,
Clark,	Parsons,	Ten Eyck,
Condit,	Randolph,	Vanarsdale,
Halsted,	Schenck,	Vroom,
Hornblower,	Spencer,	Westervelt—17.
R. S. Kennedy,	Stratton,	

NAYS.

Mr. Allen,	Mr. Green,	Mr. Ogden,
Bell,	Haight,	Pickel,
Brick,	Hibbler,	Pitney,
Cassedy,	Holmes,	Ryerson,
Cattell,	Jaques,	Sickler,
Child,	P. B. Kennedy,	Swain,
Connolly,	Laird,	J. R. Thomson,
Dickerson,	Lambert,	R. P. Thompson.
Edsall,	Marsh,	Wills,
Ewing,	Mickle,	Wood,
Fort,	Naar,	Wurts (v. p.)
Gilchrist,	Neighbour,	Zabriskie—36.

The sixth section was then adopted, without amendment.

The seventh section being under consideration,

Mr. Cattell moved to amend the same, by striking out the words "and surrogates";

And on this amendment the yeas and nays were demanded, and

It was decided in the negative, as follows, *viz:*

YEAS.

Mr. Cattell,	Mr. R. S. Kennedy,	Mr. Ten Eyck,
Clark,	Marsh,	Vanarsdale,
Condit,	Parker,	Vroom,
Gilchrist,	Schenck,	Westervelt,
Green,	Stites,	Wood—16.
Hornblower,		

NAYS.

Mr. Allen,	Mr. Hibbler,	Mr. Pitney,
Bell,	Holmes,	Randolph,
Brick,	Jaques,	Ryerson,
Cassedy,	P. B. Kennedy,	Sickler,
Child,	Laird,	Spencer,
Connolly,	Lambert,	Stratton,
Dickerson,	Mickle,	Swain,
Edsall,	Naar,	J. R. Thomson,
Elmer,	Neighbour,	R. P. Thompson,
Ewing,	Ogden,	Wills,
Fort,	Parsons,	Wurts (v. p.)
Haight,	Pickel,	Zabriskie—37.
Halsted,		

The section was then agreed to, without amendment.

The eighth section being under consideration,

Mr. Pitney moved to amend the same, by inserting after the word "state" the words "sheriffs shall hold no other office during the time for which they are elected";

Which was disagreed to.

The section was then adopted, without amendment.

The ninth section being under consideration, the amendment made in committee of the whole, by striking out the same, was agreed to.

The tenth section being under consideration, the amendments made, in committee of the whole, to strike out of the first paragraph the words "of the several wards in the city of Newark", and inserting "of the wards in cities that may vote in wards, in such manner and under such regulations as may be hereafter provided by law"; and also, in the fourth paragraph, to strike out "several wards in the city of Newark", and insert "wards in cities that may vote in wards", were severally agreed to.

The amendment made, in committee of the whole, to the same section, by striking out the words following, *viz:*

"In all elections of justices of the peace, if no more than two are to be elected in the township or ward, no elector shall vote for more than one person; if no more than four are to be elected, no elector shall vote for more than two; and if five are to be elected, no elector shall vote for more than three";

Being under consideration, and the question being on agreeing to the same, the yeas and nays were demanded, and

It was decided in the affirmative, as follows, *viz:*

YEAS.

Mr. Brick,	Mr. Halsted,	Mr. Pitney,
Cassedy,	Hibbler,	Stratton,
Condit,	Holmes,	Stites,
Connolly,	Hornblower,	Swain,
Dickerson,	P. B. Kennedy,	J. R. Thomson,
Elmer,	Laird,	Vanarsdale,
Ewing,	Lambert,	Vroom,
Fort,	Mickle,	Wood,
Gilchrist,	Ogden,	Wurts (v. p.)—29.
Green,	Pickel,	

NAYS.

Mr. Allen,	Mr. Clark,	Mr. R. S. Kennedy,
Bell,	Edsall,	Marsh,
Cattell,	Haight,	Naar,
Child,	Jaques,	Neighbour,

Mr. Parker,	Mr. Schenck,	Mr. R. P. Thompson,
Parsons,	Sickler,	Westervelt,
Randolph,	Spencer,	Wills,
Ryerson,	Ten Eyck,	Zabriskie—24.

The same section being still under consideration,

Mr. Child moved to amend the same, by striking out, in the third paragraph, the words "except when elected to fill vacancies, he shall hold for the unexpired term only";

Which was disagreed to.

Mr. Ten Eyck moved to amend the same section, by striking out, in the first paragraph, after "elected" to the end of the paragraph, and inserting "shall be appointed by the Senate and General Assembly in joint-meeting";

And on this amendment the yeas and nays were demanded, and

It was decided in the negative, as follows, *viz:*

YEAS.

Mr. Allen,	Mr. Marsh,	Mr. Ten Eyck,
Condit,	Schenck,	Vanarsdale,
Green,	Spencer,	Westervelt,
Halsted,	Stites,	Wood—13.
Hornblower,		

NAYS.

Mr. Bell,	Mr. Fort,	Mr. Naar,
Brick,	Gilchrist,	Neighbour,
Cassedy,	Haight,	Ogden,
Cattell,	Hibbler,	Parker,
Child,	Holmes,	Parsons,
Clark,	Jaques,	Pickel,
Connolly,	P. B. Kennedy,	Pitney,
Dickerson,	R. S. Kennedy,	Randolph,
Edsall,	Laird,	Ryerson,
Elmer,	Lambert,	Sickler,
Ewing,	Mickle,	Stratton,

Mr. Swain, Mr. Vroom, Mr. Wurts (v. p.)
J. R. Thomson, Wills, Zabriskie—40.
R. P. Thompson,

The section, as amended, was then adopted.

The eleventh section being under consideration, the amendment made, in committee of the whole, to the same, was agreed to, and the section, as amended, was adopted.

On motion of Mr. Randolph,

The twelfth section, as amended in committee of the whole, was ordered to be stricken out.

On motion of Mr. Ryerson, it was

Ordered, That the report of the committee on the Appointing Power and Tenure of Office", as amended, be referred to the committee to arrange and unite the several reports.

On motion of Mr. Stratton,

The convention adjourned till to-morrow morning, at nine o'clock.

FRIDAY MORNING, 21st June.

At nine o'clock the convention met, pursuant to adjournment, and was opened with prayer by the Rev. Mr. Reed.

On motion of Mr. Ewing,

The convention proceeded to the consideration of the report of the Committee on the Legislative Department, with the amendments made to the same in committee of the whole.

The first section being under consideration,

Mr. Randolph moved to amend the same, by striking out "department" and inserting "power";

Which was agreed to, and the section, as amended, was adopted.

The second section being under consideration,

The amendment made in committee of the whole, by striking out the words "and each senator shall have one vote", was agreed to.

Mr. Jaques moved to amend the section, by striking out the words for three years";

And on this amendment the yeas and nays were demanded, and

It was decided in the negative, as follows, *viz:*

YEAS.

Mr. Cassedy,	Mr. P. B. Kennedy,	Mr. Pitney,
Dickerson,	Laird,	Swain,
Edsall,	Lambert,	Ten Eyck,
Ewing,	Marsh,	Vanarsdale,
Fort,	Naar,	Westervelt,
Hibbler,	Neighbour,	Wills,
Holmes,	Pickel,	Wood—22.
Jaques,		

NAYS.

Mr. Bell,	Mr. Haight,	Mr. Schenck,
Brown,	Halsted,	Sickler,
Child,	Hornblower,	Stratton,
Clark,	R. S. Kennedy,	Stites,
Condit,	Mickle,	J. R. Thomson,
Connolly,	Ogden,	R. P. Thompson,
Elmer,	Parker,	Vroom,
Field,	Parsons,	Williamson (pr.)
Gilchrist,	Randolph,	Wurts (v. p.)
Green,	Ryerson,	Zabriskie—30.

The same section being still under consideration,

Mr. Connolly moved to amend, by striking out the same, and inserting the following, as a substitute:

"II. The Senate shall consist of fifteen members, and shall never exceed twenty-one.

The state shall be divided into five districts, each of which

shall contain, as nearly as may be, an equal number of inhabitants, to be composed of entire and adjacent counties, and be entitled to three senators, who shall be chosen for three years, at the same time and in the same manner as the members of the General Assembly are required to be chosen. At the first session of the legislature under this constitution, they shall be divided by lot from their respective districts, as nearly as may be, into three respective classes: the seats of the senators of the first class shall be vacated at the expiration of the first year; of the second class at the expiration of the second year; and of the third class at the expiration of the third year, so that one-third shall annually be chosen for ever thereafter.

The present congressional districts, as now established by law, shall be the senatorial districts of this state until after the next census of the United States, and until the legislature shall alter the same; which they may do after every United States census shall be taken";

And on this amendment the yeas and nays were demanded, and

It was decided in the negative, as follows, *viz:*

YEAS.

Mr. Bell,	Mr. Holmes,	Mr. Naar,
Condit,	Hornblower,	Pickel,
Connolly,	Jaques,	Stites,
Fort,	P. B. Kennedy,	Williamson (pr.)
Haight,	Laird,	Wills—15.

NAYS.

Mr. Brown,	Mr. Field,	Mr. Mickle,
Cassedy,	Gilchrist,	Neighbour,
Child,	Green,	Ogden,
Clark,	Halsted,	Parker,
Dickerson,	Hibbler,	Parsons,
Edsall,	R. S. Kennedy,	Pitney,
Elmer,	Lambert,	Randolph,
Ewing,	Marsh,	Ryerson,

Mr. Schenck,	Mr. J. R. Thomson,	Mr. Westervelt,
Sickler,	R. P. Thompson,	Wood,
Stratton,	Vanarsdale,	Wurts (v. p.)
Swain,	Vroom,	Zabriskie—37.
Ten Eyck,		

The second section being still under consideration,

Mr. Condit moved to amend, by inserting after "state" the words "except the county of Essex, which, on account of its large population, shall be entitled to two";

And on this amendment they eas and nays were demanded, and

It was determined in the negative, as follows, *viz:*

YEAS.

Mr. Bell,	Mr. Hornblower,	Mr. Naar—4.
Condit,		

NAYS.

Mr. Brown,	Mr. Holmes,	Mr. Schenck,
Cassedy,	Jaques,	Sickler,
Child,	P. B. Kennedy,	Stites,
Clark,	R. S. Kennedy,	Stratton,
Connolly,	Laird,	Swain,
Dickerson,	Lambert,	Ten Eyck,
Edsall,	Marsh,	J. R. Thomson,
Elmer,	Mickle,	R. P. Thompson,
Ewing,	Neighbour,	Vanarsdale,
Field,	Ogden,	Vroom,
Fort,	Parker,	Westervelt,
Gilchrist,	Parsons,	Williamson (pr.)
Green,	Pickel,	Wills,
Haight,	Pitney,	Wood,
Halsted,	Randolph,	Wurts (v. p.)
Hibbler,	Ryerson,	Zabriskie—48.

The same section being still under consideration,

Mr. Mickle moved to amend the same, by striking out three", before the word "years", and inserting "two";

And on this amendment the yeas and nays were demanded, and

It was decided in the negative, as follows, *viz:*

YEAS.

Mr. Cassedy,	Mr. Jaques,	Mr. Pickel,
Connolly,	P. B. Kennedy,	Pitney,
Dickerson,	Laird,	Swain,
Ewing,	Lambert,	Ten Eyck,
Fort,	Marsh,	R. P. Thompson,
Haight,	Mickle,	Vanarsdale,
Hibbler,	Naar,	Wills,
Holmes,	Neighbour,	Wood—24.

NAYS.

Mr. Bell,	Mr. Halsted,	Mr. Sickler,
Brown,	Hornblower,	Stites,
Child,	R. S. Kennedy,	Stratton,
Clark,	Ogden,	J. R. Thomson,
Condit,	Parker,	Vroom,
Edsall,	Parsons,	Westervelt,
Elmer,	Randolph,	Williamson (pr.)
Field,	Ryerson,	Wurts (v. p.)
Gilchrist,	Schenck,	Zabriskie—28.
Green,		

The section, as amended, was then adopted.

The third section being under consideration, the same was agreed to, without amendment.

The fourth section being under consideration,

The amendments made to the same, in committee of the whole, were agreed to, and the section, as amended, was adopted.

The fifth section being under consideration, the same was agreed to, without amendment.

The sixth section being under consideration, the same was agreed to, without amendment.

The seventh section being under consideration, the same was adopted, without amendment.

The eighth section being under consideration, the same was agreed to, without amendment.

The ninth section being under consideration, the same was agreed to, without amendment.

The tenth section being under consideration, the same was adopted, without amendment.

The eleventh section being under consideration,

Mr. Parker moved to amend, by striking out the following words: "for the period of forty days from the commencement of the session; and shall not exceed the sum of one dollar and fifty cents per day for the remainder of the said session;

And on this amendment the yeas and nays were demanded, and

It was decided in the negative, as follows, *viz:*

YEAS.

Mr. Brown,	Mr. Halsted,	Mr. Randolph,
Browning,	Hibbler,	Schenck,
Clark,	Hornblower,	Stites,
Condit,	Marsh,	J. R. Thomson,
Field,	Mickle,	Vanarsdale,
Gilchrist,	Parker,	Wood—18.

NAYS.

Mr. Allen,	Mr. Green,	Mr. Ogden,
Bell,	Haight,	Parsons,
Cassedy,	Holmes,	Pickel,
Child,	Jaques,	Pitney,
Connolly,	P. B. Kennedy,	Ryerson,
Dickerson,	R. S. Kennedy,	Sickler,
Edsall,	Laird,	Stokes,
Elmer,	Lambert,	Stratton,
Ewing,	Naar,	Swain,
Fort,	Neighbour,	Ten Eyck,

Mr. R. P. Thompson, Mr. Williamson (pr.) Mr. Wurts (v. p.)
Vroom, Wills, Zabriskie—37.
Westervelt,

The eleventh section being still under consideration,

Mr. Brown moved to amend the same, by striking out the words "which compensation", the word "not" before "exceed", the words "the sum of three dollars per day or", and the words "and shall not exceed the sum of one dollar and fifty cents per day for the remainder of said session", and insert, after the word "state", the words "No session of the legislature"; and also insert, after "commencement of the session," the words "unless when required or convened in extra-session by the governor", so as to read as follows: "No session of the legislature shall exceed the period of forty days from the commencement of the session, unless when required or convened in extra-session by the governor."

And on this amendment the yeas and nays were demanded, and

It was decided in the negative, as follows, *viz:*

YEAS.

Mr. Brown,	Mr. Condit,	Mr. Randolph,
Browning,	Hornblower,	Schenck,
Clark,	Mickle,	Wood—9.

NAYS.

Mr. Allen,	Mr. Gilchrist,	Mr. Marsh,
Bell,	Green,	Naar,
Cassedy,	Haight,	Neighbour,
Child,	Halsted,	Ogden,
Connolly,	Hibbler,	Parsons,
Dickerson,	Holmes,	Pickel,
Edsall,	Jaques,	Pitney,
Elmer,	P. B. Kennedy,	Ryerson,
Ewing,	R. S. Kennedy,	Sickler,
Field,	Laird,	Stites,
Fort,	Lambert,	Stokes,

Mr. Stratton,	Mr. Vanarsdale,	Mr. Wills,
Swain,	Vroom,	Wurts (v. p.)
Ten Eyck,	Westervelt,	Zabriskie—44.
R. P. Thompson,	Williamson (pr.)	

The eleventh section being still under consideration,

Mr. Randolph moved to amend, by striking out all after the words "treasury of the state";

Which was disagreed to.

The amendment made, in committee of the whole, to the same section, was then agreed to.

The question then recurring on agreeing to the section, as amended, the yeas and nays were demanded, and

It was decided in the affirmative, as follows, *viz:*

YEAS.

Mr. Allen,	Mr. Holmes,	Mr. Ryerson,
Bell,	Jaques,	Sickler,
Cassedy,	P. B. Kennedy,	Stites,
Child,	R. S. Kennedy,	Stokes,
Connolly,	Laird,	Stratton,
Dickerson,	Lambert,	Swain,
Edsall,	Marsh,	Ten Eyck,
Elmer,	Mickle,	R. P. Thompson,
Ewing,	Naar,	Vanarsdale,
Field,	Neighbour,	Vroom,
Fort,	Ogden,	Westervelt,
Gilchrist,	Parker,	Williamson (pr.)
Green,	Parsons,	Wills,
Haight,	Pickel,	Wurts (v. p.)
Hibbler,	Pitney,	Zabriskie—45.

NAYS.

Mr. Brown,	Mr. Condit,	Mr. Randolph,
Browning,	Halsted,	Schenck,
Clark,	Hornblower,	Wood—9.

The twelfth section being under consideration,

Mr. Parker moved to amend the same, by striking out the words "their respective houses, and inserting "the legislature";

Which was disagreed to.

The section was then adopted, without amendment.

The thirteenth section being under consideration,

And the question being on agreeing to the amendment made in committee of the whole, inserting, after "appointed", the words "by the governor and Senate, or by the legislature."

Mr. Ewing moved to amend the amendment, by striking out "legislature" and inserting "joint-meeting";

Which was agreed to.

The amendment made in committee of the whole, as amended, was then agreed to.

The same section being still under consideration,

Mr. Ewing moved to amend the same, by striking out all after the word "state" to the end of the section;

And on this amendment the yeas and nays were demanded, and

It was decided in the negative, as follows, *viz:*

YEAS.

Mr. Allen,	Mr. Ewing,	Mr. Swain,
Browning,	Hibbler,	Ten Eyck,
Cassedy,	Laird,	Westervelt,
Connolly,	Naar,	Williamson (pr.)
Dickerson,	Stokes,	Wills—16.
Elmer,		

NAYS.

Mr. Bell,	Mr. Fort,	Mr. Jaques,
Brown,	Gilchrist,	P. B. Kennedy,
Child,	Green,	R. S. Kennedy,
Clark,	Haight,	Lambert,
Condit,	Halsted,	Marsh,
Edsall,	Hornblower,	Mickle,

Mr. Ogden,	Mr. Randolph,	Mr. Vanarsdale,
Parker,	Ryerson,	Vroom,
Parsons,	Schenck,	Wood,
Pickel,	Stites,	Wurts (v. p.)—32.
Pitney,	Stratton,	

Mr. Hornblower moved to reconsider the vote by which the amendment made in committee of the whole, as amended, was concurred in;

Which was agreed to.

Mr. Hornblower moved to amend, by inserting, before "joint-meeting", the words "legislature in";

Which was agreed to.

The amendment of the committee of the whole was then agreed to, and the section, as amended, adopted.

The fourteenth section being under consideration, the same was agreed to, without amendment.

The fifteenth section being under consideration, the amendments made in committee of the whole were concurred in collectively.

Mr. Ryerson moved to amend the same, by striking out "No justice of the supreme court, nor judge of any other court, sheriff, justice of the peace, nor any" and insert the word "No";

Which was not agreed to.

Mr. Connolly moved to amend the same section, by inserting, after the words "of this state", the words "postmasters excepted";

Which was disagreed to.

The section, as amended, was then adopted.

The sixteenth section being under consideration, the same was agreed to, without amendment.

The seventeenth section being under consideration, the same was adopted, without amendment.

The eighteenth section being under consideration, the same was agreed to, without amendment.

The nineteenth section being under consideration, the

amendment, made in committee of the whole, to insert, after the word "aggregate", the words "with any previous debts or liabilities", was concurred in.

The question being on agreeing to the amendment made, in committee of the whole, to the same section, by striking out "twenty", before the word "years", and inserting "thirty-five."

Mr. Gilchrist moved to amend the amendment, by inserting the following: "a limited period to be specified therein";

And on this amendment the yeas and nays were demanded, and,

It was decided in the negative, as follows, *viz:*

YEAS.

Mr. Browning,	Mr. Gilchrist,	Mr. Halsted—3.

NAYS.

Mr. Allen,	Mr. Hornblower,	Mr. Ryerson,
Bell,	Jaques,	Schenck,
Brown,	P. B. Kennedy,	Stites,
Cassedy,	R. S. Kennedy,	Stokes,
Child,	Laird,	Stratton,
Condit,	Lambert,	Swain,
Connolly,	Marsh,	Ten Eyck,
Dickerson,	Mickle,	J. R. Thomson,
Edsall,	Naar,	R. P. Thompson,
Elmer,	Neighbour,	Vanarsdale,
Field,	Ogden,	Vroom,
Fort,	Parker,	Westervelt,
Green,	Parsons,	Williamson (pr.)
Haight,	Pickel,	Wills,
Hibbler,	Pitney,	Wood,
Holmes,	Randolph,	Wurts (v. p.)—48.

Mr. Stratton moved to amend the amendment, made in committee of the whole, by inserting "ten";

And on this amendment the yeas and nays were demanded, and

It was decided in the negative, as follows, *viz:*

YEAS.

Mr. Bell,	Mr. Mickle,	Mr. Stratton—5.
Jaques,	Stokes,	

NAYS.

Mr. Allen,	Mr. Halsted,	Mr. Pitney,
Brown,	Hibbler,	Randolph,
Browning,	Holmes,	Ryerson,
Cassedy,	Hornblower,	Schenck,
Child,	P. B. Kennedy,	Stites,
Clark,	R. S. Kennedy,	Swain,
Condit,	Laird,	Ten Eyck,
Connolly,	Lambert,	J. R. Thomson,
Dickerson,	Marsh,	R. P. Thompson,
Edsall,	Naar,	Vanarsdale,
Elmer,	Neighbour,	Vroom,
Fort,	Ogden,	Westervelt,
Gilchrist,	Parker,	Wills,
Green,	Parsons,	Wood,
Haight,	Pickel,	Wurts (v. p.)—45.

Mr. Cassedy moved to amend the amendment, made in committee of the whole, by inserting "twenty-five";

Which was disagreed to.

The question then recurring on agreeing to the amendment made in committee of the whole,

The yeas and nays were demanded, and

It was decided in the affirmative, as follows, *viz:*

YEAS.

Mr. Allen,	Mr. Clark,	Mr. Elmer,
Browning,	Dickerson,	Field,
Child,	Edsall,	Gilchrist,

Mr. Green,	Mr. Marsh,	Mr. Schenck,
Halsted,	Neighbour,	Stites,
Hibbler,	Parker,	J. R. Thomson,
Holmes,	Parsons,	R. P. Thompson,
Hornblower,	Pickel,	Westervelt,
P. B. Kennedy,	Pitney,	Wills,
R. S. Kennedy,	Randolph,	Wood,
Laird,	Ryerson,	Wurts (v. p.)–33.

NAYS.

Mr. Bell,	Mr. Haight,	Mr. Stokes,
Brown,	Jaques,	Stratton,
Cassedy,	Lambert,	Swain,
Condit,	Mickle,	Vanarsdale,
Connolly,	Naar,	Vroom—17.
Fort,	Ogden,	

The same section being still under consideration,

The amendment made, in committee of the whole, to add the following to the end of the section: "This section shall not be construed to refer to any money that has been, or may be deposited with this state by the government of the United States", was then agreed to.

Pending the consideration of the nineteenth section,

The convention adjourned to this afternoon, at three o'clock.

At three o'clock the convention met, pursuant to adjournment.

Mr. Ryerson offered the following:

Resolved, That a committee of three be appointed to employ a printer, to print and publish the journal of this convention;

Which was read, and,

On motion of Mr. Green, was ordered to lie on the table.

Mr. Wood moved to reconsider the vote by which the tenth section of the second article of the report of the Committee on the Appointing Power and Tenure of Office, as amended, was adopted.

The previous question being demanded, there was a second;

And on the question, shall the main question be now put? it was determined in the affirmative.

And on the main question, shall the tenth section be reconsidered?

The yeas and nays were demanded, and

It was determined in the affirmative, as follows, *viz.*:

YEAS.

Mr. Allen,	Mr. Green,	Mr. Parker,
Bell,	Haight,	Parsons,
Brown,	Halsted,	Ryerson,
Browning,	Hornblower,	Schenck,
Child,	Jaques,	Stites,
Clark,	P. B. Kennedy,	Stratton,
Condit,	R. S. Kennedy,	Swain,
Dickerson,	Lambert,	Ten Eyck,
Edsall,	Marsh,	R. P. Thompson,
Field,	Naar,	Westervelt,
Gilchrist,	Neighbour,	Wurts (v. p.)–33.

NAYS.

Mr. Cassedy,	Mr. Mickle,	Mr. J. R. Thomson,
Connolly,	Ogden,	Vanarsdale,
Elmer,	Pickel,	Vroom,
Ewing,	Pitney,	Wills,
Fort,	Stokes,	Wood—16.
Holmes,		

Mr. Ryerson moved to reconsider the vote, by which the amendment made, in committee of the whole, to the tenth

section of the second article of the report on the appointing power and tenure of office, striking therefrom the words following, *viz:*

"In all elections of justices of the peace, if more than two are to be elected in the township or ward, no elector shall vote for more than one person; if no more than four are to be elected, no elector shall vote for more than two; and if five are to be elected, no elector shall vote for more than three";

Which was agreed to.

Mr. Hornblower moved to amend the amendment, made in committee of the whole, by adding thereto the words "until otherwise provided by law."

The previous question being demanded, there was a second; And on the question, shall the main question be now put? it was determined in the affirmative.

The amendment to the amendment, in committee of the whole, was then disagreed to.

The question then being on agreeing to the amendment made in committee of the whole,

The yeas and nays were demanded, and

It was decided in the affirmative, as follows, *viz:*

YEAS.

Mr. Cassedy,	Mr. Hibbler,	Mr. Schenck,
Condit,	Holmes,	Stites,
Connolly,	Hornblower,	Stokes,
Dickerson,	Jaques,	Stratton,
Elmer,	P. B. Kennedy,	Swain,
Ewing,	Lambert,	J. R. Thomson,
Field,	Mickle,	Vanarsdale,
Fort,	Naar,	Vroom,
Gilchrist,	Neighbour,	Wills,
Green,	Ogden,	Wood,
Haight,	Pickel,	Wurts (v. p.)—35.
Halsted,	Pitney,	

NAYS.

Mr. Allen,	Mr. Clark,	Mr. Parsons,
Bell,	Edsall,	Ryerson,
Brown,	R. S. Kennedy,	Ten Eyck,
Browning,	Marsh,	R. P. Thompson,
Child,	Parker,	Westervelt—15.

The section, as amended, was then adopted.

The convention then proceeded to the consideration of the unfinished business of the morning, being the report of the Committee on the Legislative Department, as amended in committee of the whole.

The nineteenth section being still under consideration,

Mr. Browning moved to amend the same, by striking out the following words: "impose and provide for a direct annual tax, sufficient with such other appropriations as may be made therein" and insert "make provision";

Which was disagreed to.

The same section being still under consideration,

Mr. Vroom moved to amend, by inserting, after the words "contracting thereof", the following: "and shall be irrepealable until such debt or liability, and the interest thereon, are fully paid and satisfied."

The previous question being demanded, there was a second; And on the question, shall the main question be now put? it was determined in the affirmative.

The question then being on agreeing to the amendment, the yeas and nays were demanded, and

It was decided in the affirmative, as follows, *viz:*

YEAS.

Mr. Allen,	Mr. Dickerson,	Mr. Fort,
Brown,	Edsall,	Green,
Cassedy,	Elmer,	Haight,
Clark,	Ewing,	Hibbler,
Connolly,	Field,	Holmes,

Mr. Jaques,	Mr. Ogden,	Mr. R. P. Thompson,
P. B. Kennedy,	Pitney,	Vanarsdale,
R. S. Kennedy,	Ryerson,	Vroom,
Laird,	Sickler,	Westervelt,
Lambert,	Stokes,	Wills,
Mickle,	Stratton,	Wood,
Naar,	Swain,	Wurts (v. p.)—38.
Neighbour,	Ten Eyck,	

NAYS.

Mr. Browning,	Mr. Hornblower,	Mr. Schenck,
Child,	Marsh,	Stites,
Condit,	Parker,	Williamson (pr.)
Gilchrist,	Parsons,	13.
Halsted,	Pickel,	

The nineteenth section, as amended, was then adopted.

The twentieth section being under consideration,

And the question being on agreeing to the amendment, made in committee of the whole, by striking out the section, and inserting the following, as a substitute:

"XX. The assent of two-thirds of the members elected to each house shall be requisite to the passage of every law appropriating public money or property to local or private purposes; and also to the passage of every law granting special rights or privileges, or for creating, continuing, or renewing private corporations, other than those for religious, literary or charitable purposes, or for works of public improvement."

Mr. Ryerson moved to amend the substitute, by striking out the words "or for works of public improvement";

And on this amendment the yeas and nays were demanded, and

It was decided in the negative, as follows, *viz:*

YEAS.

Mr. Connolly,	Mr. Fort,	Mr. Ryerson,
Elmer,	Naar,	Schenck,
Ewing,	Pickel,	Vanarsdale—9.

NAYS.

Mr. Allen,	Mr. Holmes,	Mr. Randolph,
Bell,	Hornblower,	Sickler,
Brown,	Jaques,	Stites,
Child,	P. B. Kennedy,	Stokes,
Clark,	R. S. Kennedy,	Stratton,
Condit,	Laird,	Swain,
Dickerson,	Lambert,	Ten Eyck,
Edsall,	Marsh,	R. P. Thompson,
Field,	Mickle,	Vroom,
Gilchrist,	Neighbour,	Westervelt,
Green,	Ogden,	Williamson, (pr.)
Haight,	Parker,	Wills,
Halsted,	Parsons,	Wood,
Hibbler,	Pitney,	Wurts (v. p.)—42.

Mr. Ryerson moved further to amend the substitute, by inserting, after "continuing", the words "altering, amending";

Which was agreed to.

Mr. Marsh moved to amend the substitute, by striking out the words "continuing or renewing";

And on this amendment the yeas and nays were demanded, and

It was decided in the negative, as follows, *viz:*

YEAS.

Mr. Allen,	Mr. Hornblower,	Mr. Ten Eyck,
Bell,	R. S. Kennedy,	Vanarsdale,
Browning,	Marsh,	Westervelt,
Green,	Ogden,	Wood—14.
Halsted,	Parsons,	

NAYS.

Mr. Cassedy,	Mr. Condit,	Mr. Edsall,
Child,	Connolly,	Elmer,
Clark,	Dickerson,	Ewing,

Mr. Fort,	Mr. Naar,	Mr. Stokes,
Gilchrist,	Neighbour,	Stratton,
Haight,	Parker,	Swain,
Hibbler,	Pickel,	J. R. Thomson,
Holmes,	Pitney,	R. P. Thompson,
Jaques,	Randolph,	Vroom,
P. B. Kennedy,	Ryerson,	Williamson (pr.)
Laird,	Schenck,	Wills,
Lambert,	Sickler,	Wurts (v. p.)–38.
Mickle,	Stites,	

Mr. Allen moved to amend the substitute, by striking out, after "privileges", the words "or for" and inserting "every law", and adding at the end "shall receive the assent of a majority of the whole number of each branch of the legislature for two successive years."

And on this amendment the yeas and nays were demanded, and

It was decided in the negative, as follows, *viz:*

YEAS.

Mr. Allen,	Mr. Brown,	Mr. Jaques—4.
Bell,		

NAYS.

Mr. Browning,	Mr. Green,	Mr. Neighbour,
Cassedy,	Haight,	Ogden,
Child,	Halsted,	Parker,
Clark,	Hibbler,	Parsons,
Condit,	Holmes,	Pickel,
Connolly,	Hornblower,	Pitney,
Dickerson,	P. B. Kennedy,	Randolph,
Edsall,	R. S. Kennedy,	Ryerson,
Elmer,	Laird,	Sickler,
Ewing,	Lambert,	Stites,
Fort,	Marsh,	Stokes,
Gilchrist,	Naar,	Stratton,

Mr. Swain,	Mr. Vanarsdale,	Mr. Wills,
Ten Eyck,	Vroom,	Wood,
J. R. Thomson,	Westervelt,	Wurts (v. p.)–47.
R. P. Thompson,	Williamson (pr.)	

Mr. Child moved to amend the substitute, by striking out the word "also" and inserting "the assent of three-fifths of the members elected to each house shall be requisite";

Which motion was agreed to.

Mr. Vroom moved to amend the substitute, by inserting, after the word "purposes," the following: "or for creating, renewing or extending any corporate body with banking or discounting privileges"; and also to insert, between the words "every" and "law", the word "other";

And on this amendment the yeas and nays were demanded, and

It was decided in the affirmative, as follows, *viz:*

YEAS.

Mr. Cassedy,	Mr. Hibbler,	Mr. Pickel,
Condit,	Holmes,	Pitney,
Connolly,	Jaques,	Ryerson,
Dickerson,	P. B. Kennedy,	Sickler,
Edsall,	Laird,	Stokes,
Elmer,	Lambert,	J. R. Thomson,
Ewing,	Mickle,	R. P. Thompson,
Fort,	Naar,	Vroom,
Gilchrist,	Neighbour,	Wills,
Green,	Parker,	Wurts (v. p.)–31.
Haight,		

NAYS.

Mr. Allen,	Mr. R. S. Kennedy,	Mr. Stites,
Brown,	Ogden,	Stratton,
Browning,	Parsons,	Swain,
Child,	Randolph,	Ten Eyck,
Halsted,	Schenck,	Westervelt—16.
Hornblower,		

The question then recurring on agreeing to the substitute, as amended,

The yeas and nays were demanded, and

It was decided in the affirmative, as follows, *viz:*

YEAS.

Mr. Cassedy,	Mr. Hibbler,	Mr. Pickel,
Condit,	Holmes,	Pitney,
Connolly,	Jaques,	Ryerson,
Dickerson,	P. B. Kennedy,	Sickler,
Edsall,	Laird,	Stokes,
Elmer,	Lambert,	J. R. Thomson,
Ewing,	Mickle,	Vanarsdale,
Fort,	Naar,	Vroom,
Green,	Neighbour,	Wills,
Haight,	Parker,	Wurts (v. p.)—30.

NAYS.

Mr. Allen,	Mr. R. S. Kennedy,	Mr. Stratton,
Brown,	Ogden,	Swain,
Browning,	Parsons,	Ten Eyck,
Child,	Randolph,	R. P. Thompson,
Halsted,	Schenck,	Westervelt—17.
Hornblower,	Stites,	

The twenty-first section being under consideration,

The amendments made in committee of the whole, by striking out the word "the", before "term", and inserting "a"; and also striking out the word "of", after "term", and inserting "not exceeding", were severally agreed to.

The question being on agreeing to the amendment, made in committee of the whole, to the same section, by adding thereto "and all such charters may be altered, modified, or repealed by the legislature, whenever, in their opinion, the public good may require it: and every such charter, or a renewal of the same, shall contain a clause to that effect, or be inoperative";

The yeas and nays were demanded, and

It was decided in the affirmative, as follows, *viz:*

YEAS.

Mr. Cassedy,	Mr. P. B. Kennedy,	Mr. Pickel,
Connolly,	Laird,	Pitney,
Dickerson,	Lambert,	Ryerson,
Edsall,	Mickle,	Stokes,
Fort,	Naar,	J. R. Thomson,
Haight,	Neighbour,	R. P. Thompson,
Hibbler,	Ogden,	Vroom,
Holmes,	Parker,	Wills—25.
Jaques,		

NAYS.

Mr. Bell,	Mr. R. S. Kennedy,	Mr. Swain,
Browning,	Randolph,	Ten Eyck,
Child,	Schenck,	Vanarsdale,
Gilchrist,	Sickler,	Westervelt,
Green,	Stites,	Wurts (v. p.)—17.
Halsted,	Stratton,	

On motion of Mr. R. S. Kennedy, it was

Ordered, That when this convention adjourns, it will adjourn to meet to-morrow-morning, at eight o'clock.

Pending the consideration of the twenty-first section,

The convention adjourned till to-morrow morning, at eight o'clock.

SATURDAY MORNING, 23d June.

At eight o'clock the convention met, pursuant to adjournment, and was opened with prayer by the Rev. Mr. Kidder.

On motion of Mr. Ryerson,

The convention proceeded to the consideration of the unfinished business of yesterday afternoon, being the report of the Committee on the Legislative Department, as amended in committee of the whole.

The twenty-first section being still under consideration,

Mr. Jaques moved to amend the same, by inserting, after "corporations", the words "and manufacturing companies";

Which was disagreed to.

Mr. Jaques moved further to amend the same section, by adding thereto the following: "and the president and directors shall be individually liable for the debts of their respective companies, to the amount of their estates, and the stockholders to double the amount of stock held by them, respectively";

And on this amendment the yeas and nays were demanded, and

It was decided in the negative, as follows, *viz:*

YEAS.

Mr. Connolly,	Mr. Jaques,	Mr. Pickel,
Fort,	Lambert,	Sickler—8.
Hibbler,	Naar,	

NAYS.

Mr. Allen,	Mr. Holmes,	Mr. Spencer,
Bell,	P. B. Kennedy,	Stites,
Brown,	R. S. Kennedy,	Stokes,
Browning,	Laird,	Stratton,
Cassedy,	Mickle,	Swain,
Child,	Neighbour,	Ten Eyck,
Dickerson,	Ogden,	J. R. Thomson,
Edsall,	Parker,	Vanarsdale,
Ewing,	Parsons,	Vroom,
Gilchrist,	Pitney,	Westervelt,
Green,	Randolph,	Wills,
Haight,	Ryerson,	Wurts (v. p.)—38.
Halsted,	Schenck,	

The same section being still under consideration,

Mr. Ryerson moved to reconsider the vote by which the amendment, made in committee of the whole, adding thereto the following: "and all such charters may be altered, modified, or repealed by the legislature, whenever, in their opinion, the public good may require it: and every such charter, or a renewal of the same, shall contain a clause to that effect, or be inoperative";

Which motion was agreed to, and the further consideration of the section postponed.

Mr. Vroom moved to reconsider the vote by which the twentieth section, as amended, was adopted;

Which motion was agreed to, and the further consideration of the section postponed.

The twenty-second section being under consideration,

And the question being on agreeing to the amendment, made in committee of the whole, by striking out the section, the same was concurred in.

Mr. Child, on behalf, and at the request of the president, who was unable to attend this morning, offered the following, to be inserted as the twenty-second section:

"Sec. XXII. No new county shall be created, unless the territory proposed to be set off into a new county, and the territory left in the county or counties affected thereby, shall severally be entitled, by the population embraced in each, to at least two representatives in the General Assembly, agreeably to the ratio which shall then be established."

Mr. Browning moved to amend the same, by striking out all to the word "unless", and inserting the following: "There shall be no increase of the number of counties now in existence, by creating a new county";

Which was agreed to.

The previous question being demanded, there was a second;

And on the question, shall the main question be now put? it was determined in the affirmative.

And on the main question, shall the section, as amended, be

inserted as the twenty-second? it was decided in the affirmative.

Mr. Fort offered the following, to be inserted as the twenty-third section:

"XXIII. No county or township lines shall be altered, unless on proof of two months' previous public notice of such proposed alteration in one of the newspapers circulating therein";

And on this question the yeas and nays were demanded, and

It was decided in the negative, as follows, *viz:*

YEAS.

Mr. Cassedy,	Mr. Hibbler,	Mr. Ryerson,
Connolly,	Jaques,	Stokes,
Dickerson,	P. B. Kennedy,	Ten Eyck,
Elmer,	Laird,	J. R. Thomson,
Ewing,	Lambert,	Vanarsdale,
Fort,	Mickle,	Vroom,
Green,	Ogden,	Wills—23.
Halsted,	Pitney,	

NAYS.

Mr. Allen,	Mr. Hornblower,	Mr. Randolph,
Bell,	R. S. Kennedy,	Sickler,
Brown,	Naar,	Spencer,
Browning,	Neighbour,	Stratton,
Child,	Parker,	Swain,
Condit,	Pickel,	Wurts (v. p.)–19.
Edsall,		

Mr. Ryerson moved to reconsider the vote by which the twenty-second section was adopted;

Which was agreed to.

It was moved that the further consideration of the same be postponed;

Which motion was disagreed to.

Mr. Stokes moved to amend, by striking out the words "there shall be no increase";

Which motion was not agreed to.

The question then being on the adoption of the section, the yeas and nays were demanded, and

It was decided in the negative, as follows, *viz:*

YEAS.

Mr. Allen,	Mr. Dickerson,	Mr. Randolph,
Bell,	Elmer,	Sickler,
Brown,	Fort,	Spencer,
Browning,	Green,	Stratton,
Cassedy,	Jaques,	Ten Eyck,
Child,	Parker,	Vanarsdale,
Connolly,	Pickel,	Wills—21.

NAYS.

Mr. Condit,	Mr. P. B. Kennedy,	Mr. Pitney,
Edsall,	R. S. Kennedy,	Ryerson,
Ewing,	Laird,	Stokes,
Gilchrist,	Mickle,	Swain,
Halsted,	Naar,	J. R. Thomson,
Hibbler,	Neighbour,	Vroom,
Hornblower,	Ogden,	Wurts (v. p.)–21.

The twenty-third section being under consideration, and the question being on agreeing to the same,

The yeas and nays were demanded, and

It was decided in the affirmative, as follows, *viz:*

YEAS.

Mr. Allen,	Mr. Condit,	Mr. Fort,
Bell,	Connolly,	Gilchrist,
Brown,	Dickerson,	Green,
Browning,	Elmer,	Halsted,
Cassedy,	Ewing,	Hibbler,
Child,	Field,	Hornblower,

Mr. Jaques,	Mr. Parker,	Mr. Stratton,
P. B. Kennedy,	Pickel,	Swain,
R. S. Kennedy,	Pitney,	Ten Eyck,
Laird,	Randolph,	Vanarsdale,
Lambert,	Ryerson,	Vroom,
Naar,	Sickler,	Wills,
Neighbour,	Spencer,	Wurts (v. p.).
Ogden,	Stokes,	Zabriskie—42.

NAYS.

Mr. Edsall,	Mr. Mickle,	Mr. J. R. Thomson—3.

The twenty-fourth section being under consideration,

And the question being on agreeing to the amendment, made in committee of the whole, to the same, by striking out the following: "and the legislature shall pass laws to prevent the sale of all lottery tickets, except in lotteries which may now be authorized by a law of this state",

Mr. Hornblower moved to amend the amendment, by inserting the following: "and no tickets in any lottery, not authorized by the laws of this state, shall be bought or sold within the state."

The previous question being demanded, there was a second;

And on the question, shall the main question be now put? it was decided in the affirmative.

The amendment to the amendment, made in committee of the whole, was then agreed to.

The question then being on agreeing to the amendment, made in committee of the whole, as amended, it was determined in the affirmative.

The question then recurring on the adoption of the section, as amended,

The yeas and nays were demanded, and it was decided in the affirmative by the votes of all the members present.

The twenty-fifth section being under consideration,

And the question being on agreeing to the amendment, made in committee of the whole, to the same, by adding thereto the

words "or depriving a party of any remedy for enforcing a contract which existed when the contract was made",

The previous question was demanded, and there was a second;

And on the question, shall the main question be now put? it was decided in the affirmative.

And on the question, shall the amendment, made in committee of the whole, be agreed to?

The yeas and nays were demanded, and

It was decided in the affirmative, as follows, *viz:*

YEAS.

Mr. Bell,	Mr. Green,	Mr. Pitney,
Browning,	Hibbler,	Randolph,
Cassedy,	Hornblower,	Ryerson,
Child,	Jaques,	Sickler,
Condit,	P. B. Kennedy,	Spencer,
Connolly,	R. S. Kennedy,	Stratton,
Dickerson,	Laird,	Swain,
Edsall,	Lambert,	Ten Eyck,
Elmer,	Mickle,	J. R. Thomson,
Ewing,	Naar,	Vroom,
Field,	Neighbour,	Wurts (v. p.)
Fort,	Pickel,	Zabriskie—36.

NAYS.

Mr. Allen,	Mr. Halsted,	Mr. Stokes,
Brown,	Ogden,	Vanarsdale,
Gilchrist,	Parker,	Wills—9.

The section, as amended, was then adopted.

Mr. Hornblower offered the following, to be inserted as the twenty-sixth section:

"Sec. XXVI. No private or special law shall be passed, authorizing the sale of any lands belonging, in whole or in part, to a minor or minors, or other persons; but the legislature may, by law, authorize the court of chancery to order

such sales to be made, upon an application to that court, by petition or otherwise."

Mr. Ten Eyck moved to postpone the further consideration of the same;

And on the question of postponement,

Mr. Wurts, v. p., decided that the merits were not debateable.

Mr. Parker appealed from the decision of the chair;

And on the question, shall the decision of the chair be sustained? it was decided in the affirmative.

The motion to postpone the further consideration of the section was then disagreed to.

The question being on agreeing to the section,

The previous question was demanded, and there was a second;

And on the question, shall the main question be now put? it was decided in the affirmative.

And on the question, shall the section be adopted, as the twenty-sixth section of the report now under consideration?

Pending the same,

On motion of Mr. Parker,

The convention adjourned to this afternoon, at three o'clock.

At three o'clock the convention met, pursuant to adjournment.

The convention proceeded to the consideration of the unfinished business of the morning, being the report of the Committee on the Legislative Department, as amended in committee of the whole.

The question being on the adoption of the section proposed to be inserted as the twenty-sixth,

Mr. Ryerson moved to reconsider the vote by which the main question was ordered to be put;

Which motion was agreed to.

The question then being, shall the main question be now put? it was determined in the negative.

The further consideration of the proposed section was then postponed.

The twenty-sixth section being under consideration, the same was agreed to, without amendment.

The twenty-seventh section being under consideration, the amendments made in committee of the whole were agreed to.

The section, as amended, was then adopted.

The twenty-eighth section being under consideration, the amendment made in committee of the whole was agreed to.

Mr. Ryerson moved to amend the same section, by substituting therefor the following:

"The fund for the support of free schools, and all money, stock, and other property which may hereafter be appropriated for that purpose, shall be securely invested, and remain a perpetual fund; and the income thereof, except so much as it may be judged expedient to apply to an increase of the capital, shall be annually appropriated to the support of public schools, for the benefit of all the people throughout the state: and it shall not be competent for the legislature to borrow, appropriate, or use the same, or any part thereof, for any other purpose, under any pretence whatever."

Mr. Gilchrist moved to amend the substitute, by inserting, between the words "purpose" and "shall", the following: "or received into the treasury under the provisions of any law heretofore passed to augment said fund";

Which motion was agreed to.

On motion of Mr. Ryerson, it was

Ordered, That the further consideration of the section be postponed until Monday next.

The twenty-ninth section being under consideration, the amendment, made in committee of the whole, by striking out

the same, was agreed to, and the section ordered to be stricken out.

The thirtieth section being under consideration, the amendment, made in committee of the whole, striking out the same, was agreed to, and the section ordered to be stricken out.

On motion of Mr. Fort,

The convention proceeded to the consideration of so much of the report of the Committee on Subjects not referred to other committees, with the amendments made to the same in committee of the whole, as had been heretofore postponed.

The "Schedule" of the same being under consideration,

The amendments, made in committee of the whole, to the first paragraph, were agreed to, and the same, as amended, was adopted.

The amendment, made in committee of the whole, to the second paragraph, was agreed to.

Mr. Ogden moved to amend the same, by striking out the words "of their respective offices or appointments", and insert "thereof";

Which motion was agreed to.

Mr. Gilchrist moved to amend the same, by striking out the words "unless by this constitution it is otherwise provided," and inserting "as if no change had taken place";

Which motion was disagreed to.

The paragraph, as amended, was then adopted.

The third paragraph was amended, so as to read as follows:

"3. The present governor, chancellor, and ordinary, and treasurer of this state shall continue in office until successors, elected or appointed under this constitution, shall be sworn or affirmed into office."

And the same, as amended, was agreed to.

The fourth paragraph was agreed to, without amendment.

Mr. Ryerson moved to amend the fifth paragraph, by inserting, after vacancies, the words "in office"; and also by inserting, after "appointed", the words "or elected";

Which motion was agreed to.

Mr. Fort offered the following, and moved to insert it, as a substitute for the fifth paragraph:

"It shall be the duty of the governor to fill all vacancies in office, by granting commissions which shall not extend beyond the end of the next session of the Senate, or the election or appointment of a successor."

Pending the consideration of the same,

On motion of Mr. Vroom, it was

Ordered, That the fifth paragraph, and substitute offered therefor, be referred to the Committee on the Executive Department.

Mr. Ryerson moved to insert the following, as the fifth paragraph:

"5. The present governor of this state, or in case of his death or inability to act, then the vice president of Council, together with the present members of the Legislative Council and secretary of state, shall constitute a board of state canvassers, in the manner now provided by law for the purpose of ascertaining and declaring the result of the first election for governor, members of the House of Representatives, and electors of president and vice president";

Which motion was agreed to.

Mr. Ryerson moved to insert the following, as the sixth paragraph:

"6. The returns of the votes for governor, at the first election under this constitution, shall be transmitted to the secretary of state, in the manner now prescribed by law, and shall be counted, and the election declared, in the manner now prescribed by law in the case of election of electors of president and vice president";

Which was agreed to.

Mr. Ryerson moved to amend the sixth paragraph, by inserting, after the first word, "the" the word "first"; after "surrogates", the words "of counties"; and before "which", the words "the result of";

Which motion was agreed to.

The paragraph, as amended, was then adopted, and ordered to stand as the seventh.

The amendment made to the seventh paragraph, in committee of the whole, was agreed to, and the same, as amended, was adopted, and ordered to stand as the eighth.

On motion of Mr. Brown, it was

Ordered, That when this convention adjourns, it will adjourn to meet on Monday afternoon, at three o'clock.

Mr. Ogden moved to amend the ninth paragraph, by striking out "general" and adding the letter "s" to "election";

Which motion was agreed to.

The paragraph, as amended, was then adopted, and ordered to stand as the tenth.

The tenth paragraph was agreed to, without amendment, and ordered to stand as the eleventh.

The amendments made, in committee of the whole, to the eleventh paragraph were agreed to, and the same, as amended, was adopted as the twelfth.

The amendment made to the twelfth paragraph, in committee of the whole, by striking out the same, was agreed to.

The "Provisional Articles" being under consideration,

The amendment made, in committee of the whole, to the first paragraph, to add the words "until otherwise provided by law", was agreed to.

Mr. Vanarsdale moved to amend the first paragraph, by striking out the word "his", before "accounts", and inserting "said";

Which motion was agreed to.

The first paragraph, as amended, was then adopted.

The amendment made, in committee of the whole, to the second paragraph, to strike out the same, being under consideration, on motion of Mr. Pickel, it was

Ordered, That the same be postponed until Monday next.

On motion of Mr. Vroom, it was

Ordered, That the vote by which the first paragraph of the "Schedule" was adopted be reconsidered.

The convention adjourned till Monday afternoon, at three o'clock.

MONDAY AFTERNOON, 24th June.

At three o'clock the convention met, pursuant to adjournment, and was opened with prayer by the Rev. Mr. Kidder.

The vice president presented a communication, addressed to the president, from James Carnahan, president of the College of New Jersey, inviting the members of the convention to attend the ensuing commencement of that institution;

Which was read, and

On motion of Mr. Field, was ordered to lie on the table.

Mr. R. S. Kennedy presented a letter from M. P. Van Loan, proposing to take a Daguerreotype sketch of the members of the convention, after the manner of that of the signers of the Declaration of Independence;

Which was read, and

On motion of Mr. Pickel, was ordered to lie on the table.

Mr. Pitney, from the Committee on the Executive Department, to which had been referred the fifth paragraph of the "Schedule" of the report of the Committee on Subjects not referred to other committees, made the following report:

"When a vacancy happens in any office which is to be filled by the governor and Senate, or by the legislature in joint-meeting, the governor shall fill such vacancy, and grant commissions to expire at the end of the next session of the legislature: when a vacancy happens in the offices of clerks or surrogates of counties, the governor shall fill such vacancy, and grant commissions to expire when a successor is duly elected and qualified into office.

It shall be the duty of the governor to fill all vacancies in office happening between the adoption of this constitution and the first session of the Senate, and not otherwise provided for, and grant commissions to expire at the end of the first session of the Senate."

On motion of Mr. Ryerson,

The convention proceeded to the consideration of the report.

Mr. Ryerson moved to amend the first section of the same, by inserting, after the word "happens", the words "during the recess of the legislature";

Which motion was agreed to.

Mr. Randolph moved to amend the same section, by inserting, after the word "legislature", the words "unless a successor shall be sooner appointed";

Which motion was agreed to.

The section, as amended, was then adopted, and,

On motion of Mr. Ryerson, was

Ordered to be referred to the committee appointed to arrange and unite the several reports.

The second section being under consideration,

Mr. Ryerson moved to amend, by adding thereto the following: "or when a successor shall be elected or appointed under this constitution and qualified into office";

Which motion was agreed to.

The section, as amended, was then adopted, and referred to the committee appointed to arrange and unite the several reports.

On motion of Mr. Pickel,

The convention then proceeded to the consideration of so much of the report of the Committee on the Legislative Department as had heretofore been reconsidered and postponed.

The twentieth section being under consideration,

Mr. Vroom offered the following, as a substitute therefor:

"Sec. XX. The assent of two-thirds of the members elected to each house shall be requisite to the passage of every law appropriating public money or property to local or private purposes, or granting special rights or privileges, or creating private corporations, other than those for religious, literary, or charitable purposes, or for works of public improvement."

Mr. Ogden moved to amend the substitute, by striking out all after the word "purposes".

The previous question being demanded, there was a second;

And on the question, shall the main question be now put? it was decided in the affirmative.

The question being on agreeing to the amendment to the substitute, the yeas and nays were demanded, and

It was determined in the negative, as follows, *viz:*

YEAS.

Mr. Allen,	Mr. Hornblower,	Mr. Stites,
Bell,	R. S. Kennedy,	Stratton,
Browning,	Marsh,	Swain,
Child,	Ogden,	Ten Eyck,
Condit,	Parsons,	Vanarsdale,
Dickerson,	Randolph,	Westervelt,
Field,	Schenck,	Wood—23.
Halsted,	Spencer,	

NAYS.

Mr. Cassedy,	Mr. Jaques,	Mr. Pitney,
Connolly,	P. B. Kennedy,	Ryerson,
Edsall,	Laird,	Stokes,
Elmer,	Lambert,	J. R. Thomson,
Ewing,	Mickle,	R. P. Thompson,
Fort,	Naar,	Vroom,
Gilchrist,	Neighbour,	Wills,
Green,	Parker,	Wurts (v. p.)
Haight,	Pickel,	Zabriskie—28.
Holmes,		

The question then recurring on agreeing to the substitute, the yeas and nays were demanded, and

It was decided in the negative, as follows, *viz:*

YEAS.

Mr. Cassedy,	Mr. Edsall,	Mr. Fort,
Connolly,	Elmer,	Green,
Dickerson,	Ewing,	Haight,

Mr. Holmes,	Mr. Neighbour,	Mr. J. R. Thomson,
Jaques,	Parker,	R. P. Thompson,
P. B. Kennedy,	Pitney,	Vanarsdale,
Laird,	Randolph,	Vroom,
Lambert,	Spencer,	Wills,
Marsh,	Stokes,	Wurts (v. p.)–29.
Mickle,	Swain,	

NAYS.

Mr. Allen,	Mr. Halsted,	Mr. Schenck,
Bell,	Hornblower,	Stites,
Brown,	R. S. Kennedy,	Stratton,
Browning,	Naar,	Ten Eyck,
Child,	Ogden,	Westervelt,
Condit,	Parsons,	Wood,
Field,	Pickel,	Zabriskie—22.
Gilchrist,		

The vice president having decided that the substitute was not agreed to, it not having received the votes of the majority of all the members elected to the convention,

Mr. Parker appealed from this decision;

And on the question, shall the decision of the chair be sustained? it was determined in the affirmative.

The question then being on agreeing to the substitute, made in committee of the whole, as amended,

Pending the same,

Mr. Zabriskie moved a call of the convention;

Which was ordered,

And the following members answered to the call:

Mr. Allen,	Mr. Condit,	Mr. Field,
Bell,	Connolly,	Fort,
Browning,	Dickerson,	Gilchrist,
Cassedy,	Edsall,	Haight,
Cattell,	Elmer,	Halsted,
Child,	Ewing,	Holmes,

Mr. Hornblower,	Mr. Parker,	Mr. Swain,
Jaques,	Parsons,	Ten Eyck,
P. B. Kennedy,	Pickel,	J. R. Thomson,
R. S. Kennedy,	Pitney,	R. P. Thompson,
Laird,	Randolph,	Vanarsdale,
Lambert,	Ryerson,	Vroom,
Marsh,	Schenck,	Westervelt,
Mickle,	Spencer,	Wills,
Naar,	Stites,	Wood,
Neighbour,	Stokes,	Wurts (v. p.)
Ogden,	Stratton,	Zabriskie—51.

On motion of Mr. R. P. Thompson,

The further proceedings in the call were then dispensed with.

The yeas and nays being called on agreeing to the substitute of the committee of the whole, as amended,

It was decided in the negative, as follows, *viz*:

YEAS.

Mr. Cassedy,	Mr. Haight,	Mr. Pitney,
Condit,	Holmes,	Sickler,
Connolly,	Jaques,	Stokes,
Dickerson,	P. B. Kennedy,	J. R. Thomson,
Edsall,	Laird,	Vanarsdale,
Elmer,	Lambert,	Vroom,
Ewing,	Mickle,	Wills,
Fort,	Naar,	Wurts (v. p.)
Gilchrist,	Neighbour,	Zabriskie—29.
Green,	Pickel,	

NAYS.

Mr. Allen,	Mr. Field,	Mr. Ogden,
Bell,	Halsted,	Parker,
Browning,	Hornblower,	Parsons,
Cattell,	R. S. Kennedy,	Randolph,
Child,	Marsh,	Ryerson,

Mr. Schenck,	Mr. Stratton,	Mr. R. P. Thompson,
Spencer,	Swain,	Westervelt,
Stites,	Ten Eyck,	Wood—24.

The twenty-first section being under consideration,

And the question being on agreeing to the amendment made in committee of the whole, by adding the following: "and all such charters may be altered, modified, or repealed by the legislature, whenever in their opinion the public good may require it; and every such charter shall contain a clause to that effect, or be inoperative";

And the yeas and nays being demanded,

It was decided in the affirmative, as follows, *viz:*

YEAS.

Mr. Cassedy,	Mr. Lambert,	Mr. Stites,
Connolly,	Mickle,	Stokes,
Dickerson,	Naar,	Stratton,
Edsall,	Neighbour,	J. R. Thomson,
Elmer,	Ogden,	R. P. Thompson,
Fort,	Pickel,	Vroom,
Haight,	Pitney,	Wills,
Holmes,	Ryerson,	Wurts (v. p.)
Jaques,	Sickler,	Zabriskie—28.
P. B. Kennedy,		

NAYS.

Mr. Allen,	Mr. Gilchrist,	Mr. Randolph,
Bell,	Green,	Schenck,
Brown,	Halsted,	Spencer,
Browning,	Hornblower,	Swain,
Cattell,	R. S. Kennedy,	Ten Eyck,
Condit,	Laird,	Vanarsdale,
Ewing,	Marsh,	Westervelt,
Field,	Parsons,	Wood—24.

The same section being still under consideration,

Mr. Zabriskie moved to amend the same, by striking out,

after the word "years", the words "but may be renewed", and inserting "and shall require the assent of two-thirds of the members elected to each house for their passage or renewal."

And on this amendment the yeas and nays were demanded, and

It was decided in the affirmative, as follows, *viz:*

YEAS.

Mr. Cassedy,	Mr. Holmes,	Mr. Pitney,
Condit,	Jaques,	Ryerson,
Connolly,	P. B. Kennedy,	Stokes,
Dickerson,	Laird,	J. R. Thomson,
Edsall,	Mickle,	Vanarsdale,
Elmer,	Naar,	Vroom,
Ewing,	Neighbour,	Wills,
Fort,	Parker,	Wurts (v. p.)
Green,	Pickel,	Zabriskie—28.
Haight,		

NAYS.

Mr. Allen,	Mr. Hornblower,	Mr. Spencer,
Bell,	R. S. Kennedy,	Stites,
Brown,	Lambert,	Stratton,
Browning,	Marsh,	Swain,
Cattell,	Ogden,	Ten Eyck,
Child,	Parsons,	R. P. Thompson,
Field,	Randolph,	Westervelt,
Gilchrist,	Schenck,	Wood—26.
Halsted,	Sickler,	

The same section being still under consideration,

Mr. Child moved to amend, by inserting the following, as a substitute:

"The assent of three-fifths of the members elected to each house shall be requisite to the passage of every law for granting, continuing, altering, amending, or renewing charters for

banks or money corporations; and all such charters shall be limited to a term not exceeding twenty years, and shall contain a clause, giving to the legislature the power, by a vote of three-fifths of the members elected to each house, to alter, modify, or repeal the same, whenever in their opinion the public good may require it; and without such clause, every such charter, or a renewal of the same, shall be inoperative."

Mr. Hornblower moved to amend the substitute, by striking out "twenty", before the word "years", and inserting "fifteen";

Which motion was disagreed to.

Mr. Hornblower moved to amend the substitute, by striking out all after the words "twenty years";

And on this amendment, the yeas and nays were demanded, and,

It was decided in the negative, as follows, viz:

YEAS.

Mr. Allen,	Mr. Green,	Mr. Randolph,
Bell,	Halsted,	Schenck,
Brown,	Hornblower,	Spencer,
Browning,	P. B. Kennedy,	Stites,
Cattell,	R. S. Kennedy,	Ten Eyck,
Condit,	Marsh,	Vanarsdale,
Field,	Parker,	Westervelt,
Gilchrist,	Pitney,	Wood—24.

NAYS.

Mr. Cassedy,	Mr. Holmes,	Mr. Ryerson,
Child,	Jaques,	Sickler,
Connolly,	Lambert,	Stokes,
Dickerson,	Mickle,	Stratton,
Edsall,	Naar,	Swain,
Elmer,	Neighbour,	Vroom,
Ewing,	Ogden,	Wills,
Fort,	Parsons,	Wurts (v. p.)
Haight,	Pickel,	Zabriskie—27

The question then being on agreeing to the substitute,

The yeas and nays were demanded, and

It was decided in the negative, as follows, viz:

YEAS.

Mr. Cassedy,	Mr. Jaques,	Mr. Pitney,
Child,	P. B. Kennedy,	Ryerson,
Dickerson,	Laird,	Stokes,
Edsall,	Lambert,	Vanarsdale,
Fort,	Mickle,	Vroom,
Green,	Naar,	Wills,
Haight,	Neighbour,	Wurts (v. p.)
Holmes,	Pickel,	Zabriskie—24.

NAYS.

Mr. Allen,	Mr. Gilchrist,	Mr. Schenck,
Bell,	Halsted,	Sickler,
Brown,	Hornblower,	Spencer,
Browning,	R. S. Kennedy,	Stites,
Cattell,	Marsh,	Stratton,
Condit,	Ogden,	Swain,
Connolly,	Parker,	Ten Eyck,
Elmer,	Parsons,	Wood—26.
Ewing,	Randolph,	

The same section being still under consideration,

Mr. Pickel moved to postpone the same till to-morrow morning;

Pending which motion,

The convention adjourned till to-morrow morning, at nine o'clock.

TUESDAY MORNING, 26th June.

At nine o'clock the convention met, pursuant to adjournment:

Mr. Child offered the following:

Resolved, That it is expedient to require more than a majority of the members elected to each house to grant charters for banks or money corporations;

Which was read, and ordered to lie on the table.

On motion of Mr. Ryerson,

The convention proceeded to the consideration of the unfinished business of yesterday afternoon, being so much of the report of the Committee on the Legislative Department as had heretofore been postponed.

The twenty-first section being still under consideration,

Mr. Brown moved to reconsider the vote by which the substitute offered for the same was disagreed to;

And on this motion the yeas and nays were demanded, and

It was decided in the affirmative, as follows, *viz:*

YEAS.

Mr. Bell,	Mr. Haight,	Mr. Parker,
Brown,	Halsted,	Pickel,
Cassedy,	Hibbler,	Randolph,
Cattell,	Holmes,	Spencer,
Child,	P. B. Kennedy,	Stratton,
Clark,	Lambert,	Ten Eyck,
Dickerson,	Marsh,	Vanarsdale,
Edsall,	Naar,	Vroom,
Gilchrist,	Neighbour,	Wills,
Green,	Ogden,	Wurts (v. p.)—30.

NAYS.

Mr. Allen,	Mr. Connolly,	Mr. Jaques,
Brick,	Elmer,	R. S. Kennedy,
Browning,	Ewing,	Laird,
Condit,	Fort,	Mickle,

Mr. Parsons,	Mr. Sickler,	Mr. Westervelt,
Pitney,	Stites,	Wood,
Ryerson,	Stokes,	Zabriskie—23.
Schenck,	Swain,	

Mr. Child, by whom the substitute under consideration was offered, amended the same, by striking out all after the words "twenty years."

Mr. Green moved to amend the substitute, by striking out all after "assent" and inserting the following: "of two-thirds of the members elected to each house shall be requisite to the passage of every law appropriating public money to private purposes, or granting special rights or privileges, or for creating, altering, or modifying charters for banks or money corporations; and all charters for banks or money corporations shall be limited to a term not exceeding twenty years."

The previous question being demanded, there was a second;

And on the question, shall the main question be now put? it was decided in the affirmative;

And on the question of agreeing to the amandment to the substitute,

The yeas and nays were demanded, and

It was decided in the negative, as follows, *viz:*

YEAS.

Mr. Cassedy,	Mr. Hibbler,	Mr. Pitney,
Connolly,	Holmes,	Sickler,
Dickerson,	Jaques,	Stokes,
Edsall,	P. B. Kennedy,	Swain,
Elmer,	Laird,	J. R. Thomson,
Ewing,	Mickle,	Vroom,
Fort,	Naar,	Wurts (v. p.)
Green,	Neighbour,	Zabriskie—26.
Haight,	Pickel,	

NAYS.

Mr. Allen,	Mr. Brick,	Mr. Browning,
Bell,	Brown,	Cattell,

Mr. Child,	Mr. Lambert,	Mr. Stites,
Clark,	Marsh,	Stratton,
Condit,	Ogden,	Ten Eyck,
Field,	Parsons,	Vanarsdale,
Gilchrist,	Randolph,	Westervelt,
Halsted,	Ryerson,	Wills,
Hornblower,	Schenck,	Wood—29.
R. S. Kennedy,	Spencer,	

The question then being on agreeing to the substitute, as amended,

The yeas and nays were demanded, and

It was decided in the affirmative, as follows, *viz:*

YEAS.

Mr. Cassedy,	Mr. Jaques,	Mr. Ryerson,
Cattell,	P. B. Kennedy,	Sickler,
Child,	Laird,	Stites,
Clark,	Lambert,	Stokes,
Condit,	Mickle,	Swain,
Dickerson,	Naar,	J. R. Thomson,
Edsall,	Neighbour,	Vanarsdale,
Fort,	Ogden,	Vroom,
Gilchrist,	Parsons,	Westervelt,
Green,	Pickel,	Wills,
Haight,	Pitney,	Wurts (v. p.)
Holmes,	Randolph,	Zabriskie—37.
Hornblower,		

NAYS.

Mr. Allen,	Mr. Ewing,	Mr. Schenck,
Bell,	Field,	Spencer,
Brick,	Halsted,	Stratton,
Browning,	Hibbler,	Ten Eyck,
Connolly,	R. S. Kennedy,	Wood—17.
Elmer,	Marsh,	

The article, proposed to be inserted as the twenty-sixth section of the "Legislative" report, being under consideration, the same was,

On motion of Mr. Hornblower, by whom it was offered, amended so as to read as follows:

"Sec. XXVI. No private or special law shall be passed authorizing the sale of any lands belonging, in whole or in part, to a minor or minors, or other persons, who may at the time be under any legal disability to act for themselves";

And the question being on inserting the same, as the twenty-sixth section,

The yeas and nays were demanded, and

It was decided in the affirmative, as follows, *viz:*

YEAS.

Mr. Allen,	Mr. Green,	Mr. Ryerson,
Bell,	Haight,	Sickler,
Brick,	Halsted,	Spencer,
Brown,	Hornblower,	Stratton,
Browning,	Jaques,	Swain,
Cassedy,	R. S. Kennedy,	Ten Eyck,
Cattell,	Lambert,	J. R. Thomson,
Child,	Naar,	Vanarsdale,
Clark,	Neighbour,	Vroom,
Elmer,	Ogden,	Westervelt,
Ewing,	Parsons,	Wood,
Field,	Pitney,	Wurts (v. p.)
Gilchrist,	Randolph,	Zabriskie—39.

NAYS.

Mr. Connolly,	Mr. P. B. Kennedy,	Mr. Schenck,
Dickerson,	Laird,	Stites,
Edsall,	Marsh,	Stokes,
Fort,	Mickle,	Wills—14.
Hibbler,	Pickel,	

The substitute offered for the twenty-eighth section, as amended, being under consideration,

Mr. Edsall moved further to amend the same, by inserting, before the word "benefit", the word "equal."

The previous question being demanded, there was a second;

And on the question, shall the main question be now put? it was decided in the affirmative.

And on the question, shall the amendment be agreed to? the yeas and nays were demanded, and

It was determined in the affirmative, as follows, *viz:*

YEAS.

Mr. Allen,	Mr. Hibbler,	Mr. Sickler,
Bell,	Holmes,	Spencer,
Brick,	Hornblower,	Stokes,
Cassedy,	Jaques,	Stratton,
Child,	P. B. Kennedy,	Swain,
Connolly,	Laird,	Ten Eyck,
Dickerson,	Lambert,	J. R. Thomson,
Edsall,	Mickle,	Vanarsdale,
Elmer,	Naar,	Vroom,
Ewing,	Neighbour,	Westervelt,
Fort,	Pickel,	Wills,
Green,	Pitney,	Wurts (v. p.)
Haight,	Ryerson,	Zabriskie—39.

NAYS.

Mr. Browning,	Mr. Gilchrist,	Mr. Parsons,
Clark,	Halsted,	Schenck,
Condit,	R. S. Kennedy,	Stites—11.
Field,	Ogden,	

The question then being on agreeing to the substitute, as amended,

The yeas and nays were demanded, and

It was decided in the affirmative, as follows, *viz:*

YEAS.

Mr. Bell,	Mr. Haight,	Mr. Randolph,
Brick,	Halsted,	Ryerson,
Browning,	Hibbler,	Schenck,
Cassedy,	Holmes,	Sickler,
Cattell,	Hornblower,	Spencer,
Child,	Jaques,	Stites,
Clark,	P. B. Kennedy,	Stokes,
Condit,	R. S. Kennedy,	Stratton,
Connolly,	Laird,	Swain,
Dickerson,	Lambert,	J. R. Thomson,
Edsall,	Marsh,	Vanarsdale,
Elmer,	Naar,	Vroom,
Ewing,	Neighbour,	Westervelt,
Field,	Ogden,	Wills,
Fort,	Parsons,	Zabriskie—47.
Gilchrist,	Pitney,	

NAYS.

Mr. Allen,	Mr. Mickle,	Mr. Ten Eyck,
Brown,	Pickel,	Wurts (v. p.)—7.
Green,		

Mr. Connolly offered the following, to be inserted as an additional section:

"The legislature may, at any time, vest in circuit courts or courts of common pleas, within the several counties of this state, the exercise of chancery powers, so far as relates to the foreclosure of mortgages."

The previous question being demanded, there was a second; and on the question, shall the main question be now put? it was decided in the affirmative.

The question then being on agreeing to the adoption of the additional section,

The yeas and nays were demanded, and

It was decided in the affirmative, as follows, *viz:*

YEAS.

Mr. Bell,	Mr. Holmes,	Mr. Pickel,
Cassedy,	Jaques,	Pitney,
Cattell,	P. B. Kennedy,	Spencer,
Child,	Laird,	Stokes,
Condit,	Lambert,	Stratton,
Connolly,	Marsh,	Swain,
Dickerson,	Mickle,	J. R. Thomson,
Edsall,	Naar,	Wills,
Fort,	Neighbour,	Wurts (v. p.)
Haight,	Parsons,	Zabriskie—31.
Hibbler,		

NAYS.

Mr. Allen,	Mr. Gilchrist,	Mr. Schenck,
Brick,	Green,	Sickler,
Brown,	Halsted,	Stites,
Browning,	Hornblower,	Ten Eyck,
Clark,	R. S. Kennedy,	Vanarsdale,
Elmer,	Ogden,	Vroom,
Ewing,	Randolph,	Westervelt,
Field,	Ryerson,	Wood—24.

Mr. Cassedy offered the following, to be inserted as an additional section:

"Individuals or private corporations shall not be authorized to take private property, without just compensation first made to the owners."

Mr. Child moved to amend the same, by adding "in such manner as the legislature shall direct";

Which motion was disagreed to.

Mr. Randolph moved to amend the same, by striking out "made" and inserting "paid or secured";

Which motion was disagreed to.

The previous question being demanded, there was a second;

And on the question, shall the main question be now put? it was determined in the affirmative.

And on the question, shall the section be adopted?

The yeas and nays were demanded, and

It was decided in the affirmative, as follows, viz:

YEAS.

Mr. Allen,	Mr. Haight,	Mr. Schenck,
Brick,	Hibbler,	Sickler,
Brown,	Holmes,	Spencer,
Browning,	Jaques,	Stites,
Cassedy,	P. B. Kennedy,	Stokes,
Cattell,	Laird,	Stratton,
Child,	Lambert,	Swain,
Clark,	Mickle,	J. R. Thomson,
Connolly,	Naar,	Vanarsdale,
Dickerson,	Neighbour,	Vroom,
Edsall,	Ogden,	Westervelt,
Elmer,	Pickel,	Wills,
Ewing,	Pitney,	Wurts (v. p.)
Fort,	Ryerson,	Zabriskie—43.
Green,		

NAYS.

Mr. Condit,	Mr. Halsted,	Mr. Parsons,
Field,	R. S. Kennedy,	Randolph—8.
Gilchrist,	Marsh,	

On motion of Mr. Sickler, it was

Ordered, That the report of the Committee on the Legislative Department, as amended, be referred to the committee appointed to arrange and unite the several reports.

Mr. Parker offered the following:

Resolved, That the rule authorizing a call for the previous question, the operation of which is to preclude debate on questions before the house, is not applicable to a convention called to deliberate upon and provide a constitution for the people of a free state; inasmuch as it compels members of the convention to vote upon the adoption of principles of the

first importance, without an opportunity of hearing the arguments and opinions of their fellow members, or of making known their own, and thus precludes an opportunity of forming a correct opinion.

Resolved, That so much of the rules of this convention as allow the calling of the previous question, be, and the same is hereby rescinded and annulled;

Which was read, and,

On motion of Mr. Pickel,

Ordered to lie on the table.

On motion of Mr. Pickel,

The convention proceeded to the consideration of so much of the report of the Committee on Subjects not referred to other committees, as had been heretofore postponed.

The second paragraph of the "Provisional Articles" being under consideration, the amendment made in committee of the whole, striking out the same, was agreed to.

Mr. Pickel moved to insert the following, as the second paragraph:

"Every taxable inhabitant in this state shall hereafter be taxed according to the value of his property, whether real or personal, to be ascertained in such manner as the legislature shall direct; *provided nevertheless*, the legislature shall have power to tax special privileges, in such manner as they may from time to time direct."

Mr. Stokes moved to amend the same, by adding the following: "and also all salaries, professions, and trades; and such tax shall be in proportion to the annual amount or profits of each."

The previous question being demanded, there was a second;

And on the question shall the main question be now put? it was determined in the affirmative.

And on the question, shall the amendment be agreed to? the yeas and nays were demanded, and

It was decided in the affirmative, as follows, *viz*:

YEAS.

Mr. Allen,	Mr. Green,	Mr. Spencer,
Bell,	R. S. Kennedy,	Stokes,
Cassedy,	Laird,	Swain,
Condit,	Marsh,	Vanarsdale,
Connolly,	Ogden,	Westervelt,
Field,	Parsons,	Wills,
Fort,	Pickel,	Wood—23.
Gilchrist,	Ryerson,	

NAYS.

Mr. Browning,	Mr. Halsted,	Mr. Neighbour,
Child,	Hibbler,	Pitney,
Clark,	Holmes,	Schenck,
Edsall,	Jaques,	Stratton,
Elmer,	P. B. Kennedy,	Ten Eyck,
Ewing,	Mickle,	Vroom—20.
Haight,	Naar,	

The question then being on agreeing to the paragraph, as amended,

The yeas and nays were demanded, and

It was decided in the negative, as follows, *viz*:

YEAS.

Mr. Cassedy,	Mr. Holmes,	Mr. Pickel,
Connolly,	Jaques,	Ryerson,
Edsall,	Lambert,	Stokes,
Fort,	Mickle,	J. R. Thomson,
Haight,	Naar,	Westervelt—15.

NAYS.

Mr. Allen,	Mr. Child,	Mr. Ewing,
Bell,	Clark,	Field,
Brown,	Condit,	Gilchrist,
Browning,	Elmer,	Green,

Mr. Halsted,	Mr. Neighbour,	Mr. Stratton,
Hibbler,	Ogden,	Swain,
P. B. Kennedy,	Parsons,	Ten Eyck,
R. S. Kennedy,	Pitney,	Vanarsdale,
Laird,	Schenck,	Vroom,
Marsh,	Spencer,	Wood—30.

The "Schedule" being under consideration,

Mr. Green offered the following:

"The term of office of all persons elected or appointed under this constitution, except when herein otherwise directed, shall commence on the day of the date of their respective commissions; but no commission for any office shall bear date prior to the expiration of the term of the incumbent of said office";

Which was agreed to.

The "Schedule" being still under consideration,

On motion of Mr. Elmer,

The first paragraph of the same was amended, by inserting, after the word "continue", the following: "and all indictments which shall have been found, or which hereafter may be found, for any crime or offence committed before the adoption of this constitution, may be proceeded upon."

On motion of Mr. Green,

The second paragraph was amended, by inserting, after "action", the words "rights of action."

The paragraph, as amended, was then agreed to.

On motion of Mr. Clark, the following was ordered to be inserted in the "Schedule":

"The legislature shall pass all laws necessary to carry into effect the provisions of this constitution."

The report of the committee on subjects not referred to other committees was then referred to the committee appointed to arrange and unite the several reports.

On motion of Mr. Ryerson,

The convention proceeded to the consideration of the report

of the Committee on Future Amendments to the Constitution, with the amendments made to the same, in committee of the whole.

The first section being under consideration, the amendments made to the same, in committee of the whole, were severally agreed to.

The same section being still under consideration,

Mr. Connolly moved to strike out "three months" and insert "six weeks";

Which motion was disagreed to.

Mr. Brown moved to amend, by striking out, after "legislature", the words "voting thereon":

Pending the consideration of which amendment,

On motion of Mr. Vanarsdale,

The convention adjourned to this afternoon, at three o'clock.

At three o'clock the convention met, pursuant to adjournment.

On motion of Mr. Dickerson, it was

Resolved, That a committee of five be appointed to draft an address, to be submitted to the people, in connection with the constitution agreed to by this convention.

Messrs. Dickerson, Condit, Ewing, Field, and Browning were appointed said committee.

The convention then proceeded to the consideration of the unfinished business of the morning, being the report of the Committee on Future Amendments to the Constitution, as amended in committee of the whole.

The first section being under consideration, and the question being on agreeing to the amendment to strike out, after "legislature", the words "voting thereon",

Mr. Hornblower moved to amend the amendment, by

inserting, between the words "constitution" and "provided", the following: "provided such majority shall be equal to a majority of the number of votes cast at the last preceding election for governor";

Which was agreed to.

The question then being on agreeing to the amendment, as amended,

The yeas and nays were demanded, and

It was decided in the negative, as follows, viz:

YEAS.

Mr. Allen,	Mr. Green,	Mr. Schenck,
Brown,	Hornblower,	Spencer,
Browning,	R. S. Kennedy,	Stratton,
Clark,	Marsh,	Ten Eyck,
Condit,	Parker,	Westervelt,
Elmer,	Randolph,	Wood—19.
Gilchrist,		

NAYS.

Mr. Brick,	Mr. Hibbler,	Mr. Pitney,
Cassedy,	Holmes,	Ryerson,
Cattell,	Jaques,	Sickler,
Child,	P. B. Kennedy,	Stokes,
Connolly,	Laird,	Swain,
Dickerson,	Lambert,	J. R. Thomson,
Edsall,	Mickle,	Vanarsdale,
Ewing,	Naar,	Vroom,
Field,	Neighbour,	Wills,
Fort,	Ogden,	Wurts (v. p.)
Haight,	Parsons,	Zabriskie—35.
Halsted,	Pickel,	

The first section, as amended, was then agreed to.

The second section, which was added in committee of the whole, being under consideration,

Mr. Halsted moved to amend the same, by striking out all to the words "the legislature";

Which motion was agreed to.

Mr. Jaques moved to amend the same, by striking out all after the word "constitution", and inserting, before the words "at a special election", the words "once every twenty years."

The previous question being demanded, there was a second;

And on the question, shall the main question be now put? it was decided in the affirmative.

The question then being on agreeing to the amendment, the same was disagreed to.

The question then recurring on agreeing to the section, as amended,

The yeas and nays were demanded, and

It was decided in the negative, as follows, viz:

YEAS.

Mr. Cattell,	Mr. Hibbler,	Mr. Naar,
Condit,	Hornblower,	Parsons,
Connolly,	Jaques,	Stites,
Elmer,	P. B. Kennedy,	Stokes,
Ewing,	R. S. Kennedy,	Vanarsdale,
Fort,	Lambert,	Wood—20.
Gilchrist,	Marsh,	

NAYS.

Mr. Bell,	Mr. Halsted,	Mr. Sickler,
Brick,	Holmes,	Spencer,
Brown,	Laird,	Stratton,
Browning,	Mickle,	Swain,
Cassedy,	Neighbour,	Ten Eyck,
Child,	Ogden,	J. R. Thomson,
Clark,	Parker,	Vroom,
Dickerson,	Pickel,	Westervelt,
Edsall,	Pitney,	Wills,
Field,	Randolph,	Wurts (v. p.)
Green,	Ryerson,	Zabriskie—35.
Haight,	Schenck,	

On motion of Mr. Parsons,

The report of the Committee on Future Amendments to the Constitution, as amended, was then referred to the committee appointed to arrange and unite the several reports.

On motion of Mr. Ogden, it was

Resolved, That the Committee of Revision be requested to report to the convention any additional articles, upon points which have not been acted on, that they may consider should be incorporated in the constitution.

The convention then proceeded to the consideration of the report of the committee appointed to inquire into the expediency of instituting a "Court of Reconciliation";—

And the question being on agreeing to the report of the committee of the whole, by which the report of the select committee was disagreed to,

The same was concurred in.

Mr. Field called up the communication from James Carnahan, president of the College of New Jersey, inviting the members to attend the ensuing commencement of that institution:

Mr. Field moved that the same be accepted, and that when this convention adjourns, it will adjourn to meet on Thursday morning next, at eight o'clock.

Mr. Mickle asked a division of the motion; which was ordered;

And on the question, shall the invitation be accepted?

The yeas and nays were ordered, and

It was decided in the affirmative, as follows, *viz.*:

YEAS.

Mr. Brown,	Mr. Connolly,	Mr. Gilchrist,
Browning,	Dickerson,	Green,
Cattell,	Edsall,	Haight,
Child,	Elmer,	Halsted,
Clark,	Field,	Hibbler,
Condit,	Fort,	Holmes,

Mr. Hornblower,	Mr. Parker,	Mr. Stites,
P. B. Kennedy,	Parsons,	Stratton,
R. S. Kennedy,	Pitney,	Ten Eyck,
Laird,	Randolph,	J. R. Thomson,
Marsh,	Schenck,	Wood,
Mickle,	Sickler,	Wurts (v. p.)
Naar,	Spencer,	Zabriskie—40.
Ogden,		

NAYS.

Mr. Bell,	Mr. Lambert,	Mr. Stokes,
Brick,	Neighbour,	Swain,
Ewing,	Pickel,	Vanarsdale,
Jaques,	Ryerson,	Vroom—12.

It was then ordered,

That when this convention adjourns, it will adjourn to meet on Thursday morning next, at eight o'clock.

Mr. Ryerson called up the resolution, offered by him some days since, relative to printing the journal of the convention;

Which was read, and withdrawn by

Mr. Ryerson, who moved the adoption of the following resolution, in place thereof:

Resolved, That the journal of this convention, together with the act of the legislature calling the convention, the proclamation of the governor respecting the election of delegates, the list of the members, and the vote of the people upon the adoption of the constitution, be published; and that a committee of three be appointed for that purpose."

Mr. Green moved to amend the same, by striking out all after the word "published", and insert as follows:

"*Resolved*, That a committee of three be appointed to contract for said publication; and that the printing be done, under the direction of the secretary of state, by the printers to this convention, unless it will be done by others upon more favourable terms."

On motion of Mr. Marsh, it was

Ordered, That the resolution and amendment do lie upon the table.

On motion of Mr. Wood,

The convention adjourned to Thursday morning next, at eight o'clock.

THURSDAY MORNING, 27th June.

At eight o'clock the convention met, pursuant to adjournment, and was opened with prayer by the Rev. Mr. Starr.

Mr. Condit asked to be excused from serving on the committee appointed to draft an address to the people, in connection with the constitution to be agreed upon by the convention;

Which was granted, and

Mr. Halsted appointed in his place.

Mr. Vanarsdale, from the committee appointed to arrange and unite the several reports, made the following report:

**A Constitution agreed upon by the delegates of the people of New Jersey, in convention, begun at Trenton on the fourteenth day of May, and continued to the —— day of June, eighteen hundred and forty-four.*

We, the people of the State of New Jersey, grateful to Almighty God for the civil and religious liberty which He hath so long permitted us to enjoy, and looking to Him for a blessing upon our endeavours to secure and to transmit the same unimpaired to succeeding generations, do ordain and establish this constitution.

* For the convenience of the members of the convention, the committee, in preparing this report, have, in all cases where any alteration or change of phraseology is proposed, inserted in the report the original language, and the proposed substitute. The proposed substitutions and additions of the committee are in italics, the words proposed to be stricken out, are in brackets.

RIGHTS AND PRIVILEGES.

I. All men are [*by nature*] (born equally) free and independent, and have certain natural and unalienable rights, among which are those of enjoying and defending life and liberty, acquiring, possessing, and protecting property, and of pursuing and obtaining safety and happiness.

II. All political power is inherent in the people; government is instituted for the protection, security, and benefit of the people, and they have the right at all times to alter or reform the same, whenever the public good may require it.

III. No person shall (ever,) within this state, be deprived of the inestimable privilege of worshipping Almighty God in a manner agreeable to the dictates of his own conscience; nor under any pretence whatever be compelled to attend any place of worship contrary to his faith and judgment; nor shall any person within this state (ever) be obliged to pay tithes, taxes, or (any) other rates, for (the) building or repairing any church or churches, place or places of worship, or for the maintenance of any minister or ministry, contrary to what he believes to be right, or has deliberately and voluntarily engaged (himself) to perform.

IV. There shall be no establishment of (any) one religious sect, in this state, in preference to another; and no inhabitant of this state shall be denied the enjoyment of any civil right, merely on account of his religious principles.

V. Every person may freely speak, write, and publish his sentiments on all subjects, being responsible for the abuse of that right. No law shall be passed to restrain or abridge the liberty of speech or of the press. In all prosecutions or indictments for libels, the truth may be given in evidence to the jury; and if it shall appear to the jury that the matter charged as libellous is true, and was published with good motives and for justifiable ends, the party shall be acquitted: and the jury shall have the right to determine the law and the fact.

VI. The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches

and seizures, shall not be violated; and no warrant shall issue but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched, and the papers and things to be seized.

VII. The right of trial by jury shall remain inviolate; but the legislature may authorize the trial of civil suits, when the matter in dispute does not exceed fifty dollars, by a jury of six men.

VII. The right of trial by jury shall be continued inviolate; provided, that the legislature may authorize the trial of civil suits for matters in dispute not exceeding fifty dollars, by a jury of six men.

VIII. In all criminal prosecutions, the accused shall have the right to a speedy and public trial by an impartial jury; to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favour, and to have the assistance of counsel in his defence.

IX. No person shall be held to answer for a criminal offence, unless on the presentment or indictment of a 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.

X. No person shall, after (an) acquittal, be tried for the same offence. All persons shall, before conviction, be bailable by sufficient sureties, except for capital offences, when the proof is evident or presumption great.

XI. The privilege of the writ of habeas corpus shall not be suspended, unless (when) in case of rebellion or invasion the public safety may require it.

XII. The military shall be in strict subordination to the civil power.

XIII. No soldier shall, in time of peace, be quartered in any house without the consent of the owner, nor in time of war, (but) *except* in a manner prescribed by law.

XIV. Treason against the state shall consist, only, in levying

war against it, or in adhering to its enemies, giving them aid and comfort. No person shall be convicted of treason, unless on the testimony of two witnesses to the same overt act, or on confession in open court.

XV. Excessive bail shall not be required, excessive fines shall not be imposed, and cruel and unusual punishments shall not be inflicted.

XVI. Private property shall be held inviolate, but subject to public use, provided a just compensation be made to the owner.

XVII. No person shall be imprisoned for debt in any action, or on any judgment founded upon contract, unless in cases of fraud; nor shall any person be imprisoned for a militia fine in time of peace.

XVIII. The people have the right freely to assemble together, to consult for the common good, to make known their opinions to their representatives, and to petition for redress of grievances.

XIX. This enumeration of rights and privileges shall not be construed to impair or deny others retained by the people.

RIGHT OF SUFFRAGE.

1. Every white male citizen of the United States, of the age of twenty-one years, who shall have been a resident of this state one year, and of the county in which he claims his vote five months next before the election, shall be entitled to vote for all officers that now are, or hereafter may be elective by the people; *provided*, that no person in the military, naval, or marine service of the United States shall be considered a resident in this state, by being stationed in any garrison, barrack, or military or naval place or station within this state; and no *pauper*, idiot, (or) insane person, (or pauper) or person convicted of a crime which now excludes him from being a witness, unless pardoned or restored by law to the right of suffrage, shall enjoy the right of an elector.

2. The legislature may pass laws to deprive persons of the right of suffrage who shall be convicted of bribery at elections,

DISTRIBUTION OF THE POWERS OF GOVERNMENT.

The powers of the government shall be divided into three distinct departments—the legislative, executive, and judicial; and no person or persons belonging to, or constituting one of these departments, shall exercise any of the powers properly belonging to either of the others, except as herein expressly provided.

Legislative.

I. The legislative department of this state shall be vested in a Senate and General Assembly.

II. No person shall be a member of the Senate, who shall not have attained the age of thirty years, and have been a citizen and inhabitant of the state for four years, and of the county for which he shall be chosen one year, next before his election; and no person shall be a member of the General Assembly, who shall not have attained the age of twenty-one years, and have been a citizen and inhabitant of the state for two years, and of the county for which he shall be chosen one year, next before his election; *provided*, that no person shall be eligible as a member of either house of the legislature, who shall not be entitled to the right of suffrage.

III. Members of the Senate and General Assembly shall be elected yearly and every year, on the second Tuesday of October; and the two houses shall meet separately on the second Tuesday in January next after the said day of election; but the time of holding such election may be altered by the legislature.

IV. The Senate shall be composed of one senator from each county in the state, elected by the legal voters of the counties, respectively, for three years.

V. As soon as the Senate shall meet after the first election to be held in pursuance of this constitution, they shall be divided, as equally as may be, into three classes. The seats of the senators of the first class shall be vacated at the expiration of the first year; of the second class at the expiration of the

second year; and of the third class at the expiration of the third year; so that one-third may be elected every year: and if vacancies happen, by resignation or otherwise, the persons elected to supply such vacancies shall be elected for the unexpired terms only.

VI. The General Assembly shall be composed of members annually elected by the legal voters of the counties, respectively, who shall be apportioned among the said counties as nearly as may be according to the number of their inhabitants. The present apportionment shall continue until the next census of the United States shall have been taken, and an apportionment of members of the General Assembly shall be made by the legislature, at its first session after *the next and* every subsequent enumeration or census, and when made shall remain unaltered until another enumeration shall have been taken; *provided*, that each county shall at all times be entitled to one member: and the whole number of members shall never exceed sixty.

VII. Each house shall direct writs of election for supplying vacancies, occasioned by death, resignation, or otherwise; but if vacancies occur during the recess of the legislature, the writs may be issued by the governor, under such regulations as may be prescribed by law.

VIII. Each house shall be the judge of the elections, returns, and qualifications of its own members, and a majority of each shall constitute a quorum to do business; but a smaller number may adjourn from day to day, and may be authorized to compel the attendance of absent members, in such manner and under such penalties as each house may provide.

IX. Each house shall choose its own officers, determine the rules of its proceedings, punish its members for disorderly behaviour, and, with the concurrence of two-thirds, may expel a member.

X. Each house shall keep a journal of its proceedings, and from time to time publish the same; and the yeas and nays of the members of either house, on any question, shall,

at the desire of one-fifth of those present, be entered on the journal.

XI. Neither house, during the session of the legislature, shall, without the consent of the other, adjourn for more than three days, nor to any other place than that in which the two houses shall be sitting.

XII. All bills and joint resolutions shall be read three times in each house, before the final passage thereof; and no bill or joint resolution shall pass, unless there be a majority of all the members of each body personally present and agreeing thereto: *and the yeas and nays of the members voting on such final passage shall be entered on the journal.*

XIII. The senators and members of the General Assembly shall receive a compensation for their services, to be ascertained by law, and paid out of the treasury of the state; which compensation shall not exceed the sum of three dollars per day for the period of forty days from the commencement of the session; and shall not exceed the sum of one dollar and fifty cents per day for the remainder of the said session. When convened in extra session by the governor, they shall receive such sum as shall be fixed for the first forty days of the ordinary session. They shall also receive the sum of one dollar for every ten miles they shall travel, in going to and returning from their place of meeting, on the most usual route. The president of the Senate and the speaker of the House of Assembly shall, in virtue of their offices, receive an additional compensation, equal to one-third of their per diem allowance as members.

XIV. The senators and members of the General Assembly shall, in all cases except treason, felony, and breach of the peace, be privileged from arrest during their attendence at the sitting of their respective houses, and in going to and returning from the same; and for any speech or debate, in either house, they shall not be questioned in any other place.

XV. No member of the Senate or General Assembly shall, during the time for which he was elected, be nominated or appointed by the governor, or by the legislature in joint meeting, to any civil office under the authority of this state, which shall have been created, or the emoluments whereof shall have been increased, during such time.

XVI. If any member of the Senate or General Assembly shall be elected to represent this state in the Senate or House of Representatives of the United States, and shall accept thereof, or shall accept of any office or appointment under the government of the United States, his seat in the legislature of this state shall thereby be vacated.

XVII. No justice of the supreme court, nor judge of any other court, sheriff, justice of the peace, nor any person or persons possessed of any office of profit under the government of this state, shall be entitled to a seat either in the Senate or in the General Assembly; but, on being elected and taking his seat, his office shall be considered vacant: and no person holding any office of profit under the government of the United States shall be entitled to a seat in either house.

XVIII. All bills for raising revenue shall originate in the House of Assembly; but the Senate may propose or concur with amendments, as on other bills.

XIX. No money shall be drawn from the treasury, but for appropriations made by law.

XX. The credit of the state shall not be directly or indirectly loaned in any case.

XXI. The legislature shall not, in any manner, create any debt or debts, liability or liabilities, of the state, which shall singly, or in the aggregate with any previous debts or liabilities, at any time exceed one hundred thousand dollars, except for purposes of war, or to repel invasion, or to suppress insurrection, unless the same shall be authorized by a law for some single object or work, to be distinctly specified therein; which law shall impose and provide for a direct annual tax, sufficient with such other appropriations as may be made therein, exclusive of loans, to pay the interest of such debt or liability as it falls due, and also to pay and discharge the principal of such debt or liability within thirty-five years from the time of the contracting thereof, and shall be irrepealable until such

debt or liability, and the interest thereon, are fully paid and discharged: and no such law shall take effect until it shall, at a general election, have been submitted to the people, and have received the sanction of a majority of all the votes cast for and against it at such election: and all money to be raised by the authority of such law shall be applied only to the specific object stated in such law, and to the payment of the debt thereby created. This section shall not be construed to refer to any money that has been, or may be deposited with this state by the government of the United States.

XXII. No divorce shall be granted by the legislature.

XXIII. No lottery shall be authorized by this state; and no ticket in any lottery not authorized by a law of this state shall be bought or sold within the state.

XXIV. The legislature shall not pass any bill of attainder, ex post facto law, or law impairing the obligation of contracts, or depriving a party of any remedy for enforcing a contract which existed when the contract was made.

XXV. To avoid improper influences, which may result from intermixing in one and the same act such things as have no proper relation to each other, every law shall embrace but one object, and that shall be expressed in the title.

XXVI. The laws of this state shall begin in the following style, "Be it enacted by the Senate and General Assembly of the State of New Jersey."

XXVII. The fund for the support of free schools, and all money stock, and other property, which may hereafter be appropriated for that purpose, or received into the treasury under the provision of any law heretofore passed to augment the said fund shall be securely invested, and remain a perpetual fund; and the income thereof, except so much as it may be judged expedient to apply to an increase of the capital, shall be annually appropriated to the support of public schools, for the equal benefit of all the people *of* (throughout) the state; and it shall not be competent for the legislature to borrow, appropriate, or use the (same) *said fund*, nor any part thereof, for any other purpose, under any pretence whatever.

XXVIII. No private or special law shall be passed authorizing the sale of any lands belonging, in whole or in part, to a minor or minors or other persons who may at the time be under any legal disability to act for themselves.

XXIX. The assent of three-fifths of the members elected to each house shall be requisite to the passage of any law for granting, continuing, altering, amending, or renewing charters for banks or money corporations; and all such charters shall be limited to a term not exceeding twenty years.

XXX. Individuals or private corporations shall not be authorized to take private property for public use, without just compensation being first made to the owners.

XXXI. The legislature may at any time vest in the circuit courts or courts of common pleas within the several counties of this state, (the exercise of) chancery powers, so far as relates to the foreclosure of mortgages *or sale of mortgaged premises.*

XXXII. Members of the legislature of this state shall, before they enter on the duties of their respective offices, take and subscribe the following oath or affirmation:

"I do solemnly swear (or affirm, as the case may be,) that I will support the constitution of the United States and the constitution of the state of New Jersey, and that I will faithfully discharge the duties of senator (or member of the General Assembly, as the case may be,) according to the best of my ability."

And members elect of the Senate or General Assembly are hereby empowered to administer to each other the said oath or affirmation.

Executive.

I. The executive power of this state shall be vested in a governor.

II. The governor shall be elected by the legal voters of this state. The person having the highest number of votes shall be the governor; but if two, or more, shall be equal and highest in votes, one of them shall be chosen governor by the vote of

the majority of the members of both houses, in joint-meeting: contested elections for the office of governor shall be determined in such manner as the legislature shall direct by law. When a governor is to be elected by the people, such election shall be held at the time when and at the places where the people shall respectively vote for members of the state legislature.

III. The governor shall hold his office for three years (from) *to commence on* the third Tuesday of January next ensuing the (annual) election *for governor* by the people, and ending on the Monday preceding the third Tuesday of January, three years thereafter: and he shall be (ineligible) *incapable* (to) *of holding* that office for three years next after his term of service shall have expired; *and* (provided that) no appointments or nominations to office shall be made by the governor during the last week of his said term.

IV. The governor shall be not less than thirty years of age, and shall have been for twenty years, at least, a citizen of the United States, and a resident of this state seven years next before his election, unless he shall have been absent during that time on the public business of the United States or of this state.

V. The governor shall, at stated times, receive for his services a compensation, which shall be neither increased nor diminished during the period for which he shall have been elected.

VI. He shall be the commander-in-chief of all the military and naval forces of the state; he shall have power to convene the legislature, whenever in his opinion public necessity requires it; he shall communicate by message to the legislature, at the opening of each session, and at such other times as he may deem necessary, the condition of the state, and recommend such measures as he may deem expedient: he shall take care that the laws be faithfully executed, and grant, under the great seal of the state, commissions to all such officers as shall by law be required to be commissioned.

VII. Every bill which shall have passed both houses shall be presented to the governor: if he approve, he shall sign it,

but if (he shall) not, (approve,) he shall return it, with his objections, to the house in which it shall have originated, who shall enter the objections at large on their journal, and proceed to reconsider it: if after such reconsideration, a majority of the whole number of that house shall agree to pass the bill, it shall be sent, together with the objections, to the other house, by which it shall likewise be reconsidered; and if approved of by a majority of the whole number of that house, it shall become a law; but, in neither house shall the vote be taken on the same day on which the bill shall be returned to it: and in all such cases the votes of both houses shall be determined by yeas and nays, and the names of the persons voting for and against the bill shall be entered on the journal of each house, respectively: if any bill shall not be returned by the governor within five days, (Sunday excepted,) after it shall have been presented to him, the same shall be a law, in like manner as if he had signed it, unless the legislature, by their adjournment, prevent its return, in which case it shall not be a law.

VIII. No member of Congress, or person holding an office under the United States, or this state, shall exercise the office of governor; and in case the governor, or person administering the government of this state, shall accept any office under the government of the United States, or of this state, his office of governor shall thereupon be vacant.

IX. The governor, or person administering the goverment, shall have power to suspend the collection of fines and forfeitures, and grant reprieves, to extend until the expiration of a time not exceeding ninety days after conviction; but this power shall not extend to cases of impeachment.

X. The governor, or person administering the government, the chancellor, and the six judges of the court of errors and appeals, or a major part of them, of whom the governor, or person administering the government, shall be one, may remit fines and forfeitures, and grant pardons after conviction, in all cases except impeachment.

XI. The governor, and all other civil officers under this state, shall be liable to impeachment for misdemeanor in office.

XII. In case of the death, resignation, or removal from office of governor, the powers, duties, and emoluments of the office shall devolve upon the president of the Senate, and in case of his death, resignation, or removal, then upon the speaker of the House of Assembly for the time being, until another governor shall be duly elected and qualified; but in such case another governor shall be chosen at the next election for members of the state legislature, unless such death, resignation, or removal shall occur within thirty days immediately preceding such next election, in which case a governor shall be chosen at the second succeeding election for members of the state legislature. When a vacancy happens, during the recess of the legislature, in any office which is to be filled by the governor and Senate, or by the legislature in joint meeting, the governor shall fill such vacancy and the commission shall expire at the end of the next session of the legislature, unless a successor shall be sooner appointed: when a vacancy happens in the office of clerk or surrogate of any county the governor, shall fill such vacancy, and the commission shall expire when a successor is duly elected and qualified to fill the office.

XIII. In case of the impeachment of the governor, his absence from the state, or inability to discharge the duties of his office, the powers, duties, and emoluments of the office shall devolve upon the president of the Senate; and in case of his death, resignation, or removal, then upon the speaker of the House of Assembly for the time being, until the governor, absent or impeached, shall return or be acquitted, or until the disqualification or inability shall cease, or until a new governor be *duly* elected *and qualified*.

XIV. In case of a vacancy in the office of governor, from any other cause than those herein enumerated, or in case of the death of the governor elect before he is qualified into office, (the legislature shall have power to provide by law for filling such vacancy) *the powers, duties, and emoluments of the office shall devolve upon the president of the Senate or speaker*

of the House of Assembly, as above provided for, until a new governor be duly elected and qualified.

XV. The returns of the votes for governor, at the first election under this constitution, shall be transmitted to the governor of the state, or the person administering the government, and shall be counted, and the election declared, in the manner now provided by law in the case of election of electors of president and vice president of the United States.

Judiciary.

I. That the judicial power of this state shall be vested in a court of errors and appeals in the last resort in all causes, as heretofore; a court for the trial of impeachments; a court of chancery; a prerogative court; a supreme court; circuit courts, and such inferior courts as now exist, and as may be hereafter ordained and established by law; which inferior courts the legislature may alter or abolish, as the public good shall require.

The court of errors and appeals shall consist of the chancellor, the justices of the supreme court, and six judges, or a major part of them; which judges are to be appointed for six years.

Immediately after the court shall first assemble, the six judges shall arrange themselves in such manner that the seat of one of them shall be vacated every year, in order that thereafter one judge may be annually appointed.

Such of the six judges as shall attend the court, shall receive, respectively, a per diem compensation to be provided by law.

The secretary of state shall be the clerk of this court.

When an appeal from an order or decree shall be heard, the chancellor shall inform the court, in writing, of the reasons for his order or decree; but he shall not sit as a member, or have a voice in the hearing or final sentence.

When a writ of error shall be brought, no justice who has given a judicial opinion in the cause, in favour of or against any error complained of, shall sit as a member, or

have a voice on the hearing, or for its affirmance or reversal; but the reasons for such opinion shall be assigned to the court in writing.

II. The House of Assembly shall have the sole power of impeaching; [by a vote of a majority of all the members]; and all impeachments shall be tried by the Senate: the members, when sitting for that purpose, to be on oath or affirmation "truly and impartially to try and determine the charge in question according to evidence": and no person shall be convicted without the concurrence of two-thirds of the members of the Senate.

The person impeached shall be suspended from exercising his office until his acquittal; and the judgment shall not extend farther than to removal from office and to disqualification to hold and enjoy any office of honour, profit, or trust under this state; but the party convicted shall nevertheless be liable to indictment, trial, and punishment, according to law.

The secretary of state shall be clerk of this court.

III. The court of chancery shall consist of a chancellor.

IV. The chancellor shall be the ordinary, or surrogate general, and judge of the prerogative court.

All persons aggrieved by any order, sentence, or decree of the orphans' court, may appeal from the same, or from any part thereof, to the prerogative court; but such order, sentence, or decree shall not be removed into the supreme court or circuit court, if the subject matter thereof be within the jurisdiction of the orphans' court.

The secretary of state shall be the register of the prerogative court, and shall perform the duties required of him by law in that respect.

V. The supreme court shall consist of a chief justice and four associate justices; (but) the number of the associate justices may be increased or decreased by law, *but* (and) *shall* never be less than two.

The circuit courts shall be held in every county of this state, by one or more of the justices of the supreme court; or a judge, appointed for that purpose, and shall in all cases

within the county, except in those of a criminal nature, have common law jurisdiction concurrent with the supreme court; and any final judgment of a circuit court may be docketed in the supreme court, and shall operate as a judgment obtained in the supreme court, from the time of such docketing.

Final judgments in any circuit court may be brought by writ of error into the supreme court, or directly into the court of errors and appeals (in the last resort.)

VI. There shall be no more than five judges of the inferior court of common pleas in each of the counties in this state after the terms of the judges of said court now in office shall terminate. One judge for each county shall be appointed every year, and no more, except to fill vacancies, which shall be for the unexpired term only.

The commissions for the first appointments of judges of said court shall bear date and take effect on the first day of April next; and all subsequent commissions for judges of said court shall bear date and take effect on the first day of April in every successive year, except commissions to fill vacancies, which shall bear date and take effect when issued.

VII. There may be elected under this constitution two, and not more than five, justices of the peace in each of the townships of the several counties of this state, and in each of the wards, in cities that may vote in wards.

Whenever the population of a township or ward shall not exceed two thousand, it may have two justices; when more than two, and not exceeding four thousand, it may have four justices; when more than four, it may have five justices; *provided*, that whenever any township, in this state, not divided into wards, has a population of more than nine thousand inhabitants, (the electors of) such township may (elect) *have* an additional justice for each three thousand inhabitants above six thousand.

The population of the townships in the several counties of the state and of the several wards shall be ascertained by the last preceding census of the United States, until the legislature shall provide by law some other mode of ascertaining it.

APPOINTING POWER AND TENURE OF OFFICE.

Militia Officers.

I. The legislature shall provide by law for enrolling, organizing, and arming the militia.

II. Captains, subalterns, and non-commissioned officers shall be elected by the members of their respective companies.

III. Field officers of regiments, independent battalions, and squadrons, shall be elected by the commissioned officers of their respective regiments, battalions, or squadrons.

IV. Brigadier generals shall be elected by the field officers of their respective brigades.

V. Major generals shall be nominated by the governor, and appointed by him, with the advice and consent of the Senate.

VI. The legislature shall provide, by law, the time and manner of electing militia officers, and of certifying their elections to the governor, who shall grant their commissions and determine their rank, when not determined by law; and no commissioned officer shall be removed from office, but by the sentence of a court martial, pursuant to law.

VII. In case the electors of subalterns, captains, or field officers, shall refuse or neglect to make such elections, the governor shall have power to appoint such officers, and to fill all vacancies caused by such refusal or neglect.

VIII. Brigade inspectors shall be chosen by the field officers of their respective brigades.

IX. The governor shall appoint the adjutant general, quartermaster general, and all other militia officers *whose appointment is* not otherwise provided for in this constitution.

X. Major generals, brigadier generals, and commanding officers of regiments, independent battalions, and squadrons, shall appoint the staff officers of their divisions, brigades, regiments, independent battalions, and squadrons, respectively.

Civil Officers.

I. Justices of the supreme court, chancellor, and judges of the court of errors and appeals, shall be nominated by the governor, and appointed by him, with the advice and consent of the Senate.

The justices of the supreme court and chancellor shall hold their offices for the term of seven years; shall, at stated times, receive for their services a compensation, which shall not be diminished during the term of their appointments; and they shall hold no other office under the *government of this* state or *of the* United States (government.)

II. Judges of the courts of common pleas shall be appointed by the Senate and General Assembly, in joint-meeting, and commissioned by the governor.

They shall hold their offices for five years;—except when appointed to fill vacancies, they shall hold for the unexpired term only.

III. The treasurer and keeper, and inspectors of the state prison, shall be appointed by the Senate and General Assembly, in joint-meeting, and commissioned by the governor.

They shall hold their offices for one year, and until their successors shall be duly qualified into office.

IV. The attorney general, prosecutors of the pleas, clerk of the supreme court, *clerk of the* (and) court of chancery, and secretary of state, shall be nominated by the governor, and appointed by him, with the advice and consent of the Senate.

They shall hold their offices for five years.

V. *The* law reporter shall be appointed by the justices of the supreme court, or a majority of them; and *the* chancery reporter shall be appointed by the chancellor.

They shall hold their offices for five years.

VI. Clerks and surrogates of counties shall be elected by the people of their respective counties, at the annual elections for members of the General Assembly of this state.

They shall be commissioned by the governor, and hold their offices for five years.

VII. Sheriffs and coroners shall be elected annually, by the people of their respective counties, at the annual elections for members of the General Assembly of this state.

They may be re-elected until they shall have served three

years, but no longer; after which, three years must elapse before they can be again elected.

They shall be commissioned by the governor.

VIII. Justices of the peace shall be elected, by ballot, at the annual meetings of the townships in the several counties of the state, and of the wards in the cities that may vote in wards, in such manner, and under such regulations, as may be hereafter provided by law.

They shall be commissioned by the governor, for the county, and their commissions shall bear date and take effect on the first day of May next after their election.

They shall hold their offices for five years: except when elected to fill vacancies, they shall hold for the unexpired term only; *provided*, that the commission of any justice of the peace shall become vacant upon his ceasing to reside in the township in which he was elected.

The first election for justices of the peace shall take place at the next annual town meetings of the townships in the several counties of the state, and of the wards in cities that may vote in wards.

IX. All other officers, whose appointments are not otherwise provided for by law, shall be nominated by the governor, and appointed by him, with the advice and consent of the Senate; and (they) shall hold their offices for the time prescribed by law.

X. *All officers nominated by the governor, and appointed by him, with the advice and consent of the Senate, shall be commissioned by the governor.*

FUTURE AMENDMENTS.

Any specific amendment or amendments to the constitution may be proposed in the Senate or Assembly; and if the same shall be agreed to by a majority of the members elected to each of the two houses, such proposed amendment or amendments shall be entered on their journals, with the yeas and nays taken thereon, and referred to the legislature then next to be chosen, and shall be published, for three months previous to making such choice, in at least one newspaper of each county, if any

be published therein: and if in the legislature next chosen, as aforesaid, such proposed amendment or amendments, or any of them, shall be agreed to by a majority of all the members elected to each house, then it shall be the duty of the legislature to submit such proposed amendment or amendments, or such of them as may have been agreed to as aforesaid by the two legislatures, to the people, in such manner and at such time, at least four months after the adjournment of the legislature, as the legislature shall prescribe: and if the people, at a special election, to be held for that purpose only, shall approve and ratify such amendment or amendments, or any of them, by a majority of the electors qualified to vote for members of the legislature voting thereon, such amendment or amendments, so approved and ratified, shall become part of the constitution; *provided*, that if more than one amendment be submitted, they shall be submitted in such manner and form that the people may vote for or against each amendment separately and distinctly; but no amendment or amendments shall be submitted to the people by the legislature oftener than once in five years.

SCHEDULE.

That no inconvenience may arise from the change in the constitution of this state, and in order to carry the same into complete operation, it is hereby declared and ordained that—

I. The common and statute laws now in force in the state of New Jersey, not repugnant to this constitution, shall remain in force until they expire by their own limitation, or be altered or repealed by the legislature; and all writs, actions, *causes of action*, prosecutions, contracts, claims, and rights of individuals and of bodies corporate, and of the state, and all charters of incorporation, shall continue; and all indictments which shall have been found, or which may hereafter be found, for any crime or offence committed before the adoption of this constitution, may be proceeded upon as if no change had taken place.

The several courts of law and equity of this state, except as herein otherwise provided, shall continue with the like pow-

ers and jurisdiction as if this constitution had not been adopted.

II. All officers now filling any office or appointment, shall continue in the exercise of the duties thereof, according to their respective commissions or appointments, unless, by this constitution, it is otherwise directed.

III. The present governor, chancellor, and ordinary or surrogate general, and treasurer of this state shall continue in office until successors, elected or appointed under this constitution, shall be sworn or affirmed into office.

IV. In case of the death, resignation, or disability of the present governor, then the person who may be vice president of Council at the time of the adoption of this constitution shall continue in office, and administer the government of this state, until a governor shall have been elected and sworn or affirmed into office under this constitution.

V. The present governor of this state, or in case of his death or inability to act, then the vice president of Council, together with the present members of the Legislative Council and secretary of state, shall constitute a board of state canvassers, in the manner now provided by law, for the purpose of ascertaining and declaring the result of the *next ensuing* (first) election for governor, members of the House of Representatives, and electors of the president and vice president.

VI. The returns of the votes for governor, at the said next ensuing election (under this constitution) shall be transmitted to the secretary of state, (in the manner now provided by law) and shall be counted, and the election declared, in the manner now provided by law in the case of the election of electors of president and vice president.

VII. The election of clerks and surrogates, in those counties where the term of office of the present incumbents shall expire previous to the general election of eighteen hundred and forty-five, shall be held at the general election next ensuing the adoption of this constitution; the result of which election shall be ascertained in the same manner as is now provided by law for the election of sheriffs.

VIII. The first election of clerks and surrogates of counties shall be held at the general election next previous to the expiration of their terms of office; the result of which election shall be ascertained in manner as is now provided by law for the election of sheriffs.

IX. The elections for the year eighteen hundred and forty-four shall take place as heretofore provided by law.

X. The legislature shall pass all laws necessary to carry into effect the provisions of this constitution.

XI. It shall be the duty of the governor to fill all vacancies in office happening between the adoption of this constitution and the first session of the Senate, and not otherwise provided for; and *the* commissions *shall* expire at the end of the first session of the Senate, or when (a) successors shall be elected or appointed under this constitution and qualified into office.

XII. The restriction of the pay of members of the legislature, after forty days from the commencement of the session, shall not be applied to the first legislature convened under this constitution.

PROVISIONAL ARTICLES.

I. The secretary of state shall be ex officio an auditor of the accounts of the treasurer, and, as such, it shall be his duty to assist the legislature in the annual examination and settlement of said accounts, until otherwise provided by law.

II. The seal of the state shall be kept by the governor, or person administering the government of this state, and used by him officially, and shall be called the Great Seal of the State of New Jersey.

III. All grants and commissions shall be in the name, and by the authority of the State of New Jersey, sealed with the great seal, signed by the governor, or person administering the government of this state, and countersigned by the secretary of state, and shall run thus: "The State of New Jersey to ——— ———, greeting." All writs shall be in the name of the state; and all indictments shall conclude in the following manner, *viz:* "against the peace of this state, the government and dignity of the same."

IV. No religious test shall be required as a qualification to any office or public trust under this state.

V. The term of office of all officers elected or appointed under this constitution, except when herein otherwise directed, shall commence on the day of the date of their respective commissions; but no commission for any office shall bear date prior to the expiration of the term of the incumbent of said office.

Which was read, and the amendments made by the committee, pursuant to the authority vested in them by the resolution under which they were appointed,

Were severally agreed to.

On motion of Mr. Randolph,

The convention adjourned to this afternoon, at three o'clock.

At three o'clock the convention met, pursuant to adjournment.

The convention proceeded to the consideration of the report of the committee appointed to arrange and unite the several reports.

The title being under consideration,

On motion of Mr. Ryerson,

The same was amended, by striking out all after "June" and inserting "in the year of our Lord one thousand eight hundred and forty-four."

The preamble was read, and agreed to, without amendment.

"Rights and Privileges" being under consideration, the first section was read and adopted.

Mr. Browning moved to suspend the rule, for the purpose of offering an amendment to the second section;

Which motion was disagreed to.

The section was then adopted, without amendment.

The third, fourth, fifth, sixth, seventh, eighth, and ninth sections were severally read, and agreed to, without amendment.

The tenth section having been read,

Mr. Halsted moved to suspend the rules, for the purpose of offering an amendment to the same;

And on this motion the yeas and nays were demanded, and

It was decided in the negative, as follows, viz:

YEAS.

Mr. Brown,	Mr. Connolly,	Mr. Schenck,
Browning,	Dickerson,	Stokes,
Cassedy,	Edsall,	J. R. Thomson,
Cattell,	Gilchrist,	Wood,
Child,	Halsted,	Wurts (v. p.)—17.
Clark,	Marsh,	

NAYS.

Mr. Allen,	Mr. Hornblower,	Mr. Pitney,
Bell,	Jaques,	Randolph,
Brick,	P. B. Kennedy,	Ryerson,
Condit,	R. S. Kennedy,	Sickler,
Elmer,	Laird,	Spencer,
Ewing,	Lambert,	Stites,
Field,	Mickle,	Stratton,
Fort,	Naar,	Swain,
Green,	Neighbour,	Ten Eyck,
Haight,	Ogden,	Vroom,
Hibbler,	Parker,	Wills,
Holmes,	Pickel,	Zabriskie—36.

The eleventh, twelfth, thirteenth, fourteenth, fifteenth, sixteenth, seventeenth, eighteenth, and nineteenth sections were then severally read, and agreed to, without amendment.

Mr. Ogden moved to recommit the report, so far as acted upon by the convention, to the committee, for the purpose of dividing the same into sections, numbering, and reprinting.

Mr. Clark moved to amend the motion, so as to instruct the committee to add a clause to Sec. XVI, of "Rights and

Privileges," excluding highways from the operation of the section.

The previous question being demanded, there was a second;

And on the question, shall the main question be now put? it was decided in the affirmative.

And on the question, shall the amendment be agreed to? it was determined in the affirmative.

The motion, as amended, was then agreed to.

The article on the "Right of Suffrage" being under consideration,

The first and second sections thereof were severally read and agreed to, without amendment.

On motion of Mr. Ryerson,

The same was recommitted to the Committee of Revision.

The "Distribution of the Powers of Government" being under consideration,

The same was agreed to, without amendment, and recommitted to the Committee of Revision.

The article on the "Legislative Department" being under consideration,

The first and second sections were severally read and agreed to, without amendment.

The third section having been read,

Mr. Parker moved to suspend the rule, for the purpose of offering an amendment;

Which motion was agreed to.

Mr. Parker then moved to amend the section, by inserting, after "election", the following: "at which time of meeting the legislative year shall commence";

Which motion was agreed to.

Mr. Marsh moved to suspend the rule, for the purpose of offering an amendment to the same section;

Which motion was disagreed to.

The section, as amended, was then agreed to.

The fourth, fifth, and sixth sections were severally read, and agreed to, without amendment.

Mr. Green, from the committee to which had been referred the sixteenth section of the article on "Rights and Privileges", with instructions to report a certain amendment, made the following report:

"Add to the end of the sixteenth section the following: 'but nothing herein contained shall be construed to require payment to be made for land taken for public highways, unless the legislature shall otherwise direct by law'".

The convention proceeded to the consideration of the same;

And the previous question being demanded, there was a second;

And on the question, shall the main question be now put? it was decided in the affirmative;

And on the question, shall the report of the committee be agreed to?

The yeas and nays were demanded, and

It was decided in the affirmative, as follows, *viz:*

YEAS.

Mr. Allen,	Mr. Green,	Mr. Sickler,
Brick,	Haight,	Stokes,
Brown,	Hibbler,	Stratton,
Cassedy,	Holmes,	Swain,
Child,	Laird,	Ten Eyck,
Clark,	Mickle,	J. R. Thomson,
Connolly,	Neighbour,	R. P. Thompson,
Dickerson,	Ogden,	Vroom,
Elmer,	Parker,	Wills,
Ewing,	Pickel,	Wurts (v. p.)
Field,	Pitney,	Zabriskie—35.
Fort,	Schenck,	

NAYS.

Mr. Bell,	Mr. Edsall,	Mr. Jaques,
Browning,	Gilchrist,	P. B. Kennedy,
Cattell,	Halsted,	Lambert,
Condit,	Hornblower,	Marsh.

Mr. Naar,	Mr. Ryerson,	Mr. Westervelt,
Parsons,	Spencer,	Wood—20.
Randolph,	Stites,	

The question then being on agreeing to the section, as amended,

The yeas and nays were demanded, and

It was decided in the affirmative, as follows, *viz:*

YEAS.

Mr. Allen,	Mr. Green,	Mr. Randolph,
Bell,	Haight,	Ryerson,
Brick,	Hibbler,	Schenck,
Brown,	Holmes,	Spencer,
Cassedy,	P. B. Kennedy,	Stokes,
Cattell,	Laird,	Stratton,
Child,	Marsh,	Swain,
Clark,	Mickle,	Ten Eyck,
Connolly,	Naar,	J. R. Thomson,
Dickerson,	Neighbour,	R. P. Thompson,
Edsall,	Ogden,	Vroom,
Elmer,	Parker,	Wills,
Ewing,	Parsons,	Wurts (v. p.)
Field,	Pickel,	Zabriskie—44.
Fort,	Pitney,	

NAYS.

Mr. Browning,	Mr. Hornblower,	Mr. Westervelt,
Condit,	Sickler,	Wood—8.
Gilchrist,	Stites,	

The seventh, eighth, ninth, tenth, eleventh, and twelfth sections were severally read, and agreed to, without amendment.

The thirteenth section was read, and amended, by striking out "senators and" and inserting, before "General Assembly", the words "Senate and".

The section, as amended, was then agreed to.

The fourteenth section was amended, in like manner, and, as amended, was adopted.

The fifteenth, sixteenth, seventeenth, eighteenth, nineteenth, and twentieth sections were severally read, and agreed to, without amendment.

The twenty-first section having been read,

Mr. Vroom moved to recommit the same to the Committee on the Legislative Department;

Which motion was agreed to.

The twenty-second and twenty-third sections were read, and adopted, without amendment.

The twenty-fourth section having been read,

Mr. Ryerson moved to suspend the rule, for the purpose of amending, by striking out all after the word "contract";

Which motion was disagreed to.

The section was then adopted, without amendment.

The twenty-fifth, twenty-sixth, twenty-seventh, twenty-eighth, twenty-ninth, thirtieth, thirty-first, and thirty-second sections were severally read, and agreed to, without amendment.

The article on the "Executive Department" being under consideration,

The several sections thereof were read, agreed to, without amendment, and,

On motion of Mr. Ryerson, were referred to the Committee of Revision.

The article on the "Judiciary Department" being under consideration,

The first, second, third, fourth, fifth, and sixth sections were severally read, and agreed to, without amendment.

The seventh section having been read,

Mr. Green moved to suspend the rule, for the purpose of amending the same, by striking out all between the words "whenever" and "ten thousand", and inserting the following:

When a township or ward contains two thousand inhabi-

tants, or less, it may have two justices; when it contains more than two thousand, and not more than four thousand, it may have four justices; and when it contains more than five thousand, it may have five justice; provided, that whenever any township, not voting in wards, contains a population of more than seven thousand, such township may have one additional justice for each additional three thousand inhabitants above four thousand";

Which motion was agreed to, and the amendment adopted.

The section, as amended, was then agreed to, and the article committed to the Committee of Revision.

The article on the "Appointing Power and Tenure of Office" being under consideration,

The sections under the title of "Militia Officers" were severally read, and agreed to, without amendment.

The sections of the same article, under the title of "Civil Officers", were severally read and agreed to, without amendment.

The article was then recommitted to the Committee on Revision.

The "General Provisions" being under consideration,

The first, second, and third sections were severally read, and adopted, without amendment.

The fourth section having been read,

Mr. Green moved to reconsider the vote by which the same was adopted;

Which motion was agreed to.

Mr. Green moved to amend the same, by striking out all after the word "the", in the first line, and inserting "second day of September, in the year of our Lord one thousand eight hundred and forty-four";

Which amendment was agreed to.

Mr. Condit moved to amend, by inserting, at the end of the section, the following: "by a majority of the votes of the people of the state";

Which motion was disagreed to.

On motion of Mr. Zabriskie,

The "General Provisions" were then recommitted to the Committee on Revision.

The article on "Amendments" being under consideration,

The first, and only section, was read and agreed to, without amendment.

Mr. Brown moved to insert the following, as an additional section:

"II. The mode of amendment provided in the preceding section shall not extend to the 'rights and privileges' declared in the first article of this constitution, nor to the republican form of government";

And on this motion the yeas and nays were demanded, and,

It was decided in the negative, as follows, *viz:*

YEAS.

Mr. Bell,	Mr. P. B. Kennedy,	Mr. Schenck,
Brown,	R. S. Kennedy,	Sickler,
Browning,	Marsh,	Spencer,
Cattell,	Mickle,	Stites,
Child,	Naar,	Stokes,
Elmer,	Parker,	Ten Eyck,
Green,	Pitney,	Wood—23.
Halsted,	Ryerson,	

NAYS.

Mr. Brick,	Mr. Holmes,	Mr. Parsons,
Cassedy,	Hornblower,	Pickel,
Condit,	Jaques,	Randolph,
Connolly,	Laird,	Swain,
Dickerson,	Lambert,	Wills,
Fort,	Neighbour,	Wurts (v. p.)
Hibbler,	Ogden,	Zabriskie—21.

The article on amendments was then recommitted to the Committee on Revision.

The "Schedule" being under consideration,

The several sections of the same were read, agreed to without amendment, and recommitted to the Committee on Revision.

Mr. Vroom, from the committee to which had been recommitted the twenty-first section of the article on the "Legislative Department", reported to amend the same, by striking out the words "impose and provide for a direct annual tax, sufficient, with such other appropriations as may be made therein, exclusive of loans," and insert as follows: "provide the means, exclusive of loans, by specific appropriations and by such direct annual tax as may be necessary in addition thereto."

The convention proceeded to the consideration, and,

On motion of Mr. Randolph,

The report was amended, by inserting, before "means," the words "ways and", and striking out all after the word "loans", so as to read, "provide the ways and means, exclusive of loans"; and, as amended, was agreed to.

The section, as amended, was then adopted, and the whole article on the "Legislative Department" was recommitted to the Committee of Revision.

On motion of Mr. Randolph,

The convention adjourned till to-morrow morning, at nine o'clock.

FRIDAY MORNING, 28th June.

At nine o'clock the convention met, pursuant to adjournment.

Mr. R. S. Kennedy offered the following resolution:

Resolved, That the president of this convention draw on the treasurer for the sum of five dollars, in favour of each member, for the payment of newspapers and postage:

Which was read, and

Mr. Hornblower moved to amend the same, by striking out "five" and inserting "three";

Which amendment was disagreed to.

Mr. Naar moved that the resolution do lie on the table;

Which motion was disagreed to.

On motion of Mr. Jaques,

The same was amended, by striking out "five" and inserting "two."

Mr. Parker moved that the resolution, as amended, do lie on the table;

Which motion was disagreed to.

Mr. Randolph moved to amend, by striking out all after "*Resolved*," and inserting the following:

"That the president of the convention be authorized to cause to be paid, for the postage and newspapers of members, any sum, not exceeding five dollars to each member, to be charged to the contingent expenses of the convention";

Which amendment was agreed to.

The question then being on agreeing to the resolution, as amended,

The yeas and nays were demanded, and

It was decided in the affirmative, as follows, *viz:*

YEAS.

Mr. Bell,	Mr. Hibbler,	Mr. Randolph,
Brick,	Hornblower,	Schenck,
Brown,	P. B. Kennedy,	Sickler,
Browning,	R. S. Kennedy,	Spencer,
Child,	Laird,	Stites,
Clark,	Marsh,	Stokes,
Dickerson,	Mickle,	Stratton,
Edsall,	Neighbour,	Ten Eyck,
Ewing,	Ogden,	R. P. Thompson,
Field,	Parsons,	Wood,
Fort,	Pitney,	Zabriskie—34.
Haight,		

NAYS.

Mr. Allen,	Mr. Holmes,	Mr. Swain,
Cassedy,	Jaques,	Vanarsdale,
Condit,	Lambert,	Vroom,
Connolly,	Naar,	Westervelt,
Gilchrist,	Parker,	Wills,
Green,	Pickel,	Wurts (v. p.)–20.
Halsted,	Ryerson,	

On motion of Mr. Pickel, it was

Resolved, That the doorkeeper be allowed the sum of two dollars per day, for his services during the sitting of this convention, and the assistant doorkeeper the sum of seventy-five cents per day.

On motion of Mr. Ogden, it was

Resolved, That the thanks of this convention be tendered, through the presiding officer, to the clergy of the city of Trenton, for their kind offices, in opening its daily sessions with prayer.

On motion of R. P. Thompson, it was

Resolved, That a special committee of three persons be appointed to report to the convention the proper compensation to be paid to the secretary and assistant secretary.

Mr. Clark offered the following, to be inserted as the fifth section of "General Provisions":

"In view of the rights reserved by the state, in several charters of incorporation heretofore granted for internal improvements, and the various supplements thereto, it shall be the duty of the legislature to take such action as will give to the people of the state timely information of the extent and value of these rights, so as to enable them to act wisely in reference thereto, and to the exclusive grants contained in said charters";

Which was read, and the convention proceeded to the consideration of the same.

The previous question being demanded, there was a second;

And on the question, shall the main question be now put? it was decided in the affirmative.

And on the question of agreeing to the proposed section,
The yeas and nays were demanded, and
It was decided in the negative, as follows, *viz:*

YEAS.

Mr. Brick,	Mr. Gilchrist,	Mr. Spencer,
Brown,	Halsted,	Stites,
Browning,	Hornblower,	Stratton,
Cassedy,	R. S. Kennedy,	Ten Eyck,
Clark,	Marsh,	Vroom,
Condit,	Parsons,	Westervelt,
Connolly,	Randolph,	Wood,
Dickerson,	Ryerson,	Wurts (v. p.)–26.
Fort,	Schenck,	

NAYS.

Mr. Allen,	Mr. Jaques,	Mr. Pitney,
Child,	P. B. Kennedy,	Sickler,
Edsall,	Laird,	Stokes,
Ewing,	Lambert,	Swain,
Field,	Mickle,	R. P. Thompson,
Green,	Neighbour,	Vanarsdale,
Haight,	Ogden,	Wills,
Hibbler,	Parker,	Zabriskie—26.
Holmes,	Pickel,	

The committee to which had been recommitted the several articles of the constitution, as amended in convention, reported the same, arranged, divided, and numbered, complete.

A Constitution agreed upon by the delegates of the people of New Jersey, in convention, begun at Trenton on the fourteenth day of May, and continued to the —— day of June, in the year of our Lord one thousand eight hundred and forty-four.

We, the people of the State of New Jersey, grateful to Almighty God for the civil and religious liberty which He hath so long permitted us to enjoy, and looking to Him for a blessing upon our endeavours to secure and transmit the same unimpaired to succeeding generations, do ordain and establish this constitution.

ARTICLE I.

RIGHTS AND PRIVILEGES.

1. All men are by nature free and independent, and have certain natural and unalienable rights, among which are those of enjoying and defending life and liberty, acquiring, possessing, and protecting property, and of pursuing and obtaining safety and happiness.

2. All political power is inherent in the people; government is instituted for the protection, security, and benefit of the people, and they have the right at all times to alter or reform the same, whenever the public good may require it.

3. No person shall be deprived of the inestimable privilege of worshipping Almighty God in a manner agreeable to the dictates of his own conscience; nor under any pretence whatever be compelled to attend any place of worship contrary to his faith and judgment; nor shall any person be obliged to pay tithes, taxes, or other rates, for building or repairing any church or churches, place or places of worship, or for the maintenance of any minister or ministry, contrary to what he believes to be right, or has deliberately and voluntarily engaged to perform.

4. There shall be no establishment of one religious sect, in preference to another. No religious test shall be required as a qualification for any office or public trust; and no person

shall be denied the enjoyment of any civil right, merely on account of his religious principles.

5. Every person may freely speak, write, and publish his sentiments on all subjects, being responsible for the abuse of that right. No law shall be passed to restrain or abridge the liberty of speech or of the press. In all prosecutions or indictments for libel, the truth may be given in evidence to the jury; and if it shall appear to the jury that the matter charged as libellous is true, and was published with good motives and for justifiable ends, the party shall be acquitted; and the jury shall have the right to determine the law and the fact.

6. The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated; and no warrant shall issue but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched, and the papers and things to be seized.

7. The right of trial by jury shall remain inviolate; but the legislature may authorize the trial of civil suits, when the matter in dispute does not exceed fifty dollars, by a jury of six men.

8. In all criminal prosecutions, the accused shall have the right to a speedy and public trial by an impartial jury; to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favour, and to have the assistance of counsel in his defence.

9. No person shall be held to answer for a criminal offence, unless on the presentment or indictment of a 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.

10. No person shall, after acquittal, be tried for the same offence. All persons shall, before conviction, be bailable by sufficient sureties, except for capital offences, when the proof is evident or presumption great.

11. The privilege of the writ of habeas corpus shall not be suspended, unless in case of rebellion or invasion the public safety may require it.

12. The military shall be in strict subordination to the civil power.

13. No soldier shall, in time of peace, be quartered in any house without the consent of the owner, nor in time of war, except in a manner prescribed by law.

14. Treason against the state shall consist, only, in levying war against it, or in adhering to its enemies, giving them aid and comfort. No person shall be convicted of treason, unless on the testimony of two witnesses to the same overt act, or on confession in open court.

15. Excessive bail shall not be required, excessive fines shall not be imposed, and cruel and unusual punishments shall not be inflicted.

16. Private property shall not be taken for public use without just compensation; but land may be taken for public highways, as heretofore, until the legislature shall direct compensation to be made.

17. No person shall be imprisoned for debt in any action, or on any judgment founded upon contract, unless in cases of fraud; nor shall any person be imprisoned for a militia fine in time of peace.

18. The people have the right freely to assemble together, to consult for the common good, to make known their opinions to their representatives, and to petition for redress of grievances.

19. This enumeration of rights and privileges shall not be construed to impair or deny others retained by the people.

ARTICLE II.

RIGHT OF SUFFRAGE.

1. Every white male citizen of the United States, of the age of twenty-one years, who shall have been a resident of this state one year, and of the county in which he claims his vote five months, next before the election, shall be entitled to

vote for all officers that now are, or hereafter may be elective by the people; *provided*, that no person in the military, naval, or marine service of the United States shall be considered a resident in this state, by being stationed in any garrison, barrack, or military or naval place or station within this state; and no pauper, idiot, insane person, or person convicted of a crime which now excludes him from being a witness, unless pardoned or restored by law to the right of suffrage, shall enjoy the right of an elector.

2. The legislature may pass laws to deprive persons of the right of suffrage who shall be convicted of bribery at elections.

ARTICLE III.

DISTRIBUTION OF THE POWERS OF GOVERNMENT.

1. The powers of the government shall be divided into three distinct departments—the legislative, executive, and judicial; and no person or persons belonging to, or constituting one of these departments, shall exercise any of the powers properly belonging to either of the others, except as herein expressly provided.

ARTICLE IV.

LEGISLATIVE.

Section 1.

1. The legislative power shall be vested in a Senate and General Assembly.

2. No person shall be a member of the Senate, who shall not have attained the age of thirty years, and have been a citizen and inhabitant of the state for four years, and of the county for which he shall be chosen one year, next before his election; and no person shall be a member of the General Assembly, who shall not have attained the age of twenty-one years, and have been a citizen and inhabitant of the state for two years, and of the county for which he shall be chosen one year, next before his election; *provided*, that no person shall be eligible as a member of either house of the legislature, who shall not be entitled to the right of suffrage.

3. Members of the Senate and General Assembly shall be elected yearly and every year, on the second Tuesday of October: and the two houses shall meet, separately, on the second Tuesday in January next after the said day of election, at which time of meeting the legislative year shall commence; but the time of holding such election may be altered by the legislature.

Section II.

1. The Senate shall be composed of one senator from each county in the state, elected by the legal voters of the counties, respectively, for three years.

2. As soon as the Senate shall meet after the first election to be held in pursuance of this constitution, they shall be divided, as equally as may be, into three classes. The seats of the senators of the first class shall be vacated at the expiration of the first year; of the second class at the expiration of the second year; and of the third class at the expiration of the third year; so that one class may be elected every year: and if vacancies happen, by resignation or otherwise, the persons elected to supply such vacancies shall be elected for the unexpired terms only.

Section III.

1. The General Assembly shall be composed of members annually elected by the legal voters of the counties, respectively, who shall be apportioned among the said counties, as nearly as may be, according to the number of their inhabitants. The present apportionment shall continue until the next census of the United States shall have been taken, and an apportionment of members of the General Assembly shall be made by the legislature, at its first session after the next and every subsequent enumeration or census, and when made shall remain unaltered until another enumeration shall have been taken; *provided*, that each county shall at all times be entitled to one member: and the whole number of members shall never exceed sixty.

Section IV.

1. Each house shall direct writs of election for supplying vacancies, occasioned by death, resignation, or otherwise; but if vacancies occur during the recess of the legislature, the writs may be issued by the governor; under such regulations as may be prescribed by law.

2. Each house shall be the judge of the elections, returns, and qualifications of its own members, and a majority of each shall constitute a quorum to do business; but a smaller number may adjourn from day to day, and may be authorized to compel the attendance of absent members, in such manner and under such penalties as each house may provide.

3. Each house shall choose its own officers, determine the rules of its proceedings, punish its members for disorderly behaviour, and, with the concurrence of two-thirds, may expel a member.

4. Each house shall keep a journal of its proceedings, and from time to time publish the same; and the yeas and nays of the members of either house, on any question, shall, at the desire of one-fifth of those present, be entered on the journal.

5. Neither house, during the session of the legislature, shall, without the consent of the other, adjourn for more than three days, nor to any other place than that in which the two houses shall be sitting.

6. All bills and joint resolutions shall be read three times in each house, before the final passage thereof; and no bill or joint resolution shall pass, unless there be a majority of all the members of each body personally present and agreeing thereto; and the yeas and nays of the members voting on such final passage shall be entered on the journal.

7. Members of the Senate and General Assembly shall receive a compensation for their services, to be ascertained by law, and paid out of the treasury of the state; which compensation shall not exceed the sum of three dollars per day for the period of forty days from the commencement of the session, and shall not exceed the sum of one dollar and

fifty cents per day for the remainder of the session. When convened in extra-session by the governor, they shall receive such sum as shall be fixed for the first forty days of the ordinary session. They shall also receive the sum of one dollar for every ten miles they shall travel, in going to and returning from their place of meeting, on the most usual route. The president of the Senate and the speaker of the House of Assembly shall, in virtue of their offices, receive an additional compensation, equal to one-third of their per diem allowance as members.

8. Members of the Senate and of the General Assembly shall, in all cases except treason, felony, and breach of the peace, be privileged from arrest during their attendance at the sitting of their respective houses, and in going to and returning from the same: and for any speech or debate, in either house, they shall not be questioned in any other place.

Section V.

1. No member of the Senate or General Assembly shall, during the time for which he was elected, be nominated or appointed by the governor, or by the legislature in joint meeting, to any civil office under the authority of this state, which shall have been created, or the emoluments whereof shall have been increased, during such time.

2. If any member of the Senate or General Assembly shall be elected to represent this state in the Senate or House of Representatives of the United States, and shall accept thereof, or shall accept of any office or appointment under the government of the United States, his seat in the legislature of this state shall thereby be vacated.

3. No justice of the supreme court, nor judge of any other court, sheriff, justice of the peace, nor any person or persons possessed of any office of profit under the government of this state, shall be entitled to a seat, either in the Senate or in the General Assembly; but, on being elected and taking his seat, his office shall be considered vacant: and no person holding any office of profit under the government of the United States shall be entitled to a seat in either house.

Section VI.

1. All bills for raising revenue shall originate in the House of Assembly; but the Senate may propose or concur with amendments, as on other bills.

2. No money shall be drawn from the treasury, but for appropriations made by law.

3. The credit of the state shall not be directly or indirectly loaned in any case.

4. The legislature shall not, in any manner, create any debt or debts, liability or liabilities, of the state, which shall singly, or in the aggregate with any previous debts or liabilities, at any time exceed one hundred thousand dollars, except for purposes of war, or to repel invasion, or to suppress insurrection, unless the same shall be authorized by a law for some single object or work, to be distinctly specified therein; which law shall provide the ways and means, exclusive of loans, to pay the interest of such debt or liability as it falls due, and also to pay and discharge the principal of such debt or liability within thirty-five years from the time of the contracting thereof, and shall be irrepealable until such debt or liability, and the interest thereon, are fully paid and discharged: and no such law shall take effect until it shall, at a general election, have been submitted to the people, and have received the sanction of a majority of all the votes cast for and against it at such election: and all money to be raised by the authority of such law shall be applied only to the specific object stated therein, and to the payment of the debt thereby created. This section shall not be construed to refer to any money that has been, or may be deposited with this state by the government of the United States.

Section VII.

1. No divorce shall be granted by the legislature.

2. No lottery shall be authorized by this state; and no ticket in any lottery not authorized by a law of this state shall be bought or sold within the state.

3. The legislature shall not pass any bill of attainder,

ex post facto law, or law impairing the obligation of contracts, or depriving a party of any remedy for enforcing a contract which existed when the contract was made.

4. To avoid improper influences, which may result from intermixing in one and the same act such things as have no proper relation to each other, every law shall embrace but one object, and that shall be expressed in the title.

5. The laws of this state shall begin in the following style: "Be it enacted by the Senate and General Assembly of the State of New Jersey."

6. The fund for the support of free schools, and all money, stock, and other property, which may hereafter be appropriated for that purpose, or received into the treasury under the provision of any law heretofore passed to augment the said fund, shall be securely invested, and remain a perpetual fund; and the income thereof, except so much as it may be judged expedient to apply to an increase of the capital, shall be annually appropriated to the support of public schools, for the equal benefit of all the people of the state: and it shall not be competent for the legislature to borrow, appropriate, or use the said fund, or any part thereof, for any other purpose, under any pretence whatever.

7. No private or special law shall be passed authorizing the sale of any lands belonging, in whole or in part, to a minor or minors, or other persons, who may at the time be under any legal disability to act for themselves.

8. The assent of three-fifths of the members elected to each house shall be requisite to the passage of every law for granting, continuing, altering, amending, or renewing charters for banks or money corporations; and all such charters shall be limited to a term not exceeding twenty years.

9. Individuals or private corporations shall not be authorized to take private property for public use, without just compensation first made to the owners.

10. The legislature may at any time vest in the circuit courts or courts of common pleas, within the several counties

of this state, chancery powers, so far as relates to the foreclosure of mortgages or sale of mortgaged premises.

Section VIII.

1. Members of the legislature shall, before they enter on the duties of their respective offices, take and subscribe the following oath or affirmation:

"I do solemnly swear (or affirm, as the case may be,) that I will support the constitution of the United States and the constitution of the State of New Jersey, and that I will faithfully discharge the duties of senator (or member of the General Assembly, as the case may be,) according to the best of my ability."

And members elect of the Senate or General Assembly are hereby empowered to administer to each other the said oath or affirmation.

ARTICLE V.

EXECUTIVE.

1. The executive power shall be vested in a governor.

2. The governor shall be elected by the legal voters of this state. The person having the highest number of votes shall be the governor; but if two, or more, shall be equal and highest in votes, one of them shall be chosen governor by the vote of a majority of the members of both houses, in joint-meeting: contested elections for the office of governor shall be determined in such manner as the legislature shall direct by law. When a governor is to be elected by the people, such election shall be held at the time when, and at the places where, the people shall respectively vote for members of the state legislature.

3. The governor shall hold his office for three years, to commence on the third Tuesday of January next ensuing the election for governor by the people, and to end on the Monday preceding the third Tuesday of January, three years thereafter: and he shall be incapable of holding that office for three years next after his term of service shall have expired; and no appointments or nominations to office shall be made by the governor during the last week of his said term.

4. The governor shall be not less than thirty years of age, and shall have been for twenty years, at least, a citizen of the United States, and a resident of this state seven years next before his election, unless he shall have been absent during that time on the public business of the United States or of this state.

5. The governor shall, at stated times, receive for his services a compensation, which shall be neither increased nor diminished during the period for which he shall have been elected.

6. He shall be the commander-in-chief of all the military and naval forces of the state; he shall have power to convene the legislature, whenever in his opinion public necessity requires it; he shall communicate by message to the legislature, at the opening of each session, and at such other times as he may deem necessary, the condition of the state, and recommend such measures as he may deem expedient: he shall take care that the laws be faithfully executed, and grant, under the great seal of the state, commissions to all such officers as shall be required to be commissioned.

7. Every bill which shall have passed both houses shall be presented to the governor: if he approve, he shall sign it, but if not, he shall return it, with his objections, to the house in which it shall have originated, who shall enter the objections at large on their journal, and proceed to reconsider it: if after such reconsideration, a majority of the whole number of that house shall agree to pass the bill, it shall be sent, together with the objections, to the other house, by which it shall likewise be reconsidered; and if approved of by a majority of the whole number of that house, it shall become a law; but, in neither house shall the vote be taken on the same day on which the bill shall be returned to it: and in all such cases the votes of both houses shall be determined by yeas and nays, and the names of the persons voting for and against the bill shall be entered on the journal of each house, respectively: if any bill shall not be returned by the governor within five days (Sunday excepted after it shall have been presented to him, the same

shall be a law, in like manner as if he had signed it, unless the legislature, by their adjournment, prevent its return, in which case it shall not be a law.

8. No member of Congress, or person holding an office under the United States, or this state, shall exercise the office of governor: and in case the governor, or person administering the government, shall accept any office under the government of the United States, or of this state, his office of governor shall thereupon be vacant.

9. The governor, or person administering the government, shall have power to suspend the collection of fines and forfeitures, and to grant reprieves, to extend until the expiration of a time not exceeding ninety days after conviction; but this power shall not extend to cases of impeachment.

10. The governor, or person administering the government, the chancellor, and the six judges of the court of errors and appeals, or a major part of them, of whom the governor, or person administering the government, shall be one, may remit fines and forfeitures, and grant pardons after conviction, in all cases except impeachment.

11. The governor, and all other civil officers under this state, shall be liable to impeachment for misdemeanor in office.

12. In case of the death, resignation, or removal from office of the governor, the powers, duties, and emoluments of the office shall devolve upon the president of the Senate, and in case of his death, resignation, or removal, then upon the speaker of the House of Assembly for the time being, until another governor shall be elected and qualified; but in such case another governor shall be chosen at the next election for members of the state legislature, unless such death, resignation, or removal shall occur within thirty days immediately preceding such next election, in which case a governor shall be chosen at the second succeeding election for members of the state legislature. When a vacancy happens, during the recess of the legislature, in any office which is to be filled by the governor and Senate, or by the legislature in joint meeting, the governor shall fill such vacancy, and the commission

shall expire at the end of the next session of the legislature, unless a successor shall be sooner appointed: when a vacancy happens in the office of clerk or surrogate of any county the governor shall fill such vacancy, and the commission shall expire when a successor is duly elected and qualified.

13. In case of the impeachment of the governor, his absence from the state, or inability to discharge the duties of his office, the powers, duties, and emoluments of the office shall devolve upon the president of the Senate; and in case of his death, resignation, or removal, then upon the speaker of the House of Assembly for the time being, until the governor, absent or impeached, shall return or be acquitted, or until the disqualification or inability shall cease, or until a new governor be elected and qualified.

14. In case of a vacancy in the office of governor, from any other cause than those herein enumerated, or in case of the death of the governor elect before he is qualified into office, the powers, duties, and emoluments of the office shall devolve upon the president of the Senate or speaker of the House of Assembly, as above provided for, until a new governor be elected and qualified.

ARTICLE VI.

JUDICIARY.

Section I.

1. The judicial power shall be vested in a court of errors and appeals in the last resort in all causes, as heretofore; a court for the trial of impeachments; a court of chancery; a prerogative court; a supreme court; circuit courts, and such inferior courts as now exist, and as may be hereafter ordained and established by law; which inferior courts the legislature may alter or abolish, as the public good shall require.

Section II.

1. The court of errors and appeals shall consist of the chancellor, the justices of the supreme court, and six judges, or a

major part of them; which judges are to be appointed for six years.

2. Immediately after the court shall first assemble, the six judges shall arrange themselves in such manner that the seat of one of them shall be vacated every year, in order that thereafter one judge may be annually appointed.

3. Such of the six judges as shall attend the court, shall receive, respectively, a per diem compensation, to be provided by law.

4. The secretary of state shall be the clerk of this court.

5. When an appeal from an order or decree shall be heard, the chancellor shall inform the court, in writing, of the reasons for his order or decree; but he shall not sit as a member, or have a voice in the hearing or final sentence.

6. When a writ of error shall be brought, no justice who has given a judicial opinion in the cause, in favour of or against any error complained of, shall sit as a member, or have a voice on the hearing, or for its affirmance or reversal; but the reasons for such opinion shall be assigned to the court in writing.

Section III.

1. The House of Assembly shall have the sole power of impeaching, by a vote of a majority of all the members; and all impeachments shall be tried by the Senate: the members, when sitting for that purpose, to be on oath or affirmation "truly and impartially to try and determine the charge in question according to evidence": and no person shall be convicted without the concurrence of two-thirds of all the members of the Senate.

2. Any judicial officer impeached shall be suspended from exercising his office until his acquittal.

3. Judgment, in cases of impeachment, shall not extend farther than to removal from office and to disqualification to hold and and enjoy any office of honour, profit, or trust under this state; but the party convicted shall nevertheless be liable to indictment, trial, and punishment, according to law.

4. The secretary of state shall be the clerk of this court.

Section IV.

1. The court of chancery shall consist of a chancellor.

2. The chancellor shall be the ordinary, or surrogate general, and judge of the prerogative court.

3. All persons aggrieved by any order, sentence, or decree of the orphans' court, may appeal from the same, or from any part thereof, to the prerogative court; but such order, sentence, or decree shall not be removed into the supreme court or circuit court, if the subject matter thereof be within the jurisdiction of the orphans' court.

4. The secretary of state shall be the register of the prerogative court, and shall perform the duties required of him by law in that respect.

Section V.

1. The supreme court shall consist of a chief justice and four associate justices; the number of the associate justices may be increased or decreased by law, but shall never be less than two.

2. The circuit courts shall be held in every county of this state, by one or more of the justices of the supreme court, or a judge appointed for that purpose, and shall in all cases within the county, except in those of a criminal nature, have common law jurisdiction concurrent with the supreme court; and any final judgment of a circuit court may be docketed in the supreme court, and shall operate as a judgment obtained in the supreme court, from the time of such docketing.

3. Final judgments in any circuit court may be brought by writ of error into the supreme court, or directly into the court of errors and appeals.

Section VI.

1. There shall be no more than five judges of the inferior court of common pleas in each of the counties in this state, after the terms of the judges of said court now in office shall terminate. One judge for each county shall be appointed every year, and no more, except to fill vacancies, which shall be for the unexpired term only.

2. The commissions for the first appointments of judges of said court shall bear date and take effect on the first day of April next; and all subsequent commissions for judges of said court shall bear date and take effect on the first day of April in every successive year, except commissions to fill vacancies, which shall bear date and take effect when issued.

Section VII.

1. There may be elected under this constitution two, and not more than five, justices of the peace in each of the townships of the several counties of this state, and in each of the wards, in cities that may vote in wards. When a township or ward contains two thousand inhabitants, or less, it may have two justices; when it contains more than two thousand inhabitants, and not more than four thousand, it may have four justices; and when it contains more than four thousand inhabitants, it may have five justices; *provided*, that whenever any township, not voting in wards, contains more than seven thousand inhabitants, such township may have an additional justice for each additional three thousand inhabitants above four thousand.

2. The population of the townships in the several counties of the state, and of the several wards, shall be ascertained by the last preceding census of the United States, until the legislature shall provide by law some other mode of ascertaining it.

ARTICLE VII.

APPOINTING POWER AND TENURE OF OFFICE.

Section I.

MILITIA OFFICERS.

1. The legislature shall provide by law for enrolling, organizing, and arming the militia.

2. Captains, subalterns, and non-commissioned officers shall be elected by the members of their respective companies.

3. Field officers of regiments, independent battalions, and squadrons, shall be elected by the commissioned officers of their respective regiments, battalions, or squadrons.

4. Brigadier generals shall be elected by the field officers of their respective brigades.

5. Major generals shall be nominated by the governor, and appointed by him, with the advice and consent of the Senate.

6. The legislature shall provide, by law, the time and manner of electing militia officers, and of certifying their elections to the governor, who shall grant their commissions, and determine their rank, when not determined by law; and no commissioned officer shall be removed from office but by the sentence of a court martial, pursuant to law.

7. In case the electors of subalterns, captains, or field officers, shall refuse or neglect to make such elections, the governor shall have power to appoint such officers, and to fill all vacancies caused by such refusal or neglect.

8. Brigade inspectors shall be chosen by the field officers of their respective brigades.

9. The governor shall appoint the adjutant general, quartermaster general, and all other militia officers whose appointment is not otherwise provided for in this constitution.

10. Major generals, brigadier generals, and commanding officers of regiments, independent battalions, and squadrons, shall appoint the staff officers of their divisions, brigades, regiments, independent battalions, and squadrons, respectively.

Section II.

CIVIL OFFICERS.

1. Justices of the supreme court, chancellor, and judges of the court of errors and appeals, shall be nominated by the governor, and appointed by him, with the advice and consent of the Senate.

The justices of the supreme court and chancellor shall hold their offices for the term of seven years; shall, at stated times, receive for their services a compensation, which shall not be diminished during the term of their appointments; and they shall hold no other office under the government of this state or of the United States.

2. Judges of the courts of common pleas shall be appointed by the Senate and General Assembly, in joint-meeting.

They shall hold their offices for five years; but when appointed to fill vacancies, they shall hold for the unexpired term only.

3. The state treasurer, and the keeper and inspectors of the state prison, shall be appointed by the Senate and General Assembly, in joint-meeting.

They shall hold their offices for one year, and until their successors shall be qualified into office.

4. The attorney general, prosecutors of the pleas, clerk of the supreme court, clerk of the court of chancery, and secretary of state, shall be nominated by the governor, and appointed by him, with the advice and consent of the Senate.

They shall hold their offices for five years.

5. The law reporter shall be appointed by the justices of the supreme court, or a majority of them; and the chancery reporter shall be appointed by the chancellor.

They shall hold their offices for five years.

6. Clerks and surrogates of counties shall be elected by the people of their respective counties, at the annual elections for members of the General Assembly of this state.

They shall hold their offices for five years.

7. Sheriffs and coroners shall be elected annually, by the people of their respective counties, at the annual elections for members of the General Assembly of this state.

They may be re-elected until they shall have served three years, but no longer; after which, three years must elapse before they can be again capable of serving.

8. Justices of the peace shall be elected, by ballot, at the annual meetings of the townships in the several counties of the state, and of the wards in cities that may vote in wards, in such manner, and under such regulations, as may be hereafter provided by law.

They shall be commissioned for the county, and their commissions shall bear date and take effect on the first day of May next after their election.

They shall hold their offices for five years: except when elected to fill vacancies, they shall hold for the unexpired term only; *provided*, that the commission of any justice of the peace shall become vacant upon his ceasing to reside in the township in which he was elected.

The first election for justices of the peace shall take place at the next annual town meetings of the townships in the several counties of the state, and of the wards in cities that may vote in wards.

9. All other officers, whose appointments are not otherwise provided for by law, shall be nominated by the governor, and appointed by him, with the advice and consent of the Senate; and they shall hold their offices for the time prescribed by law.

10. All civil officers elected or appointed pursuant to the provisions of this constitution shall be commissioned by the governor.

11. The term of office of all officers elected or appointed under this constitution, except when herein otherwise directed, shall commence on the day of the date of their respective commissions; but no commission for any office shall bear date prior to the expiration of the term of the incumbent of said office.

ARTICLE VIII.

GENERAL PROVISIONS.

1. The secretary of state shall be ex officio an auditor of the accounts of the treasurer, and, as such, it shall be his duty to assist the legislature in the annual examination and settlement of said accounts, until otherwise provided by law.

2. The seal of the state shall be kept by the governor, or person administering the government, and used by him officially, and shall be called the Great Seal of the State of New Jersey.

3. All grants and commissions shall be in the name, and by the authority of the State of New Jersey, sealed with the great seal, signed by the governor, or person administering the government, and countersigned by the secretary of state, and

shall run thus: "The State of New Jersey to ——— ———, greeting." All writs shall be in the name of the state; and all indictments shall conclude in the following manner, *viz:* "against the peace of this state, the government and dignity of the same."

4. This constitution shall take effect, and go into operation, on the second day of September, in the year of our Lord one thousand eight hundred and forty-four.

ARTICLE IX.

AMENDMENTS.

Any specific amendment or amendments to the constitution may be proposed in the Senate or General Assembly; and if the same shall be agreed to by a majority of the members elected to each of the two houses, such proposed amendment or amendments shall be entered on their journals, with the yeas and nays taken thereon, and referred to the legislature then next to be chosen, and shall be published, for three months previous to making such choice, in at least one newspaper of each county, if any be published therein: and if, in the legislature next chosen, as aforesaid, such proposed amendment or amendments, or any of them, shall be agreed to by a majority of all the members elected to each house, then it shall be the duty of the legislature to submit such proposed amendment or amendments, or such of them as may have been agreed to, as aforesaid, by the two legislatures, to the people, in such manner and at such time, at least four months after the adjournment of the legislature, as the legislature shall prescribe: and if the people, at a special election, to be held for that purpose only, shall approve and ratify such amendment or amendments, or any of them, by a majority of the electors qualified to vote for members of the legislature voting thereon, such amendment or amendments, so approved and ratified, shall become part of the constitution; *provided*, that if more than one amendment be submitted, they shall be submitted in such manner and form that the people may vote for or against each amendment separately and distinctly; but no amendment or amendments shall be submitted to the people by the legislature oftener than once in five years.

ARTICLE X.

SCHEDULE.

That no inconvenience may arise from the change in the constitution of this state, and in order to carry the same into complete operation, it is hereby declared and ordained that—

1. The common law and statute laws now in force, not repugnant to this constitution, shall remain in force until they expire by their own limitation, or be altered or repealed by the legislature; and all writs, actions, causes of action, prosecutions, contracts, claims, and rights of individuals and of bodies corporate, and of the state, and all charters of incorporation, shall continue; and all indictments which shall have been found, or which may hereafter be found, for any crime or offence committed before the adoption of this constitution, may be proceeded upon as if no change had taken place. The several courts of law and equity, except as herein otherwise provided, shall continue with the like powers and jurisdiction as if this constitution had not been adopted.

2. All officers now filling any office or appointment, shall continue in the exercise of the duties thereof, according to their respective commissions or appointments, unless, by this constitution, it is otherwise directed.

3. The present governor, chancellor, and ordinary, or surrogate general, and treasurer, shall continue in office until successors, elected or appointed under this constitution, shall be sworn or affirmed into office.

4. In case of the death, resignation, or disability of the present governor, then the person who may be vice president of Council at the time of the adoption of this constitution shall continue in office, and administer the government until a governor shall have been elected and sworn or affirmed into office under this constitution.

5. The present governor, or in case of his death or inability to act, then the vice president of Council, together with the present members of the Legislative Council and secretary of state, shall constitute a board of state canvassers, in the manner now provided by law, for the purpose of ascertaining and declaring the result of the next ensuing election for governor, members of the House of Representatives, and electors of president and vice president.

6. The returns of the votes for governor, at the said next ensuing election, shall be transmitted to the secretary of state, the votes counted, and the election declared, in the manner now provided by law in the case of the election of electors of president and vice president.

7. The election of clerks and surrogates, in those counties where the term of office of the present incumbents shall expire previous to the general election of eighteen hundred and forty-five, shall be held at the general election next ensuing the adoption of this constitution; the result of which election shall be ascertained in the manner now provided by law for the election of sheriffs.

8. The elections for the year eighteen hundred and forty-four shall take place as now provided by law.

9. It shall be the duty of the governor to fill all vacancies in office happening between the adoption of this constitution and the first session of the Senate, and not otherwise provided for; and the commissions shall expire at the end of the first session of the Senate, or when successors shall be elected or appointed and qualified.

10. The restriction of the pay of members of the legislature, after forty days from the commencement of the session, shall not be applied to the first legislature convened under this constitution.

11. The legislature shall pass all laws necessary to carry into effect the provisions of this constitution.

Done by the delegates of the people, in convention at Trenton, on the —— day of June, in the year of our Lord eighteen hundred and forty-four, and of the independence of the United States the sixty-eighth.

The convention proceeded to the final consideration of the same.

By unanimous consent, on motion of Mr. Hornblower,

The eleventh section of the article on the "Executive Department" was amended, by adding the following: "during their continuance in office, and for two years thereafter."

The further consideration was then postponed to this afternoon.

Mr. Lambert offered the following resolution:

Resolved, That one thousand copies of the constitution be printed, in pamphlet form, for the use of the members of this convention;

Which was read, and,

On motion of Mr. Zabriskie, was ordered to lie on the table.

The vice president presented the following communication from the president:

"To the Honourable Delegates to the Convention for forming a Constitution for the State of New Jersey. –

"The complaint which obliged me to leave Trenton still continues, and I am therefore constrained to abandon the hope of being able to return to the convention this week. As you are about to close your important business, to prevent any delay occasioned by my absence, I hereby resign my office, as president of this convention. I do this with great reluctance, as I would place my signature to the constitution which you are prepared to offer to the people of the state, for their acceptance, with great confidence that it will accomplish the important objects for which it is intended.

"The present constitution of the state is so radically defective, that it affords no check upon the legislative power, or any security for the rights and privileges of the people.

"I tender you my sincere thanks for the kindness and indulgence you have manifested towards me during your session, and which I shall retain in grateful remembrance.

"I am, with great respect,

your obedient servant,

I. H. WILLIAMSON.

Elizabethtown, June 28, 1844."

Which was read, and, on motion of

Mr. Stratton, ordered to lie on the table.

Mr. R. P. Thompson called up the resolution relative to printing pamphlet copies of the constitution, and moved that the same be referred to the committee on contingent expenses;

Which motion was agreed to.

On motion of Mr. Mickle,

The convention adjourned to this afternoon, at three o'clock.

At three o'clock the convention met, pursuant to adjournment.

Mr. R. P. Thompson, from the select committee appointed to determine the compensation to be paid to the secretary and assistant secretary, made the following report:

Resolved, That the secretary and assistant secretary shall each be entitled to receive the sum of three dollars for each day they have attended the sittings of the convention; and the said secretaries shall jointly be entitled to receive the sum of ten cents for each sheet, of one hundred words, for entering the minutes on the journal, and the like sum for recording the said minutes in a proper book, to be provided for that purpose: and the president is hereby authorized to draw his warrant on the treasurer for the necessary sum to pay the above.

R. P. THOMPSON,
JOS. F. RANDOLPH,
R. GILCHRIST,
} *Committee.*

Which was read and adopted.

Mr. Ryerson called up the resolution, offered by him some days since, with regard to the printing of the journal of this convention;

Which, together with the amendment offered to the same, were read, and, on motion of

Mr. Pickel, were ordered to lie on the table.

Mr. Child offered the following, to be inserted as an additional section to the "General Provisions":

"In view of the rights reserved by the state in several charters of incorporation heretofore granted for internal improvements, and the various supplements thereto, it shall be the duty of the legislature to take such action as will give to the people of the state timely information of the extent and value of their rights, so as to enable them to act wisely in reference thereto."

Mr. Pickel moved that the same do lie on the table;

And on this motion the yeas and nays were demanded, and

It was decided in the affirmative, as follows, *viz*:

YEAS.

Mr. Allen,	Mr. Jaques,	Mr. Pitney,
Brick,	P. B. Kennedy,	Sickler,
Connolly,	Laird,	Stokes,
Edsall,	Lambert,	Swain,
Ewing,	Neighbour,	R. P. Thompson,
Field,	Ogden,	Vanarsdale,
Haight,	Parker,	Wills,
Hibbler,	Pickel,	Zabriskie—25.
Holmes,		

NAYS.

Mr. Brown,	Mr. Halsted,	Mr. Stites,
Browning,	Hornblower,	Stratton,
Cattell,	R. S. Kennedy,	Ten Eyck,
Child,	Marsh,	Vroom,
Clark,	Parsons,	Westervelt,
Condit,	Randolph,	Wood,
Fort,	Ryerson,	Wurts (v. p.)—23.
Gilchrist,	Spencer,	

The convention then proceeded to the consideration of the

unfinished business of the morning, being the "Constitution", as reported by the committee appointed to arrange and unite the several reports.

The same was read, and verbally amended.

Mr. Browning moved to insert the following, as Sec. II, of the "Schedule":

"Sec. II. Clerks of counties shall perform all the duties now performed by the clerks of the inferior courts of common pleas and quarter-sessions, in the several counties, until otherwise provided by law";

Which motion was disagreed to.

Mr. R. P. Thompson moved to amend the sixth clause of the second section of Article VII, on the "Appointing Power and Tenure of Office", by inserting, after "clerks," the words "of the inferior courts of common pleas and quarter-sessions";

Which motion was disagreed to.

On motion of Mr. R. P. Thompson,

The sixth clause of the second section of Article VII, and the seventh section of Article X, were then severally referred to the Committee on the Judiciary.

Mr. R. P. Thompson called up the communication from the president, transmitting his resignation as president of the convention, and offered the following preamble and resolution:

Whereas, the convention has been informed, by a letter from the president, that his continued ill health prevents his further attendance, and renders necessary the resignation which accompanies the communication—

Resolved, That this convention sympathize deeply with the president, and greatly regret the cause which deprives them of his valuable aid; and that while every member would have rejoiced that the instrument, which we are about to submit to the people of New Jersey, should have borne with it the honoured name of a citizen whose whole feelings are in favour of its adoption, and who is identified with the whole history of our state, and whose public and private virtues are held in such high esteem by her citizens, yet we are compelled, by

painful necessity and with deep regret, to accept his resignation;

Which was read and adopted.

On motion of Mr. Ryerson,

The convention then proceeded to the election of a president, when,

On motion of Mr. Parker,

Alexander Wurts, of the county of Hunterdon, was unanimously chosen.

On motion of Mr. R. P. Thompson, it was

Ordered, That the president transmit a copy of the above preamble and resolution to the Hon. Isaac H. Williamson, late president of this convention.

Mr. Vanarsdale, from the committee to which had been referred the sixth clause of the second section of Article VII, and the seventh section of Article X, reported the following, to be inserted as Sec. XI, of the "Schedule":

"11. Clerks of counties shall be clerks of the inferior courts of common pleas and quarter-sessions of the several counties, and perform the duties, and be subject to the regulations, now required of them by law, until otherwise ordained by the legislature";

Which was agreed to.

Mr. Vanarsdale, from the committee appointed to arrange and unite the several reports, reported the following, as the concluding paragraph of the constitution:

"Done in convention, at the State House in Trenton, on the —— day of June, in the year of our Lord one thousand eight hundred and forty-four, and of the independence of the United States of America the sixty-eighth."

Which was read, and ordered to lie on the table.

Mr. Connolly, from the committee to which was referred the resolution relative to printing the constitution in pamphlet form, reported the following resolution:

"*Resolved*, That one thousand copies of the constitution be

printed, in pamphlet form, for the use of the members of this convention for distribution;

Which was read and agreed to.

On motion of Mr. R. S. Kennedy, it was

Ordered, That the convention do now proceed to the final vote on the "Constitution."

And on the question, shall the constitution be adopted?

The yeas and nays were called, and

It was decided in the affirmative, by the following vote, *viz:*

YEAS.

Mr. Allen,	Mr. Halsted,	Mr. Randolph,
Bell,	Hibbler,	Ryerson,
Brick,	Holmes,	Schenck,
Brown,	Hornblower,	Sickler,
Browning,	Jaques,	Spencer,
Cassedy,	P. B. Kennedy,	Stites,
Cattell,	R. S. Kennedy,	Stratton,
Child,	Laird,	Swain,
Clark,	Lambert,	Ten Eyck,
Connolly,	Marsh,	J. R. Thomson,
Dickerson,	Mickle,	R. P. Thompson,
Edsall,	Naar,	Vanarsdale,
Elmer,	Neighbour,	Vroom,
Ewing,	Ogden,	Westervelt,
Field,	Parker,	Wills,
Fort,	Parsons,	Wood,
Gilchrist,	Pickel,	Wurts (pr.)
Green,	Pitney,	Zabriskie—55.
Haight,		

NAY.

Mr. Condit.

Mr. Stokes asked to be excused from voting, on account of the military features contained in the constitution;

Which was unanimously granted.

The constitution was then declared to be adopted, and ordered to be engrossed.

On motion of Mr. Zabriskie, it was

Resolved, That the members of this convention, who desire it, may subscribe their names, respectively, to the constitution just adopted, when engrossed.

On motion of Mr. Mickle,

The convention adjourned till to-morrow morning, at eight o'clock.

SATURDAY MORNING, 29th June.

At eight o'clock the convention met, pursuant to adjournment, and was opened with prayer by the Rev. Mr. Kidder.

Mr. Zabriskie offered the following resolution:

Resolved, That the secretary of this convention furnish Bernard Connolly, esq., with an authenticated copy of the journal, for publication at his own risk;

Which was read, and,

On motion of Mr. Marsh, was ordered to lie on the table.

Mr. Randolph moved to take up the concluding paragraph attached to the constitution;

Which motion was agreed to.

On motion of Mr. Ewing,

The blank was ordered to be filled up with the words "twenty-ninth", and the paragraph to be engrossed with the constitution.

On motion of Mr. R. P. Thompson, it was

Ordered, That the vote by which the resolution relative to signing the constitution was adopted, be reconsidered.

On motion of Mr. Clark, the same was amended, by striking out all after the word "*Resolved*," and inserting the following:

"That the members of this convention do sign the constitution which has been agreed upon by them."

The resolution, as reconsidered and amended, was then adopted.

Mr. Parker offered the following resolutions:

Resolved, That —— copies of the journal of this convention be printed, in pamphlet form, under the direction of Peter D. Vroom and Henry W. Green, esq's, and that the president sign a warrant to them, on the state treasurer, for a sum not exceeding ——, to defray the expense, to be paid to the person performing the service, upon the execution of the work.

Resolved, That —— copies be furnished to each member of the convention, and that the remainder be deposited with the secretary of state, subject to disposal by the legislature;

Which was read, and,

On motion of Mr. Marsh,

The second blank in the first resolution was ordered to be filled up with the words "four hundred dollars."

On motion of Mr. Mickle, the first blank in the same was ordered to be filled up with the words "one thousand."

On motion of Mr. R. S. Kennedy, the blank in the second resolution was ordered to be filled up with the words "one bound copy and four unbound."

On motion of Mr. Mickle,

The second resolution was amended, by inserting, between the words "convention" and "and", the following: "and also to each of the secretaries of the convention."

The resolutions, as amended, were then adopted.

On motion of Mr. Zabriskie, it was

Resolved, That the members of this convention sign the constitution by delegations, and that a space be reserved for those who are absent.

On motion of Mr. Parker, it was

Resolved, That the journal of this convention be delivered to the governor of this state, to be filed, together with the constitution, in the office of the secretary of state, for preservation.

On motion of Mr. Pickel, it was

Resolved, That the librarian receive the sum of two dollars per day, for his services during the session of this convention.

The "CONSTITUTION", as engrossed, was then read and compared, and,

On motion of Mr. Hornblower,

Ordered, That the same be now signed by the president and secretaries.

Mr. Connolly, from the committee on contingent expenses, made the following report:

The committee on contingent expenses beg leave to make the following report:

STATE OF NEW JERSEY, IN CONVENTION.

Sundry incidental charges.

To	Charles Scott, for stationery,	$175 14
	David Clark, do.,	19 95
	Wm. Pearson, repairing locks,	3 75
	Wm. Paterson, for six blank minute books,	1 87½
	Joseph G. Brearley, as per bill,	3 55
	Joseph Marshall, for parchment,	4 50
	Franklin S. Mills, for printing rules,	20 40
	Wm. Napton, sundries,	11 75
	Elias Phillips, for two pitchers,	1 18¾
	Sylvester Van Sickell, for repairing carpet,	1 50
	W. W. Norcross, for candles,	3 75
	Wm. Paterson, for stationery,	28 50
	Sherman & Harron, for printing diagram and list of delegates,	35 00
	Thos. Arrowsmith, treasurer, for abstract of bank taxes in this state,	3 00
	Wm. Paterson, for blank book to record the minutes of this convention,	10 00
	Eli Morris, engrossing the constitution, and parchment,	31 00
		$354 85¼

Mr. Connolly presented the account of Phillips & Boswell, printers to the convention, amounting to two hundred and ten dollars and sixty-three cents.

On motion of Mr. Randolph,

The report of the committee was accepted, and the same ordered to be paid.

On motion of Mr. Parsons,

The account of Phillips & Boswell was allowed, and the president authorized to draw a warrant in their favour for the amount thereof.

On motion of Mr. Stratton, it was unanimously

Resolved, That the thanks of this convention be presented to the Hon. Alexander Wurts, for the able, dignified, and impartial manner in which he has discharged the duties of presiding officer of this convention.

On motion of Mr. Cattell, it was unanimously

Resolved, That the thanks of the convention are due, and are hereby tendered to William Paterson and Thomas J. Saunders, secretaries of the convention, for the able and courteous manner in which they have discharged the arduous duties of secretaries of this convention.

The constitution, as agreed to, engrossed, and signed, was then delivered in open convention, by the president, to Daniel Haines, governor of the state, who acknowledged the reception of the same, by causing the following certificate to be endorsed thereon:

"NEW JERSEY, *ss.*

Be it remembered, that on the twenty-ninth day of June, in the year of our Lord one thousand eight hundred and forty-four, the above constitution was delivered to the governor of this state, in open convention, by the president thereof; and it is thereupon, by the said governor, ordered and directed that the same be filed in the office of the secretary of state.

DAN'L. HAINES, *Gov. of N. J.*"

And having signed the same, delivered the "Constitution," as herein before agreed upon, to the secretary of state, pursuant to the act calling the convention, to be by him deposited in his office, and there to be filed, as a perpetual record.

On motion of Mr. Vroom, it was unanimously

Resolved, That the thanks of this convention be tendered to the Hon. Isaac H. Williamson, late president of the convention, for the able, impartial, and dignified manner in which he has discharged the duties of his office.

On motion of Mr. Zabriskie,

The vote by which the resolutions relative to printing the journal of this convention, as amended, was adopted, was ordered to be reconsidered.

On motion of Mr. Zabriskie, the same were amended, by adding the following:

"*Resolved*, That the secretary furnish a copy of the journal for publication."

The resolutions, as amended, were then adopted.

The president then addressed the convention, as follows:

GENTLEMEN,

I beg permission to detain you a moment, while I express my deep sense of the distinguished honour which the convention has conferred upon me.

My most respectful and grateful acknowledgments are tendered to the convention, for the signal distinction of having been selected to preside over its deliberations.

I assure you, gentlemen, that I duly appreciate this flattering evidence of your confidence and regard, and that it will be held by me, while life endures, in the most pleasing and grateful remembrance.

The situation of presiding officer in such an assembly as this is, and convened, as we are, for purposes of such high and momentous import, is indeed a post of honour. I feel it more sensibly, because it was entirely unexpected, and, considering how many distinguished gentlemen surround me, unmerited.

I return you my most grateful thanks for the kind expression of your approbation of the manner in which I have discharged the duties that the convention were pleased to impose upon me.

Most sincerely do I regret that those duties call upon me now, to stand in the place of the venerable and distinguished individual who was called by acclamation to preside over our deliberations, at the first meeting of the convention. And sure I am in saying this, I do but express the sentiments of every member of the convention.

No one enjoys in a higher degree than that gentlemen, the love, respect, and confidence of the people of New Jersey. His name, as president of the convention to the constitution we have prepared, would have been a tower of strength in its defence. His heart was in the work, and we all regret that sickness has compelled his resignation, and deprived the convention of the benefit of his counsel and assistance in the closing scene of its labours.

My best efforts have been devoted to the faithful discharge of the responsible duties of the chair, and if, in the discharge of those duties, the feelings of any gentleman have been wounded, or his rights invaded, I beg him to attribute it to accident, and not to design. I return the members of the convention my thanks for their uniform support and kind treatment.

And now, gentlemen, allow me to congratulate the convention upon the happy result of its labours, and the uniform spirit of harmony which has marked our deliberations.

The members of the convention have faithfully discharged their duty, by conforming to the honourable and patriotic example set them by their constituents.

My sincere hope is, that the constitution we have framed may find favour with those who committed this high trust to us, and redound to the lasting welfare and happiness of the state.

Accept, gentlemen, my best wishes for your future health and prosperity, and a speedy and happy meeting with your respective families.

The secretary and assistant secretary then returned thanks for the honour respectively conferred upon them, and for the approbation expressed by the convention of the manner in which they had severally discharged the duties of their offices.

On motion of Mr. Zabriskie,

The convention then adjourned *sine die*.

ALEXANDER WURTS,
President of the Convention.

WILLIAM PATERSON, *Secretary.*

TH: J. SAUNDERS, *Assist. Sec'y.*

APPENDIX.

THE CONSTITUTION,

As adopted and signed by the officers and delegates, together with the certificates of the governor and secretary of state.

STATE OF NEW JERSEY.

A CONSTITUTION,

Agreed upon by the delegates of the people of New Jersey, in convention, begun at Trenton, on the fourteenth day of May, and continued to the twenty-ninth day of June, in the year of our Lord one thousand eight hundred and forty-four.

WE, the people of the State of New Jersey, grateful to Almighty God for the civil and religious liberty which He hath so long permitted us to enjoy, and looking to Him for a blessing upon our endeavours to secure and transmit the same unimpaired to succeeding generations, do ordain and establish this constitution.

ARTICLE I.

RIGHTS AND PRIVILEGES.

1. All men are by nature free and independent, and have certain natural and unalienable rights, among which are those of enjoying and defending life and liberty, acquiring, possessing, and protecting property, and of pursuing and obtaining safety and happiness.

2. All political power is inherent in the people. Government is instituted for the protection, security, and benefit of the people, and they have the right at all times to alter or reform the same, whenever the public good may require it.

3. No person shall be deprived of the inestimable privilege of worshipping Almighty God in a manner agreeable to the dictates of his own conscience; nor under any pretence whatever be compelled to attend any place of worship contrary to his faith and judgment; nor shall any person be obliged to pay tithes, taxes, or other rates for building or repairing any church or churches, place or places of worship, or for the maintenance of any minister or ministry, contrary to what he believes to be right, or has deliberately and voluntarily engaged to perform.

4. There shall be no establishment of one religious sect, in preference to another: no religious test shall be required as a qualification for any office or public trust; and no person shall be denied the enjoyment of any civil right merely on account of his religious principles.

5. Every person may freely speak, write, and publish his sentiments on all subjects, being responsible for the abuse of that right. No law shall be passed to restrain or abridge the liberty of speech or of the press. In all prosecutions or indictments for libel, the truth may be given in evidence to the jury; and if it shall appear to the jury that the matter charged as libellous is true, and was published with good motives and for justifiable ends, the party shall be acquitted; and the jury shall have the right to determine the law and the fact.

6. The right of the people to be secure in their persons,

houses, papers, and effects, against unreasonable searches and seizures, shall not be violated; and no warrant shall issue but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched, and the papers and things to be seized.

7. The right of trial by jury shall remain inviolate; but the legislature may authorize the trial of civil suits, when the matter in dispute does not exceed fifty dollars, by a jury of six, men.

8. In all criminal prosecutions the accused shall have the right to a speedy and public trial by an impartial jury; to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favour, and to have the assistance of counsel in his defence.

9. No person shall be held to answer for a criminal offence, unless on the presentment or indictment of a 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.

10. No person shall after acquittal, be tried for the same offence. All persons shall, before conviction, be bailable by sufficient sureties, except for capital offences, when the proof is evident or presumption great.

11. The privilege of the writ of habeas corpus shall not be suspended, unless in case of rebellion or invasion the public safety may require it.

12. The military, shall be in strict subordination to the civil power.

13. No soldier shall, in time of peace, be quartered in any house without the consent of the owner; nor in time of war except in a manner prescribed by law.

14. Treason against the state shall consist only in levying war against it, or in adhering to its enemies, giving them aid and comfort. No person shall be convicted of treason, unless

on the testimony of two witnesses to the same overt act, or on confession in open court.

15. Excessive bail shall not be required, excessive fines shall not be imposed, and cruel and unusual punishments shall not be inflicted.

16. Private property shall not be taken for public use, without just compensation; but land may be taken for public highways as heretofore until the legislature shall direct compensation to be made.

17. No person shall be imprisoned for debt in any action, or on any judgment founded upon contract, unless in cases of fraud; nor shall any person be imprisoned for a militia fine in time of peace.

18. The people have the right freely to assemble together, to consult for the common good, to make known their opinions to their representatives, and to petition for redress of grievances.

19. This enumeration of rights and privileges shall not be construed to impair or deny others retained by the people.

ARTICLE II.

RIGHT OF SUFFRAGE.

1. Every white male citizen of the United States, of the age of twenty-one years, who shall have been a resident of this state one year, and of the county in which he claims his vote five months, next before the election, shall be entitled to vote for all officers that now are, or hereafter may be elective by the people; *provided*, that no person in the military, naval, or marine service of the United States shall be considered a resident in this state, by being stationed in any garrison, barrack, or military or naval place or station within this state; and no pauper, idiot, insane person, or person convicted of a crime which now excludes him from being a witness unless pardoned or restored by law to the right of suffrage, shall enjoy the right of an elector.

2. The legislature may pass laws to deprive persons of the right of suffrage who shall be convicted of bribery at elections.

ARTICLE III.

DISTRIBUTION OF THE POWERS OF GOVERNMENT.

1. The powers of the government shall be divided into three distinctdepartments,—the legislative, executive, and judicial; and no person or persons belonging to, or constituting one of these departments, shall exercise any of the powers properly belonging to either of the others, except as herein expressly provided.

ARTICLE IV.

LEGISLATIVE.

Section I.

1. The legislative power shall be vested in a Senate and General Assembly.

2. No person shall be a member of the Senate who shall not have attained the age of thirty years, and have been a citizen and inhabitant of the state for four years, and of the county for which he shall be chosen one year, next before his election; and no person shall be a member of the General Assembly who shall not have attained the age of twenty-one years, and have been a citizen and inhabitant of the state for two years, and of the county for which he shall be chosen one year next before his election; *provided*, that no person shall be eligible as a member of either house of the legislature, who shall not be entitled to the right of suffrage.

3. Members of the Senate and General Assembly shall be elected yearly, and every year, on the second Tuesday of October; and the two houses shall meet separately on the second Tuesday in January next after the said day of election, at which time of meeting the legislative year shall commence; but the time of holding such election may be altered by the legislature.

Section II.

1. The Senate shall be composed of one senator from each county in the state, elected by the legal voters of the counties, respectively, for three years.

2. As soon as the Senate shall meet after the first election to be held in pursuance of this constitution, they shall be divided as equally as may be into three classes. The seats of the senators of the first class shall be vacated at the expiration of the first year; of the second class at the expiration of the second year; and of the third class at the expiration of the third year; so that one class may be elected every year: and if vacancies happen, by resignation or otherwise, the persons elected to supply such vacancies shall be elected for the unexpired terms only.

Section III.

1. The General Assembly shall be composed of members annually elected by the legal voters of the counties, respectively, who shall be apportioned among the said counties as nearly as may be according to the number of their inhabitants. The present apportionment shall continue until the next census of the United States shall have been taken, and an apportionment of members of the General Assembly shall be made by the legislature at its first session after the next and every subsequent enumeration or census, and when made shall remain unaltered until another enumeration shall have been taken; *provided*, that each county shall at all times be entitled to one member: and the whole number of members shall never exceed sixty.

Section IV.

1. Each house shall direct writs of election for supplying vacancies, occasioned by death, resignation, or otherwise; but if vacancies occur during the recess of the legislature, the writs may be issued by the governor, under such regulations as may be prescribed by law.

2. Each house shall be the judge of the elections, returns, and qualifications of its own members, and a majority of each shall constitute a quorum to do business; but a smaller number may adjourn from day to day, and may be authorized to compel the attendance of absent members, in such manner, and under such penalties, as each house may provide.

3. Each house shall choose its own officers, determine the rules of its proceedings, punish its members for disorderly behaviour, and, with the concurrence of two-thirds, may expel a member.

4. Each house shall keep a journal of its proceedings, and from time to time publish the same; and the yeas and nays of the members of either house on any question shall, at the desire of one-fifth of those present, be entered on the journal.

5. Neither house, during the session of the legislature, shall, without the consent of the other, adjourn for more than three days, nor to any other place than that in which the two houses shall be sitting.

6. All bills and joint resolutions shall be read three times in each house, before the final passage thereof; and no bill or joint resolution shall pass, unless there be a majority of all the members of each body personally present and agreeing thereto; and the yeas and nays of the members voting on such final passage shall be entered on the journal.

7. Members of the Senate and General Assembly shall receive a compensation for their services, to be ascertained by law, and paid out of the treasury of the state; which compensation shall not exceed the sum of three dollars per day for the period of forty days from the commencement of the session; and shall not exceed the sum of one dollar and fifty cents per day for the remainder of the session. When convened in extra-session by the governor, they shall receive such sum as shall be fixed for the first forty days of the ordinary session. They shall also receive the sum of one dollar for every ten miles they shall travel, in going to and returning from their place of meeting, on the most usual route. The president of the Senate and the speaker of the House of Assembly shall, in virtue of their offices, receive an additional compensation, equal to one-third of their per diem allowance as members.

8. Members of the Senate and General Assembly shall, in all cases except treason, felony, and breach of the peace, be

privileged from arrest during their attendance at the sitting of their respective houses, and in going to and returning from the same: and for any speech or debate, in either house, they shall not be questioned in any other place.

Section V.

1. No member of the Senate or General Assembly shall, during the time for which he was elected, be nominated or appointed by the governor or by the legislature in joint-meeting, to any civil office under the authority of this state, which shall have been created, or the emoluments whereof shall have been increased, during such time.

2. If any member of the Senate or General Assembly shall be elected to represent this state in the Senate or House of Representatives of the United States, and shall accept thereof, or shall accept of any office or appointment under the government of the United States, his seat in the legislature of this state shall thereby be vacated.

3. No justice of the supreme court, nor judge of any other court, sheriff, justice of the peace, nor any person or persons possessed of any office of profit under the government of this state shall be entitled to a seat, either in the Senate or in the General Assembly; but on being elected and taking his seat, his office shall be considered vacant: and no person holding any office of profit under the government of the United States shall be entitled to a seat in either house.

Section VI.

1. All bills for raising revenue shall originate in the House of Assembly; but the Senate may propose or concur with amendments, as on other bills.

2. No money shall be drawn from the treasury but for appropriations made by law.

3. The credit of the state shall not be directly or indirectly loaned in any case.

4. The legislature shall not, in any manner, create any debt or debts, liability or liabilities, of the state, which shall

singly or in the aggregate with any previous debts or liabilities at any time exceed one hundred thousand dollars, except for purposes of war, or to repel invasion, or to suppress insurrection, unless the same shall be authorized by a law for some single object or work, to be distinctly specified therein; which law shall provide the ways and means, exclusive of loans, to pay the interest of such debt or liability as it falls due, and also to pay and discharge the principal of such debt or liability within thirty-five years from the time of the contracting thereof, and shall be irrepealable until such debt or liability, and the interest thereon, are fully paid and discharged: and no such law shall take effect until it shall, at a general election, have been submitted to the people, and have received the sanction of a majority of all the votes cast for and against it at such election: and all money to be raised by the authority of such law shall be applied only to the specific object stated therein, and to the payment of the debt thereby created. This section shall not be construed to refer to any money that has been, or may be, deposited with this state by the government of the United States.

Section VII.

1. No divorce shall be granted by the legislature.

2. No lottery shall be authorized by this state; and no ticket in any lottery not authorized by a law of this state shall be bought or sold within the state.

3. The legislature shall not pass any bill of attainder, ex post facto law, or law impairing the obligation of contracts, or depriving a party of any remedy for enforcing a contract which existed when the contract was made.

4. To avoid improper influences which may result from intermixing in one and the same act such things as have no proper relation to each other, every law shall embrace but one object, and that shall be expressed in the title.

5. The laws of this state shall begin in the following style, "Be it enacted by the Senate and General Assembly of the State of New Jersey."

6. The fund for the support of free schools, and all money, stock, and other property, which may hereafter be appropriated for that purpose, or received into the treasury under the provision of any law heretofore passed to augment the said fund, shall be securely invested and remain a perpetual fund; and the income thereof, except so much as it may be judged expedient to apply to an increase of the capital, shall be annually appropriated to the support of public schools, for the equal benefit of all the people of the state; and it shall not be competent for the legislature to borrow, appropriate, or use the said fund or any part thereof, for any other purpose, under any pretence whatever.

7. No private or special law shall be passed authorizing the sale of any lands belonging in whole or in part to a minor or minors or other persons who may at the time be under any legal disability to act for themselves.

8. The assent of three-fifths of the members elected to each house shall be requisite to the passage of every law for granting, continuing, altering, amending, or renewing charters for banks or money corporations; and all such charters shall be limited to a term not exceeding twenty years.

9. Individuals or private corporations shall not be authorized to take private property for public use, without just compensation first made to the owners.

10. The legislature may vest in the circuit courts, or courts of common pleas within the several counties of this state, chancery powers, so far as relates to the foreclosure of mortgages, and sale of mortgaged premises.

Section VIII.

1. Members of the legislature, shall, before they enter on the duties of their respective offices, take and subscribe the following oath or affirmation:

"I do solemnly swear, (or affirm, as the case may be,) that I will support the constitution of the United States and the constitution of the State of New Jersey, and that I will faithfully discharge the duties of senator (or member of the General Assembly, as the case may be) according to the best of my ability."

And members elect of the Senate or General Assembly are hereby empowered to administer to each other the said oath or affirmation.

ARTICLE V.

EXECUTIVE.

1. The executive power shall be vested in a governor.

2. The governor shall be elected by the legal voters of this state. The person having the highest number of votes shall be the governor: but if two or more shall be equal and highest in votes, one of them shall be chosen governor by the vote of a majority of the members of both houses in joint-meeting. Contested elections for the office of governor shall be determined in such manner as the legislature shall direct by law. When a governor is to be elected by the people, such election shall be held at the time when and at the places where the people shall respectively vote for members of the legislature.

3. The governor shall hold his office for three years, to commence on the third Tuesday of January next ensuing the election for governor by the people, and to end on the Monday preceding the third Tuesday of January, three years thereafter: and he shall be incapable of holding that office for three years next after his term of service shall have expired: and no appointment or nomination to office shall be made by the governor during the last week of his said term.

4. The governor shall be not less than thirty years of age, and shall have been for twenty years, at least, a citizen of the United States, and a resident of this state seven years next before his election, unless he shall have been absent during that time on the public business of the United States or of this state.

5. The governor shall, at stated times, receive for his services a compensation which shall be neither increased nor diminished during the period for which he shall have been elected.

6. He shall be the commander-in-chief of all the military and naval forces of the state; he shall have power to convene the legislature whenever in his opinion public necessity requires it; he shall communicate by message to the legislature at the opening of each session, and at such other times as he may deem necessary, the condition of the state, and recommend such measures as he may deem expedient; he shall take care that the laws be faithfully executed, and grant, under the great seal of the state, commissions to all such officers as shall be required to be commissioned.

7. Every bill which shall have passed both houses shall be presented to the governor: if he approve he shall sign it, but if not he shall return it, with his objections, to the house in which it shall have originated, who shall enter the objections at large on their journal, and proceed to reconsider it; if, after such reconsideration, a majority of the whole number of that house shall agree to pass the bill, it shall be sent, together with the objections, to the other house, by which it shall likewise be reconsidered, and if approved of by a majority of the whole number of that house, it shall become a law; but, in neither house shall the vote be taken on the same day on which the bill shall be returned to it: and in all such cases, the votes of both houses shall be determined by yeas and nays, and the names of the persons voting for and against the bill shall be entered on the journal of each house respectively. If any bill shall not be returned by the governor within five days (Sunday excepted) after it shall have been presented to him, the same shall be a law, in like manner as if he had signed it, unless the legislature by their adjournment, prevent its return in which case it shall not be a law.

8. No member of Congress, or person holding an office under the United States, or this state, shall exercise the office of governor; and in case the governor, or person administering the government shall accept any office under the United States or this state, his office of governor shall thereupon be vacant.

9. The governor or person administering the government,

shall have power to suspend the collection of fines and forfeitures, and to grant reprieves, to extend until the expiration of a time not exceeding ninety days after conviction; but this power shall not extend to cases of impeachment.

10. The governor, or person administering the government, the chancellor, and the six judges of the court of errors and appeals, or a major part of them, of whom the governor, or person administering the government, shall be one, may remit fines and forfeitures, and grant pardons, after conviction, in all cases except impeachment.

11. The governor and all other civil officers under this state shall be liable to impeachment for misdemeanor in office during their continuance in office and for two years thereafter.

12. In case of the death, resignation or removal from office of the governor, the powers, duties, and emoluments of the office, shall devolve upon the president of the Senate, and in case of his death, resignation or removal, then upon the speaker of the House of Assembly, for the time being until another governor shall be elected and qualified; but in such case another governor shall be chosen at the next election for members of the legislature, unless such death, resignation, or removal, shall occur within thirty days immediately preceding such next election, in which case a governor shall be chosen at the second succeeding election for members of the legislature. When a vacancy happens, during the recess of the legislature in any office which is to be filled by the governor and Senate, or by the legislature in joint-meeting, the governor shall fill such vacancy and the commission shall expire at the end of the next session of the legislature, unless a successor shall be sooner appointed: when a vacancy happens in the office of clerk or surrogate of any county, the governor shall fill such vacancy, and the commission shall expire when a successor is elected and qualified.

13. In case of the impeachment of the governor, his absence from the state or inability to discharge the duties of his office, the powers, duties and emoluments of the office shall devolve upon the president of the Senate; and in case of

his death, resignation or removal, then upon the speaker of the House of Assembly for the time being, until the governor absent, or impeached shall return or be acquitted, or until the disqualification or inability shall cease, or until a new governor be elected and qualified.

14. In case of a vacancy in the office of governor from any other cause than those herein enumerated, or in case of the death of the governor elect before he is qualified into office, the powers, duties and emoluments of the office shall devolve upon the president of the Senate or speaker of the House of Assembly, as above provided for, until a new governor be elected and qualified.

ARTICLE VI.

JUDICIARY.

Section I.

1. The judicial power shall be vested in a court of errors and appeals in the last resort in all causes as heretofore; a court for the trial of impeachments; a court of chancery; a prerogative court; a supreme court; circuit courts, and such inferior courts as now exist, and as may be hereafter ordained and established by law; which inferior courts the legislature may alter or abolish, as the public good shall require.

Section II.

1. The court of errors and appeals shall consist of the chancellor, the justices of the supreme court, and six judges, or a major part of them; which judges are to be appointed for six years.

2. Immediately after the court shall first assemble, the six judges shall arrange themselves in such manner that the seat of one of them shall be vacated every year, in order that thereafter one judge may be annually appointed.

3. Such of the six judges as shall attend the court shall receive, respectively, a per diem compensation, to be provided by law.

4. The secretary of state shall be the clerk of this court.

5. When an appeal from an order or decree shall be heard the chancellor shall inform the court, in writing, of the reasons for his order or decree; but he shall not sit as a member, or have a voice in the hearing or final sentence.

6. When a writ of error shall be brought, no justice who has given a judicial opinion in the cause in favour of or against any error complained of, shall sit as a member, or have a voice on the hearing, or for its affirmance or reversal; but the reasons for such opinion shall be assigned to the court in writing.

Section III.

1. The House of Assembly shall have the sole power of impeaching by a vote of a majority of all the members; and all impeachments shall be tried by the Senate: the members, when sitting for that purpose, to be on oath or affirmation "truly and impartially to try and determine the charge in question according to evidence": and no person shall be convicted without the concurrence of two-thirds of all the members of the Senate.

2. Any judicial officer impeached shall be suspended from exercising his office until his acquittal.

3. Judgment in cases of impeachment shall not extend farther than to removal from office, and to disqualification to hold and enjoy any office of honour, profit or trust under this state: but the party convicted shall nevertheless be liable to indictment, trial and punishment according to law.

4. The secretary of state shall be the clerk of this court.

Section IV.

1. The court of chancery shall consist of a chancellor.

2. The chancellor shall be the ordinary or surrogate general, and judge of the prerogative court.

3. All persons aggrieved by any order, sentence, or decree of the orphans' court, may appeal from the same, or from any part thereof to the prerogative court; but such order, sentence, or decree shall not be removed into the supreme court,

or circuit court if the subject matter thereof be within the jurisdiction of the orphans' court.

4. The secretary of state shall be the register of the prerogative court, and shall perform the duties required of him by law in that respect.

Section V.

1. The supreme court shall consist of a chief justice and four associate justices. The number of the associate justices may be increased or decreased by law, but shall never be less than two.

2. The circuit courts shall be held in every county of this state, by one or more of the justices of the supreme court, or a judge appointed for that purpose; and shall in all cases within the county, except in those of a criminal nature, have common law jurisdiction, concurrent with the supreme court; and any final judgment of a circuit court may be docketed in the supreme court and shall operate as a judgment obtained in the supreme court from the time of such docketing.

3. Final judgments in any circuit court may be brought by writ of error into the supreme court, or directly into the court of errors and appeals.

Section VI.

1. There shall be no more than five judges of the inferior court of common pleas in each of the counties in this state after the terms of the judges of said court now in office shall terminate. One judge for each county shall be appointed every year, and no more, except to fill vacancies which shall be for the unexpired term only.

2. The commissions for the first appointments of judges of said court shall bear date and take effect on the first day of April next; and all subsequent commissions for judges of said court shall bear date and take effect on the first day of April in every successive year, except commissions to fill vacancies which shall bear date and take effect when issued.

Section VII.

1. There may be elected under this constitution, two, and not more than five, justices of the peace in each of the townships of the several counties of this state, and in each of the wards, in cities that may vote in wards. When a township or ward contains two thousand inhabitants or less, it may have two justices: when it contains more than two thousand inhabitants, and not more than four thousand, it may have four justices; and when it contains more than four thousand inhabitants, it may have five justices: *provided*, that whenever any township not voting in wards contains more than seven thousand inhabitants, such township may have an additional justice for each additional three thousand inhabitants above four thousand.

2. The population of the townships in the several counties of the state and of the several wards shall be ascertained by the last preceding census of the United States, until the legislature shall provide, by law, some other mode of ascertaining it.

ARTICLE VII.

APPOINTING POWER AND TENURE OF OFFICE.

Section I.

MILITIA OFFICERS.

1. The legislature shall provide by law for enrolling, organizing and arming the militia.

2. Captains, subalterns and non-commissioned officers, shall be elected by the members of their respective companies.

3. Field officers of regiments, independent battalions, and squadrons, shall be elected by the commissioned officers of their respective regiments, battalions or squadrons.

4. Brigadier generals, shall be elected by the field officers of their respective brigades.

5. Major generals, shall be nominated by the governor, and appointed by him, with the advice and consent of the Senate.

6. The legislature shall provide, by law, the time and manner of electing militia officers, and of certifying their elec-

tions to the governor, who shall grant their commissions, and determine their rank, when not determined by law; and no commissioned officer shall be removed from office, but by the sentence of a court martial pursuant to law.

7. In case the electors of subalterns, captains, or field officers, shall refuse or neglect to make such elections, the governor shall have power, to appoint such officers, and to fill all vacancies caused by such refusal of neglect.

8. Brigade inspectors shall be chosen by the field officers, of their respective brigades.

9. The governor shall appoint the adjutant general, quartermaster general, and all other militia officers, whose appointment is not otherwise provided for in this constitution.

10. Major generals, brigadier generals and commanding officers of regiments, independent battalions, and squadrons, shall appoint the staff officers of their divisions, brigades, regiments, independent battalions, and squadrons respectively.

Section II.

CIVIL OFFICERS.

1. Justices of the supreme court, chancellor, and judges of the court of errors and appeals, shall be nominated by the governor, and appointed by him, with the advice and consent of the Senate.

The justices of the supreme court and chancellor, shall hold their offices for the term of seven years: shall at stated times, receive for their services a compensation which shall not be diminished during the term of their appointments; and they shall hold no other office under the government of this state or of the United States.

2. Judges of the courts of common pleas shall be appointed by the Senate and General Assembly, in joint-meeting.

They shall hold their offices for five years; but when appointed to fill vacancies, they shall hold for the unexpired term only.

3. The state treasurer, and the keeper and inspectors of the

state prison shall be appointed by the Senate and General Assembly in joint-meeting.

They shall hold their offices for one year, and until their successors shall be qualified into office.

4. The attorney general, prosecutors of the pleas, clerk of the supreme court, clerk of the court of chancery, and secretary of state shall be nominated by the governor and appointed by him with the advice and consent of the Senate.

They shall hold their offices for five years.

5. The law reporter shall be appointed by the justices of the supreme court or a majority of them; and the chancery reporter shall be appointed by the chancellor.

They shall hold their offices for five years.

6. Clerks and surrogates of counties shall be elected by the people of their respective counties, at the annual elections for members of the General Assembly.

They shall hold their offices for five years.

7. Sheriffs and coroners, shall be elected annually by the people of their respective counties at the annual elections for members of the General Assembly.

They may be re-elected until they shall have served three years but no longer; after which, three years must elapse, before they can be again capable of serving.

8. Justices of the peace shall be elected by ballot at the annual meetings of the townships in the several counties of the state, and of the wards in cities that may vote in wards, in such manner and under such regulations as may be hereafter provided by law.

They shall be commissioned for the county, and their commissions, shall bear date and take effect on the first day of May next after their election.

They shall hold their offices for five years; but when elected to fill vacancies, they shall hold for the unexpired term only; *provided*, that the commission of any justice of the peace shall become vacant upon his ceasing to reside in the township in which he was elected.

The first election for justices of the peace shall take place at the next annual town meetings of the townships in the several counties of the state, and of the wards in cities, that may vote in wards.

9. All other officers, whose appointments are not otherwise provided for by law, shall be nominated by the governor and appointed by him with the advice and consent of the Senate; and shall hold their offices for the time prescribed by law.

10. All civil officers elected or appointed, pursuant to the provisions of this constitution shall be commissioned by the governor.

11. The term of office of all officers elected or appointed pursuant to the provisions of this constitution, except when herein otherwise directed, shall commence on the day of the date of their respective commissions; but no commission for any office shall bear date prior to the expiration of the term of the incumbent of said office.

ARTICLE VIII.

GENERAL PROVISIONS.

1. The secretary of state shall be ex officio an auditor of the accounts of the treasurer, and as such, it shall be his duty to assist the legislature in the annual examination and settlement of said accounts, until otherwise provided by law.

2. The seal of the state shall be kept by the governor or person administering the government, and used by him officially, and shall be called the Great Seal of the State of New Jersey.

3. All grants and commissions shall be in the name and by the authority of the State of New Jersey, sealed with the great seal, signed by the governor or person administering the government, and countersigned by the secretary of state, and shall run thus: "The State of New Jersey, to —— ——, greeting." All writs shall be in the name of the state; and all indictments shall conclude in the following manner, *viz.*: "against the peace of this state the government and dignity of the same."

4. This constitution shall take effect and go into operation on the second day of September in the year of our Lord, one thousand eight hundred and forty-four.

ARTICLE IX.

AMENDMENTS.

Any specific amendment or amendments, to the constitution may be proposed in the Senate or General Assembly, and if the same shall be agreed to by a majority of the members elected to each of the two houses, such proposed amendment or amendments shall be entered on their journals, with the yeas and nays taken thereon, and referred to the legislature then next to be chosen, and shall be published for three months previous to making such choice, in at least one newspaper of each county, if any be published therein; and if in the legislature, next chosen, as aforesaid, such proposed amendment or amendments, or any of them, shall be agreed to by a majority of all the members elected to each house, then it shall be the duty of the legislature to submit such proposed amendment or amendments, or such of them as may have been agreed to as aforesaid by the two legislatures, to the people, in such manner and at such time at least four months after the adjournment of the legislature, as the legislature shall prescribe; and if the people at a special election, to be held for that purpose only, shall approve and ratify such amendment or amendments, or any of them by a majority of the electors qualified to vote for members of the legislature voting thereon, such amendment or amendments so approved and ratified shall become part of the constitution: *provided*, that if more than one amendment be submitted, they shall be submitted in such manner and form that the people may vote for, or against each amendment separately and distinctly; but no amendment or amendments shall be submitted to the people by the legislature oftener than once in five years.

ARTICLE X.

SCHEDULE.

That no inconvenience may arise from the change in the constitution of this state, and in order to carry the same into complete operation, it is hereby declared and ordained, that—

1. The common law and statute laws now in force not repugnant to this constitution, shall remain in force until they expire by their own limitation, or be altered or repealed by the legislature; and all writs, actions, causes of action, prosecutions, contracts, claims and rights of individuals and of bodies corporate, and of the state, and all charters of incorporation, shall continue, and all indictments which shall have been found, or which may hereafter be found, for any crime or offence committed before the adoption of this constitution, may be proceeded upon as if no change had taken place. The several courts of law and equity, except as herein otherwise provided, shall continue with the like powers and jurisdiction as if this constitution had not been adopted.

2. All officers now filling any office or appointment, shall continue in the exercise of the duties thereof, according to their respective commissions or appointments, unless, by this constitution it is otherwise directed.

3. The present governor, chancellor and ordinary or surrogate general, and treasurer shall continue in office until successors elected or appointed under this constitution shall be sworn or affirmed into office.

4. In case of the death, resignation, or disability of the present governor, the person who may be vice president of Council at the time of the adoption of this constitution shall continue in office and administer the government until a governor shall have been elected and sworn or affirmed into office under this constitution.

5. The present governor, or in case of his death or inability to act, the vice president of Council, together with the present members of the Legislative Council and secretary of

state shall constitute a board of state canvassers, in the manner now provided by law, for the purpose of ascertaining and declaring the result of the next ensuing election for governor, members of the House of Representatives and electors of president and vice president.

6. The returns of the votes for governor, at the said next ensuing election shall be transmitted to the secretary of state, the votes counted, and the election declared, in the manner now provided by law in the case of the election of electors of president and vice president.

7. The election of clerks and surrogates, in those counties where the term of office of the present incumbents shall expire previous to the general election of eighteen hundred and forty-five, shall be held at the general election next ensuing the adoption of this constitution; the result of which election shall be ascertained in the manner now provided by law for the election of sheriffs.

8. The elections for the year eighteen hundred and forty-four shall take place as now provided by law.

9. It shall be the duty of the governor to fill all vacancies in office happening between the adoption of this constitution and the first session of the Senate, and not otherwise provided for; and the commissions shall expire at the end of the first session of the Senate, or when successors shall be elected or appointed and qualified.

10. The restriction of the pay of members of the legislature, after forty days from the commencement of the session, shall not be applied to the first legislature convened under this constitution.

11. Clerks of counties shall be clerks of the inferior courts of common pleas and quarter-sessions of the several counties, and perform the duties, and be subject to the regulations now required of them by law until otherwise ordained by the legislature.

12. The legislature shall pass all laws necessary to carry into effect the provisions of this constitution.

Done in convention, at the State House in Trenton, on the twenty-ninth day of June, in the year of our Lord one thousand eight hundred and forty-four, and of the independence of the United States of America the sixty-eighth.

ALEXANDER WURTS,
President of the Convention.

WILLIAM PATERSON, *Secretary.*

TH: J. SAUNDERS, *Assist. Sec'y.*

WARREN.
P. B. Kennedy,
Samuel Hibbler,
Robert S. Kennedy.

SOMERSET.
P. D. Vroom,
Ferdinand S. Schenck,
George H. Brown.

HUNTERDON.
Jonathan Pickel,
David Neighbour,
Peter I. Clark.

MIDDLESEX.
Moses Jaques,
James Parker,
Jos. F. Randolph,
James C. Zabriskie.

MERCER.
Jno. R. Thomson,
Henry W. Green,
R. S. Field.

MONMOUTH.
George F. Fort,
Bernard Connolly,
Thomas G. Haight,
Daniel Holmes.

BERGEN.
John Cassedy,
Abr. Westervelt.

HUDSON.
Robt. Gilchrist.

PASSAIC.
Elias B. D. Ogden,
Andrew Parsons.

SUSSEX.
Joseph E. Edsall,
John Bell,
Martin Ryerson.

ESSEX.
Jos. C. Hornblower,
D'd. Naar,
O. S. Halsted,
Elias Vanarsdale,
Wm. Stites.

MORRIS.
Mahlon Dickerson,
Francis Child,
Ephraim Marsh,
W. Nelson Wood.

BURLINGTON.
Moses Wills,
J. J. Spencer,
Wm. R. Allen,
Jno. C. Ten Eyck,
Chas. Stokes.

CAMDEN.
John W. Mickle,
Abraham Browning.

GLOUCESTER.
Jno. R. Sickler,
Charles C. Stratton.

ATLANTIC.
Jonathan Pitney.

SALEM.
Jno. H. Lambert,
Richard P. Thompson,
Alex'. G. Cattell.

CUMBERLAND.
Wm. Belford Ewing,
Joshua Brick,
Daniel Elmer.

CAPE MAY.
Joshua Swain.

NEW JERSEY, *ss.*

Be it remembered, that on the twenty-ninth day of June, in the year of our Lord one thousand eight hundred and forty-four, the above constitution was delivered to the governor of this state, in open convention, by the president thereof; and it is thereupon, by the said governor, ordered and directed that the same be filed in the office of the secretary of state.

DAN'L. HAINES, *Gov. of N. J.*

STATE OF NEW JERSEY, *ss.*

The within constitution was delivered by His Excelleney Daniel Haines, governor of this state, to me, in open convention, and is, by his order, filed in my office this 29th June, 1844

CHARLES G. McCHESNEY,
Secretary of State.

A true copy.

CHARLES G. McCHESNEY, *Sec'y of State.*

PROCLAMATION

By Daniel Haines, Governor of the State of New Jersey.

WHEREAS, by an act of the legislature of the State of New Jersey, entitled, "An act to provide for the election of delegates to a convention to prepare a constitution for the government of this state, and for submitting the same to the people thereof, for ratification or rejection," passed the 23d day of February, A. D. 1844, it is provided, "That as soon as the said constitution shall have been deposited in the office of the secretary of state, it shall be the duty of the governor of this state for the time being to cause the same to be published in each of the newspapers printed in this state, for the space of six weeks, successively, at least once in each week, for the information of the people."

And whereas, the constitution agreed upon by the said convention has this day been delivered to me, in open convention, by the president thereof, and by my direction deposited and filed in the office of the secretary of state, in the words and figures following, that is to say:

[Here follows the constitution, as before printed, omitting the names of the delegates.]

Now, therefore, I, DANIEL HAINES, Governor of the State of New Jersey, have caused, and by these presents do cause, the said Constitution to be published, pursuant to the direction of the said act.

L. S.

Given under my hand and privy seal, at the city of Trenton, this twenty-ninth day of June, in the year of our Lord one thousand eight hundred and forty-four.

DANIEL HAINES.

Statement of votes given, in the several counties of the state, for and against the adoption of the constitution, at an election held on the thirteenth day of August, in the year of our Lord one thousand eight hundred and forty-four.

COUNTIES.	Constitution.	No Constitution.	Rejected ballots.
Atlantic,	366	17	
Bergen,	644	15	
Burlington,	1272	99	5
Camden,	477	68	2
Cape May,	115	14	
Cumberland,	532	42	8
Hudson,	268	28	1
Essex,	2759	300	2
Gloucester,	294	145	14
Hunterdon,	2231	376	3
Mercer,	1155	369	2
Middlesex,	907	145	
Monmouth,	1225	188	6
Morris,	1425	569	6
Passaic,	884	20	
Salem,	648	331	3
Somerset,	1303	304	7
Sussex,	2059	16	9
Warren,	1712	480	1
	20,276	3526	69

RECAPITULATION.

Constitution,	20,276
No Constitution,	3,526
Rejected ballots,	69
Whole number of votes.	23,871
Majority for Constitution,	16,750

A true copy from the statement of the board of state canvassers, now on file in my office.

CHARLES G. McCHESNEY, *Sec'y of State.*

S x H. W. B