

974.90 C758 1873A c.1

NEW JERSEY. CONSTITUTIONAL
COMMISSION.

PROCEEDINGS, JULY 8-NOV. 18,
1873

974.90
C758
1873A
COPY 1

New Jersey State Library

DEPOSITORY COPY
Do Not Remove From Library



NEW JERSEY

CONSTITUTIONAL COMMISSION

PROCEEDINGS

July 8 - Nov. 18, 1873

as reported in

THE TRENTON TRUE AMERICAN

July 9 - Nov. 19, 1873

974.90
C758
1873a

copy 1

~~copy 2~~

NEW JERSEY STATE LIBRARY

Constitutional Commission.

The Committee appointed at the previous meeting met yesterday at 11 o'clock, to agree on their report, and the Commission assembled at noon in the Senate Chamber. The following gentlemen answered to their names: Cutler, Carter, Babcock, Buckley, Gilchrist, Taylor, Ten Eyck, Swayze, Gregory, Thompson, Green, Grey, Ferry. Absent, Dickinson.

The new appointments are:

Second District—Philemon Dickinson, vice Mercer Beasley, Chief Justice, declined. Mr. Dickinson is well known, highly respected and an efficient business man. He has been President of the Trenton Banking Company for 30 years. He is a gentleman who has the confidence of the entire community and is well known as one who is liberally educated.

Fourth District—Joseph Thompson, vice Martin Ryerson, resigned, is a leading farmer, residing in Somerset county. He has been Judge of the Court of Common Pleas of Hunterdon county, and is now a Judge of Somerset county. He is a practically strong-minded man, and one to whom his neighbors invariably look for advice.

Sixth District—George J. Ferry, vice Theodore Runyon, declined, is a leading manufacturer, residing at Orange. He is a man of liberal education and great energy.

Seventh District—Dudley S. Gregory, vice Abraham O. Zabriskie, deceased, was a member of Congress and a candidate for U. S. Senator. He is a thorough business man.

Attorney General Gilchrist—I have great pleasure in moving that Senator Ten Eyck be the presiding officer of this Convention.

The choice was unanimous, and Mr. Carter and Mr. Buckley were appointed to conduct him to the chair, by Secretary Anderson.

GENTLEMEN:—I desire to tender my profound thanks for this mark of your favor. I am sure I shall always remember it, with the liveliest emotions of pleasure. I shall regard it as a sweet flower that has blossomed by my pathway of life.

Allow me a word and but a word, with regard to this Commission. Constitutional government, as we all know, is most conducive to the welfare and happiness of the people. Other and more arbitrary forms, may be more brilliant and vigorous, and may enhance the State and grandeur of a few, but our Republican form secures—better secures the right and privileges of the many.

In passing a new Constitution, or in proposing amendments to one already formed, permit me, for myself, to say, that while I would avoid all theoretical and experimental projects, I would favor such measures, as a vastly growing business, the pursuits of industry and labor, a pure elective franchise; a wise and efficient administration of law; evils in existing forms and methods of legislation, and such as the interests of education—free and common to all; good morals; a higher civilization and true progress may require. But a few words more.

How strangely are the ways of Providence sometimes repeated: In 1844 [an eminent gentleman, a great lawyer and a learned Chancellor, was unanimously called to preside over the convention that framed the present constitution of the State, and yet about the time that body ceased its labors, he was called to his everlasting rest—another presided in his stead and revised that excellent and well digested instrument,

Eight weeks ago, in this very spot, chosen by the united voices of us all, stood the manly form of our late distinguished President. We heard his few well chosen words. We separated; we to our business and our homes; he for a long and extended journey.

Hurrying back from the Pacific coast to resume this very post of duty—death, like an Indian arrow, struck him on the way, and he fell amidst the native grandeurs of the distant West. The cars rushed onwards, bearing his body through the mountain passes, but his immortal spirit soared aloft, high above their topmost summits—to live, I humbly trust, in joys perpetual!

What can I say? He has done his duty nobly and is justly mourned and honored. He has raised a monument to himself, in enduring brass, which will last when marble tablets shall have crumbled into dust; but I will leave it to you, gentlemen, who are better able to speak of him.

What can we do? We can, at least, try to imitate his virtues and examples, and in all our acts, here as elsewhere, strive to do our duty to the State and Nation.

Begging your assistance and indulgence, and returning my warmest thanks for your kind consideration, you will please proceed with the business of the Commission.

Mr. Gilchrist said, on behalf of the committee he handed in the report, but that he did so without assenting to all the particulars.

Mr. Anderson read the following report:

The committee appointed by the Constitutional Commission to prepare a plan of business and to present a list of subjects proper to be considered by the Commission, present the following report:

Since the organization of the committee a vacancy has occurred through the resignation of Hon. Martin Ryerson, by which means their number has been reduced to five.

The Committee recommend the adoption of the following plan of business:

I. That the subject now embraced in the Constitution requiring the consideration of the Commission be classified under the five following general heads:

1. Legislative Department—Bill of Rights and Right of Suffrage.

2. Executive.

3. Judiciary.

4. Appointing Power and Tenure of office.

5. Future amendments, General Provisions and Final Revision.

II. That there be five committees appointed by the President of the Commission and that each general head and the subject included therein be referred to a separate Committee, with instruction, if any changes are found desirable, to report them in the form of amendments to be embodied in the recommendations of the Commission to the Legislature.

III. That the Committee to which shall be referred the subject included under the first general head, viz: Legislative Department, Bill of Rights and Right of Suffrage, shall consist of five members, and that the other committees consist of three members.

IV. That the hour of meeting of the commission be ten o'clock A. M., and the hour of adjournment be three o'clock P. M., unless otherwise ordered.

Mr. Buckley moved to adopt the report.

Mr. Gilchrist said he should like to have the resolution read by which the committee was appointed. That being done, he, Mr. Gilchrist, said that the committee were instructed to report on some general order of business to be undertaken by the committee. With all deference to them, it seemed to him that they had not fulfilled the task, but had merely presented a list of subjects from the present constitution, and it did appear to him that the report did not present any general range of subjects or indicate any plan for business. After going over the range of subjects in their order he said, there is a desire that special legislation shall cease, and that we shall have corporation franchises granted under a general law, so as to relieve the Legislature of nine-tenths of their business, which, legitimately, should be the making of laws and not the granting of franchises. The subject of general legislation is one on which public attention is excited, and the popular will is to draw a limit between general and special legislation. He then pointed out how he thought the considerations for the commission should be arranged, and said that the questions were great, comprising the constitution of the Legislature and representation. He then indicated in what order he thought the business should come, and then said he was a little at a loss how to shape the motion, but to take the sense of the convention he would move to exclude from the Legislative Department head the organization and construction of that body.

Mr. Swayze objected to the adoption of the report on different grounds. It seemed to him that the Commission does not represent any great body of people in the State, and when they were about to amend a Constitution that might last some 20, 30, 40 or 100 years, they should be careful, and it would be far better to make their report in conformity with the idea contained in the Governor's message. They would have reports in the press of the State, and they could gather the opinions of the people how they should proceed.

Mr. Taylor defended the report. He thought that the committee that has charge of the Legislative Department ought, at least, to have charge of the fundamentals. He objected to the views of the Attorney General.

The motion of Mr. Gilchrist was lost.

Mr. Buckley called up his motion for the adoption of the report.

Mr. Grey said, before the vote on the motion was taken he should like to ask a question, in relation to the report itself—how is that there are five in the committee on the Legislative Department and only three on the other committees?

Mr. Gilchrist replied that it was considered the Legislative Committee would encounter the greatest amount of work.

Mr. Buckley remarked that he favored the adoption of the report simply because it presented the different subjects they would have to consider, and because he thought the committees there mentioned could take up all the amendments necessary, and he could not conceive how they would not be able to meet all questions that would come before them. He cared not how they divided the questions in the Legislative Department, they would all come under that head. Whatever views the committees might take, they would all come before the general body for discussion.

Mr. Swayze said there was another serious objection, unless a member of the Commission might move an amendment to the recommendation of a particular committee, the proposed amendment would only be the ideas of two or three. Supposing there should be an opinion amongst the people that the Judiciary should be elective, as has been adopted by many of the States, were those who were in favor of it to be shut out from expressing their views? It is a settled axiom that all the sovereignty resides in the people, and we ought not to adopt this report if it is intended to shut up discussion and take only the views of two or three men. They ought not to adopt that report if such was its object. There might be a desire to abolish the Court of Chancery, to make the offices of Secretary of State and State Treasurer elective, and those believing such changes necessary should not be shut out from expression of their views by the action of committees.

Mr. Buckley—When the reports of committees are presented they will be subject to amendments. He took it for granted that no member would be debarred from suggesting any amendments he saw fit. The object of the report was to get matters in that state so that they could begin to work. He could not see how Mr. Swayze could form such ideas. As for himself, when the reports of the committees were presented, he should claim the right to make what amendments he pleased.

Mr. Taylor moved to amend, that the consideration of subjects for committees be as follows:—1st, Bill of Rights; 2, Rights of Suffrage; 3d, Limitations upon powers of Government; 4, General Legislation; 5, Legislative Department; 6, Executive Department; 7, Judiciary Department; 8, Appointing Power and Tenure of Office; 9, Future Amendments; 10, General provisions and final revision. The object of thus dividing up the work, he said, was to have each one considered by itself and thus lessen the work by a division of labor; another reason was, to re-

duce the subjects to methodical classification. He then went over the various parts into which he advocated the division of the subject, and coming to that of General Legislation said that reform is needed, as special legislation takes up a great part of the time of the Legislature and is exceedingly expensive. After many salient points he said the committees, ten in number, could digest the various subjects and see where there are any deficiencies.

Mr. Carter said if that was a legal body and they were to form a new constitution, he could agree with very much the last speaker had advanced; but they were not there to make a new constitution but to

amend that which is a good one. If they meddled with and amended all the subjects proposed, he thought they should be doing more than the people wanted, and for that reason he was opposed to so many committees. The people would fear they were to have too much constitution as they had too much law. They were to avoid travelling in extensive fields, for they were but a commission to suggest a few amendments to a really good constitution.

Mr. Gilchrist asked for the reading of the introductory part of the resolution again. The remainder seemed only to him a classification of subjects.

That being done, Mr. Gilchrist said he was, so far for the amendments, which did not necessarily mean all those committees. The report of each committee would consider the special subject to which they addressed themselves, and then they would be able to know what they were about.

Mr. Taylor said he saw there was a misapprehension in the mind of the member from the first district. It was not that the committees should make a new Constitution, not with the expectancy that they would make amendments on every subject; but the object was that they should digest carefully the questions embraced under the general heads.

Mr. Swayze spoke in favor of the amendments of Senator Taylor.

The President put the question. The ayes and nays were called, with the following result:

Yeas—Babcock, Cutler, Ferry, Gilchrist, Green, Swayze, Taylor, Thompson, Grey—9.
Nays—Buckley, Carter, Gregory, Ten Eyck—4.

Mr. Gilchrist proposed that there be four committees; 1st, Bill of Rights and Suffrage; 2d, Legislative Department; 3d, Executive, Judiciary, appointing power and tenure of office; 4th, Future amendments and final revision.

The President asked if the Commission was ready for the question.

Mr. Gregory said he was opposed. He did not suppose they were sent there to tear the constitution all to pieces, but for a particular purpose. It seemed to him the best plan to think about what amendments they wanted and not rush on without thought.

Mr. Grey did not understand the action of the Commission. He was opposed to the appointment of committees, and thought they should confine themselves to the making of suggestions.

Mr. Gilchrist said he proposed four committees instead of ten.

Mr. Swayze moved to amend by striking out all that relates to committees.

Mr. Gilchrist said he partly agreed with what had been said by all the gentlemen. After they had agreed on what they should discuss, they could take up the constitution and read the preamble and other matters and get the thoughts of those present on the matter.

Mr. Taylor said he was opposed to doing away with committees. They must suggest before they could prepare. Their purposes had to be put into distinct shape before they could proceed. He was not strenuous for ten committees, but committees they must have.

Mr. Grey wanted to know if the Commission is so enormously large that they could not get along together? He did not think it was. They were only a committee in number; a committee of 14 from a population of 1,000,000, and he thought that they could do their business while together. If they wanted a committee at all, it was not until after they had a conference. If they were not careful the work they had set themselves would take the rest of the year. Let them not be like the New York Commission, that sat for months and accomplished nothing. Let them act like sensible men, coming from the people, and not take upon themselves all the functions of a great parliament.

Mr. Taylor said the Commission had not met for wrangling or for measuring swords, but must act in a deliberate manner and appoint their committees, who would bring before them specific subjects. They would never arrive at any conclusion unless they had some plan of order, and committees were just as necessary to a body of 14 as to 1,400.

Mr. Swayze said, all they desired was to simplify. It was not intended or contemplated by the Governor that this body should elect a small body of their number to shape their own ideas, and then come to the commission with prestige; but it was contemplated that the work should be done in open session. What opportunity will there be given to discuss if you shut up three or four men in a private room propose their own amendments?—What we want to do, is to deal openly and fairly with the sovereignty we represent. Why should not the whole body be a committee? The people are very jealous of this Commission. They look upon it with distrust. I don't say their complaints are right or wrong, but I deal with men as I find them.

Mr. Green said there appeared to be a great deal of unnecessary uneasiness. He said the plans proposed were simply for the purpose of defining the subjects to be brought before them.

Mr. Buckley said the gentleman from Union had covered the whole ground. He said he had never known a deliberate body called together that did not delegate their work to a committee, so that they might have it in some distinct form for action.—Mr. Swayze had an idea that the committees would be composed of men who would go into secret chambers to take away the rights of the people. There was no such thing in the book.

Mr. Ferry remarked that the present Constitution emanated from master minds, and they should approach the work with care. He spoke in favor of committees to report to the Commission.

Mr. Gray said it did not seem so much a question of committees as when they are to be appointed. He did not mean to say that there would be no necessity for a committee at any time. There might not, for it was possible they might agree, and possible they might disagree. He did not think that committees should be appointed and adjourn over without knowing their reports.

Article nine of the Constitution was read by Mr. Anderson, at the request of Mr. Gregory, who then said, you see the perplexities of our position, and then he pointed out the course their propositions had to run before they became law, all of which showed the great jealousies there are of the Constitution, and all of which showed that their powers were very limited. Had they not better consider the subjects before they sent them to the committees. They heard talk of the wish for an elective Judiciary of the people and of the right of suffrage. What did it mean, that young men of 19 or 21 years of age were the people and that women were included? They had to approach these matters carefully.— They knew there were some things that ought to be amended. They should be trying to make the best government and to keep it permanent.

Mr. Green pointed out that it was merely a question of committees—4 instead of 10; and without committees they had a fair sample in the discussion of what would take place.

Mr. Gilchrist found himself in a difficult position. He agreed with much that he heard from both sides. These resolutions were not for appointing committees, but making rules for their government. He would start to business as soon as the preamble to the constitution is read, if any member has any amendments to make let him make them then, and let the matter be referred to a committee to report. It seemed to him that they must have committees, and then would come the question when they are to be appointed?

After some further discussion the President said, the question is to dispense with all committees on motion of the member from Essex.

The amendment was lost.

Now, said the President, comes the proposition of the Attorney General, that there be four committees, with the subjects stated to be referred to them.

That was put to the vote and adopted.

Mr. Green moved that all reports of committees, before final action, shall be reported to a Committee of the Whole.

Carried.

Mr. Green also proposed that the Commission will lay before the Legislature any specific amendments that may be agreed upon by any four members.

Mr. Taylor objected.

Mr. Swayze moved that it be laid on the table.

The motion was lost.

Mr. Taylor moved the minority amendments be presented by themselves.

Mr. Grey said that it was only right that the minority of the Commission should have liberty to report on the amendments proposed.

Mr. Swayze said it seemed wrong to him that four members should control the Commission.

Mr. Green said that it was offered for the very reason to give the member from Sussex the very thing he appeared to have been seeking for, the opportunity to lay his views before the Legislature. It did seem only just; that where four members disagreed they should have the opportunity to make a minority report.

Mr. Taylor did not see any objection to dissentients laying their views before the Legislature.

The President said there were, then, three distinct propositions.

They were all passed over to make way for Mr. Green's motion, which was lost.

Then the Commission came to the report of the Committee as amended.

Mr. Gilchrist—If we adopt the report, without any action as to the time the Committees shall be appointed, we shall go wrong. They can be appointed at once.

Mr. Grey thought there was no necessity for specification of time.

Mr. Gilchrist—I move that the committees shall not be appointed until after the members have had opportunities to present suggestions as to amendments to any part of the Constitution.

Mr. Buckley said it did not involve any necessity.

Mr. Taylor said nothing could be done until committees were appointed.

After some discussion the report, as amended, was adopted.

On motion of Mr. Taylor 100 copies of the Constitution, printed in bill form was ordered to be procured by the Secretaries.

A motion to read the Constitution and consider it section by section, by Mr. Grey, was lost, 9 to 4.

Mr. Carter moved a recess of half an hour for the appointment of committees.

Mr. Grey objected. The Chair could not, he said, obtain sufficient knowledge of the Commission in that time to appoint committees.

After motions and amendments, without any interest to the reader, it was resolved that the Commission adjourn to meet on the 22d of July, when the President will announce the committees.

DEATH OF THE LATE PRESIDENT.

The Attorney General said, the Commission is already aware, and their action in electing a new President has been passed upon it, of the death of the late President. When so great a man falls, the body over whom he presided should take some notice of the fact, and indicate, in some manner, that they cherish and revere his memory. Chancellor Zabriskie was born in the State of New York, at Greenwood, in 1807, and his family removed to New Jersey in 1811. He completed his education at Princeton in the year 1828, and entered on the profession of the law in 1831, and after a career of most extraordinary success, he filled the office of Chancellor. He spoke in eloquent terms of his life, spoke of him as a man who did that which was just and right, and who had left behind him an example worthy of imitation.

[Want of space prevents us from reporting the speech in full.]

Mr. Gregory spoke feelingly on the death of the Chancellor.

On motion of Mr. Green a committee of three were appointed to draft resolutions.

The President named Messrs. Green, Gregory and Carter.

We regret that a want of space and an inability to procure the "copy," compel us to postpone the publication of the resolutions reported by the committee, until tomorrow.

After a resolution that they be adopted, which was carried, and that they be engrossed and presented to the family, which was also carried. The Commission adjourned to meet again on the 22d of this month, having been in session four hours and a quarter.

Constitutional Commission.

The Commission met yesterday morning at ten o'clock, when the following answered to their names: Ten Eyck, Carter, Thompson, Babcock, Green, Grey.

The President said, there not being a quorum present, the Commission would take a recess until a quarter after 11 o'clock. At that time, the following answered: Ten Eyck, (President) Gregory, Babcock, Carter, Grey, Green, Dickinson, Thompson, Swayze and Cutler.

Absent, Buckley, Gilchrist, Taylor and Ferry.

The Secretary read the minutes of the previous meeting.

Mr. Gregory called attention to a statement in a resolution that there should be 12 members present or no business should be transacted, and inquired if that number was present that day.

The Secretary said the resolution named was read and laid over for future consideration.

The minutes were adopted.

COMMITTEES.

The President announced the following committees:

Bill of Rights, Rights of Suffrage, Limitation of Power of Government and General and Special Legislation—J. W. Taylor, Essex; Robert S. Green, Union; Benjamin Buckley, Passaic.

Legislative Department—Its Organization and Constitution—Robert Gilchrist, Hudson; Samuel H. Grey, Camden; Philemon Dickinson, Mercer; John F. Babcock, Middlesex; Jacob L. Swayze, Sussex.

Executive, Judiciary and Appointing Power and Tenure of Office—Augustus W. Cutler, Morris; Dudley S. Gregory, Hudson; Benjamin F. Carter, Gloucester.

Amendments, General Provisions and Final Business—Samuel H. Gray, Camden; George J. Ferry, Essex; Joseph Thompson, Somerset.

The President said that the first thing in order was unfinished business.

Mr. Swayze called for the reading of the first rule he introduced, which was to the effect that the Commission should not proceed to business until 12 members were present. On that rule he enlarged and moved its adoption.

Mr. Green dissented.

Mr. Carter moved that 12 be struck out and ten substituted.

Mr. Green moved to strike the whole of the rule out, as its provisions were already provided for in the rules of the Senate.

Mr. Carter asked that the rules of the Senate be read in relation to that matter.

After some further discussion, Mr. Swayze spoke on the fourth rule, that before the final adoption of any question the Commission should be adjourned for three days, on motion of any member of the Commission.

Mr. Gregory thought they could get on without that rule.

Mr. Green asked if it was not possible to have a day on which to adjourn to without the rule.

The motion of Mr. Swayze was lost, 5 to 5. For the motion, Carter, Cutler, Dickinson, Grey, Swayze. Against, Babcock, Gregory, Green, Ten Eyck, Thompson.

Mr. Swayze moved, that any member may, at any time, during the session of the Commission, propose any amendment to the Constitution for their consideration.

Mr. Grey said that he did not see the use of that rule. He moved that the words be added, "except when some other amendment is under discussion." His object was, he said, to prevent the discussion of two resolutions at the same time.

Mr. Swayze accepted the amendment.

Mr. Green pointed out that the resolution, as amended, means, that a man may do a thing at any time unless when he cannot do it. He moved the rule be stricken out.

The motion of Mr. Swayze was lost.

Mr. Gregory moved that a copy of the names of the special committees be furnished to each member at their postoffice address. Carried.

Mr. Swayze moved that the President appoint a committee of three to draw up a circular inviting citizens to send suggestions as to proposed amendments to the Constitution.

Mr. Gregory said that he and Mr. Taylor had talked that matter over. Senator Taylor was taken sick and could not be present that day. It seemed to him, the Speaker, that they should ask for information on the proposed amendments, and from that course he thought they might obtain instruction, as the amendments to be proposed were merely suggestive. He would second the proposition of Mr. Swayze.

Mr. Swayze said the resolution contemplated gaining information from citizens as to what amendments were required and he was anxious to gain all the knowledge he could on the matter. He then read a long speech he had prepared. The present Constitution was prepared by those who were guided by that conservatism which had small faith in the people and hence denied the very rights it, by singular inconsistency, declared inherent in the people. He favored generally the recommendations of the last Gubernatorial message. The Constitution should be amended so as to secure greater conformity and equality in collecting taxes, with no exemption of property held for agricultural or horticultural purposes, by schools or churches, cemetery or charitable associations, unless it belonged to the public at large, nor of railroad stocks or other property belonging to corporations. He favored greater uniformity in the rate of interest, and the prevention of all usurious devices—abolishing capital punishment, with the substitution of life imprisonment and no power of pardon lodged anywhere. He would oppose any change of Senatorial representation, and the creation of any new offices, except where necessary in reorganizing the judiciary system. He would favor

extension of the veto power—fixed salaries for public officers, with all perquisites to be paid into the State treasury—allowing Legislators \$750 annual pay, with \$50 for incidentals—prohibiting all municipalities from subscriptions to railroad or private corporations—making ineligible to office any Legislator who shall accept a railroad pass, and compelling him at the end of his term to make oath that he has given no vote for a consideration—making ineligible any Legislator securing his caucus nomination or election by use of money in any way—preventing any Judge from acceptance of free railroad ride, and making ineligible to Judgeship the holder of railroad stocks—the election by the people of the Secretary of State, Attorney General, Clerk of Supreme Court, and by each county its Prosecuting Attorney—complete organization of our Judiciary system, with the Court of Chancery abolished—the Supreme Court to consist of 7 Judges, and be the Court of Last Resort—seven Circuit Judges to constitute a Circuit Court, with original jurisdiction in all law and equity cases—one law Judge for each County Court, he to be a Counsellor and elected by the people—the Chief Justice to have a nine years' term, his Associates seven and the Circuit Judges six years.

Mr. Dickinson, before Mr. Swayze had concluded, rose to a point of order. He said that the discussion which had been precipitated upon them was not germane to the question, and he asked for the reading of the resolution. He was not in favor of the resolution, but called for its reading again as the general discussion was entirely out of order.

The President said, according to the rules of the Senate, a point of order raised is not debatable.

Mr. Swayze.—I am nearly through now.

Mr. Dickinson.—If he is brief and nearly through I will withdraw my point of order.

The point of order withdrawn, Mr. Swayze concluded his speech.

Mr. Green said he would like to hear some of the ideas that Mr. Gregory and Mr. Taylor had talked over.

Mr. Gregory read from his manuscript, and suggested the issuing of circulars with fly leaves, and inviting suggestions from those interested in their work.

Mr. Swayze withdrew his resolution.

After some further discussion,

Mr. Green moved that any suggestions should be sent to the Secretaries and be by them forwarded to the chairmen of the various committees.

Mr. Swayze opposed, on the ground that he wanted all members of the Commission to know what is going on in the business.

Mr. Green.—It seems to me I am unfortunate in being misunderstood by my friend. I do not suppose that the committees shall keep the suggestions to themselves.

The motion of Mr. Green was adopted.

Mr. Grey.—I move that the Secretary read the Constitution of New Jersey, in order that we may know what we are doing.

Mr. Anderson read the Constitution.

On motion of Mr. Dickinson the joint resolution of the last Legislature was read.

On motion of Mr. Gregory that part of Governor Parker's message was read, which calls attention to the necessity for amendment to the Constitution.

Mr. Cutler moved:

Resolved, That the President of this Commission shall be *ex officio* president of all committees.

The President said that matter been considered and decided in the negative.

Mr. Grey said, as the committees were to prepare business, he saw no reason why they should not avail themselves of the wisdom of their presiding officer on all committees.

The President said as that proposition implied a change of rules, it must lay over until the next meeting.

Mr. Carter said, by way of facilitating business, and to give some work for the committees; he would hand in the following proposed amendments to the Constitution:

SUFFRAGE.

Article 2nd, Section 1st: "Strike out the word white, so as to conform to the Constitution of the United States."

Second—To insert, after the words five months, and of the township and ward, or election district, in which he resides, 60 days.

Third—Add to this section, "Or in legislation, or who has been found to be a defaulter to the General or State government." After the year 1885 the Legislature may also pass laws to prevent persons, on arriving at their majority, from voting, who cannot read the Constitution of the State in the English language.

ALLOWANCE TO LEGISLATORS.

Mr. Carter also offered the following suggestion:

To amend the seventh part of section 4 of article 4 of the Constitution by substituting the following:

Members of the Senate and General Assembly shall receive a compensation for their services of \$550 per annum, excepting the President of the Senate and Speaker of the Assembly, who shall each receive \$600 per annum, to be paid out of the Treasury of the State; and, in addition, each member shall receive five cents for each mile necessarily travelled in going to the seat of government at the commencement of the session of the Legislature, and returning at its close. And there shall not be any other allowance or emolument directly or indirectly, but this shall be in full for postage, stationery and all other incidental expenses and perquisites.

Mr. Grey moved when the Commission adjourned it did so to meet the second Tuesday in September at 12 o'clock.

Mr. Green moved it be 11 instead of 12 o'clock. Carried.

Mr. Green moved to reconsider, and that it be the second Tuesday in October.

Mr. Babcock moved it be the second Tuesday in September.

After motions and counter motions, Tuesday, October the 7th, was agreed upon. Time, 11 o'clock.

Mr. Carter suggested that the committees should be called together in the early part of September.

The President—That must be left to the committees.

The names of the committees were then called and they gave their post office addresses, after which the Commission adjourned.

WED., JULY 23,
1873

Constitutional Commission.

Pursuant to adjournment, the New Jersey Constitutional Commission met in the Senate Chamber, yesterday, at eleven o'clock. But four members being then present, a recess was taken until twelve o'clock, at which time the following members answered to their names: Messrs. Buckley, Carter, Cutler, Dickinson, Ferry, Gregory, Green, Swayze, Ten Eyck and Thompson.

Mr. Ten Eyck, in the course of remarks relative to the resignation of certain members, said:

The occupant of the chair asks your further indulgence to say that the Commission has been peculiarly unfortunate in the resignation of nearly one half its members. He is aware of the unfavorable influence of this upon the Commission, but having undertaken the service he, for one, is resolved to act with others who remain to suggest, prepare, and submit to the Legislature such amendments to the Constitution as may appear to be necessary or desirable.

So far as I am concerned, now that I have put my hands to the plow, nothing but death or disability shall cause me to turn back.

A resolution offered by Mr. Cutler at the previous meeting, that the President of the Commission shall be *ex officio* a member of the several committees, was taken up and adopted.

Mr. Dickinson submitted to the Commission the following, which he proposed as an amendment to the Constitution, and which he stated he had copied from the proceedings of the Pennsylvania State Constitutional Convention:

Every member of the Legislature before he enters on his duties, shall take and subscribe the following oath or affirmation:

"I do solemnly swear (or affirm) that I will support the Constitution of the United State, and the Constitution of this State, and will honestly discharge the duties of Senator (or member of the House of Assembly) according to the best of my ability; and I solemnly swear (or affirm) that I have not paid or contributed anything, or made any promise in the nature of a bribe, to corruptly influence, directly or indirectly, any vote at the election at which I was chosen a member of the Senate or House of Assembly; and I do further solemnly swear (or affirm) that I have not accepted or received, and I will not accept or receive, directly or indirectly, any money or other valuable thing from any corporation, company or person for any vote or influence I may give or withhold on any bill, resolution or appropriation, or for any other act, as a member of the Senate or General Assembly of this State."

The foregoing oath or affirmation shall be administered by one of the Judges of the Supreme Court, or a President Judge of the Court of Common Pleas in the hall of the house to which the member is elected, and the Secretary of State shall read and file the oath or affirmation subscribed by such member.

Any member who shall refuse to take such oath or affirmation shall forfeit his membership and be disqualified thereafter from holding any office of profit or trust in this State.

On motion of Mr. Dickinson the amendment was referred to the Committee on Legislative Department.

Mr. Swayze offered the following:

Resolved. That the further consideration of the preparation of amendments to the Constitution of this State to be submitted to the next Legislature, be indefinitely postponed, and that instead thereof, we would respectfully recommend the Legislature at its next session to pass an act calling a Constitutional Convention to revise the Constitution, the said convention to consist of two members from each county as representatives of Senatorial districts, and two members from each Assembly district, and the said delegates to be chosen in equal numbers from the ranks of the two great political parties.

After discussion the resolution was lost by the following vote: In the affirmative none. In the negative Messrs. Buckley, Carter, Cutler, Dickinson, Ferry, Gregory, Green, Ten Eyck and Thompson—9.

Mr. Cutler, from the Committee on the Executive and Judiciary Departments, reported an amendment providing that it shall require a two-third instead of a majority vote of each house of the legislature to override the Governor's veto, and that the Governor shall have power to veto separate items in the appropriation bill without defeating the whole, and the houses shall only reconsider the item or items objected to. Also providing that the Governor shall not be elected to any office under the United States or the State during his term of office.

The report was accepted and ordered to lie on the table.

Mr. Cutler, from the same Committee, submitted an amendment providing that the Adjutant General and Quartermaster General shall be nominated by the Governor and appointed by him with the advice and consent of the Senate.

The report was accepted and ordered to lie on the table.

The Commission then adjourned until ten o'clock this morning.

Constitutional Commission**SECOND DAY.**

The Commission reassembled. Present, Messrs. Dickinson, Swayze, Greene, Carter, Ferry, Buckley, Thompson, Gregory, GRAY.

The President being absent, Mr. P. Dickinson was called to the chair temporarily.

The minutes of the last session was read and approved.

Mr. Green, from the Committee on Bill of Rights, reported that they had no suggestions to make under this head. The following suggestions were offered by Mr. Carter to amend Article I, Section 1 of Constitution:

Under the head of the "Rights of Suffrage," Mr. Green reported the following:

The Committee on Right of Suffrage, to whom was referred the suggestions of Mr. Carter, report amendments to Art. 2 of the Constitution, in which are substantially embodied the first two suggestions of Mr. Carter, and report the third of said suggestions back to the Commission, with the recommendation that the same be not adopted.

ROBT S. GREEN,
B. BUCKLEY.

Oct 8, 1873.

Mr. Green offered the following amendments:

ARTICLE II.**Right of Suffrage.**

Line 1. Strike out word "white."

Line 2. After word "been" insert "a citizen for ten days and"

Line 3. After word "months" insert "and one of the election district in which he may offer his vote thirty days."

Shas to read:

Every male citizen of the United States of the age of twenty-one years, who shall have been a citizen for ten days, and a resident of this State one year, and of the county in which he claims his vote five months, and of the election district in which he may offer his vote thirty days next before the election, shall be entitled, &c.

Add to the end of section: "provided that, in time of war, no elector in the actual military service of the State, or of the United States, in the army or navy thereof, shall be deprived of his vote by reason of his absence from such election district; and the Legislature shall have power to provide the manner in which and the time and place at which such absent electors may vote and for the return and canvass of their votes in the election district in which they respectively reside."

Referred to Right of Suffrage Committee.

Mr. Buckley presented a petition from a number of citizens male and female, asking that the right of voting shall be conferred upon women as well as men.

Referred to Committee on the Right of Suffrage.

Mr. Gray from the Committee on the

Legislature—its Organization and Constitution, reported progress.

1. Strike out the word "white" so as to conform to the Constitution of the U. S.

2. Insert after words "five months" the words "and of the township, ward, or election district in which he resides sixty days."

3. To Section 2 add: or "in legislation, or who has been found to be a defaulter to the general or State government; after the year 1885, the Legislature may also pass laws to prevent persons on arriving at their majority from voting who cannot read the Constitution of the State in the English language."

Referred to Committee on Bill of Rights and Suffrage.

Mr. Carter offered a series of amendments which in brief make the following alterations in the Constitution:

Judges of Common Pleas to be appointed by Governor by advice and consent of Senate.

The Keeper of State Prison to be appointed for 5 years by the Governor by advice and consent of the Senate.

Attorney General to be appointed for 3 years.

Surrogates to be appointed for 5 years by Governor with advice and consent of Senate.

Sheriffs and Coroners to be elected for 3 years.

Mr. Buckley offered the following:

No county, city, township or village, shall hereafter give any money or property, or loan its money on credit to or in aid of any individual, association, or corporation, to become security, or indirectly the owner of stock or bonds of any association or corporation, nor shall any city, township or village, be allowed to incur any indebtedness, except for county, city, township or village purposes.

Referred to Legislative Committee.

No member of the Legislature shall receive any civil appointment within this State or to the Senate of the United States from the Governor, the Governor and the Senate, or from the Legislature, or from any city government during the time for which he shall have been elected; and all such appointments, and all votes given for any such member for any such office or appointment shall be void.

Referred to Legislative Committee.

A State poll tax not to exceed in amount the sum of three dollars, shall be levied on every male citizen of the age of twenty-one years and upwards, and the non payment of the said poll tax for the period of one year, after the same shall have become due, and demanded by the person authorized to collect the same, shall be deemed and taken to be a refusal on the part of said citizen to pay the said tax, and such refusal on the part of any male citizen of the aforesaid age, shall deprive him of the right of suffrage until the said poll tax is paid.

Referred to Right of Suffrage Committee.

Mr. Gregory suggested that \$3 poll tax would be a very heavy assessment.

Mr. Thompson offered the following amendment to Article I, paragraph 7:

"Three fourths of the jurors rendering a verdict in a civil suit shall have the same force and effect as though agreed upon by the whole number empannelled on said jury."

THURS., OCT. 9, 1873

The amendment that the Governor shall have power to veto separate items in the appropriation bill, and that the two Houses shall only consider the item or items objected to, was next taken up.

Mr. Buckley addressed the committee in favor of this amendment, and gave his reasons.

Mr. Green moved to amend by changing the phraseology, "shall have power," to "may veto," and instead of "appropriation bills," to "any bill appropriating money out of the public Treasury."

Mr. Ten Eyck did not feel himself able to vote directly on these amendments. He thought they should be first printed. The amendments he thought were very important. In the Convention of 1844, the "two-thirds" rule was only lost by the casting vote of the presiding officer. He did not see the necessity of the increase of the Executive power, when we propose in a great extent to limit the power of the Legislature to pass special laws. But he wanted time to consider all these matters, and hoped the Committee would now rise.

Mr. Carter suggested that as Mr. Cutler, the chairman of this branch of the subject, was absent, he hoped the committee would rise.

Mr. Green offered a modification of the amendment, making it more distinct, but the same in substance.

Mr. Gray offered the following in reference to the Executive: "Nor shall he be elected by the Legislature to any office under the government of this State, or of the United States during the term for which he shall be elected as Governor."

The committee then rose and asked leave to sit again.

Mr. Gray moved that all amendments to the Constitution proposed by any committee be printed for the use of the members, and when a proposed amendment changes the phraseology of any section, the Secretary be directed to have printed the section of the Constitution as it now stands and as it will read should the proposed amendment be adopted. Adopted.

Mr. Green offered the following amendments to the Legislative provision:

No act shall be passed which shall provide that any existing law, or any part thereof, shall be made or deemed a part of said act, or which shall enact that any existing law, or any part thereof, shall be applicable, except by inserting it in such act.

No law shall be revised or amended by reference to its title only, but the act revised, or the section or sections amended, shall be entered at length; no general law shall embrace any provision of a private, special or local character.

Referred.

Mr. Ferry, to strike out the word "pauper," in the article on the Right of Suffrage, in effect allowing paupers to vote.

Referred to Committee on Right of Suffrage.

The Convention then adjourned, to meet at 10 o'clock this morning.

Article I, paragraph 16:

"And in all cases where lands are taken by any incorporated company, any land owner being aggrieved by award of commissioners, he shall have the right of appeal, and have the damages reassessed by the verdict of a jury."

These amendments were referred to the Committee on Bill of Rights.

Mr. Gregory offered the following amendments:

The Legislature shall meet once in two years, unless on the requirement of the Governor of the State for special objects, and on extraordinary occasions he may assemble it at other times.

Referred to Legislative Committee.

Notice of the substance of applications for proposed amendments to municipal and county governments shall be published in the city or county concerned for thirty days, in one or more newspapers published therein having the largest circulation, before application is made to the Legislature. Such application shall not be reconsidered or considered thirty days after the meeting of the Legislature.

Referred to the Legislative Committee.

The cities and townships at the expiration of each five years after the adoption of this amendment, shall vote a ballot marked "License" or "No license" for the sale of intoxicating liquor. In case the majority be "No license," none shall be granted in such counties for the ensuing five years. The Legislature shall pass a general law of penalties against the sale therein, to be enforced during such time, if the majority vote of the county be "No license."

Referred to Legislative Committee.

No real estate shall be exempted by law from its full share of all State, county and township taxes and assessments.

Referred to Committee on General and Special Legislation.

6. No act shall be passed exempting any real estate from its full share of the State, county, township and city taxes, by the payment of any sum to the State, county, township or city.

Referred to the same committee.

No appropriation or payment of money shall be made by the State or any county, township, city or village, to religious corporations.

Referred to the same Committee.

The School Fund shall be appropriated exclusively for the maintenance and support of the public schools in the State, under its exclusive control.

Referred to Committee on Legislation.

Not less than two mills on the dollar of taxable value each year, shall be raised in each county by tax annually, to be expended on public schools therein, and not elsewhere.

Referred to same Committee.

Laws shall be passed by the Legislature to compel the attendance of able-bodied children at the public schools, or such schools as the parents or guardians shall prefer, of all children in the State, between the ages of — years, for at least — months in each year.

Mr. Gray offered the following, referring to the granting of pardons:

ARTICLE X.

Paragraph 10. Add the words "where the innocence of the person accused clearly appears."

Referred to the Committee on Bill of Rights.

Mr. Gregory offered the following:

"No county or township shall be indebted by bonded debt above ten per cent. of its taxable values for the time being; no city more than ten per cent., except for its water supply."

Referred to Legislative Committee.

Mr. Gray offered the following referring to trials for offences to come in Article I, paragraph 10, after the word "offense:—"

"But in all criminal prosecutions the jury may return a verdict of 'not proven,' instead of acquitting the prisoner, and such verdict shall not be a bar to a subsequent

trial of the same person for the same offence."

Mr. Green offered the following amendments:

Amend Article IV, section 7, by adding

The Legislature shall not pass private, local or special laws in any of the following enumerated cases, that is to say, laying out, opening, altering and working roads or highways.

Vacating roads, town plots, streets, alleys and public grounds.

Regulating the internal affairs of towns and counties; appointing local officers or commissioners to regulate municipal affairs.

Selecting, drawing, summoning or empannelling grand or petit jurors.

Regulating the rate of interest on money.

Creating, increasing or decreasing percentage or allowances of public officers during the term for which said officers are elected or appointed. Changing the law of discount. Granting to any corporation, association or individual any ~~exclusive~~ privilege, immunity or franchise ~~whenever~~.

The Legislature shall pass general laws providing for the cases enumerated in this section for all other cases which, in its judgment, may be provided for by general laws.

Referred to Legislative Committee.

Mr. Gregory offered the following:

Resolved, That the Secretaries send a circular to the Mayors of each of the cities, to the clerks of the Board of Chosen Freeholders of the several counties, and to the clerk of each township of the State, requesting a statement of the amount of the present indebtedness of the respective cities, counties and townships, the time when and the purpose for which the same was created and the time when payable, and also the amount of the present assessment rolls of the said cities, counties and townships.

After a considerable debate the resolution was adopted.

On motion, all the amendments offered were directed to be printed, and for that purpose were laid on the table.

Mr. Gray moved to go into Committee of the Whole on the report of the Executive and Judiciary Department, and the appointing power and tenure of office.

Mr. Gregory was called to the chair.

The amendment requiring a vote of "two-thirds" to carry a bill over the Governor's veto, instead of a majority, was first taken up and adopted.

Constitutional Commission.

The Commission met, yesterday morning, in the Senate Chamber. Present—Ten Eyck (President), Carter, Cutler, Swayze, Thompson, Ferry, Green, Dickinson, Hubbell, Buckley, Babcock, Gregory and Grey.

Two new members have been appointed by Governor Parker. Algernon S. Hubbell (Rep.), of Newark, who was formerly a member of the Legislature. He is a man of experience, sagacity and high respectability. He takes the place of Senator Taylor. William Brinkerhoff, of Jersey City, an able young lawyer and a member of the Legislature a few years since, takes the place of Attorney General Gilchrist.

The minutes of the previous meeting were read and approved.

On motion of Mr. Green, Mr. Hubbell was called to his seat.

PETITIONS AND MEMORIALS.

Mr. Gregory presented memorial from ladies of East and West Orange, setting forth the rights of suffrage in women. Mr. Cutler presented a similar memorial from other ladies. Both memorials were received and referred to the Committee on Bill of Rights and Rights of Suffrage.

The Commission then proceeded to receive amendments.

Mr. Ferry presented the following:

1. The Legislative powers shall be vested in a General Assembly, which shall consist of a Senate and House of Representatives, both to be elected by the people.

2nd. An election for members of the General Assembly shall be held on the Tuesday next after the first Monday in November, in the year of our Lord eighteen hundred and seventy-seven, and every two years thereafter in each county, at such places therein as may be provided by law. When vacancies occur the Governor or persons exercising the powers of Governor shall issue writs of election to fill such vacancies.

3rd. The General Assembly shall apportion the State every ten years beginning with the year one thousand eight hundred and seventy-six, by dividing the population of the State, as ascertained by the last State census by the number twenty-three, and the quotient shall be the ratio of representation in the Senate. The State shall be divided into twenty-three Senatorial districts, each of which shall elect one Senator, whose term of office shall be four years. The Senators elected in the year of our Lord one thousand eight hundred and seventy-seven, in districts having odd numbers shall vacate their offices at the end of two years, those elected in districts bearing even numbers at the end of four years, and vacancies occurring by the expiration of term shall be filled by the election of Senators for the full term.

Senatorial districts shall be formed by contiguous and compact territory, bounded by county lines, and contain as nearly as practicable an equal number of inhabitants, but no district shall contain less than four fifths to the Senatorial ratio. Counties containing not less than the ratio and three quarters may be divided into separate districts and shall be entitled to two Senators,

and to one additional Senator for such number of inhabitants equal to the ratio contained by such counties in excess of twice the number of said ratio.

4th. The House of Representatives shall consist of three times the numbers of the Senate, and the term of office shall be two years. Three representatives shall be elected in each Senatorial district at the general election in the year 1877 and every two years thereafter. In all elections of Representatives aforesaid each qualified voter may cast as many votes for one candidate as there are representatives to be elected, or may distribute the same in equal parts thereof among the candidates as he may see fit, and the candidates highest in votes shall be declared elected. The Senators who may be in office on January 1st, 1876, shall hold their offices until December 1st following, and no longer.

Referred to Committee of Legislative Department.

Mr. Swayze offered the following:

That the press shall be free to any person who shall undertake to examine the proceedings of the Legislature or any branch of the government, and no law shall be made to restrain the rights thereof. The free communication of thoughts and opinions is one of the inviolable rights of man, and every citizen may freely speak with and point on any subject. No conviction shall be had in any prosecution for the publication of papers in relation to persons in office when the publication was not made with malicious intent, and in indictments for libel the jury shall determine the law and facts under the direction of the Court.

Referred to Committee on Bill of Rights and Rights of Suffrage.

Mr. Swayze offered resolutions as special and asked that they be considered by a Committee of five. We present a summary of them:

1. No corporation shall be created by a special law nor have its charter extended by special enactment except for charitable, educational or reformatory purposes, penal and reformatory purposes to be under the control of the States. General laws to be passed for the government of all corporations to be hereafter created.

2. All corporations which have not organized within ten days after the passage of this Constitution shall be void.

3. In the election of Directors or Managers the General Assembly shall provide that every stockholder shall have the right

to vote for the number of shares held by them for all or only one candidate.

4. No law to be passed to give any corporation the right to construct a street railroad in any city without the consent of the local authorities.

5. No State banks to be created, nor shall the State be liable for any stock of any corporation now created; and no act shall go into effect creating corporations with banking powers, nor any amendment until it shall be submitted to a vote of the people at the next election after the passage, to be approved of by a majority of all votes cast.

6. All stockholders to be individually responsible to the creditors over and above the amount of stock held by him, to an amount equal to his or her shares while they were stockholders.

7. Suspension of specie payments on the circulation of State banks not to be permitted. Statements of the financial condition of all banks to be made quarterly, under oath.

8. If a general banking law shall be enacted all bills and paper credit shall be signed by a State officer; and security to the full amount to said depositors with the State institutions to be rated at ten per cent. below their par value. The banks owning said stocks to make up the deficiency with other stocks to be deposited with the State Treasurer. The names of all stockholders, with the amount of their stock, to be recorded.

9. All railroads to have a public office in this State for transacting business, where the record of transfer of stock, &c., shall be open for public inspection; also the books containing the statement of the capital stock, with the names of the holders, the amount of assets. Reports to be made yearly to the General Assembly or some assigned officer as to the expenditures, &c., of the road.

10. The rolling stock and all movable property to be considered personal property, and shall be liable to execution and sale as all other personal property; and shall not be exempt therefrom.

11. No consolidation between railroad corporations to take place when the corporations are parallel or competing lines until public notice for ninety days shall be given to all stockholders. Said stockholders to be citizens and residents of the State.

12. Railroads are to be declared public highways, free for the transportation of all personal property under regulations to be prescribed by law, to be passed by the General Assembly from time to time as it may see fit.

13. No railroad company to issue stock or bonds except for money, labor or property actually received; capital stock not to be increased until 90 days' notice shall be given according to law.

14. No dividends to be made by any railroad corporation, unless the money shall have been actually earned and received over and above the expenses of the corporation, under penalties to be prescribed by law.

15. The Legislature shall have power to take the franchises of incorporated companies and subjecting them to public necessity. The right of trial, by jury, to be held inviolable, in trial of claims for compensation in the right of eminent domain.

16. The General Assembly shall have power to correct abuses and prevent unjust discrimination and extortion in the rates of freight and passenger tariffs, and enforce laws by adequate penalties to the extent, if necessary, for that purpose, of forfeiture of their property and franchises.

Mr. Gregory moved that they lay on the table for the present.

So ordered.

Mr. Ferry offered the following:

1. That whenever two thirds of both Houses of the General Assembly shall concur that a revision of the Constitution is necessary, the question of calling a convention for that purpose shall be submitted to the vote of the people. If the people shall vote for a convention, the General Assembly shall provide for a convention to consist of double the number of members of the Senate, to be elected in the same manner and at the same places, the General Assembly to designate the day of meeting

and fix the pay of the members and officers. &c. The members to take an oath to support the Constitution of the United States and the State of New Jersey, and for the faithful performance of their duties.—The revisions, alterations or amendments prepared by them, shall be submitted to the electors of the State for their ratification or rejection, at an election to be held not less than three nor more than six months after the adjournment of the Convention. Unless the amendments, revision, &c., are approved by a majority vote of the electors, they are not to go into effect.

2. Amendments may be proposed in either house, and if passed by a two thirds vote shall be submitted to the votes of the electors. The amendments are to be published in full at least three months preceding the election, in one or more papers in each county; and if the majority of electors are in favor of the amendments they shall become part of the Constitution. The Legislature shall not have power to propose more than one article of the Constitution at the same session, nor to the same article oftener than once in four years.

Referred to Committee on Amendments and Final Revision.

Mr. Ferry offered the following:

Resolved, That all proposed amendments offered by the members of this Commission shall be printed as such and shall be for information. All amendments from committees shall be printed separately as such, and shall show, when printed, both the part as amended and the original article or articles.

Mr. Ferry moved that a Committee of three be appointed to supervise all matter ordered to be printed, with Mr. Dickinson as Chairman.

Carried.

Mr. Carter moved the following:

Resolved, That the Secretaries of this Commission are hereby requested to invite the clergymen of the city of Trenton to be present at the commencement of the first session of the Commission in each week to open it with prayer.

Carried.

Mr. Gregory asked if it would be in order for him to say anything about the question if he moved a reconsideration of the vote.

The President ruled that it would.

Mr. Gregory then moved a reconsideration, and said, seeing they are such a small body, was it necessary to invite a clergyman to open their proceedings with prayer? He did not object to their meetings being opened with prayer, but he thought the trouble of sending for clergymen might be saved. He was at a great meeting in New York, where the Chairman closed the proceedings with the Lord's prayer, which he thought very appropriate. It appeared to him, instead of sending for clergymen, that the President of the Commission could open the proceedings with the Lord's prayer; that was his, Mr. Gregory's, suggestion.

The motion to reconsider was lost.

The President appointed the following the Committee on Printing—Dickinson, Babcock, Ferris.

The Committee on invitation of clergymen—Carter, Swayze, Hubbell.

Mr. Ten Eyck, having left the chair, opposed the amendment. He was in favor of \$6 per day. The legislative expenses of the past year had been, 1870, \$56,980.18; 1871, \$42,238.21; 1872, \$58,302.65. Average for the three years past, \$52,507.01. Pay of Senators and Assemblymen 1870, \$13,169.60; 1871, \$15,636.10; 1872, \$16,337.10. Average for three years, \$15,047.93. Allowing members \$500 each, the pay of members will amount to \$40,000, and add to this other expenses as before, the cost would be \$77,459.08, an increase of \$24,952.07. Allowing members \$750 each, the cost would amount to \$97,459.08, an increase of \$44,952.07. In these times of empty coffers it was not right thus to increase expenses. He proposed \$6 per day, or \$42 per week, which allowing a session of six weeks will give each member \$252. He alluded to the fact that the people are in favor of general laws and against special legislation. He said four-fifths of the time members worked in the three months were devoted to special legislation; that members at \$3 per day for 40 days, and \$1.50 per day for the balance of the session averaged \$2.25 for the 90 days. They did not sit more than four days per week, and his proposition would give them \$10 per day, while the \$750 proposition would give them \$30 a day.

Mr. Ferry moved to strike out \$750 and insert \$500.

Mr. Swayze desired to make the members independent in their opinions and was in favor of the \$750.

Mr. Grey defended the proposition for \$750, and remarked that Pennsylvania paid a salary of \$1,000.

Mr. Dickinson observed that the matter of money was but slight, in comparison with having members attentive to their duties, with no other means of making money.

Mr. Buckley was in favor of \$500.

Mr. Hubbell spoke on the dangers of the Incidental Bill, and wanted to know how they were going to prevent members from voting themselves extra pay.

Mr. Grey said that was forbidden in the article; \$750 was to include all.

Mr. Ferry moved that the consideration of the proposition be postponed and that the Committee report progress.

The Chairman of the Committee reported progress and asked leave to sit again.

The Commission adjourned to meet again this morning at 2 o'clock.

Constitutional Commission.

The Commission was in session yesterday. Present—Ten Eyck (President), Buckley, Thompson, Swayze, Dickinson, Hubbell, Carter, Gregory, Ferry, Cutler, Green, Babcock.

Prayer was offered by the Rev. Dr. Hall.

Mr. Carter stated, that Mr. Grey would be unable to be present that day, in consequence of a business engagement.

The minutes of the previous session were read and approved.

Mr. Dickinson said that the Chairman of the Legislative Department was absent, but had requested him to present a report. They reported on amendments 1, 2, 3, 4 and 5. They asked to be discharged from No. 2, and reported progress on 3, 4 and 5. Report received.

Mr. Buckley presented amendments as to representation in the Senate. He said that it would be remembered that he introduced previously the question of Justices of the Peace, requesting an examination as to their fitness for office. The amendment covered the same ground. He had also one as to Judges of the Common Pleas. The amendments were read and referred.

The amendment as to Common Pleas Judges provides that there shall only be two Judges of Common Pleas in each county, one of whom shall be a counsellor-at-law. Terms of Judges of Supreme Court seven years, of Judges of Common Pleas five years.

Mr. Buckley asked for information as to rules governing the Constitution, as he was not present when the rules were adopted.

The President said that the rules governing the Senate governed the Commission.

Mr. Ferry moved that they go into a Committee of the Whole to take up the business where it was left off yesterday. Adopted.

The President of the Commission, on suspension of rule, was made chairman of Committee of the Whole.

Mr. Cutler said last night they were discussing the amendment offered, \$500 instead of \$750 for pay of members. He said if the matter was driven to a vote he should be in doubt as to how to vote at present.

He suggested that the question be delayed until they had decided whether they would recommend general legislation. Under general laws there is no reason why they should be in session more than forty days, while if special legislation was continued they might go on for three months. If general laws only were made that would change his view. On the question, how it should be recommended, general or special legislation, depended his vote, and he moved its postponement.

The discussion was postponed.

Section VII. of article 4, referring to notice to be given of proposed amendments to city charters, was then read.

Mr. Dickinson said that a section of that kind ought to be incorporated in the Constitution. It was necessary that citizens should have notice of alterations proposed in their charters, so that they might oppose them if objectionable.

Mr. Hubbell said it was an important matter and instanced Newark, in the charter of which sixty or seventy alterations had been made without any knowledge on the part of citizens. People were outraged in their rights by these amendments, proposed and carried through by interested parties. He was in favor of an amendment of the kind.

Mr. Ferry moved to strike out the word thirty on the sixth line, and insert the word ten. This refers to the publication in newspapers.

Mr. Gregory, of Jersey City, commented on the schemes of men who thought they could carry matters through the Legislature without the consent of those who are taxed. They were now in a law suit in Jersey City, through the appointment of Commissioners in their city, the result of a kind of legislation which had to be condemned. So with their charter, they had gone from bad to worse, until they were in a bad financial condition. The amendment would be good for the people and Legislature, and be wholesome in its operation.

Mr. Dickinson thought thirty days was not too long to make the people of localities acquainted with what is intended to be brought before the Legislature concerning their local government.

Mr. Ferry had moved ten days, because he thought the interest of the people would be best served by that time.

Mr. Hubbell suggested that it might be well to publish for ten days in all the papers of the county. The publication for 30 days would make it so common, that the people would forget all about it.

Mr. Swayze did not see any necessity for change in amendment.

Mr. Carter thought the amendment a wise one and hoped it would pass.

The recommendation of the Committee for 30 days was then passed.

After discussion as to the paper in which the notice shall be published, Mr. Green offered an amendment, to print and publish in the newspaper having the largest circulation in the municipal corporation to be effected, and if none published there, in the nearest place thereto. He said, if a newspaper refused to publish, or omitted, the bill could not be introduced.

Mr. Green's amendment was adopted.

The section, as amended, was then read.

Mr. Carter said that in some places the papers are only published once a week. He moved to substitute, "once a week, for at least four weeks." Amendment adopted.

Mr. Green offered an amendment to cure an improper kind of legislation, from which great evil had resulted, legislation by inference, setting forth that old powers of corporations shall be revived, and without setting forth the special things required.

The amendment was laid on the table for future consideration.

The question of the oath to be taken by members was then considered.

Mr. Green required a verbal correction, instead of "Judge," by one of the Justices of the Supreme Court, who shall administer the oath.

Mr. Dickinson said the committee concurred in the oath recommended, and thought that no man who could not take the oath was fit to sit in a Legislative Assembly.

Mr. Hubbell did not see any provision for a penalty for violation.

Mr. Dickinson—The general laws of the State meet that; a man may be punished for perjury, and the amendment provides that his office shall be forfeited.

Mr. Ferry moved to strike out all after the line 21, which provides for the disqualification of those who will not take the oath.

Mr. Buckley objected, saying it was conclusive evidence to his mind, if a member refused to take such oath, that he had been guilty of something he should not have done. He moved only the words after membership should be stricken out.

This amendment removes the disqualification thereafter from holding any office of trust or profit in the State.

The amendment was carried, nine to three.

Mr. Buckley—If the amendment stood as it now reads, it would require a Judge of the Supreme Court and the Secretary of State shall be present at the opening of the Legislature. He did not see the necessity for this.

Mr. Swayze said the committee put that in to impress those who took the solemn obligation.

Mr. Ferry thought there would be difficulty in both houses meeting at the same time.

Constitutional Commission.**THIRD DAY.**

The Commission, met at ten o'clock yesterday. Present—Messrs. Buckley, Carter, Dickinson, Green, Gregory, Ferry, Swayze, and Ten Eyck.

The minutes were read and approved.

The Committee on Legislative Department—its Organization and Constitution—reported as follows:

To the New Jersey Constitutional Commission:

MR. PRESIDENT: Your Committee upon "The Legislative Department—its Organization and Constitution," respectfully report the amendments to Article IV of the Constitution, numbers 1, 2, 3, 4 and 5, accompanying this report, and recommend their adoption.

Your Committee report back amendments Nos. 6, 7, 8, 9, 10, and desire to be relieved from the further consideration thereof. Amendments Nos. 6 and 9 are in substance adopted by the Committee in amendments Nos. 2 and 5.

S. H. GREY, Chairman.

Oct. 8, 1873.

Amendment No. 1 provides for the election of all members of the Legislature yearly, and every year on the first Tuesday after the first Monday in November, and the two Houses shall meet on the second Tuesday in January after said day of election. The time of holding such election may be altered by the Legislature.

No. 2 provides that all members of the Legislature shall receive a salary of \$750 each for the time they are elected. The President of the Senate and Speaker of the House to receive an additional compensation equal to one-third their allowance as members.

No. 3 provides that all bills shall be read on their several days in each House before final passage, the reading of the title not to be taken as the reading of the bill, except in cases of invasion or insurrection, when a two thirds vote may otherwise order.

No. 4 is the amendment introduced by Mr. Dickinson in respect to the oath to be taken by members of the legislature, and already published.

No. 5 provides that no amendment to the charter of any municipal corporation shall be received by the Legislature after thirty days from the first day of the meeting thereof. No such amendment to be received unless published for at least thirty days next before the first day of meeting of the Legislature in the newspapers having the largest circulation in the municipal corporation affected thereby.

Mr. Buckley—Article 11, Sec. 7—There may be elected under this Constitution two justices of the peace in each township of the several counties of this State, and in each of the wards of the cities that may vote in wards, one justice for every four thousand inhabitants which the ward may contain. And the Legislature shall provide by law the qualification necessary for such justices to possess, and the method of ascertaining the possession of such qualification. And no person elected as aforesaid to the said office of justice of the peace shall receive his commission until he shall have furnished satisfactory evidence to the Executive that he is fully qualified according to law.

Referred to Judiciary Committee.

Mr. Swayze offered the following amendments:

No person who shall receive, expect or offer to receive, or pay, offer or promise to pay, contribute, offer or promise to contribute to another, to be paid or used, any money or other valuable thing, as a compensation or reward for the giving or withholding a vote at an election, or who shall make any promise to influence the giving or withholding of any such vote, or who shall make or become directly or indirectly

interested in any bet or wager depending upon the result of any election, shall vote at such election, and upon the challenge for such cause, the person so challenged before the inspectors or other officers authorized for that purpose to receive his vote, shall swear or affirm before such inspectors or other officers, that he has not received or offered, does not expect to receive, has not paid, offered or promised to pay, contributed, offered or promised to contribute to another, to be paid or used, any money or other valuable thing as a compensation or reward for the giving or withholding a vote at such election, and has not made any promise of any such vote, nor made or become directly or indirectly interested in any bet or wager depending upon the result of such election.

Referred to the Committee on the Right of Suffrage.

Mr. Dickinson offered the following:

ELECTIONS.

All elections of the citizens shall be by ballot. Every ballot voted shall be numbered in the order in which it is received, and the number recorded by the election officers opposite the name of the elector who presents the ballot, and any other elector may write his name on the back of his ballot.

All laws regulating elections by the people or for the registry of electors shall be uniform throughout the State, but no elector shall be deprived of the right to vote by reason of the name not being registered.

Referred to Committee on Bill of Rights.

REVISION OF LAWS.

Whenever, within six months after the official publication of any act of the Legislature in the pamphlet laws, and not thereafter, it shall be alleged before the Attorney General by affidavit, showing probable cause to believe that the passage or approval of such law was procured by bribery, fraud or other corrupt means, it shall be the duty of the Attorney General forthwith to apply to the Supreme Court or any of the judges thereof for process in an appropriate proceeding, which shall be ordered, if there appear to the said Court or to such judges to be such probable cause, and in which the State, upon relation of the Attorney General, shall be plaintiff, and such party as the Supreme Court or the judge who shall grant such issue shall direct, shall be defendant to try the validity of such act of the Legislature, whereupon the Court shall direct publications of the same, and any party in interest may appear, and upon petition be made a party plaintiff or defendant thereto; the said issue shall be framed and tried before a jury by one of the judges of the Supreme Court in whatever form and in such county as the Supreme Court may direct; and if it shall appear to the Court and jury, upon such trial that the passage or approval of the same was procured by bribery, fraud or other corrupt

means, such act of the Legislature shall be adjudged null and void, and such judgment shall be conclusive, and the Governor shall thereafter issue his proclamation declaring such judgment; either party shall be entitled within three months, and not thereafter, to a writ of error as in other cases; no officer of the State, nor any officer or member of the Legislature shall be exempt from testifying when required in such case, but the testimony of any such witness shall not be used against him in any criminal prosecution except for perjury therein.

Referred to Committee on Executive.

The Legislature shall not pass any local or special law creating corporations, except banks; but the charters of all banks created by the Legislature shall embrace the provisions contained in those chartered or renewed in the charter of 1856.

Referred to Committee on General and Special Legislation.

No law shall extend the term of any public officer, or increase or diminish his salary or emoluments after his election or appointment.

Referred to Committee on General and Special Legislation.

The Legislature shall not delegate to any commission the right to govern any city, town or borough in this State, and all commissions hereafter created shall be void, the ancient right of governing themselves being left to the people.

Referred to Committee on Bill of Rights.

Every city, town or borough shall create a sinking fund, which shall be inviolably pledged for the payment of its funded debt.

Referred to the Legislative Committee.

No obligation or liability of any railroad or other corporation, held or owned by the State, shall ever be exchanged, transferred, remitted, postponed, or in any way diminished by the Legislature, nor shall such liability or obligation be released, except by payment thereof into the State Treasury.

Referred to Executive Committee.

No act of the Legislature shall limit the amount to be recovered for injuries resulting in death, or for injuries to persons or property, and in case of death from such injuries, the right of action shall survive, and the Legislature shall prescribe for whose benefit such action shall be prosecuted, nor shall any act prescribe any limitation of time within which suits may be brought against corporations for injuries to person or property, or for other causes different from that fixed by the general laws prescribing the time for the limitation of actions, and existing laws so limiting or prescribing are annulled and avoided.

Referred to Executive Committee.

No act of the Legislature shall authorize the investment of trust funds by executors, administrators, guardians or other trustees, in the bonds or stock of any private corporation, and existing laws so authorizing are annulled and avoided, saving such instruments heretofore made in good faith.

Referred to Legislative Committee.

No debt shall be created by or on behalf of the State, except to supply casual deficiencies of revenue, or to repel invasion, suppress insurrection, or defend the State in war; or to pay existing debt, and the debt created to supply deficiencies in revenue shall never exceed in the aggregate at any one time two hundred thousand dollars.

Referred to Executive Committee.

The judges of the Supreme Court shall hold their offices for the term of twenty-one years, if they so long behave themselves well, but shall not be eligible to the same office; the judge whose commission will first expire shall be Chief Justice, and thereafter each judge whose commission shall first expire shall in turn be Chief Justice.

Amend subdivision 3, section 2, Article VII, by striking out the words "and inspectors of," which means in effect that the State Treasurer and Prison Keeper shall not be inspectors of the State Prison.

Referred to Executive Committee.

Mr. Swayze offered the following amendments:

The State shall never pay, assume or become responsible for the debts or liabilities of, or in any manner give, loan or extend the credit to, or in aid of any public or other corporation, association or individual. Nor shall the money of the State be given or loaned to or in aid of any association, corporation or private undertaking.

No county shall be divided or have any part stricken therefrom without submitting the question to a vote of the people of the county, nor unless a majority of all the legal voters of the county voting on the question shall vote for the same.

No private, special or civil law shall

embrace more than one subject, and that shall be named in the title: and any such law which shall embrace more than one subject shall be void. No law shall be revived or amended by reference to its title only; but, the act revived, or the section or sections amended, shall be inserted at length in the new act. No general law shall embrace any provision of a private, special or local character. And no act of the General Assembly shall take effect until the first day of July after its passage, unless in case of emergency, which emergency shall be expressed in the preamble or body of the act). the General Assembly shall, by a vote of two-thirds of all the members elected to each house, otherwise direct.

Referred to Committee on Amendments.

The General Assembly shall provide by law, that the fine stationery and printing paper furnished for the use of the State, the copying, printing, binding and distributing the laws and journals, and all other printing ordered by the General Assembly shall be let by contract to the lowest responsible bidder; but the General Assembly shall fix a maximum price, and no members thereof or other officer of the State shall be interested, directly or indirectly in such contracts; but all such contracts shall be subject to the approval of the Governor, and if he disapprove the same, there shall be a re letting of the contract.

Referred to same Committee.

Mr. Gregory offered the following amendments:

All valuations of real estate with the improvements and buildings thereon, shall be assessed for the annual taxes at fifty per cent. of the saleable value thereof. Equalization of values for an annual State tax shall be made once in five years by the Commissioners of the Sinking Fund.

Referred to the Committee on Amendments.

Add to the clause "No real estate shall be exempted by law from its full share of all State, county, township, and city taxes," the words, "except that owned, occupied, or used by the State, counties, townships or cities."

Licenses for inns and taverns and all places for the retail sale of liquors and beverages, each place for such business shall be included in the annual tax list for all taxes. There shall be assessed an annual sum or sums in addition to the other tax or taxes on the premises, as shall be by law from time to time levied. They shall be a lien on the premises, the owner of which shall be responsible therefor as for other taxes, and for all consequences and all costs of arrests and trials and damages arising from the violations of the laws of the State in the sale of intoxicating liquor therein.

Referred to Committee on Legislative Department

[NOTE.—The limit of the amount to which any county or township shall be indebted by bond, was two per cent. of its taxable values, instead of ten, in the amendment offered by Mr. Gregory, yesterday.]

Mr. Ten Eyck, the President, offered the following amendments:

ARTICLE VI, SEC. 4, P. 7.

In this section strike out the words "three dollars," where they occur in line 27, and insert "six dollars," and strike out words "one dollar and fifty cents," where they occur in line 29, and insert "three dollars," and after the word "route," in line 33, insert, "and they shall receive no other allowances or emolument whatever."

Referred to Legislative Committee.

Same article, sections 4, 5, 6, in line 20, after word "times," insert "twice section by section—in full," and at the end of the word "thereof," in line 21, insert "and no two readings, section by section, as aforesaid, shall be on the same day" And at the end of this section insert the following: "No private, special or local bill shall be introduced after ten days from the commencement of the session."

Referred to Committee on General and Special Legislation.

ARTICLE V, P. 6.

Insert in line 24, after word "Legislature," the words "or the Senate," which means that the Governor shall have power to convene the Senate as well as the Legislature.

Referred to Committee on Executive.

Mr. Buckley offered a resolution, that when this Commission adjourn it be to meet again on Tuesday next at 10 o'clock. Carried.

Mr. Gregory said that the amendments proposed had all been referred; that they had done a good day's work, and he therefore moved that the Commission now adjourn. Carried.

It was said that the resolution as to invitation to clergymen left the matter to the Secretaries, and the Committee was, therefore, unnecessary.

Mr. Ferry moved the following:

The question of woman suffrage shall be submitted to a separate vote at the time of the submission of the Constitution, in such manner as may be provided in the schedule; and, if upon canvass of the votes cast on the question, a majority thereof shall be found "For Woman Suffrage," then the word male shall be stricken out of section nine of the suffrage article. Otherwise not.

Carried.

Referred to Committee on Bill of Rights and Suffrage.

Mr. Ferry moved the following:

Sheriffs and coroners shall be chosen by the electors of the respective counties once in every three years, or as often as vacancies occur. Sheriffs shall hold no other office, and be ineligible for the next three years after the termination of their offices. They may be required by law to renew their security from from time to time, and in default of giving such new security their offices shall be deemed vacant; but the county shall never be made responsible for the acts of the sheriff.

Referred.

Mr. Buckley moved that they proceed to the consideration of the amendments that had been offered previously, and that the Commission resolve themselves into a Committee of the Whole.

Carried.

Mr. Buckley then moved that they proceed to the consideration of No. 3, article 1, Rights of Suffrage.

Agreed to.

Mr. Green moved the word "white" be stricken out.

Carried.

The question then was taken up, in the second line of article 1, "a citizen for ten days."

Mr. Green said that the proposition there was, that a citizen shall be such a certain length of time before he votes. He did not agree with the suggestion, for it seemed to him that when a person becomes a citizen he becomes so with the rights and privileges of all other citizens, and the words in the article, *a citizen for ten days*, seemed to make distinction as of a class. The naturalized citizen becomes as much so as any other, and his right to vote has no more right to be questioned; and he saw no reason why a citizen of that kind should be curtailed in his liberty any more than a person who happens to come on age on election day. It was for these reasons that he had doubted whether the proposition should be adopted, which was to prevent the Courts being kept open for the naturalization of citizens up to the day of election, a matter which he thought could be left in this State to the Judges. It was a matter, he knew, that had given rise to great complaints in large cities, but here it could, safely, be left to the Courts.

Mr. Buckley had some doubts as to retaining the words, and he spoke against keeping the Courts open and grinding out voters until withing a few minutes of the close of the polls. He pointed out the injustice of the words in regard to a young man whose case he supposed. A young man born here, living in the same State all his life, never having been away from the State, put under this provision, if he should become 21 years of age five days before the election, he would be deprived of his vote.

Mr. Grey said it was intended to meet a certain class of cases. He thought the difficulty raised by Mr. Buckley might be met by striking out the words objected to and adding at the close, "provided, that no naturalized citizen shall vote at any election within ten days after he has been naturalized."

Mr. Gregory pointed out difficulties that had to be met.

Mr. Green moved that the words in the second line be not agreed to and the words, "a citizen for ten days," were stricken out, ten to three.

Section 1 of Article III was adopted.

Mr. Green said there were several other propositions to be considered, and he moved the future consideration of that subject be deferred, which was, after some discussion, agreed to.

Mr. Green called attention to the report of the Executive and Judiciary Departments, and said that the veto power there proposed was one of great moment.

After some discussion consideration of that was postponed.

The Commission then proceeded to discuss the report of the Committee on the Legislative Department. Section one was adopted. Section four, Mr. Grey said was prepared in view of the fact that there was much hasty legislation.

Mr. Dickinson moved that the word *received* be stricken out.

Mr. Buckley moved to strike out the words *receive or considered* and the words *read and referred* be inserted.

Mr. Dickinson accepted the amendment of Mr. Buckley, and Mr. Buckley withdrew his amendment, which Mr. Green renewed, and it was lost, eight to four.

Mr. Ferry moved to strike out the words *received or*, which was lost, nine to three.

The proposition to read bills on three separate days was adopted, also that the title of a bill shall not be taken for the reading thereof.

The pay of members caused a long discussion. The proposition of the Committee is \$750 per year for members, including everything, which Mr. Grey said was sufficient to remunerate them and keep them from temptation.

Mr. Dickinson said the oath was taken from the proceedings of the convention in Pennsylvania. He did not wish to compare New Jersey with the sister State, but if some things said of legislation in this State are true, it would be well to copy. The committee wanted this a solemn obligation—not a Custom House oath; not in the shuffling manner in which oaths were administered by one member to another, but a solemn binding obligation, clothed with the power of law and the sanctity of law, so that a man should know that he could not transgress with impunity.

Mr. Buckley moved to strike out all after the word affirmation, saying that all he wanted was to get rid of the formality.

Mr. Ferry moved to retain the words that the oath may be administered by any

member of the Senate or General Assembly.

Mr. Gregory opposed striking out.

The amendment of Mr. Buckley was adopted, which removes the necessity for the presence of a Judge and the Secretary of State to administer the oath.

Mr. Green asked to take up the amendment he proposed, and to which we called attention in a former part of the report, and which was laid over. It was adopted.

Mr. Carter moved to take up article V, "the veto power," and it was brought before the body.

The chair called Mr. Babcock to preside.

The question was that of majority or two-third vote of the Legislature to pass a bill over the Governor's veto.

Mr. Ten Eyck said he had never liked the veto power, and he did not think the people liked it. They had never had a full veto power in the State. He gave a sketch of the history of New Jersey; for 70 years the veto power was unknown. Two days before the declaration of independence, the people in this town established a new form of government, in which they said that the Governor should assist in legislation, assist them and act in concert. That lasted from 1776 to 1844. In the Constitutional Convention the Committee on the Legislature Department, headed by Governor Vroom, returned the report as it now stands, that he could return the bills with his reasons. A member proposed the two-thirds vote, and the debate was fierce and acrimonious. An amendment was proposed of two fifth; that was not satisfactory. The matter was debated for two days, and the amendment was allowed to stand as it now does. There might, the last few years, have occurred matters to need a more imperative veto power, but if they did away with special legislation, as the people were in favor of, the necessity would depart. If they gave a Governor that power, they made him a part of the Legislature to defeat laws.

Mr. Cutler, as Chairman of the Committee that reported the amendment, gave credit to the Convention of 1844, but considered that the world moves and that something is to be gained by experience of the past. In 1844 the question was discussed, and the great departure was then made, with an even vote, the Chairman giving his casting vote in favor of the Constitution as it now stands on the veto power. A majority of the States were here cited and their veto powers given, the majority being in favor of that power? That might well be an example to New Jersey to give to the Governor of their State an extended power for the benefit of the people.

Mr. Carter said that the responsibility of the Governor of the State is greater to the people than that of other officials, and in the hands of such men who occupy that position, the two-third vote was a good precedent. He hoped that the amendment, as suggested, would be adopted.

Mr. Buckley was, at first, in favor of the change, but, after mature thought, did not consider the change necessary. The policy of the government of this country is to divide it into three departments, each within its sphere. It was required that the laws passed by the Legislature should be approved by the power that was to enforce them. It was the wisdom of the Convention that framed a provision, that is wise in itself. A Legislature may become hasty and hence the wise provision comes in, when they are submitted to the Executive it provides that he can return them and require a reconsideration of their action. When he has done that he has relieved himself of all responsibility of those laws. If the Legislative body shall remain the same, then the same majority can repass the law and it becomes law without his signature. Why should the opinion of the Executive weigh against the opinion of the Legislature? He pointed out the evils that would arise if a man of corrupt principles were in the Executive Chair, and how legislation might be retarded, and how a majority for a bill were, by the two-third vote, in the hands of the minority. He paid a tribute to the Governors of the State, but said that he had come to the conclusion to vote against the amendment.

Mr. Hubbell said the veto power was strange to the people of this country, and there had been times when it was peculiarly obnoxious. The operation of government may have been different in other States to have influenced them in what had ever existed or might exist in New Jersey in allowing the two third vote. Until they had demonstration that the veto provision is unwise, they had better let it remain as it now stands.

Mr. Swayze did not think that legislation on general laws would obviate the necessity for increasing the veto power.—He read a paper on the matter written by Alexander Hamilton, in favor of the veto power, nearly 100 years ago. He, Mr. S., said the Governor's veto would be a powerful barrier against the passing of bad laws.

Mr. Green said the discussion was an important one, but as some were away he would move that the Committee rise and report progress.

The motion was lost.

Mr. Ferry said there had been no action on the part of the Executive the last 30 years that called for a change in the fundamental law of the State in this matter. The return of a bill by the Governor had always been respected. The Constitution of the State has not been found defective in this point, and there has not been a demand, on the part of the people, for a change.

Mr. Cutler said that he could safely say of every bill which had been vetoed by the Executive, had the reasons been acted on by the Legislature it would have been productive of great good to the people of the State. Had the views of Governor Randolph been adopted by the Legislature of New Jersey, many of the vexed questions that now perplex the people of Somerset would have been avoided. Had the reasons given for returning the bill as to Jersey City been respected, how much trouble would have been saved to the people there. The same machinery that was used to pass the objectionable bills was used to overcome the Governor's veto. The bitter experience they had had in the past had made him a convert to the doctrine, that where an Executive gives his reasons in de-

tail it should require a two-third vote to overcome it.

Mr. Hubbell took it for granted that this Commission intended, by suggestions, entirely, to obviate such a possibility as the wrong that was done to Jersey City, and with that guarded power he saw no reason for change.

Mr. Ten Eyck said, the fact of the United States government having the veto power did not strike him as a fit comparison.

Mr. Gregory thought the veto power ought to be encouraged, because of the character of the men who came to make the laws and their poor pay and the combinations to secure legislation.

Mr. Buckley explained, and said that if the Legislature passed a law over the Governor's veto they became responsible, and the cure for it was with the people when the men came before them for re-election.

Mr. Green said it was a question that had engrossed the attention of men of great minds. The paper of Alexander Hamilton, read by Mr. Swayze, established the necessity for a negative in the Executive. The people were not ignorant of the power. It came to them from the old Colonies. In New Jersey they had not an Executive officer, up to the Constitution of 1844, for he was part of the Legislature. On the question whether there should be a negative, it had been accepted by nearly all the States. The right of negative was admitted. Now the question is, shall it be

made effective. In condemning it, they should be guided by the experience of the past. One powerful argument used is that the Governor represents the whole of the people of the State and is not supposed to be governed by sectional feelings, and has to take care of those parts of the State that are not able to do so themselves. It was painful to revert to some of the past legislation. When a bill had been passed by intemperate legislation, was there ever a case in which the veto has been sustained?

Mr. Ferry wished to hear others on the question, and moved the Committee rise and report progress.

Mr. Carter was in favor of taking a vote that day, in order to facilitate business.

Mr. Swayze said that Mr. Grey desired to be heard on the subject.

Mr. Dickinson spoke against postponement.

The motion was lost.

The question was then put and resulted in a tie vote, six to six.

The Chairman said the amendment was not agreed to.

For two third vote, to pass a bill over the Governor's veto, Carter, Cutler, Dickinson, Green, Gregory, Swayze. Nays—Babcock, Buckley, Hubbell, Ten Eyck, Thompson, Ferry.

Mr. Green, from the Committee of Bill of Rights and Rights of Suffrage, reported as to some suggestions that had been made to them. Some in favor of, and others adversely. They reported adversely as to female suffrage.

The Commission adjourned to meet again this morning at ten o'clock.

Constitutional Commission.

The Commission was in session yesterday. Present—Ten Eyck (President), Gregory, Swayze, Carter, Thompson, Dickinson, Ferry, Green, Babcock.

The minutes of the previous day were read and approved.

Mr. Carter, from the Executive and Judiciary Committee, reported amendments.

Mr. Swayze moved to take from the table the article he proposed relative to corporations, and moved it be referred to a committee of five.

Mr. Carter amended by moving it be referred to the Committee on Legislative Department. Carried.

The Commission then took up the amendment, which proposes that the Governor shall have power to veto items in the appropriation bill without defeating the whole.

Mr. Green moved to amend the report of the Committee by substituting a clause providing that the Governor may veto separate items in the appropriation bill, and providing how such clauses shall be designated.

The question of the Governor being appointed to any other office was next considered; being that he shall not be appointed by the Legislature to any office under the State or United States, during the term for which he shall be elected.

The amendment was carried.

The next was that Major General, Adjutant General and Quartermaster General, shall be appointed by the Governor and

confirmed by the Senate; and also that he shall appoint all other militia officers not provided for in the Constitution. Adopted.

The next was that Judges of the Court of Common Pleas shall be appointed by the Governor and approved by the Senate.

Mr. Ferry moved to take up the subject relating to sheriffs and coroners. The amendment is, that sheriffs and coroners shall be elected for three years, at the same time as members for the Assembly, and shall not be eligible for re election for three years after their term of office has expired.

The amendment, as proposed by the committee, was adopted.

Mr. Green moved that in the section be inserted the words "sheriffs shall annually renew their bonds," which, after discussion, was laid over for the present.

Mr. Carter moved that the members of Commission shall not, hereafter, absent themselves without having leave from the Commission. Laid over.

Mr. Green moved to take up the question of pay to the members of the Legislature.

Mr. Carter remarked that he understood the question was to be laid over until the Commission had decided on whether they should recommend general legislation. Laid over.

The Commission adopted the amendments agreed to in Committee of the Whole.

Mr. Green again called attention to the form of oath for members of the Legislature, as the oath now stands whether they could be subject to pains and penalties.

Mr. Gregory thought it punishment enough to deprive a man of his seat, as, for instance, he might not discriminate what were corrupt means to get people to vote for him.

Mr. Green moved that "any person convicted of having falsely taken said oath, or of having broken it, shall be subject to the pains and penalties of corrupt perjury." Adopted.

Mr. Gregory moved when the Commission adjourned it did so to meet at 10:30 o'clock on Tuesday morning.

Mr. Green moved that the Secretaries have the rules, as at present enforced, printed.

Adopted.

Mr. Green offered the following: "Conviction for crime shall vacate any public office held by the person convicted, and the record of conviction shall authorize the filling of said vacancy."

Adjourned to meet next Tuesday.

Constitutional Commission

OCT. 21—SEVENTH DAY.

The Commission met at 10½ o'clock A.M. Present—Messrs. Brinkerhoff, Buckley, Carter, Cutler, Dickinson, Ferry, Gray, Gregory, Green, Hubbell, Ten Eyck (President.)

The session was opened by the President repeating the Lord's Prayer.

The minutes were read and approved.

The resolution to fix the hour of meeting hereafter at 10.30 A. M. was taken up, and postponed until a larger number of members was present.

Mr. Carter moved that the question of the veto power be made the special order for Thursday next, at 11 o'clock. Adopted.

The report of the Committee of Legislative Department recommended that the following be inserted in the Constitution:

"No trust funds shall be invested in the bonds or stock of any private corporation, unless such investment be authorized or directed in the instrument, or by the person creating the trust."

Mr. Grey explained the object of the committee in reporting this amendment, and it was adopted.

The amendment proposed by the Committee on the Executive, allowing the Governor to convene extra sessions of the Senate, was adopted.

The following amendments were proposed by the Committee on Bill of Rights, Rights of Suffrage, &c.:

ARTICLE I—RIGHTS AND PRIVILEGES.

19. No county shall be divided, or have any part set off therefrom, without submitting the question to a vote of the people of the county, nor unless a majority of all the legal voters of the county voting on the question shall vote for the same.

20. No county, city, township or village shall hereafter give any money or property, or loan its money or credit to or in aid of any individual, association or corporation, or become security for or directly or indirectly the owner of any stock or bonds of any association or corporation; nor shall any city, township or village incur or be authorized by the Legislature to incur any indebtedness, or to impose any tax except for State, county, city, township or village purposes.

21. No county shall be indebted more than 2 per cent., or town, borough or township more than 4 per cent., by bonded debt above its taxable values for the time being; no city more than 8 per cent., excepting for its water supply.

22. Not less than two mills on the dollar of taxable values each year shall be raised in each county by tax, annually to be expended on public schools therein, and not elsewhere.

23. No donation of land or appropriation of or payment of money shall be made by the State, or by any municipal corporation, to any religious society or corporation.

24. The school fund shall be appropriated exclusively for the maintenance and support of the public schools in the State, under its exclusive control.

25. A State poll tax, not to exceed in amount the sum of two dollars, shall be levied on every male citizen of the age of twenty-one years and upwards. And the non-payment of the said tax for the period of one year after the same shall have become due, and demanded by the person authorized to collect the same, shall be deemed and taken to be a refusal on the part of said citizen to pay the said tax; and such refusal on the part of any male citizen of the aforesaid age shall deprive him of the right of suffrage until the said poll tax is paid.

Mr. Gregory suggested some difficulties.

Mr. Green moved that paragraph 19 be postponed for the present, Mr. Swayze, who introduced it, being absent. Agreed to.

The 20th paragraph was adopted as printed above after sundry amendments by Messrs. Grey, Cutler Green and others.

The 21st paragraph was debated at some length on the limit of the amount of taxation. Mr. Hubbell proposed 8 per cent., which was adopted.

Mr. Ferry moved to increase the limitation of the bonded debt in the 21st paragraph to four per cent. instead of two. Mr. Gregory suggested that it be left at two per cent. on counties and four per cent. on townships. This was accepted by Mr. Ferry. Mr. Hubbell thought it would be better to leave it as it is. The amendment of Mr. Ferry was adopted.

Mr. Cutler offered a substitute which limited boroughs and cities to two per cent., except cities of 10,000 inhabitants, and they to eight per cent., except for their water supply, which was lost.

A motion was made to recommit the paragraph, which was lost.

Mr. Ferry moved to indefinitely postpone, which was also lost.

The paragraph as amended was postponed for the present.

The paragraph No. 22 was taken up. Mr. Cutler moved to strike out the words "therein and not elsewhere," requiring moneys raised by counties to be expended in those counties.

Mr. Green opposed the motion to strike out; and showed by the Comptroller's report that several counties were compelled to contribute to the support of schools in other counties. He thought the money raised by the two mill tax ought to be expended in the county where it was raised.

Mr. Hubbell advocated the report of the committee, and opposed the amendment. The idea of compelling one county to support schools in other portions of the State was not considered just or right.

Mr. Gray thought it was the duty of the State to see that the youth of the State are trained up in good citizenship; then it would appear right that the State should insist upon those portions of the State most able, to aid the weaker portions. The principle is that men are protected by the State in the measure of their wealth, and the

wealthy are just as much interested in the proper education of the people in Cape May as they are in the counties in which they reside.

Mr. Green dissented from this principle. This money is raised for the education of children, according to the amount of taxable property in the counties, and is distributed on an entirely different proportion; that of the number of children in them. He showed that seven counties had by this principle paid \$106,000 towards other counties.

Mr. Cutler took the opposite view. One county could not say to another, we have no need of thee; we were one grand State, and the children of the State are the property of all. The wealthy portions should consider what they have gained by legislation. Some counties have more property than others. He referred to the reports of the Comptroller for 1871 and 1872, characterizing them as able, and their arguments on this question as unanswerable. In favor of the present system. The difficulty was more in consequence of an imperfect system of taxation than any inequality. He was a convert to the doctrine that the children of the State ought to be educated by the State.

Mr. Gregory thought the principle was clearly wrong, and producing unjust taxation, and presented a number of arguments to support his proposition. They were subjected to errors in the enumeration of children, and from a variety of other causes. People were willing to have the children educated, but we should compel the counties to do their duty, and the object of educating the children of the State would be answered.

Mr. Gray said it was only because the tax was for State purposes that it is justified.—It was the misfortune of cities that they did not have as many children as other portions in proportion to the population. It is because it is a State duty to educate the children that this tax is justified. It was a part of the government, and the principle was justified on the ground of rearing good citizens. It cannot be sustained on any other principle.

Mr. Gregory still advocated his views against the principle. The valuations are

not equal. If they were, there would not be so much to complain of.

Mr. Hubbell said it was not the duty of the State to educate the children without some effort on the part of the people. The Eastern States entertain no such idea. The principle instruction is based upon the exertions of the people, and in that proportion they should be helped by the State.— There is no sound reason why the State should educate the children, except in proportion to the exertions of the people of the several counties.

Mr. Ferry gave instances of the injustice of the principle as it operated on the town of Orange. The proposition he regarded as unjust and unequal, and he hoped it would not pass.

Mr. Gray further advocated his proposition, and referred to the present Constitution of the State, to show that for more than thirty years it has been considered the duty of the State to educate the children of the State.

The question was then taken, and the motion to strike out was lost, 5 to 6.

The paragraph (22) was then adopted as reported by the Committee.

Paragraph 23 was then considered, amended, and adopted as printed above.

Paragraph 24 was taken up and stricken out.

Paragraph 25 was then taken up.

Mr. Buckley advocated this proposition, insisting that a man who enjoys the rights of a citizen should be required to pay a poll tax.

Mr. Green opposed the amendment on the ground that it was going back to a practice that has been tried and abandoned, and opposed to the enlightened spirit of the age. He would make the suffrage as free as possible.

Mr. Buckley thought the law amounted to nothing without a penalty, and this was the mildest penalty that could be imposed. It was better than imprisonment, which is the penalty now.

Mr. Ferry opposed the amendment. The paying of the poll tax would fall in a great measure upon others. He did not think it would meet the object aimed at.

The amendment was lost, 4 to 7.

Paragraph 21, which was postponed for the time being, was then taken up.

Mr. Buckley offered a substitute, which was withdrawn.

The paragraph was lost.

Mr. Green moved to reconsider the vote by which paragraph 22 was adopted. Agreed to.

Mr. Green then moved to amend so as to leave the amount to be raised for schools to the people and the Legislature, and to be expended where it was raised and not elsewhere. The amendment was lost, 4 to 7.

Mr. Gray moved to postpone the further consideration of this matter to Tuesday next, at 11 o'clock. Lost.

Mr. Dickinson moved to strike out the whole paragraph. He thought they were descending into the business of legislation.

Mr. Gray raised the question whether under this clause the people of a particular locality may not spend the money for any kind of school purposes. Do we not enable religious societies to use this money in any manner they please? The schools may be public, but still under a particular locality or society.

The question was then taken on Mr. Green's motion to adopt, and it was adopted—6 to 5.

The resolution to change the hour of meeting to 10:30 was taken up and adopted.

The resolution of Mr. Carter, that members shall not absent themselves from the Commission without its consent was then taken up and adopted.

Mr. Gregory moved that when this Commission adjourn, it be to Thursday morning. Lost, 1 to 6.

Adjourned.

Constitutional Commission.

EIGHTH DAY.

Present, Messrs. Brinkerhoff, Buckley, Carter, Cutler, Dickinson, Ferry, Hubbell, Thompson and Swayze.

There being a quorum, and the President being absent, Mr. Buckley was chosen as President pro tem.

The minutes were read and approved.

Mr. Hubbell, from the Committee on Bill of Rights, reported the following:

They recommend no action in relation to woman's suffrage.

On the question of taking of private property for public use, the committee thinks the Constitution in its present form sufficiently protects the rights of property.

On the question of general taxation the committee are of opinion that the recommendations should not be adopted, as they would conflict with the laws now in existence.

On the question of Libel, the committee are of opinion that the Constitution in its present form is sufficient to protect the individual in the full enjoyment of his rights.

The report was adopted.

The Legislative Committee reported favorably to amendments proposed by Mr. Ferry in regard to future amendments to the Constitution, which were ordered to be printed.

Mr. Hubbell moved to take up the paragraphs 20 and 22, of Article I, "Rights and privileges," (published yesterday) and referring to the school tax and the indebtedness of counties, townships, boroughs and cities.

A number of amendments were proposed, and the several paragraphs were further postponed.

The amendment proposed by the Committee, for Judges of the Court of Common Pleas to be nominated by the Governor, with the advice and consent of the Senate, was adopted, 6 to 2.

The amendment, "The State Treasurer and Inspectors of the State Prison shall be appointed by the Senate and General Assembly in joint meeting," was taken up.

Mr. Cutler moved the adoption of the amendment.

Mr. Ferry opposed it.

Mr. Cutler moved to amend by striking out the "Inspectors of the State Prison." Agreed to.

The paragraph was then adopted as amended.

On motion of Mr. Ferry, the proposition for surrogates of counties to be nominated by the Governor, &c., was stricken out. And the clause providing for the Keeper of the Prison to be nominated by the Governor and confirmed by the Senate, was adopted.

Mr. Cutler moved to amend the 4th paragraph by inserting "inspectors of the State Prison to be nominated by the Governor and appointed by him, with the advice and consent of the Senate." Adopted.

The amendment in regard to the term of the sheriffs of counties was taken up.

Mr. Buckley advocated the proposition to make the term of office for three years.

The Chair suggested that there might be danger of getting an improper man in office.

Mr. Hubbell advocated the amendment.

Mr. Dickinson preferred the present plan.

The amendment providing for the three year term was adopted.

The amendment in regard to the pay of members was then taken up.

The proposition to double the present pay was withdrawn by the Chair, and the question was taken on allowing \$500 per annum, and it was carried 8 to 2.

Mr. Buckley inquired what was to be allowed for extra sessions.

It was agreed that nothing was provided for extra sessions. The pay was \$500 annually, and no more.

The paragraph as amended was adopted.

Mr. Hubbell moved a reconsideration so as to make the section stronger in cutting off all other allowances, and moved to insert the words, "perquisites in the incidental bill or otherwise." Withdrawn.

Mr. Carter moved the following: "and this shall be in full of all incidental expenses or perquisites."

Mr. Ferry then offered an amendment, slightly altered from his former amendment, allowing \$50 for postage, &c. Lost, 5 to 5.

Mr. Hubbell moved to amend the motion of Mr. Carter by adding \$25 in full for postage, stationery, incidentals or perquisites, which was accepted by Mr. Carter and adopted.

The paragraph as amended was adopted.

Mr. Ferry moved to take up the amendments proposed to Article IV., section 7.

The Legislature shall not pass private, local or special laws in any of the following enumerated cases, that is to say:

1 Laying out, opening, altering and working roads or highways.

2. Vacating roads, town plots, streets, alley- and public grounds.

3. Regulating the internal affairs of towns and counties; appointing local officers or commissioners to regulate municipal affairs.

4. Selecting, drawing, summoning or empanelling grand or petit jurors.

5. Regulating the interest on money.

6. Creating, increasing or decreasing the percentages or allowances of public officers during the term for which said officers are elected or appointed.

7. Changing the law of descent.

8. Granting to any corporation, association or individual any exclusive privilege, immunity or franchise whatever.

9. The Legislature shall pass general laws providing for the cases enumerated in this section, and for all other cases which, in its judgment, may be provided for by general laws.

The substitute was lost.

Paragraph 1 was then taken up. Mr. Brinkerhoff proposed to amend by adding, "except where a road or highway divides two municipalities." Lost.

The paragraph was adopted.

Paragraphs 2 and 3 were adopted.

Mr. Buckley thought these paragraphs were too rapidly considered. He would like to hear some reasons why they should be adopted.

The Chair addressed the Commission on the importance of having general laws on all these subjects.

The paragraph relating to the drawing and selecting of jurors (4) was debated. Mr. Brinkerhoff gave a number of reasons why a commission to select jurors was advantageous in Hudson county, and this clause might interfere with it.

Mr. Buckley suggested that this section would not stand in the way of the Legislature passing a general law similar to that in Hudson county.

Mr. Swayze expressed similar views.

Mr. Hubbell said it had become a serious question as to whether the selection of jurors ought to be committed to the sheriffs of counties.

Mr. Brinkerhoff moved to strike out paragraph 4, which was lost.

Mr. Thompson said the same difficulties in the selection of juries existed in Somerset county and other agricultural counties.

The paragraph was then adopted.

Paragraph 5 was taken up.

Mr. Buckley said this was an important question, and proceeded to speak of the legislation heretofore had on the subject. One rate of interest prevailed in one section and another rate in another.

Mr. Hubbell said it was doubtful whether this ought to be adopted. He thought the Legislature ought to have the power to regulate this matter. He proceeded to show that the question of interest was effected by the legislation of other States. It becomes sometimes a matter of self-defence, and this was sometimes found in different parts of the State, owing to their peculiar location.

Mr. Thompson spoke of the difficulties felt in Somerset county through the operations of the five county act. The moneys of that county are generally lent to the eastern part of the State. They wanted very much a general and uniform rate of interest.

Mr. Ferry spoke in favor of a general uniform law.

The paragraph was adopted.

Paragraphs 6 and 7 were adopted without opposition.

In paragraph 8, the Chair suggested that an amendment should be inserted to save that Clause in Article IV, Section 8, of the Constitution. The paragraph was laid over.

Paragraph 9 was adopted.

Mr. Swayze submitted a new paragraph, as follows:

"Providing for the management of Common Schools," which was adopted.

Mr. Ferry offered the following:

"In all cases where a general law can be applicable, no special law shall be enacted." Lost.

Mr. Cutler offered the following:

"Granting to any corporation or association, or individuals, the right to lay down railroad tracks."

Mr. Swayze offered the following: "or amending existing charters for such purpose." Adopted. This vote was afterwards reconsidered, and the amendment was lost.

Mr. Swayze then offered the following as an amendment to Mr. Cutler's amendment: "or extending the privilege of existing corporations. Lost, 5 to 5.

Mr. Cutler's amendment was then adopted.

Paragraph No. 8 was then taken up. Mr. Buckley moved an amendment, which reiterates the present provision in the Constitution in relation to Banks.

Mr. Dickinson made some remarks in reference to Banks, showing that they occupied a different footing from that of railroads or other corporations. He thought therefore that the Legislature ought to be left free on the subject of Banks. A general Banking law was found to be impracticable. Each individual application should be compelled to come before the Legislature, where the circulation can be secured by stringent enactments, as had been done by the Legislature of New Jersey since 1855.

Mr. Thompson offered the following:

"Except the chartering of banks or money corporations, which shall remain as at present."

safeguard against unwise and hasty legislation. He gave a history of the veto power in the several States. Out of thirty-seven states, all have the veto power except five, and the greater part require a two-thirds vote to overcome it.

The Chair stated the question.

The proposition to strike out the word "two-thirds" and insert a majority as made in Committee of the Whole.

Mr. Gregory moved to postpone for the present. Lost, 4 to 6.

The question was, shall we now sustain the action of the Committee of the Whole, which refused to substitute "two-thirds" for a "majority"?

Mr. Swayze moved to postpone to Monday next at 12 o'clock. Lost, 4 to 9.

The Commission voted to sustain the action of the Committee of the Whole, 6 to 5.

The Chair decided that this was a final vote, and that a member may record his vote on this question, providing such record does not change the result.

Mr. Gregory called up the following amendments proposed by him:

"No real estate shall be exempted by law from its full share of all State, county, township and city taxes and assessments, except that owned, occupied or used by the State, county, township or cities."

"No act shall be passed exempting any real estate from its full share of the State, county, township and city taxes, by the payment of any sum to the State, county, township or city."

Mr. Carter and Mr. Hubbell thought these propositions were too sweeping. They would make all churches and burying grounds liable to taxation. There should be some limit. Mr. Hubbell thought the matter should be referred to a committee, in order to ascertain how far it would be proper to interfere.

Mr. Swayze addressed the Commission in favor of the propositions of Mr. Gregory.—There was no reason why Princeton College, owning between one and two millions of property, should be exempted from taxes. It was supported and owned by rich men, who are abundantly able to pay taxes. So with academies and other institutions. He spoke of the instances of unequal taxation among individuals, and thought there was some legislation necessary.

Mr. Dickinson spoke of the liability of impairing the obligation of contracts by taxing property which had already been exempted.

He moved that further consideration be postponed. Agreed to.

Mr. Gray moved to amend the proposition introduced by Mr. Cutler in regard to the property of married women, so that it would read as follows:

"The real and personal estate of every female acquired before marriage, and all property which she may afterwards acquire shall be and remain the estate and property of that female, and shall not be subject to the control or be liable for the debts, obligations or engagements of her husband, and may be disposed of by will, gift, grant, sale, devise or bequest."

The amendment was agreed to, and the further consideration postponed for the present.

Mr. Gray called up the following proposition submitted by him:

"But in all criminal prosecutions, the jury may return a verdict of 'not proven' instead of acquitting the prisoner, and such verdict shall not be a bar to a subsequent trial of the same person for the same offence."

After discussion the subject was postponed until Tuesday next.

The amendment of Mr. Ferry to Article II, "to strike out the word pauper," in effect to remove the barrier now set up between a pauper and the elective franchise, was taken up.

Mr. Ferry advocated the striking out of the proposition.

Mr. Gray and Mr. Gregory opposed the proposition to allow a pauper to vote. A pauper was a man who was supported by the public. He had no independence of character, and was not a bit more fit to vote than a criminal or idiot.

Mr. Ferry said we were the only State that had this clause in its constitution.

Mr. Ten Eyck vacated the chair and spoke against the proposed change, because the pauper would be controlled by a political keeper of a poor house. He gave instances to show the bad operations of the proposed change.

The proposition was lost.

The proposition of Mr. Thompson to amend Article II, paragraph 7, of the Constitution by adding "Three-fourths of the jurors, rendering a verdict in any civil suit, shall have the same force and effect as though agreed upon by the whole number empanelled on said jury."

Mr. Thompson advocated the amendment, and it was lost, 4 to 6.

Mr. Brinkerhoff gave notice that he would not be here the coming week.

Mr. Dickinson moved to take up the following proposition introduced by him.

Agreed to.

No act of the Legislature shall limit the amount to be recovered for injuries resulting in death, or for injuries to person or property; and in case of death from such injuries, the right of action shall survive, and the Legislature shall prescribe for whose benefit such actions shall be prosecuted; nor shall any act prescribe any limitation of time within which suits may be brought against corporations for injuries to person or property, or for other causes different from that fixed by the general laws prescribing the time for the limitation of actions, and existing laws so limiting or prescribing are annulled and avoided.

A question arose as to whether this proposition was within the range of the duties of the Commission. Mr. Carter contended it was not. Mr. Gray that it was.

Mr. Hubbell moved to amend so that the Legislature shall pass no act in reference to this matter, differing from the general law, which was lost.

Mr. Gray moved to strike out the words in regard to existing laws. Adopted.

The proposition as amended was then adopted—5 to 4.

Mr. Ferry moved that when this Commission adjourn it be to Tuesday next at 10 o'clock. Adopted.

Adj.

Constitutional Commission.

OCT. 28—TENTH DAY.

Present, Messrs. Buckley, Carter, Cutler, Dickinson, Ferry, Gray, Gregory, Green, Hubbell, Swayze, Ten Eyck (President) and Thompson.

Prayer was offered by Rev. Dr. Hall.

The minutes were read and approved.

The President presented a petition from the venerable Charles Stokes, of Burlington county, who is now in his 83d year, and who was also a member of the Constitutional Convention of 1844. This paper makes a number of valuable suggestions, in brief as follows:

In as brief a manner as is possible I wish to communicate to your very responsible body some views which have been impressed upon my mind:

First. That nothing be proposed calculated to jeopardize the rights of minorities as intended to be secured under the present bill of rights.

Second. That will give a few densely populated districts (small in area) the entire control of the legislature of the State, regardless of the agricultural and more rural interests.

Third. That will, under the plea of public instruction, impose a penalty, by way of taxation, or otherwise, upon such citizens who believe the right of the entire control of the education of their children, sacred and inalienable, and not to be usurped by such a government as ours.

Fourth. That will give any religious sect, or combination of sect, the power, in the slightest way, to infringe the rights and liberties of others who may conscientiously differ from them.

The Chair submitted a proposition providing for the appointment of a Vice Chancellor, who shall hold his office for seven years.

Mr. Hubbell moved to take up the amendments proposed by him to Article I, Rights and Privileges.

The first provides that no county lines shall be changed without submitting the question to a vote of the people, and unless a majority of all the legal voters of the county shall vote for the same.

After discussion the proposition was amended, so as to provide for a vote to be taken in the part to be set off.

The next proposition interdicts counties, cities, boroughs, towns, townships or villages from loaning its money or credit to any association or individual, or become security, directly or indirectly; nor shall they incur any indebtedness or impose any tax except for State, county, city, township or village purposes. These were adopted.

As to the amount to which any county or borough may contract a bonded debt, the limitation was considered, and propositions made to amend as to the amount of such limitation, and then postponed for further consideration.

The next proposition provides that the several counties of this State shall, each year, raise by tax upon the valuation of their taxable property, a sum sufficient, in addition to the sum to be derived from the school fund, to support the public schools of such county.

After discussion the proposition was lost.

The Commission took up the suggestion offered by Mr. Ferry, providing for the election of Senators by districts equal in population instead of by counties. After discussion, the subject was laid over for further consideration.

Mr. Green moved to amend his proposition, making the conviction for crime in a public officer a vacation of his office, by requiring the crime to be an "infamous one" and also to insert the words "or official delinquency," as another cause for the vacation of the office. A record of the final judgment to authorize the filling of the vacancy.

Mr. Gray offered an amendment to insert the words "or, if any felony, or any official delinquency indictable by the laws of this State," shall vacate any office, upon the production of the record of final judgment. Adopted.

Mr. Green moved to insert the words "or other infamous crime," which was adopted.

The original proposition was then adopted.

Mr. Thompson moved a reconsideration of the final vote on the veto question. Adopted, 8 to 3.

Mr. Carter moved to postpone.

Mr. Gray hoped there would be a veto power put upon this matter. We had disposed of it two or three times before, and there ought to be some place to stop.

The question was then taken, and the Commission refused to agree to the report of the Committee of the Whole, which recommended "a majority" instead of "two-thirds."

The question again came up on adopting the article as it now stands in the Constitution.

After remarks by Mr. Hubbell and Mr. Gray, the question was lost—5 to 7.

The motion to insert "two-thirds" in place of "a majority," was agreed to—7 to 5.

Mr. Carter offered an amendment, to insert "Vice Chancellor" after the word Chancellor whenever it occurs in the Constitution.

Mr. Cutler, from the Committee on Executive, reported in favor of the proposition for each county to have two Judges of the Common Pleas, one of whom shall be a law Judge, to be nominated to the Senate by the Governor, which was ordered to be printed. Adj.

Constitutional Commission.

ELEVENTH DAY.

Present. Messrs. Buckley, Carter, Cutler, Dickinson, Ferry, Gray, Green, Hubbell, Ten Eyck (President), Thompson.

The minutes of the last meeting were read and approved.

Mr. Swayze offered an amendment on the school question, for the establishment of free schools; the fund to be sacred, not to be borrowed by the Legislature; fund to be sacredly reserved for this one special object. No money to be paid to any creed, religion, church, or sectarian association, nor to any academy, or private school, or school belonging to any denomination or association.

The amendment was referred to the Legislative Department.

Mr. Swayze also offered an amendment in regard to taxation—all property to be taxed without exemption in any case, except ground used for burial purposes, not including cemeteries owned by associations.

The amendments were referred.

Mr. Buckley called up the amendment to Article VI, Judiciary, Sec. 7, in reference to Justices of the Peace.

And after discussion and amendment the clause was adopted, as follows:

1. There may be elected under this Constitution not more than two 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, not more than one justice of the peace; (and the legislature shall provide by law the qualifications necessary for such justices to possess, and the method of ascertaining the possession of such qualifications, and no person elected as aforesaid to the said office of justice of the peace, shall receive his commission until he is fully qualified according to law.) The Legislature shall also provide for the summary suspension of justices of the peace for misconduct in office, such suspension to continue until the end of the next succeeding session of the Legislature.

The amendment to Article IV, Legislative, Section 7, as follows:

"And no act of the Legislature shall take effect until the fourth day of July next after its passage, unless [in case of emergency, which emergency shall be expressed in the preamble or body of the act], the Legislature, by a vote of two-thirds of all the members elected to each house, otherwise direct.

This was adopted after striking out the words in brackets, on motion of Mr. Gray.

Mr. Green moved to add to the oath of members of the Legislature, the following: "Shall be subject to the punishments as prescribed for wilful and corrupt perjury," which he proposed to insert as a penalty. This was agreed to by general consent.

The interdictions in regard to the passage by the Legislature of private laws was taken up, when the one in relation to schools was adopted in the following words:

To pass no private laws providing for the support and management of public schools.

Mr. Swayze called up his amendment in regard to bribery at elections—preventing a person from voting who shall contribute or offer any money or valuable thing, or promise to do so, for the giving or withholding of a vote, or who shall make any bet on any election.

Mr. Buckley and Mr. Green thought the matter already provided for.

The proposition was then lost—2 to 9.

The amendment proposed by Mr. Cutler, in regard to the property of married women, was taken up.

Mr. Swayze advocated the amendment and it was lost—1 to 10.

The amendment offered by Mr. Gray in regard to verdicts of juries, making a new verdict "not proven," was taken up and lost.

Mr. Swayze called up his proposition to amend the Constitution in regard to libel.

Mr. Grey wanted to know what the difference is between his amendment and the present Constitution.

The proposition of Mr. Swayze was lost, 1 to 10.

Mr. Thompson and Mr. Buckley obtained leave of absence for the week.

Mr. Ferry moved that when the Commission adjourn, it be to Tuesday, November 11. Adopted.

On motion, the following proposition of Mr. Dickinson was taken up:

"All elections of the citizens shall be by ballot. Every ballot voted shall be numbered in the order in which it is received, and the number recorded by the election officers opposite the name of the elector who presented the ballot, and any elector may write his name on the back of his ballot."

Mr. Green and Mr. Buckley opposed the proposition, because it was a blow at the secret ballot. Both of these gentlemen thought the ballot ought to be kept as secret as possible.

The proposition was lost.

Mr. Ferry suggested that a committee should be appointed to consider the proposition of the Governor, in regard to the condemnation of land, and the constituting of a court for that purpose.

Referred to Messrs. Green, Grey and Hubbell.

Adjourned.

Constitutional Commission

TUESDAY, NOV. 11.

The Commission met. Present—Messrs. Babcock, Brinkerhoff, Buckley, Carter, Cutler, Dickinson, Ferry, Green, Hubbell, Swayze, Ten Eyck.

Prayer was offered up by Rev. Mr. Keyser.

The minutes were read and approved.

Mr. Swayze presented new propositions in reference to the judiciary, providing for the election, term of office and compensation of the Supreme Court.

Mr. Brinkerhoff offered an amendment relative to past and future exemption of property from taxes.

Mr. Swayze offered a proposition making the Governor and the four Judges of the Supreme Court a Court of Pardons. Referred to Judiciary.

The proposition of Mr. Dickinson that all laws regulating elections by the people, or for the registry of electors shall be uniform throughout the State, and that no voter shall be deprived of the right to vote by reason of his name not being registered, was taken up, and being opposed by Mr. Buckley and Mr. Hubbell, was lost.

The proposition to make the sessions of the Legislature once in two years, unless for special objects, was lost.

The proposition of Mr. Grey in regard to verdicts of juries was lost.

The proposition of Mr. Dickinson in regard to the terms of Justices of the Supreme Court, continuing them in office during good behavior, was lost.

The proposition that the Legislature shall not delegate to any Commission the right to govern any city, &c., having been previously provided for, was lost.

The proposition of Mr. Thompson in regard to the taking of lands by any incorporated company, giving the right to appeal and have the damages re-assessed, was adopted.

The proposition of Mr. Buckley prohibiting a member of the Legislature from receiving any civil appointment within this State was adopted.

The proposition of Mr. Ferry in regard to the Legislature and its constitution was taken up, and after being amended was adopted.

The proposition of Mr. Cutler, relative to the taking of private property for public use, was taken up, amended and adopted.

Adjourned.

Constitutional Commission.

The Commission met yesterday morning, ten members present.

An amendment was adopted that the Court of Common Pleas shall hereafter consist, beside the Justice of the Supreme Court, of two judges, to be appointed by the Governor and confirmed by the Senate, and to hold office for five years. The compensation of none of the Judiciary shall be increased or diminished during the term for which they shall be appointed.

The proposition offered by Mr. Ferry, providing for the election of State Senators by districts, based on population, was considered, and after considerable debate was rejected by the following vote; Yeas, Messrs. Brinkerhoff, Buckley, Ferry, Green, Nays, Messrs. Babcock, Carter, Cutler, Dickinson, Grey, Swayze, Ten Eyck—7.

The proposition to limit the amount of bonded debt of counties and boroughs to two per cent., of towns or townships to four per cent., and of cities to eight per cent., except for water supply, was adopted.

A proposition was adopted providing that the Legislature may pass laws depriving of the right of suffrage persons who may be convicted of bribery in legislation, as well as at elections.

A proposition was adopted authorizing the Legislature to create a Court to fix the value of lands condemned for public purposes.

A proposition was adopted prescribing an oath to be taken by officers of the Legislature.

The proposition offered by Mr. Buckley, providing for Senatorial districts, was taken up, discussed at length, and rejected by a vote of 4 to 6.

FRI., NOV. 14, 1873

Constitutional Commission.

The Commission held a session yesterday.

The proposition that "the Legislature may establish a court or courts with original jurisdiction over all cases of condemnation of lands and assessments for improvements" was taken up and adopted.

Propositions relative to public schools and the Vice Chaeellorship were discussed at length, without any positive result being reached.

The Commission adjourned to meet on Tuesday morning next.

Constitutional Commission.

TUESDAY, NOV. 18.

The Commission met. Present—Messrs. Babcock, Buckley, Carter, Dickinson, Ferry, Green, Gregory, Grey, Hubbell, Swayze, Ten Eyck. (President), Thompson.

Prayer by Rev. Dr. Hanlon.

The proposition relative to taxation, offered by Mr. Green as a substitute for all the propositions, was taken up.

Mr. Carter offered an amendment, which exempts from taxation burial grounds and church property to the value of \$25,000.

The proposition was adopted as follows:

"No property of any kind, protected by law, except that owned by the United States, the State, counties, townships, cities, towns or boroughs, shall be exempt by law from its full share of all State, county, township and city taxes and assessments, except burying grounds and cemeteries not held by stock companies."

The following propositions also, offered by Mr. Green, were then considered:

No law shall be enacted or contract entered into by which the exercise of the power of taxation shall be restricted, impaired or impeded. Adopted, 8 to 0.

The Legislature may provide by law for taking away from any person or persons, natural or artificial, now possessing or entitled to the same, any right of exemption from taxation which cannot be revoked without compensation, and for paying to such person or persons, a just compensation for the right so taken away. Adopted, 6 to 5.

Mr. Green offered the following as an addition:

"Property shall be assessed for taxes under general laws and by uniform rules, according to its true value in money." Adopted, 7 to 4.

Mr. Green called up the following proposition offered by him, which was adopted:

The Legislature shall pass no special act conferring corporate powers, but they shall pass general laws under which corporations may be organized and corporate powers of every nature obtained, subject, nevertheless, to repeal or alteration at the will of the Legislature.

Mr. Gray addressed the Commission, and thought the present amendments in the Constitution sufficient.

The proposed change was lost, 3 to 6.

On motion of Mr. Green all the propositions adopted were referred to the Committee on Final Revision.

